



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

May 4, 2021

7:00 p.m.

Note: Background Material on all abstracts available in the Clerk’s Office

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on May 4, 2021. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

Compliance with the “Americans with Disabilities Act” - Interpreter services and/or special sound equipment are available on request. Call the County Clerk’s Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager’s Office at (919) 245-2300 or TDD# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

- a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.



b. Matters on the Printed Agenda

(These matters will be considered when the Board addresses that item on the agenda below.)

3. Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

- a. Proclamation Recognizing Coach Roy Williams Upon His Retirement
- b. Mental Health Awareness Month Proclamation
- c. Older Americans Month Proclamation
- d. Asian American and Pacific Islander Heritage Month Proclamation
- e. Proclamation Commemorating the 60th Anniversary of the Freedom Rides
- f. 2027 World University Games Update
- g. Presentation of Manager's Recommended Fiscal Year 2021-22 Annual Operating Budget

5. Public Hearings

- a. Public Hearing on the Financing of Various Capital Investment Plan Projects
- b. Unified Development Ordinance Text Amendments – “160D” Legislation
- c. Public Hearing on Renaming Braxton Bragg Court to Hydrangea Court
- d. Public Hearing on Renaming Joseph Johnston Court to Water Oak Court
- e. Public Hearing on Renaming Service Road SR1223 to Diversity Drive

6. Regular Agenda

- a. Authorization to Proceed with New Orange County Arts Commission Office and Arts Space and Associated Lease Agreement with Hedgehog Holdings

7. Reports

8. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Fiscal Year 2020-21 Budget Amendment #12
 - e. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #12-A Related to CHCCS Capital Project Ordinances
 - f. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #12-B Related to OCS Capital Project Ordinances
 - g. Contract Award for Financial and Compliance Audit Services
 - h. Advisory Boards and Commissions – Appointments



- i. Approval of a Resolution Authorizing a Revision in the Resolution Adopted May 5, 2016 Which Authorized the Orange County FY 2016-2017 HOME Program Design
- j. Proposed Orange County FY 2021-2022 Annual Action Plan and HOME Activities
- k. Refund Request – Lake Orange, Inc.

9. County Manager’s Report

10. County Attorney’s Report

11. *Appointments

- a. Arts Commission – Appointment Discussion

12. Information Items

- April 20, 2021 BOCC Meeting Follow-up Actions List
- Tax Collector’s Report – Numerical Analysis
- Tax Collector’s Report – Measure of Enforced Collections
- Tax Assessor’s Report – Releases/Refunds under \$100
- Memorandum - Progress Report on Medline Industries, Inc.
- Memorandum - Financial Report - Third Quarter FY 2020-21

13. Closed Session

14. Adjournment

Note: Access the agenda through the County’s web site, www.orangecountync.gov

***Subject to Being Moved to Earlier in the Meeting if Necessary**

Orange County Board of Commissioners’ meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

Public Comment Instructions

Public Comment – Written

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public may provide written public comment by submitting it to the ocbocc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to comment on
- Your name, address, email and phone number



The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board will be copied on all of the emails that are submitted.

**Public Comment – Verbal
(for Items not on the Agenda, Agenda Items and Public Hearings)**

Members of the public will be asked to contact the Clerk to the Board using the email address ocpubliccomment@orangecountync.gov no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.

When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 4-a**

SUBJECT: Proclamation Recognizing Coach Roy Williams Upon His Retirement

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:

Laura Jensen, 919-245-2130

PURPOSE: To approve a proclamation recognizing UNC men's basketball Coach Roy Williams upon his retirement.

BACKGROUND: Roy Williams became UNC's men's basketball head coach in 2003, and continued serving in this capacity for the next 18 seasons, defining UNC men's basketball for a generation of Tar Heels.

Under Coach Williams' leadership, UNC earned three men's basketball national championships in 2005, 2009, and 2017. Coach Williams is recognized as one of the most accomplished basketball coaches of all time with 903 career wins and recognition in the Naismith Hall of Fame in 2007.

Coach Williams is widely known as a mentor, role model, and Tar Heel through and through by colleagues, students, student athletes, and fans alike. His compassion, loyalty, toughness, and dedication to the UNC community completes his legacy as legendary Coach, and man.

Coach Williams has given his all to UNC men's basketball over the past 18 years and announced his retirement on April 1, 2021. The attached proclamation recognizes and expresses sincere gratitude to Coach Roy Williams for his exemplary service, and congratulates Coach Williams on his retirement.

FINANCIAL IMPACT: There is no financial impact associated with approving the proclamation.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with the proclamation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the proclamation, and express its appreciation to Coach Williams for his service.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

RECOGNIZING COACH ROY WILLIAMS

WHEREAS, Roy Williams was born and raised in North Carolina, attended and graduated from UNC in 1972; and

WHEREAS, Roy Williams returned to his alma mater, UNC, in 2003 to become UNC men's basketball head coach; and

WHEREAS, Roy Williams has defined UNC men's basketball as head coach for the past 18 seasons; and

WHEREAS, Roy Williams led UNC to national championships in 2005, 2009, and 2017; and

WHEREAS, Roy Williams, one of the most accomplished basketball coaches of all time, was inducted into the Naismith Hall of Fame in 2007, and tallied 903 career wins; and

WHEREAS, the floor in the Dean E. Smith Center was renamed Roy Williams Court in August 2018; and

WHEREAS, Roy Williams has mentored and nurtured and served as role model for many student athletes and has embraced student and community fans; and

WHEREAS, Roy Williams has been described as caring, loyal, tough, dedicated, "dadgum" plain spoken, and a family man; and

WHEREAS, Roy and Wanda Williams donated \$3 million to UNC in scholarships to help students afford an education at their alma mater; and

WHEREAS, Roy Williams announced his retirement on April 1, 2021, and walked away with his wife of 47 years into a Carolina blue sunset;

NOW THEREFORE BE IT PROCLAIMED that the Orange County Board of County Commissioners, on behalf of the people of Orange County, hereby recognizes and expresses sincere gratitude to Coach Roy Williams for being an exemplary citizen of the UNC, Chapel Hill, Orange County, and North Carolina community.

BE IT FURTHER PROCLAIMED that the Orange County Board of County Commissioners, on behalf of the people of Orange County, congratulates Roy Williams on his retirement, and hopes that his life journey henceforth will abound with joy and excitement and increased time for family and friends.

This the 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 4-b**

SUBJECT: Mental Health Awareness Month Proclamation

DEPARTMENT: Board of Commissioners

ATTACHMENT (S):
Proclamation

INFORMATION CONTACT:
Laura Jensen, 245-2130

PURPOSE: To approve a proclamation recognizing May 2021 as Mental Health Awareness Month in Orange County.

BACKGROUND: Mental Health Awareness Month has been observed in the U.S. since 1949. Each year millions of Americans face the reality of living with a mental illness. Even though mental health conditions are common and treatable like physical health conditions, many people are still afraid to talk about them due to the stigma associated with mental illness. In May, mental health organizations and affiliates will raise awareness with community events and messages of hope to highlight the importance of mental health.

The COVID-19 pandemic had a profound impact on the mental health of people of all ages. In 2020, area mental health partners saw fewer patients in-person, but experienced significantly more telehealth appointments. As social distancing requirements relaxed in the first quarter of 2021, providers saw in-person mental health visits rise to pre-pandemic levels. Now, more than ever, it is critical to reduce the stigma around mental health struggles and encourage people to seek help.

The Board of Commissioners is asked to proclaim May 2021 as “Mental Health Awareness Month” in Orange County to shine a light on mental illness and the need for long-term improvements in our mental health care system and improved access to care so no one feels alone.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May 2021 as “Mental Health Awareness Month” in Orange County and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION
MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental health is part of everyone's overall health and well-being, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year; and

WHEREAS, mental health sustains an individual's thought processes, relationships, productivity, and ability to adapt to change; and

WHEREAS, it is important to maintain mental health and to recognize the symptoms of mental illness and seek help when it is needed; and

WHEREAS, early identification and treatment can make a difference in successful navigation and management of mental illness and recovery; and

WHEREAS, stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and the ability to recover to lead full, productive lives; and

WHEREAS, every person and community can help end the silence and stigma surrounding mental illness that for too long has made people feel isolated, alone and discouraged people from getting help; and

WHEREAS, Orange County remains engaged in the promise to address the challenges facing people with mental illness; and

WHEREAS, people with lived experience of mental illness and/or substance use disorders get better, live in recovery, and provide invaluable knowledge of how to improve and transform systems of care, and

WHEREAS, the COVID-19 pandemic has increased the number of people experiencing feelings of anxiety and depression; and

WHEREAS, through public education and working together to raise awareness, we can help improve the lives of individuals and families affected by mental illness, and

WHEREAS, Mental Health Awareness Month is an opportunity to increase public understanding of the importance of mental health and to promote the identification and treatment of mental illness;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize May 2021 as MENTAL HEALTH AWARENESS MONTH in Orange County and shine a light on mental health and the need for long-term improvements in our mental health care system and improved access to care so no one feels alone.

This the 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 4-c

SUBJECT: Older Americans Month Proclamation

DEPARTMENT: Aging and Advisory Board on Aging

ATTACHMENT(S):
Older Americans Month Proclamation

INFORMATION CONTACT:
Janice Tyler, Director, 245-4255
Heather Altman, Chair, Advisory Board
on Aging

PURPOSE: To approve a proclamation joining Federal and State governments in designating the month of May 2021 as Older Americans Month and a time to honor older adults for their contributions to the community.

BACKGROUND: May is Older Americans Month, a tradition dating back to 1963. For many years the Orange County Board of Commissioners has issued a proclamation for Older Americans Month. This year's national theme is *Communities of Strength* recognizing the important role older adults play in fostering the connection and engagement that build strong, resilient communities.

In tough times, communities find strength in people – and people find strength in their communities. In the past year, this has occurred time and again in Orange County as friends, neighbors, and businesses have found new ways to support each other.

In the community, older adults are a key source of this strength. Through their experiences, successes, and difficulties, these residents have built resilience that helps them to face new challenges. When communities tap into this, they become stronger, too.

Strength is built and shown not only by bold acts, but also small ones of day-to-day life – a conversation shared with a friend, working in the garden, trying a new recipe, or taking time for a cup of tea on a busy day. And when people share these activities with others – even virtually or by telling about the experience later – it helps them build resilience too.

This year, Orange County celebrates Older Americans Month by encouraging community members to share their experiences. Together, everyone can find strength – and create a stronger future. The County also celebrates the many ways in which older adults make a difference in the

communities. It encompasses the idea that getting older does not mean what it used to. For many aging Americans, it is a phase of life where interests, goals and dreams can get a new and second start. Today, aging is about eliminating outdated perceptions and redefining the way you want to age.

President Lyndon B. Johnson signed the Older Americans Act into law in July 1965. Since that time, the Act has provided a nationwide aging services network and funding that helps older adults live with dignity in the communities of their choice for as long as possible. These services include senior centers, daily lunch programs, caregiver support, community-based assistance, preventive health services, elder abuse prevention, and much more.

While the Department on Aging offers outstanding programs and services to older adults year-round, Older Americans Month offers an opportunity to emphasize how older adults can access the home- and community-based services they need to live independently in their communities. It is also an occasion to highlight how older adults are engaging with and making a difference in their communities.

In this era of COVID-19, there are shining examples of how older adults are contributing to the strength of the community. The Project EngAGE Senior Leaders are connecting with older adults in their communities to make sure their needs are being met during these difficult times. Leaders are making phone calls, picking up food, delivering senior center lunches, sewing facial coverings, and pitching in wherever there is an unmet need.

The End of Life Choices Senior Resource team saw an unmet need and created a document to aid in emergency planning during this COVID-19 health crisis. This new document is not intended to replace persons' advanced directives, but is to be used as a tool to provide additional information should you be diagnosed with COVID-19.

Tech volunteers at the Seymour Center put their skills and creativity to work and transitioned very quickly into offering our computer classes in a virtual environment. This was critical in helping many older adults learn how to use their computers to connect to virtual center programs and to their family and friends. Volunteers have also helped make it possible for the County to serve almost a 1,000 curbside meals weekly helping the many older adults in the community that are food insecure.

And lastly, with COVID-19 occurring during tax season, VITA (Volunteer Income Tax Assistance) volunteers should be congratulated for developing a secure process for assisting persons with tax preparation that does not involve a face to face appointment. Last year this program was recognized by the IRS for its innovative work during the pandemic.

Today there are over 30,000 Orange County residents who are 60+ and of that group over 1,900 who are over age 85. As large numbers of baby boomers reach retirement age, it is the goal to keep them physically and socially active through their 80s and beyond. Lifelong participation in community, social, creative and physical activities have proven health benefits, including retaining mobility, muscle mass and cognitive abilities. But older adults are not the only ones who benefit from their engagement in community life. Studies show their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved.

With COVID-19, the celebrations and activities honoring Older Americans Month are being curtailed, but the County still encourages older adults to celebrate "Community of Strength." With

social distancing and the Seymour and Passmore Centers not being open to group activities, the County challenges everyone to stay connected through phone calls, virtual gatherings, and participate in virtual and parking lot programs. This is a time for everyone to celebrate the strength of the community by remaining resilient; calling neighbors; saying thank you to frontline workers; and demonstrating a willingness to help the community recover from this pandemic and prepare for whatever the new normal is.

FINANCIAL IMPACT: There is no financial impact associated with approval of the proclamation.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, and programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

The Older Americans Act provides funding for senior centers, daily lunch programs, caregiver support, preventive health services, adult day care and other community based assistance.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

The Volunteer Connect 55+ program along with Project EngAGE is committed to engaging volunteers to assist in meeting the growing needs of older adults in the community.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May 2021 as Older Americans Month and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION

Older Americans Month – May 2021

Theme – “Communities of Strength”

Whereas, Orange County includes over 30,000 persons aged 60 and older who have built resilience and strength over their lives through successes and difficulties; and

Whereas, Orange County benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

Whereas, Orange County recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

Whereas, Orange County can foster communities of strength by:

- creating opportunities to share stories and learn from each other;
- engaging older adults through education, recreation, and service; and
- encouraging people of all ages to celebrate connections and resilience.

Now, therefore, we, the Orange County Board of Commissioners, do hereby proclaim May 2021 to be Older Americans Month, and urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community.

The 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 4-d

SUBJECT: Asian American and Pacific Islander Heritage Month Proclamation

DEPARTMENT: Human Rights and Relations Department

ATTACHMENT(S):

Asian American and Pacific Islander
Heritage Month Proclamation

INFORMATION CONTACT:

Annette Moore, 919-245-2317

PURPOSE: To proclaim May 2021 as Asian American and Pacific Islander Heritage Month in Orange County, North Carolina.

BACKGROUND: May 2021 will mark the 29th anniversary of the enactment of Public Law 102-450 by Congress in 1992 proclaiming the month of May as Asian American and Pacific Islander Heritage Month.

The month of May was chosen to commemorate Asian Americans and Pacific Islanders in part because the first immigration of Japanese to the United States. was in May of 1843. It also marks the completion of the Trans-Continental Railroad in May 1869 where most of the workers were of Asian descent.

The importance of this month is unfortunately highlighted by the many attacks on people of Asian descent, including elders. According to a report from the organization Stop Asian American Pacific Islander Hate, there were nearly 3,000 reported incidents of racism and discrimination targeting Asian Americans nationwide. Between March and December of 2020, twenty four (24) of those accounts occurred in North Carolina.

There is a long history of discrimination that people of Asian and Pacific Islander heritage have faced even at the hands of the U.S. Federal Government. In 1882 Congress passed the Chinese Exclusion Act, which was the first and only law that specifically prohibited the immigration of a group of people based on race and geographical origin. It also prevented the Chinese from becoming U.S. Citizens. Later the United States would carry out the forced internment of 120,000 Japanese under Executive Order 9066 issued on February 19, 1942.

However, the story of Asian American Pacific Islanders in the United States is not just one of discrimination but also one of contributions to American History and Culture. We find this in the brave acts of the 110th/442 Infantry Regiment, composed mostly of second generation Japanese Americans (Nesei) who fought in the European Theater during World War II while their families were held in internment camps. The 110th/442 would go on to become the most decorated military

unit in U.S. History. There are numerous contributions to the arts such as Charles Yu who won the most recent 2020 National Book Award for *Interior Chinatown*, cellist Yo Yo Ma, actress Sondra Oh, and comedian Awkwafina to name but a few. UNC is home to many accomplished scholars of Asian descent such as Professor Kihyun “Kelly” Ryoo in the School of Education and Hedi Kim, Director of the UNC Asian American Center, and Associate Professor in the Department of English and Comparative Literature.

It is important for the Orange County Board of Commissioners to recognize Asian American and Pacific Islander Heritage Month to emphasize the contributions of this community to Orange County’s diversity.

To celebrate Asian American and Pacific Islander Heritage Month, the Human Relations Commission will host the following event:

A Community Conversation
Ally, Advocate, Activist, Accomplice: What’s the Difference?
Sunday, May 23, 2021 3:00 pm – 4:30 pm

FINANCIAL IMPACT: There is no financial impact associated with the consideration of the proclamation.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
 The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential, or economic status.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the Proclamation and authorize the Chair to sign the Proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION

Asian American and Pacific Islander Heritage Month

WHEREAS, Asian Americans and Pacific Islanders are the fastest growing racial group in the United States, growing four times the rate of the rest of the populations of the Country; and

WHEREAS, the Asian American and Pacific Islander community, as one of the most culturally and linguistically diverse groups in America, reminds us that although we all have distinct backgrounds and origins, we are bound by a common purpose, by shared values and our shared hopes and dreams for ourselves and our children; and

WHEREAS, the Asian American and Pacific Islander community has a long and deeply-rooted legacy in the United States from the grueling and perilous working condition of thousands of Chinese laborers on the transcontinental railroad to Japanese Americans troops fighting to defend our freedom during World War II; and

WHEREAS, we also must remember that this Country carries the stain that while Japanese Americans soldiers fought in World War II, their families at home were interned in camps by the government simply based on their Japanese origin; and

WHEREAS, the Asian American and Pacific Islander community throughout this country's history has faced harassment, senseless violence and discrimination, all of this has grown exponentially over the past year due to negative stereotypes perpetrated about the pandemic, which has led to a sharp rise in anti-Asian hate crimes and hate incidents; and

WHEREAS, we honor the Asian American and Pacific Islander community, their rich heritage and the enhancements they bring to this community through their culture and as artist, activist, educators, elected officials, service men and women, business owners, friends and neighbors;

NOW, THEREFORE, we, the Board of County Commissioners of Orange County, North Carolina, do proclaim May 2021 as **ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH** and commend this observance to all Orange County residents.

This the 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 4-e

SUBJECT: Proclamation Commemorating the 60th Anniversary of the Freedom Rides

DEPARTMENT: Board of Commissioners

ATTACHMENT (S):
Proclamation

INFORMATION CONTACT:
Laura Jensen, 245-2130

PURPOSE: To approve a proclamation commemorating the 60th anniversary of the Freedom Rides.

BACKGROUND: On May 4, 1961, thirteen black and white civil rights advocates boarded buses in Washington, DC, to begin a journey on interstate highways through Virginia, North Carolina, South Carolina, Georgia, Mississippi, and Louisiana. The Freedom Riders sought to challenge the enforcement of the United States Supreme Court decisions in *Morgan v. Virginia* [1946] and *Boynton v. Virginia* [1960], which ruled that segregation in bathrooms, waiting rooms, lunch counters, and in interstate transportation facilities, including bus terminals, was unconstitutional.

The Freedom Rides occurred during a time when the Civil Rights movement was gathering momentum, when African American in the South were routinely harassed and subjected to segregation by Jim Crow laws. The Congress of Racial Equality (“CORE”) organized the Freedom Rides under the leadership of James Farmer. CORE sought application from diverse men and women of various ages from across the United States. Among the first thirteen selected was Reverend Benjamin Elton Cox, a retired minister at Pilgrim Congregation Church in High Point, North Carolina. The Honorable John Lewis, then 21, represented the Nashville Branch of CORE and was a member of the original thirteen Freedom Riders. The original froup of Freedom Riders prepared by completing a few days of training on role-playing, preparing how to respond to nonviolent ways to harassment.

- May 4, 1961 - Greyhound and Trailways buses leave Washington, DC for New Orleans. John Lewis and another rider beaten in Rock Hill, South Carolina.
- May 8, 1961 - Joseph Perkins is the first Freedom Rider to be arrested after sitting at a whites only shoe-shine stand in Charlotte, NC. John Lewis is assaulted in the Greyhound bus terminal of Rock Hill, SC, after attempting to enter the white waiting room with fellow Freedom Rider Al Bigelow.
- May 12, 1961 – Freedom Riders warned of violence ahead by Martin Luther King.

- May 14, 1961 - Anniston officials give Klu Klux Klan permission to attack riders without consequences. The Greyhound bus door was held closed outside Anniston, Alabama while the Freedom Riders were inside and the mob fire bombed the bus. The mob then attacked the Riders as they fled the bus.
- When the Trailways bus reached Anniston, eight Klansman boarded the bus, attacked and beat the Freedom Riders. In Birmingham, Alabama, the riders were attacked as police and local officials watched as the mob beat the non-violent Freedom Riders with baseball bats, iron pipes and bicycle chains.
- May 20, 1961 - Police escort abandons Freedom Riders. The Riders attacked again in Montgomery, Alabama leaving Congressman Lewis unconscious in a pool of blood outside the Greyhound bus terminal. Compounding all of this was a lack of medical assistance that Black bus riders could receive for injuries received.
- May 23, 1961 - The Riders board buses from Montgomery to Jackson, MS under National Guard escort. They are jailed upon arrival under the formal charges of incitement to riot, breach of the peace, and failure to obey a police officer.
- June 1961 - Freedom Riders are transferred to Mississippi's notorious Parchman State Prison Farm. Segregationist authorities attempt to break their spirits by removing mattresses from the cells. New Freedom Riders continue to arrive in Jackson, MS and be jailed throughout summer.

Approximately 450 women and men, from May 4 through December 10, 1961, participated in the Freedom Rides. The Freedom Riders persisted in their fight for justice, and eventually their activism influenced and changed the landscape of race relations, civil rights, and human rights in the United States. The success of the Freedom Rides showed that nonviolent direct action could do more than simply claim the moral high ground; in many situations, it could deliver better tactical results than either violent confrontation *or* gradual change through established legal mechanisms.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

SOCIAL JUSTICE IMPACT: The following Social Justice Goal is applicable to this agenda item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation commemorating the 60th anniversary of the Freedom Rides and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A PROCLAMATION

COMMEMORATING THE 60TH ANNIVERSARY OF THE FREEDOM RIDES

WHEREAS, on May 4, 1961, thirteen Black and white civil rights advocates boarded Greyhound and Trailways buses in Washington, DC, to begin a journey to New Orleans, Louisiana, riding side by side, on interstate highways through the Jim Crow South – through Virginia, North Carolina, South Carolina Georgia, Mississippi, and Louisiana; and

WHEREAS, the Freedom Rides involved approximately 450 women and men, from May 4 through December 10, 1961, who sought to challenge the non-enforcement of the United States Supreme Court decisions in *Morgan v. Virginia* [1946] and *Boynton v. Virginia* [1960] which ruled that segregation in interstate transportation facilities, including bus terminals, was unconstitutional; and

WHEREAS, the Southern states had ignored the rulings and the federal government had done nothing to enforce the rulings; and

WHEREAS, the Congress of Racial Equality [CORE] and the Student Nonviolent Coordinating Committee [SNCC] sponsored the Freedom Rides and worked in collaboration with the Nashville Student Movement and the National Association for the Advancement of Colored People; and

WHEREAS, the Freedom Riders were inspired by the 1947 Journey of Reconciliation led by Bayard Rustin and George Houser and co-sponsored by the Fellowship of Reconciliation and the then-fledgling CORE, and like the Freedom Rides of 1961, the Journey of Reconciliation was intended to test an earlier Supreme Court ruling that banned racial discrimination in interstate travel; and

WHEREAS, the Freedom Riders encountered mob violence, fire bombings, and police brutality, and arrest and incarceration for trespassing, unlawful assembly, violating state and local Jim Crow laws and other alleged offenses; and

WHEREAS, President John F. Kennedy and Attorney General Robert F. Kennedy called for a "cooling off period" and condemned the Freedom Rides as unpatriotic because they embarrassed the nation on the world stage at the height of the Cold War, to which James Farmer responded, "We have been cooling off for 350 years, and if we cooled off any more, we'd be in a deep freeze"; and

WHEREAS, the Freedom Riders persisted in their fight for justice, and eventually their activism, influenced and changed the landscape of race relations, civil rights and human rights in the United States;

NOW THEREFORE, the Orange County Board of County Commissioners, on behalf of the people of Orange County, hereby proclaims May 2021 as Freedom Riders Month in Orange County in **Commemoration of this 60th Anniversary of the Freedom Rides** and in tribute to the **Freedom Riders**, the women and men who fought for justice in the United States of America.

This the 4th Day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 4-f

SUBJECT: 2027 World University Games Update

DEPARTMENT: County Manager

ATTACHMENT(S):
Background Materials

INFORMATION CONTACT:
Bonnie Hammersley, 919-245-2300
Hill Carrow, CEO, NCBC

PURPOSE: To receive information and an update on North Carolina's progress in the bid process for the 2027 World University Games, an event of the International University Sports Federation (FISU).

BACKGROUND: The North Carolina Bid Committee (NCBC) is working to bring the world's largest event for student-athletes to North Carolina and specifically the Triangle area. In recent months, the NCBC has received requests for presentations to local groups interested in the bid and prospects for the Games. The NCBC has presented to the Durham Sports Commission (DSC) Board of Directors, the North Carolina Travel and Tourism Board, the Planning and Legislative Committee of GoTriangle, and the Cary Chamber of Commerce Board of Directors.

FINANCIAL IMPACT: There is no immediate financial impact related to this discussion.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact related to this discussion.

RECOMMENDATION(S): The Manager recommends that the Board receive this information.

Biz: Triangle bids for University Games

Mar 5, 2021, 6:00am EST



Triangle bids for University Games — at epic time

Decades after landing the U.S. Olympic Festival, the Triangle is gunning for another international event.

The market is the U.S. candidate for the 2027 Summer World University Games, which will include around 7,000 athletes and 3,000 coaches and support staff. The only American city to host the event was Buffalo in 1993.

Hill Carrow, the chair of the North Carolina Bid Committee, calls the nomination "a major milestone achievement for the Triangle" and notes that North Carolina has never been the U.S. candidate for such an international event.

Carrow led the effort to win the Olympic Festival in 1987, a time when the area was far less known on a national stage. The Festival led to the ramping up of finishing Interstate 40 from Raleigh to Chapel Hill and organizers planted flowers along key intersections — a tradition that continues. The games themselves were a treat for sports fans, from the basketball games at the Smith Center and to Olympian Greg Louganis diving in Cary.

Carrow said South Korea is believed to be the prime competition for the University Games event. And noting the anniversary of the Olympic Festival in 2027, he said, "That is clearly an omen that we need to win."



Dane Huffman
Managing Editor
Triangle Business Journal

- **Description:** International sporting and cultural festival which is staged every two years in the odd year
- **Scope:** The largest global multisport event for student-athletes
- **Stature:** Internationally second only to the Summer Olympic Games
- **Rightsholder:** International University Sport Federation (FISU), the international governing body for university sport, located in Lausanne, Switzerland
- **U.S. Member:** U.S. International University Sport Federation (USIUSF), based in Orlando
- **FISU Events:** Summer World University Games, Winter World University Games, and global sport championships in 30 different sports
- **Principle:** FISU events are designed to encourage student-athletes from around the world to combine high sports performance with their intellectual pursuits
- **Required Sports:** 15 total including Archery, Artistic Gymnastics, Athletics (Track & Field), Badminton, Basketball, Diving, Fencing, Judo, Rhythmic Gymnastics, Swimming, Table Tennis, Taekwondo, Tennis, Volleyball, Water Polo
- **Optional Sports:** Three proposed by the LOC: Baseball/Softball, Football (Soccer), and Rugby 7s
- **Duration:** 13 days
- **International Participation:** 150 countries or more
- **Athletes:** Over 7,000 student-athletes
- **Official Delegation:** Adding national team coaches, managers, administrators, Chef de Missions, etc. to the athlete count brings the total delegation to approximately 10,000+
- **Media:** Broadcast in over 120 countries drawing more than 300 million viewers; with an Internet audience over 10 million
- **Ages:** Student-athletes must be at least 17 and less than 28 years of age on January 1st in the year of the event
- **Olympic Elements:** Award Ceremonies, Mascot, Opening & Closing Ceremonies, Theme Song, Torch Relay, Cultural Festival, and Educational Program
- **Major Non-sport Venues:** Athletes Village, Opening/Closing Ceremonies venue, Broadcast/Media Center
- **Volunteers:** Approximately 20,000
- **Spectators:** Recent Games have included as many as 600,000 spectators and almost 750,000 tickets sold
- **Economic Impacts:** The 2015 Gwangju, South Korea, Games reported economic impacts of US \$393 million and the 2017 Taipei Games reported economic impacts of US \$153.5 million
- **Upcoming Host Cities:** Chengdu, China (Summer) 2021; Lucerne, Switzerland (Winter) 2021; Lake Placid, NY, USA (Winter) 2023; Ekaterinburg, Russia (Summer) 2023,



2027 World University Games North Carolina Projections

- ▶ **Prospective Dates:** Tuesday, July 13 – Sunday, July 25, 2027
- ▶ **Delegation – Athletes, Coaches, Support Staff:** 10,000
- ▶ **Officials, Judges & Referees:** 1,500
- ▶ **FISU Executives, Staff, and Member VIP's:** 600
- ▶ **Countries Represented:** 150
- ▶ **LOC Staff:** Up to 100
- ▶ **Volunteers:** 20,000
- ▶ **Venues:** 56
- ▶ **Spectators/Attendees:** 600,000
- ▶ **Tickets Sold:** 750,000
- ▶ **Economic Impacts:** \$150 million
- ▶ **National & International Media Attending:** 1,500
- ▶ **TV Broadcast:** 150 countries across 6 continents
- ▶ **TV Audience:** 400 million viewers
- ▶ **TV Coverage:** 3,000+ hours
- ▶ **Internet Coverage:** Over 1,000 hours
- ▶ **Internet Audience:** 20 million views
- ▶ **Budget:** Approximately \$99 million

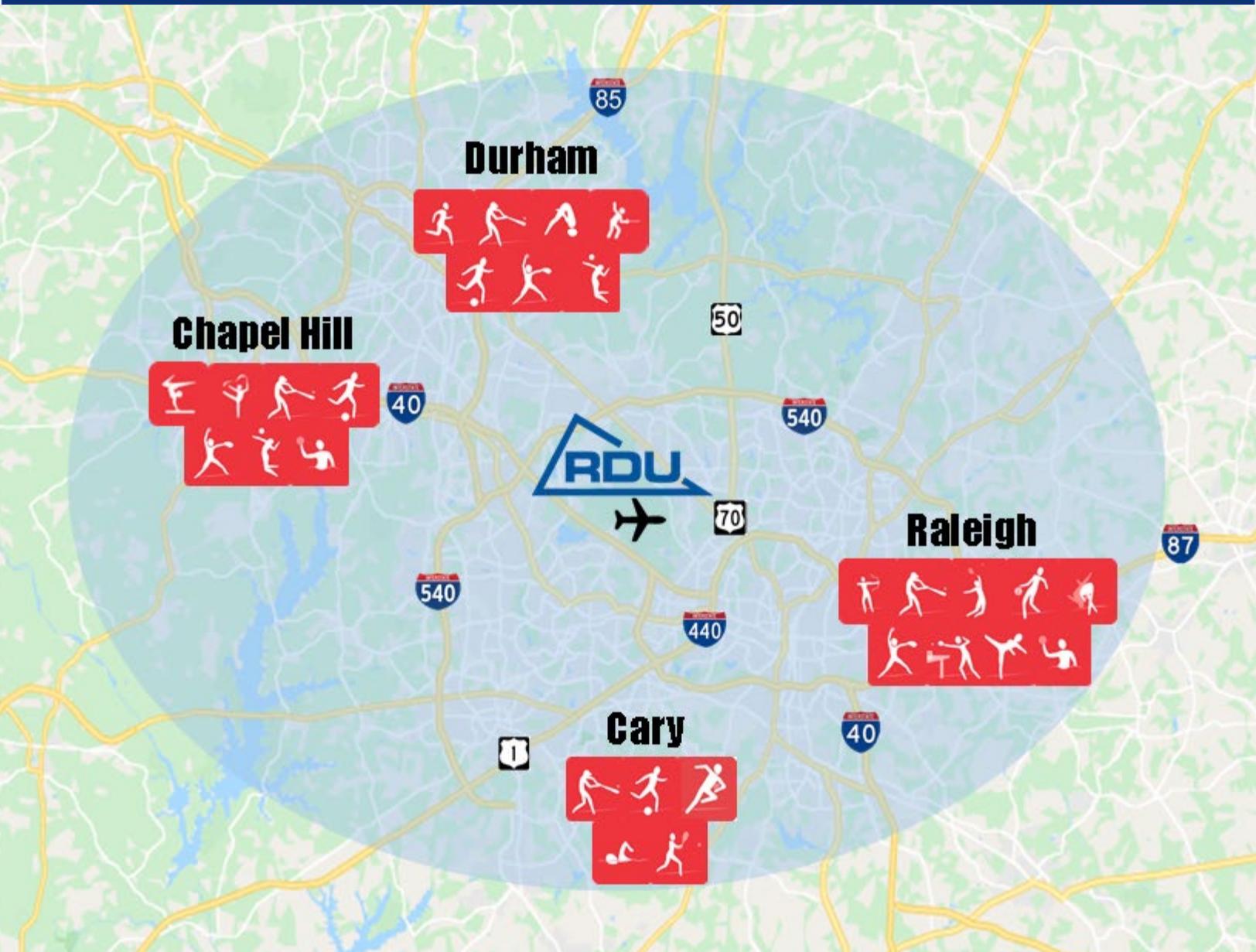




The Opportunity: Benefits of the World University Games for North Carolina's Triangle Region

- Extensive **international broadcast exposure**
- **Worldwide attention** focused on the Triangle
- Substantial **national and international media coverage**
- **Hosting of participants and visitors from over 150 countries**
- Major, positive **economic impacts totaling over \$150 million**
- **Visitor spending** at hotels, restaurants, retail, attractions, and more
- Significant **new employment** and volunteer **opportunities**
- **Triangle universities highlighted globally** as premier educational institutions
- **International students** given extended exposure to Triangle universities
- Triangle region featured in **6-year global marketing campaign**
- Huge platform that can be leveraged to **expedite completion of longstanding major regional projects**
- **Relationships with top U.S. and international sports leaders** lay groundwork for future events
- Triangle's **sports tourism capabilities and reputation** taken to the next level
- Increased and enhanced **Triangle regional cooperation and communication**

World University Games Competition Map



MAP KEY

	Archery		Diving		Judo		Taekwondo
	Athletics		Fencing		Rugby 7s		Tennis
	Badminton		Football		Softball		Volleyball
	Baseball		Gymnastics (Artistic)		Swimming		Water Polo
	Basketball		Gymnastics (Rhythmic)		Table Tennis		

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 4-g

SUBJECT: Presentation of Manager's Recommended Fiscal Year 2021-22 Annual Operating Budget

DEPARTMENT: County Manager, Finance and Administrative Services

ATTACHMENT(S):

UNDER SEPARATE COVER

Recommended FY 2021-22 Annual Operating Budget (To be provided prior to the meeting) – Will also be available at:

http://www.orangecountync.gov/departments/county_budgets.php

PowerPoint Presentation (To be provided under separate cover prior to or at the meeting)

INFORMATION CONTACT:

Bonnie Hammersley, (919) 245-2300
Travis Myren, (919) 245-2308
Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152

PURPOSE: To present the Manager's Recommended FY 2021-22 Annual Operating Budget to the Board of County Commissioners.

BACKGROUND: Each year during the month of May, the County Manager presents the Board of County Commissioners with a recommended spending plan for the next fiscal year. During the meeting, the Manager will provide a brief presentation of the Recommended FY 2021-22 Annual Operating Budget.

The Board of County Commissioners will conduct two Virtual Budget Public Hearings – the first at 7:00 p.m. on Tuesday, May 11, 2021, and the second on Thursday, June 3, 2021. In addition, the Board has scheduled the following Virtual Budget Work Sessions:

- May 13, 2021 – Virtual Budget Work Session with Chapel Hill-Carrboro City Schools, Orange County Schools, Durham Technical Community College – Orange County Campus, and Outside Agencies.
- May 20, 2021 – Virtual Budget Work Session with Fire Districts, and County Departments within the following **Functional Leadership Teams:** **Public Safety** (Courts, Criminal Justice Resource Department, Emergency Services, and Sheriff); **Support Services** (Asset Management Services, Community Relations, Finance and Administrative Services, Human Resources, and Information Technology); **General Government** (Board of County Commissioners, Board of Elections, County Attorney, County Manager, Register of Deeds, and Tax Administration); including Non-Departmental items.

- May 27, 2021 – Virtual Budget Work Session with County Departments within the following **Functional Leadership Teams: Human Services** (Child Support, Department of Social Services, Department on Aging, Health, Housing and Community Development, Human Rights and Relations, Library Services, and Cardinal Innovations); **Community Services** (Animal Services, Cooperative Extension, DEAPR, Economic Development, Orange Public Transportation, Planning and Inspections, Solid Waste, and Sportsplex), including Non-Departmental items.
- June 8, 2021 – Virtual Budget Work Session for Board to review budget amendments and finalize decisions (Resolution of Intent to Adopt) on the FY 2021-22 Annual Operating Budget and the FY 2021-26 Capital Investment Plan.
- June 15, 2021 – Virtual Regular Business Meeting for the Adoption of the FY 2021-22 Annual Operating Budget and the FY 2021-26 Capital Investment Plan.

All meetings start at 7:00 p.m.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal Impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this agenda item.

FINANCIAL IMPACT: There is no financial impact associated with the presentation of the Manager's Recommended FY 2021-22 Annual Operating Budget. Decisions that the Board makes as part of its discussion on the Manager's Recommended FY 2021-22 Annual Operating Budget will have financial impacts.

RECOMMENDATION(S): The Manager recommends the Board receive the presentation of the Manager's Recommended FY 2021-22 Annual Operating Budget.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 5-a

SUBJECT: Public Hearing on the Financing of Various Capital Investment Plan Projects

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. Copy of Public Hearing
Notice
Attachment 2. Resolution
Attachment 3. PowerPoint

INFORMATION CONTACT:

Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152
Robert Jessup, (919) 933-9891

PURPOSE: To conduct a public hearing on borrowing approximately \$18,700,000 to finance capital investment projects and equipment for the fiscal year; and up to approximately \$18,070,000 to refinance existing County loans and approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements. The amount for refinancing may vary as staff further refines the analysis, and the financing and transaction costs are included in the loan amount.

BACKGROUND: County staff estimates that the total amount to be financed for capital investment projects and equipment will be approximately \$18,700,000 consistent with the County's Capital Improvement Program. The statutes require that the County conduct a public hearing on the proposed financing. A copy of the published notice of this hearing is provided (Attachment 1).

The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.

After conducting the public hearing and receiving public input, staff proposes that the Board consider adoption of the resolution (Attachment 2). This resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing, and makes certain finding of fact as required under the LGC's guidelines. County staff has been in contact with the LGC staff, and staff expects no issues in receiving LGC approval.

If the Board adopts the resolution indicating its intent to continue with the financing plan, the Board will be asked to consider a resolution giving final approval to the financing plans at the May 18, 2021 Business meeting. Under the current schedule, County staff expects to set the final interest rates and close by the end of June.

FINANCIAL IMPACT: There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the capital investment projects and equipment financing would require the highest debt service payment of \$1.9 million in FY 2023 (based on current market interest rates). The tax rate equivalent for the estimated highest debt service payment is approximately \$0.90 (0.9 cents).

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.
- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) conduct the public hearing;
- 2) close the public hearing;
- 3) adopt the resolution supporting the application to the Local Government Commission for approval of the financing; and
- 4) Authorize the acceptance of written comment(s) via e-mail to the Board at ocbocc@orangecountync.gov or by delivery to the Finance and Administrative Services' office at 405 Meadowlands Drive, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday, May 6, 2021. If written comments are received before this deadline, the resolution will be brought back to the BOCC at the May 18, 2021 Business meeting for further consideration. If no written comments are received, the decision of the Board approving the resolution shall become effective at 9:01 a.m. on Thursday, May 6, 2021.

**Notice of Public Hearing – Orange County, North Carolina
Financing for Various Public Improvements and Acquisitions**

The Board of Commissioners of Orange County, North Carolina, will hold a public hearing on Tuesday, May 4, 2021, at 7:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning a proposed financing contract, under which the County would borrow an amount expected to not exceed \$18,700,000 to pay for the various public improvements and acquisitions shown here:

Component	Estimated Cost
Court Street Annex Renovations	\$ 188,600
Criminal Justice Resource Department Expansion/Renovation	\$ 205,779
Accessibility & Security Improvements	\$ 194,643
Government Services Annex Stormwater & Renovations	\$ 375,000
HVAC Projects	\$ 714,203
Major Plumbing Repairs	\$ 195,343
Justice Facility Improvements	\$ 43,221
Parking Lot Improvements	\$ 57,280
Roofing & Building Façade Improvements	\$ 1,130,353
Whitted Building Stormwater & Renovations	\$ 942,372
Link Center Remediation	\$ 282,377
IT Fiber Connectivity	\$ 302,532
ITGC Initiatives & IT Infrastructure	\$ 372,097
Solid Waste – Improvements & Vehicle Replacement	\$ 319,952
Emergency Services Vehicle Replacements	\$ 801,802
Sheriff vehicle replacements	\$ 107,104
Communication System Improvements	\$ 150,000
Blackwood Farm Park Construction	\$ 2,935,000
Parks – Renovations & Easements	\$ 420,486
Sportsplex – Maintenance & Repairs	\$ 698,304
Land Banking – Affordable Housing	\$ 628,313
Orange County Schools – Recurring Capital Projects	\$ 1,200,300
Orange County Schools – Maintenance & Improvements	\$ 651,586
Chapel Hill-Carrboro Schools – Recurring Capital Projects	\$ 1,799,700
Chapel Hill-Carrboro Schools – IT Infrastructure	\$ 1,519,261
Chapel Hill-Carrboro Schools – Supplemental Deferred Maintenance	\$ 631,740
Chapel Hill-Carrboro Schools – Various Maintenance & Improvements	\$ 1,808,454
Total Project Costs	\$ 18,675,802

The County also expects to use up to approximately \$18,060,000 of loan proceeds to refinance existing County loan obligations, and additional loan proceeds to pay financing costs.

The hearing will be held in the Commissioners' usual meeting room in the County's Whitted Building, 300 West Tryon Street, Hillsborough, North Carolina.

The proposed financing would be secured by a lien on some or all of the property purchased or improved through the financing as well as the County's promise to repay the financing, but there would be no recourse against the County or its property (other than the pledged property) if there were a default on the financing. The refinancings are designed to provide savings to the County without extending the terms of the existing loans.

The County expects that the collateral for the financing will include property acquired or improved through the proceeds of the new borrowing, as well as potentially property acquired or improved through the proceeds of the borrowings to be refinanced. In particular, the County expects that the Whitted Building on West Tryon Street in Hillsborough will be part of the collateral.

All interested persons will be heard. The County's plans are subject to change based on the comments received at the public hearing and the Board's subsequent discussion and consideration. The County's entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Gary Donaldson, Orange County Chief Financial Officer, Post Office Box 8181, Hillsborough, NC 27278 (telephone 919/245-2453, email gdonaldson@orangecountync.gov).

Resolution supporting an application to the Local Government Commission for its approval of a County financing agreement

WHEREAS --

The Orange County Board of Commissioners has previously determined to carry out various public improvements and acquisitions, as identified in the County's capital improvement plan and as described in Exhibit A. The County has also been advised that the County may be able to save money at the same time by refinancing some of its outstanding loans, as described in Exhibit B.

The Board has also determined to finance the costs of these projects through an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. In an installment financing, the County's repayment obligation is secured by a mortgage-type interest in all or part of the property being financed, but not by any pledge of the County's taxing power or any specific revenue stream. In this case, the County expects to place that mortgage on the Whitted Building, Blackwood Farm Park and possibly other facilities originally financed with loans now to be refinanced.

North Carolina law requires that the County's financing be approved by the North Carolina Local Government Commission (the "LGC"), a division of the North Carolina State Treasurer's office. Under the guidelines of the North Carolina Local Government Commission, this governing body must make certain findings of fact to support the County's application for the LGC's approval of the County's financing arrangements.

1. THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners, as follows:

(a) The County makes a preliminary determination to finance approximately \$18,700,000 to pay capital costs of public improvements and acquisitions, and in particular those described in Exhibit A.

(b) In addition, the County makes a preliminary determination to finance an amount estimated as up to approximately \$18,060,000 to refinance existing loans and

in particular those described in Exhibit B. The amount for refinancing may be reduced depending on which County loans can be efficiently refinanced.

(c) The Board will determine the final amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than a total of \$36,760,000. The final amount financed will include funds to pay financing costs and other related costs.

2. The Board of Commissioners makes the following findings of fact in support of the County's application to the LGC:

(a) The proposed projects are necessary and appropriate for the County under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes.

The County has no meaningful ability to issue non-voted general obligation bonds for these projects, other than the school projects. The County is in the midst of a program for issuing voter-approved bonds for school purposes and affordable housing purposes. It is appropriate for the County to balance its capital program between various types of financings. The County expects that in the current interest rate environment for municipal securities there would be no material difference in the overall financing costs between general obligation bonds and installment financings for these projects. These projects will produce no revenues that could be used to support a self-liquidating financing.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will closely review proposed financing rates against market rates with guidance from the LGC and in consultation with the County's financial adviser. All amounts financed will reflect either approved contracts, professional estimates, or previous actual expenditures.

(d) As confirmed by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) Although the County expects there will be tax increases associated with the County's overall capital improvement program, any tax increase directly attributable to the current proposed financing will be minimal. The County will manage the projects and its borrowing plans so as to minimize the tax impact while still allowing the projects to proceed. The County believes that the tax rate impact of this financing is reasonable under all the circumstances. Furthermore, the refinancings will result in a lower debt service burden for the County.

(f) The County Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

3. Additionally, the Board resolves as follows:

(a) The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's general fund, or any other County fund, may be reimbursed from the financing proceeds.

(b) The Board directs the Finance Officer to take all appropriate steps toward the completion of the financing, including completing an application to the LGC for its approval of the proposed financing. The Board ratifies all prior actions of County representatives in this regard.

(c) This resolution takes effect immediately.

Exhibit A – list of projects to be financed with estimated amounts

Component	Estimated Cost
Court Street Annex Renovations	\$ 188,600
Criminal Justice Resource Department Expansion/Renovation	\$ 205,779
Accessibility & Security Improvements	\$ 194,643
Government Services Annex Stormwater & Renovations	\$ 375,000
HVAC Projects	\$ 714,203
Major Plumbing Repairs	\$ 195,343
Justice Facility Improvements	\$ 43,221
Parking Lot Improvements	\$ 57,280
Roofing & Building Façade Improvements	\$ 1,130,353
Whitted Building Stormwater & Renovations	\$ 942,372
Link Center Remediation	\$ 282,377
IT Fiber Connectivity	\$ 302,532
ITGC Initiatives & IT Infrastructure	\$ 372,097
Solid Waste – Improvements & Vehicle Replacement	\$ 319,952
Emergency Services Vehicle Replacements	\$ 801,802
Sheriff vehicle replacements	\$ 107,104
Communication System Improvements	\$ 150,000
Blackwood Farm Park Construction	\$ 2,935,000
Parks – Renovations & Easements	\$ 420,486
Sportsplex – Maintenance & Repairs	\$ 698,304
Land Banking – Affordable Housing	\$ 628,313
Orange County Schools – Recurring Capital Projects	\$ 1,200,300
Orange County Schools – Maintenance & Improvements	\$ 651,586
Chapel Hill-Carrboro Schools – Recurring Capital Projects	\$ 1,799,700
Chapel Hill-Carrboro Schools – IT Infrastructure	\$ 1,519,261
Chapel Hill-Carrboro Schools – Supplemental Deferred Maintenance	\$ 631,740
Chapel Hill-Carrboro Schools – Various Maintenance & Improvements	\$ 1,808,454
Total Project Costs	\$ 18,675,802

Exhibit B – list of potential refinancings, with estimated amounts

Component	Estimated Cost
2014 IPC Bank of America	\$ 3,600,000
2014 NC DEQ Loan	\$ 760,000
Series 2012 Limited Obligation Bonds	\$ 3,805,000
2017 IFC (Sterling)	\$ 9,895,000
Total Loan Amounts Refinanced	\$ 18,060,000



Series 2021 Limited Obligation Bonds Spring Financing Resolution

Gary Donaldson, Chief Financial Officer

May 4, 2021

Purpose

- Conduct Public Hearing for Limited Obligation Bonds pursuant to NC Statute Section 160A-20
- Obtain Board Approval to Proceed with Filing Local Government Commission Application for Series 2021 Financing
- Funds our FY 2020-21 Capital Investment Plan through this Series 2021 Limited Obligation Bonds are secured by a Deed of Trust, with a security interest in the Whitted Building, Main Library, Blackwood Farms and Culbreth Middle School.
- The Series 2021 Limited Obligation Bonds will fund various County projects including:

- Vehicles and Equipment (5-8 Years useful life):	\$908,906
- County Projects (up to 20 years useful life):	\$10.2
- School Projects (up to 20 years useful life):	\$7.5 Million
TOTAL:	\$18.6 Million
- Potential Refinancing of up to four Bond Series totaling \$19 million; Series 2012, 2014 Loan, 2014 Bank of America and 2017 Sterling Bank.
- Bond Refinancing **Net Savings of \$664,427 or 3% of the Refinanced Bonds** over the maturity life of the Bonds.

Spring Financing Projects

Court Street Annex Renovations	\$188,600
Criminal Justice Resource Department Expansion/Renovation	\$205,779
Accessibility & Security Improvements	\$194,643
Government Services Annex Stormwater & Renovations	\$375,000
HVAC Projects	\$714,203
Major Plumbing Repairs	\$195,343
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IT Fiber Connectivity	\$302,532
ITGC Initiatives & IT Infrastructure	\$372,097
Solid Waste – Improvements & Vehicle Replacement	\$319,952
Vehicle Replacements – Emergency Services	\$801,802
Vehicle Replacements – Sherriff	\$107,104
Communication System Improvements	\$150,000
Blackwood Farm Park Construction	\$2,935,000
Parks – Renovations & Easements	\$420,486
Sportsplex – Maintenance & Repairs	\$698,304
Orange County Schools – Recurring Capital Projects	\$1,200,300
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Chapel Hill-Carrboro Schools – IT Infrastructure	\$1,519,261
Chapel Hill-Carrboro Schools – Supplemental Deferred Maintenance	\$631,740
Chapel Hill-Carrboro Schools – Various Maintenance & Improvements	\$1,808,454
Affordable Housing Land Banking	\$628,313
Grand Total	\$18,675,802

Refinancing Savings Analysis

A	B	C	D	E	F
	2014 IPC (Bank of America)	2014 Revolving Loan	2012 LOBs	2017 IFC (Sterling)	Grand Total
Refunding Tax Status	Tax-Exempt	Tax-Exempt	Taxable	Taxable	
Refunding Type	Current	Current	Advance	Advance	
Summary of Bonds Refunded:					
Maturities	2/1/2022 - 2/1/2029	5/1/2022 - 5/1/2034	10/1/2023 - 10/1/2024	6/1/2023 - 6/1/2037	5/1/2021 - 6/1/2037
Refunded Bonds	\$ 3,596,000	\$ 754,997	\$ 3,865,000	\$ 9,889,000	\$ 18,104,997
Refunded Bonds Call Date	8/1/2021	Current	10/1/2022	12/1/2022	
Call Price	100.0%	100.0%	100.0%	101.0%	100.0% - 101.0%
Average Coupon of Refunded Bonds	2.423%	2.000%	5.000%	2.830%	3.627%
Sources:					
Par Amount	\$ 3,250,000	\$ 650,000	\$ 4,215,000	\$ 10,525,000	\$ 18,640,000
Premium	432,694	117,483	-	-	\$ 550,177
Total Sources	\$ 3,682,694	\$ 767,483	\$ 4,215,000	\$ 10,525,000	\$ 19,190,177
Uses:					
Refunding Escrow Deposits - Cash Deposit	\$ 0.54	\$ 757,220	\$ 0.07	\$ 0.03	\$ 757,221
Refunding Escrow Deposits - SLGS Purchases	3,639,565	-	4,151,321	10,373,072	18,163,958
Cost of Issuance	30,607	6,121	39,695	99,120	175,543
Underwriter's Discount	16,250	3,250	21,075	52,625	93,200
Additional Proceeds	(3,729)	892	2,909	183	255
Total Uses	\$ 3,682,694	\$ 767,483	\$ 4,215,000	\$ 10,525,000	\$ 19,190,177
Bond Statistics:					
True Interest Cost	0.688%	1.189%	0.530%	1.875%	1.521%
Arbitrage Yield	1.264%	1.264%	1.264%	1.264%	1.264%
Final Maturity	11/15/2028	11/15/2033	11/15/2024	11/15/2036	11/15/2036
Refunding Statistics:					
Gross Savings	\$ 224,979	\$ 39,113	\$ 189,991	\$ 210,344	\$ 664,427
NPV Savings (\$)*	\$ 203,185	\$ 33,213	\$ 193,682	\$ 125,238	\$ 555,318
NPV Savings (% of Refunded Par)	5.650%	4.399%	5.011%	1.266%	3.067%

Key Debt Model Metrics

Debt Ratios	10-year Payout	Debt to AV	DS to GF Revenues
2022	63.36%	1.63%	16.02%
2023	62.14%	1.69%	15.33%
2024	64.02%	1.61%	16.00%
2025	65.78%	1.51%	15.40%
2026	67.95%	1.41%	14.58%
2027	70.83%	1.27%	14.73%
2028	74.22%	1.13%	12.80%
2029	78.71%	1.01%	11.86%

Note: Includes the Spring 2020 Financing plus future 2021-2026 CIP projects..

Key Financing Terms

- Security Pledge- County assets and annual County appropriations
- Maturity Term- 5- 20 Year maturities matches the useful life of the assets
- Estimated Interest Rates- 2-3% subject to market conditions
- Series 2021 Limited Obligation Bonds Maximum Annual Debt Service not exceeding \$1.9 Million (FY 2022-23)
- Source of Repayment- Property Tax, Solid Waste Fees and Sportsplex Fees
- Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
- Anticipated Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings

Questions/Comments

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 4, 2021**

**Action Agenda
Item No. 5-b**

SUBJECT: Unified Development Ordinance Text Amendments – “160D” Legislation

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Statement of Approval and Consistency
2. Proposed UDO and Comprehensive Plan Amendments
3. Proposed Amendments to the Planning Board Rules of Procedure
4. Excerpt of Draft April 7, 2021 Planning Board Minutes and Signed Statement of Consistency
5. Joint Planning Review Letter from Town of Carrboro
6. Draft PowerPoint Presentation

INFORMATION CONTACT: (919)

Perdita Holtz, Planner III, 245-2578
James Bryan, Staff Attorney, 245-2319
Craig Benedict, Director, 245-2575

PURPOSE: To hold a public hearing, receive the Planning Board/staff recommendation and public comment, close the public hearing, and consider action on County-initiated amendments to the Unified Development Ordinance (UDO) to conform County regulations to a new chapter, 160D, of the North Carolina General Statutes. As a result, amendments to Appendix F of the Comprehensive Plan and to the Planning Board’s and Board of Adjustment’s Rules of Procedure are also necessary.

BACKGROUND: In July 2019, the North Carolina General Assembly adopted legislation that entailed the first major recodification and modernization of city and county development regulations since 1905. The effort was several years in the making, beginning in 2013 when the endeavor was initiated by the Zoning and Land Use Section of the NC Bar Association. All local governments in North Carolina are required to adopt conforming regulations by July 1, 2021 (pushed back from an earlier date due to the COVID-19 pandemic). A blog post by staff at the School of Government at UNC-Chapel Hill provides helpful background information on the legislation: <https://canons.sog.unc.edu/chapter-160d-and-other-zoning-legislation/>

Planning and County Attorney staff prepared UDO amendments to comply with the new legislation with the aim of leaving existing processes as unchanged as possible while also conforming the UDO to statutes. There are a limited number of proposed revisions that are more substantive in nature and are being proposed to conform the County’s UDO to State requirements and best practices. These more substantive revisions include:

- Eliminating the option for a “Conditional Use District” (CUD) from the UDO. Processing CUD applications are reviewed using a mixture of legislative and quasi-judicial processes, which can result in much confusion. Eliminating this type of process was one of the impetuses for the modernization of the statutes. In the 2000’s, the NC

General Assembly amended the statutes to allow for “Conditional Zoning Districts” which, arguably, negated the need for CUDs. (As a note, “conditional zoning districts” are now called “conditional districts” as a result of the terms used in NCGS Chapter 160D.)

- Staff proposes to add two new Conditional Districts to the UDO to replace the CUD – a residential conditional district (R-CD) and a non-residential conditional district (NR-CD).
- Elimination of the CUD will result in a reorganization of how major subdivisions are defined in Article 7 and the review process followed, but the review and approving staff/boards remain the same.
- Having just one class of Special Use Permit (SUP) and having SUPs heard and decided upon only by the Board of Adjustment (BOA) as the BOA is best suited to conduct quasi-judicial matters.
 - There are currently Class A and Class B SUP uses. Class A uses are heard by the Board of County Commissioners (with a recommendation by the Planning Board) and Class B uses are heard by the BOA.
 - Instead of having the BOCC conducting quasi-judicial matters, uses that currently require a Class A SUP would instead be approved via new conditional districts, which are legislative decisions. The BOCC would still be the decision-maker for these uses, with review and recommendation by the Planning Board, only the review process is different.
 - The one exception to this is for “Short Term Rental, Large – Host Occupied”
 - Current Class A SUP use in AR & R-1 proposed to remain a SUP use in these districts. These potential uses are defined as providing more than three guestrooms for up to one week of rental or lease. The host-occupied nature of the use does not seem to warrant discontinuation of an SUP option in the AR & R-1 districts. Review/decision would change from BOCC to BOA.
 - Additionally, could be reviewed via a conditional district which would be reviewed by the BOCC. (As a note, many uses have more than one way to be approved, as denoted in the Table of Permitted Uses [Section 5.2 of UDO]).
 - The draft PowerPoint presentation in Attachment 6 includes charts listing the uses that currently require Class A and Class B Special Use Permits.
 - Note: This is an aspect of the amendments that is not strictly required by Chapter 160D but is a best practice in North Carolina and recommended by the County’s legal staff.

As noted above, amendments to Appendix F of the Comprehensive Plan and to the Planning Board’s and Board of Adjustment’s Rules of Procedure are necessary as a result of the UDO amendments. The proposed amendments to the Comprehensive Plan are included in Attachment 2 while the Planning Board’s Rules of Procedure amendments are in Attachment 3.

Joint Planning Area (JPA) Review: In accordance with the Joint Planning Agreement with the Towns of Chapel Hill and Carrboro, the amendment package was sent to Town staffs on February 26. Town of Carrboro planning staff sent the letter in Attachment 5 in late March. Town staff found no inconsistency with the Joint Planning Land Use Plan. As of the writing of this abstract, no comments have been received from the Town of Chapel Hill.

Planning Board Recommendation: The Planning Board reviewed this item at its April 7, 2021 regular meeting and voted **unanimously** to recommend **approval** of the amendments. Draft minutes from the meeting and the signed statement of consistency are included in Attachment 4

and meeting materials are available at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>

Prior to making its recommendation, the Planning Board had reviewed the materials in an “Ordinance Review Committee” meeting on March 3, 2021 and had also received an overview of the topic at its September 2, 2020 meeting. Materials for these meetings are also available at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>

Board of Adjustment Review of Rules of Procedure: The Board of Adjustment (BOA) began review of the revisions to its Rules of Procedure (ROP) at its April 12, 2021 meeting and will continue review at a subsequent meeting. Materials for these meetings are available at: <http://orangecountync.gov/AgendaCenter/Board-of-Adjustment-24> As a quasi-judicial board, the BOA has amendment authority over its ROP.

Planning Director’s Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Approval and Consistency indicating the text amendments are reasonable and in the public interest as contained in Attachment 1.
2. Amendments to the Unified Development Ordinance (UDO) and 2030 Comprehensive Plan as contained in Attachment 2.
3. Amendments to the Planning Board’s Rules of Procedure as contained in Attachment 3.

FINANCIAL IMPACT: Existing County staff has and will continue to accomplish the necessary tasks associated with updating the UDO in response to the State legislation.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board:

1. Conduct the public hearing and accept the Planning Board recommendation and staff/public comment(s);
2. Close the public hearing;
3. Authorize the acceptance of written comment(s) via e-mail to the Board at ocbocc@orangecountync.gov or by delivery to the Planning Department’s office at 131 West Margaret Lane, 2nd floor, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday, May 6, 2021;
4. Schedule a vote to approve the:
 - a. Statement of Consistency (Attachment 1),

b. UDO and Comprehensive Plan Amendments (Attachment 2), and

c. Amendments to the Rules of Procedure for the Planning Board (Attachment 3)

at the Board's May 18, 2021 Business meeting as recommended by the Planning Board and Planning Director. **No additional public comments shall be received on this item at the May 18, 2021 Business meeting.**

**STATEMENT OF APPROVAL AND CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated amendments to the Unified Development Ordinance (UDO) in response to a complete reorganization of North Carolina's planning and development regulation statutes into new chapter 160D (Local Planning and Development Regulation) of the North Carolina General Statutes.

The Board of County Commissioners hereby approves the proposed text amendment and finds:

- a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning board review and comment – Plan consistency* and 160D-605(a) *Governing board statement – Plan consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment is **consistent** with the adopted 2030 Comprehensive Plan.

1. The amendment is consistent with applicable plans because it supports the following:

- Land Use Goal 6 of the 2030 Comprehensive Plan – A land use planning process that is transparent, fair, open, efficient, and responsive.

These amendments are consistent with this goal and objective by conforming the UDO to state statutes while also maintaining the intent of existing regulations.

- c. The amendment is reasonable and in the public interest because it:
 1. Ensures legal sufficiency by conforming the County's land development regulations to State of North Carolina General Statutes.

The Board of County Commissioners hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.

Renee Price, Chair

Date

Ordinance # ORD-2021-011

**AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE and
2030 COMPREHENSIVE PLAN OF ORANGE COUNTY**

Whereas, In July 2019, the North Carolina General Assembly adopted legislation that entailed the first major recodification and modernization of city and county development regulations since 1905 and codified land use and zoning statutes into a new chapter, 160D (Local Planning and Development Regulation), of the North Carolina General Statutes, and

Whereas, all local governments that exercise zoning authority in North Carolina are required to conform their ordinances to NCGS Chapter 160D by July 1, 2021 , and

Whereas, County staff has completed necessary amendments to the Orange County Unified Development Ordinance and 2030 Comprehensive Plan, and

Whereas, the requirements of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance have been deemed complete, and

Whereas, the Orange County Planning Board has recommended approval of the proposed text amendments, and

Whereas, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Unified Development Ordinance and 2030 Comprehensive Plan of Orange County are hereby amended as depicted in the attached pages.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2021.

I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2021 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2021.

SEAL

Clerk to the Board of Commissioners

UDO AMENDMENT PACKET NOTES:

The following pages contain UDO amendments necessary to conform Orange County's UDO to new NCGS chapter 160D.

Within this amendment package:

- Red Underlined Text: Denotes new, proposed text that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text~~: Denotes existing text that staff is proposing to delete

Only those pages of the UDO impacted by the proposed modifications have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for deletion.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

<http://www.orangecountync.gov/DocumentCenter/View/8305/Unified-Development-Ordinance-PDF>

ARTICLE 1: ADMINISTRATION

SECTION 1.1: GENERAL PROVISIONS

1.1.1 Title

The official title of this document is 'Unified Development Ordinance of Orange County, North Carolina'. For convenience, it shall be referred to throughout this document as 'this Ordinance', 'the Ordinance', 'the/this Unified Development Ordinance' or 'the/this UDO'.

1.1.2 Authority

This Ordinance is adopted pursuant to the statutory authority provided in the North Carolina General Statutes (NCGS), specifically the provisions of:

- (A) Chapter ~~153A, Article 18~~160D¹,
- (B) Chapter 4,
- ~~(C) Chapter 160A, Article 19,~~
- ~~(D)(C)~~ Chapter 39, Article 5A,
- ~~(E)(D)~~ §47-30, ~~and~~
- ~~(E)~~ §143 214.5, ~~and~~
- (F) all special local legislation approved by the North Carolina General Assembly, including but not limited to Session Law 1991-246-

For the purpose of establishing comprehensive development regulations for designated portions of Orange County and providing for administration, enforcement and amendment thereof in accord with the aforementioned provisions.

1.1.3 Flood Damage Prevention Authority – Basis for Establishment

- (A) The Legislature of the State of North Carolina has delegated authority to county governments to adopt regulations to promote the public health, safety, and general welfare of its citizenry in the following sections of the North Carolina General Statutes:
 - (1) Part 6, Article 21 of Chapter 143,
 - (2) ~~Parts 2, 3 and 4~~ Articles 1, 7, 8, and 11 of ~~Article 18 of~~ Chapter ~~153A~~160D, and
 - (3) § 153A-121.
- (B) The Special Flood Hazard Areas (SFHA) are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and associated Digital Flood Insurance Rate Map (DFIRM) panels, with an effective date of October 19, 2018 for Orange County including any digital data developed as part of the, which are adopted by reference and declared a part of this ordinance. The maps may be maintained either in paper or digital format and shall be available for public inspection in the Planning Department.²

Future revisions to the FIS and panels that do not change flood hazard data within the jurisdictional authority of Orange County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

¹ The struck-through provisions in Sections 1.1.2 and 1.1.3 are repealed as of 1/1/21 and replaced with the provisions in Chapter 160D.

² Added to be compliant with Section 160D-105(b).

- (A) Correct a manifest error in the Ordinance, or
- (B) Extend the boundary of an existing zoning district, because of changed or changing conditions in a particular area or in the county generally, or
- (C) Rezone an area either to a different conventional zoning district, or conditional zoning-district, or conditional use district, or³
- (D) Change the regulations and restrictions thereof.

Amendments shall be reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive Plan or part thereof.

1.1.6 Applicability and Jurisdiction

- (A) Except as otherwise expressly stated, this Ordinance applies to all development, public or private, within the unincorporated area of Orange County or outside of existing municipal extra-territorial jurisdictional boundaries, or established Joint Planning Areas, approved by the County Board of Commissioners, to the extent allowed by law.

- (B) **Split Jurisdiction**

If a parcel of land lies within the planning and development jurisdiction of more than one local government, the local governments may, with the written consent of the landowner, assign exclusive planning and development jurisdiction for the entire parcel to any one of those local governments, in accordance with the intent and process prescribed in NCGS 160D-203.⁴

1.1.7 Conformance with Adopted Plans

- (A) The provisions of this Ordinance, and any proposed amendment thereto, shall be consistent with the goals and policies included in the Orange County Comprehensive Plan and/or any specialized study approved by the Orange County Board of Commissioners relating to land use development within the County's planning jurisdiction.

- (1) If a Zoning Atlas amendment is adopted and the action is deemed inconsistent with the adopted Comprehensive Plan, the Zoning Atlas amendment shall have the effect of also amending the Future Land Use Map of the Comprehensive Plan.

- (a) In such a case, no additional application or fee for a Comprehensive Plan amendment shall be required of the applicant.⁵

- ~~(A)~~(B) The enforcement, interpretation, and application of the standards contained herein shall be consistent with the goals and policies of the Comprehensive Plan and shall not create a situation that is inconsistent with the goals and policies contained therein.

³ Section 160D-703 standardizes zoning district terms. The former "general use" district is now termed "conventional" district. Conditional Zoning Districts are now termed "conditional district."

⁴ With the adoption of 160D, state statutes now include a planning and development process for parcels split by jurisdiction. Staff is not spelling out the exact process in the UDO, in case the statutory language were to change in the future (and, therefore, necessitate a UDO text change) but the general process is that each local government would have to formally adopt a resolution regarding the planning jurisdiction for the parcel(s) in question and the resolution is recorded with the register of deeds. Taxation and other non-regulatory matters would not be affected.

⁵ The proposed language is the current State law, found in Chapter 160D-605. Staff is suggesting adding the language to the UDO to provide clarity on the process in such situations.

1.1.8 Regulation of Farming and Bona Fide Farm Activities

The provisions of this Ordinance which are adopted under Chapter ~~153A, Article 18, Part 3-160D, Article 7~~ do not apply to property used for bona fide farm purposes, as defined within North Carolina General Statutes, except as follows:

- (A) Any non-farm use of farm property,
- (B) Compliance with all regulations required to be imposed by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program including all applicable Flood Insurance Rate Maps (FIRM), and
- (C) Compliance with the Orange County flood damage prevention regulations as detailed within this Ordinance.

1.1.9 Relationship with Other Laws, Covenant, or Deed Restrictions

- (A) If the provisions of this Ordinance are inconsistent with those of state and/or federal law, the more restrictive provision governs, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.
- (B) If the provisions of this Ordinance are inconsistent or conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.
- (C) In accordance with this Ordinance, a property owner may be required to record deed restrictions, covenants, or other legal documentation outlining development limitations or imposing regulatory standards on the perpetual development and/or use of property. While the County may require such legal documents to be recorded as part of the normal development review process, the County has no enforcement authority over private covenants or deed restrictions that are not based on development limitations imposed by this Ordinance. This Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. Orange County does not enforce private agreements.
- (D) Town of Chapel Hill Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Chapel Hill Land Development Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Chapel Hill Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.
- (E) Town of Carrboro Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Carrboro Land Use Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Carrboro Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.
- (F) The Jordan Water Supply Nutrient Strategy Rules and riparian buffer protection rules (Jordan Lake Rules) of 15A NCAC 02B .0265, .0267 and .0268, apply to all lands within the Jordan Lake Watershed portion of Orange County. Wherever standards of the Jordan Lake Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.
- (G) The Neuse River Basin Nutrient Sensitive Waters Management Strategy rules and the riparian buffer protection rules (Neuse Rules) of 15ANCAC 02B .0235, .0240, .0233, .0241, and .0242 apply to all lands within the Neuse River Basin portion of

connection with such construction, provided that actual construction work must be diligently pursued until completion of the building.

- (B) Building permits, variances, special use permits, subdivision plans, site plan approvals, and other similar development approvals that are valid on April 5, 2011, will remain valid until their expiration date. Development may be completed in accordance with such approvals, even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.
- (C) Applications for building permits, variances, special use permits and other similar development approvals that were submitted in complete form and were pending approval on April 5, 2011 shall be reviewed under the terms of the ordinance(s) in effect at the time the application was deemed complete. Any re-application for an expired approval must meet the standards of the ordinance(s) in effect at the time of re-application.

1.1.15 Vested Rights and Permit Choice

- (A) In accordance with the provisions of NCGS ~~453A-344.4~~ 160D-108 a property owner may seek a vested right designation on any ~~Site-Specific development Vesting~~⁶ Plan consistent with the standards and requirements detailed herein.
- (B) If an application made in accordance with this Ordinance is submitted and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulations will apply to the application, in accordance with NCGS 160D-108.⁷

1.1.16 Severability

It is the legislative intent of the Board of County Commissioners in adopting this Ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of Orange County and, further, that should any provision, portion, section, or subsection of this Ordinance be held to be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections, it is the intent of the Board of County Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

1.1.17 Repeal of Existing Regulations

All existing regulations now contained within this Ordinance are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of said regulations, as amended.

(A) Status of Prior Violations

- (1) All violations of the regulations repealed by the adoption of this Ordinance shall remain violations of the ordinances of Orange County and all penalties and enforcement remedies set forth herein shall be available as though the violation were a violation of this Ordinance.
- (2) However, if the effect of this Ordinance is to make a formerly unlawful or nonconforming use become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties for the violations that occurred prior to the effective date of this Ordinance.

⁶ Chapter 160D standardizes the terminology state-wide to "site specific vesting plan".

⁷ This is existing state law that staff is suggesting be added to the UDO to provide additional clarity on what is allowed and the process (as spelled out in state statutes).

- (2) The standards shall limit development to the type that would be permitted under the existing standards contained in this Ordinance and/or to that which is in accord with the contemplated plan or its implementing mechanisms;
- (3) The standards may be in effect only in the area affected by the contemplated plan and/or in which its implementing mechanisms will apply; and
- (4) The standards may limit the nature and type of development applications and projects which are approved throughout the duration of the standards.

SECTION 1.2: OFFICIAL ZONING ATLAS

1.2.1 Generally

- (A) The Orange County planning and zoning jurisdiction shall be, and hereby is, divided into Zoning Districts as detailed in Article 3 of this Ordinance.
- (B) The boundaries of said Zoning Districts are hereby established as shown on the Official Zoning Atlas which accompanies this Ordinance and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as it is fully described herein. Maps and descriptions accompanying enacted amendments shall be displayed by the Planning Department adjacent to the Official Zoning Atlas until such time as the official copy is corrected.
- (C) The Official Zoning Atlas and any subsequent amendments shall be authenticated by the Clerk to the Board of County Commissioners and kept on file in the Planning Department. The current Official Zoning Atlas and prior Zoning Atlas versions may be maintained either in paper or digital format.⁸
- (D) Copies of the Official Zoning Map Atlas, or portions thereof, may be made from time to time. These copies are for informational purposes only and the Official Zoning Atlas, as described herein, shall be the final and sole authority as to the zoning status of land within the zoning jurisdiction of Orange County.
- (E) The Planning Director shall be responsible for entering amendments to the Official Zoning Atlas.
- (F) The Planning Director shall authenticate the entry of each amendment to the Official Zoning Atlas and shall maintain a record of the nature and date of entry of each amendment.
- (G) Changes to the Official Zoning Atlas, other than those authorized by duly approved amendments to this Ordinance, shall not be made. The making of unauthorized changes to the Official Zoning Atlas shall be considered a violation of this Ordinance.
- (H) Amendments to this Ordinance that result in the change in classification of any piece of land shall become effective immediately upon enactment by the Board of County Commissioners. The Board of County Commissioners, upon a finding of due cause, may extend the effective date of any such amendments.
- (I) When all or part of the Official Zoning Atlas becomes damaged, lost, destroyed, worn or hard to interpret by reason of its age, condition, number of changes or otherwise, the Atlas shall be replaced by the Planning Director. This new edition of the Official Zoning Atlas may not change the zoning status of any property. Such replacements shall be authenticated by the Clerk of the Board of County Commissioners and shall bear the date of replacement.

1.2.2 Interpretation of Zoning District Boundaries

When there is any uncertainty as to the intended location of any zoning district boundary on the Zoning Atlas, the Planning Director shall make an interpretation of the Atlas upon request of any

⁸ New provision in NCGS 160D-105.

person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustment. The Planning Director and the Board of Adjustment, in interpreting the Zoning Atlas or deciding any appeal, shall apply the following standards:

- (A) Boundaries indicated as approximately following the centerlines of streets; highways or alleys shall be construed as following such centerlines;
- (B) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- (D) Boundaries indicated as following railroad lines shall be construed to be the center line of the main track;
- (E) Boundaries indicated as following shorelines shall be construed to follow such shorelines; in the event of change in the shoreline, the boundary shall be construed as moving with the actual shorelines;
- (F) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines;
- (G) Boundaries shown as approximately following designated flood hazard area limits shall be construed as following such limits;
- (H) Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning Atlas shall be determined by reference to the scale of the Atlas; and
- (I) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Atlas, or in other circumstances not covered by Subsections A through F above, the Board of Adjustment shall interpret the district boundaries.

SECTION 1.3: BOARD OF COUNTY COMMISSIONERS

1.3.1 Responsibilities

The Orange County Board of Commissioners shall have the following responsibilities in relation to the administration of this Ordinance:

- (A) Hear and decide applications for amendments to the text, schedules, and map portions of this Ordinance, which shall be processed in accordance with the provisions detailed herein. In exercising this power, the Board is bound by the State enabling legislation, the terms of this Ordinance, and applicable court decisions in carrying out its legislative function.
- ~~(B) Hear and decide applications for the approval of Class A Special Use permit as noted in the Schedule of Permitted Uses as requiring approval of the Board of Commissioners, which shall be processed in accordance with the provisions detailed herein. In exercising this power, the Board is bound by the State enabling legislation, the terms of this Ordinance, and applicable court decisions in carrying out its decision making function within a quasi-judicial capacity and shall make its decisions based on substantial evidence contained in its record of proceedings and shall be bound by the general and specific standards and requirements of the particular Special Use as defined herein.⁹~~
- ~~(C)~~(B) Hear and decide applications appealing those decisions appealed to the Board of County Commissioners.

⁹ Staff is recommending, in order for the BOCC to cease hearing quasi-judicial matters because of the formal legal process that such matters require, that uses currently requiring a Class A SUP be modified to be allowed via a new conditional district (which is a legislative approval to which conditions can be applied).

~~(D)(C)~~ Establish Rules of Procedure for the conduct of hearings and other proceedings before the Board of County Commissioners in exercising responsibilities identified herein.

~~(E)(D)~~ Make the necessary appointments to the Planning Board and Board of Adjustment.

~~(E)~~ Provide, by appropriation, funds for the administration of this Ordinance.

1.3.2 Conflicts of Interest¹⁰

~~(A) A member of the Board of County Commissioners shall not vote on any legislative decision regarding a development regulation contained in this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identified financial impact on the member.~~

~~(B) A member of the Board of County Commissioners shall not vote on any zoning amendment if the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.~~

SECTION 1.4: PLANNING DIRECTOR

~~1.4.1 Responsibilities~~

~~(A) The Planning Director, or his/her designee, shall have the responsibility for the administration, interpretation, and enforcement of this Ordinance.~~

~~(B) Within this Ordinance, 'Planning Director' is synonymous with the individual actually serving in that capacity or a designated employee unless otherwise specified.~~

~~(C) The Planning Director is an employee of the County hired by and reporting to the County Manager and shall have the following duties in respect to this Ordinance:~~

- ~~(1) Administering all provisions of this Ordinance for which administrative responsibilities are not otherwise expressly assigned;~~
- ~~(2) Making interpretations of the provisions of this Ordinance;~~
- ~~(3) Reviewing all applications submitted in accordance with the requirements of this Ordinance to ensure compliance with the provisions of this Ordinance;~~
- ~~(4) Coordinating County staff's compliance with duties and responsibilities specified in this Ordinance;~~
- ~~(5) Preparing reports for, submitting recommendations to, and seeking input from, the Planning Board for all matters for which this Ordinance requires review and approval by the Planning Board;~~
- ~~(6) Maintaining records of the Planning Board's meetings and actions;~~
- ~~(7) Ensuring the text of this Ordinance and the zoning atlas are modified to reflect any amendments approved by the Board of County Commissioners and maintaining up-to-date originals and copies of these documents;~~
- ~~(8) Conducting on-going regular reviews of the text of this Ordinance and proposing amendments necessary to implement and ensure consistency with the policy objectives of the County;~~
- ~~(9) Maintaining records of the Board of Adjustment's meetings and actions;~~

¹⁰ Adoption of conflict of interest standards are now required, pursuant to NCGS 160D-109.

- (10) Reporting any variances or interpretations of the location of the boundary of an area of special flood hazard area to the Federal Insurance Administration upon request; and
- (11) Granting Zoning Compliance Permits, making inspections of buildings or premises, revoking permits, and any other procedures necessary to carry out the enforcement of this Ordinance.

1.4.2 Conditions on Authority

When rendering decisions on the approval of development projects, the interpretation of this Ordinance, or the issuance of permits, the Planning Director shall determine if the application is consistent with the requirements of this Ordinance and issue all appropriate permits or other approvals. The following limitations apply:

- (A) Issuance of a permit authorizing the excavation, construction, moving, alteration, or use of land shall in no case be construed as waiving any provision of this Ordinance.
- (B) Under no circumstances is the Planning Director permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either building, structures or land.
- (C) Under no circumstances is the Planning Director permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out assigned duties.
- (D) The Planning Director shall issue a permit when an applicant demonstrates that the standards established by this Ordinance are complied with regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.
- (E) The Planning Director shall revoke a zoning compliance permit if it is found to be issued in violation of any of the provisions of this Ordinance, or if the conditions as stated on the permit are not carried out.
- (F) If an application for a permit is disapproved, the Planning Director shall state in writing the cause for such disapproval.
- (G) The Planning Director shall issue a Stop Work Order pursuant to Article 9 of this Ordinance if it is determined that irreparable injury will occur if an alleged violation is not terminated immediately.

1.4.3 Conflicts of Interest¹¹

Neither the Planning Director, nor any County staff member, shall make a final decision on an administrative decision pursuant to this Ordinance if the outcome of the decision would have a direct, substantial, and readily identified financial impact on the Planning Director, or staff member, or if the applicant or other person subject to that decision is a person with whom the Planning Director, or staff member, has a close familial, business, or other associational relationship.

SECTION 1.5: PLANNING DEPARTMENT

1.5.1 Duties and Responsibilities

The Planning Department is an administrative department of the County Government headed by the Planning Director. The Planning Department shall have, under the authority of the Planning Director, the following responsibilities in relation to this Ordinance:

- (A) The administration and enforcement of the Ordinance.

¹¹ Adoption of conflict of interest standards are now required, pursuant to NCGS 160D-109.

- (B) The issuance of any required permits and certificates as authorized by this Ordinance.
- (C) Administrative, technical and professional support to the Board of County Commissioners, Planning Board, Board of Adjustment and any advisory committee set up hereunder.
- (D) The preparation of written staff reports and recommendations on all proposed amendments to this Ordinance, applications of approval of Special Uses, ~~applications for all planned developments,~~¹² applications of approval of plats, applications for variances, and appeals from orders, decisions, determinations, and requirements made in enforcing this Ordinance.
- (E) Liaison with other County departments, representatives of other local governmental units and units of the State of North Carolina and of the United States.
- (F) The maintenance of data, maps, and other information necessary to discharge of its responsibilities.
- (G) Provide appropriate services to encourage the participation of citizens of Orange County in the discharge of its responsibilities.
- (H) Perform such other duties as may be directed by the Board of County Commissioners.

SECTION 1.6: PLANNING BOARD

1.6.1 Establishment and Intent

- (A) The Orange County Board of Commissioners under the authority of Chapter ~~153A.160D, Article 18, Part 4~~ Section 301 of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein, creates a County Planning Board to embark upon a continuing planning program, including but not limited to the preparation and maintenance of a Comprehensive Plan for Orange County, in protection of the public health, safety, and general welfare of present and future residents, landowners and visitors.
- (B) The Planning Board shall consist of at least 12 members who shall be ~~residents of~~ residents domiciled in¹³ Orange County. Members shall serve without compensation except for incidental expenses incurred in connection with official duties as approved by the Board of County Commissioners.
- (C) Each Township within the County shall be represented in the membership of the Board by at least one resident.
- (D) The Board of County Commissioners may by resolution establish rules related to the requirements for volunteer service on the Planning Board, appointment and removal of Planning Board members, and rules of procedure.
- (E) In establishing the Planning Board and its program, the Board of Commissioners intends that the Planning Board be guided by the following principle:

¹² This is a reference to an old process that should have been deleted in 2011 when the various development-related ordinances were combined into the UDO.

¹³ Update to reflect language now used in General Advisory Board Policy.

- (1) The Comprehensive Plan, and any ordinances or other measures to effectuate it, shall be made with the general purpose of guiding and accomplishing a coordinated, and harmonious development of the County which will, in accordance with present and future needs, best promote health, safety and the general welfare, as well as efficiency in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the promotion of good civic design, wise and efficient expenditure of public funds, and adequate provision of public utilities, services, and other public requirements, and conservation of significant natural and man-made resources within the County.

1.6.2 Tenure and Membership Expectations¹⁴

Tenure and Membership Expectations are included in the Orange County Advisory Board Policy and the Planning Board Policies and Procedures, as approved by the Board of County Commissioners.

- ~~(A) — The tenure of office shall be three years. Members are eligible for reappointment for a second consecutive full term. After two consecutive terms a member shall be ineligible for reappointment for one year after the expiration of the previous terms.~~
- ~~(B) — Appointments shall be made so that one third of the terms expire in March of each calendar year.~~
- ~~— Appointments made to fill vacancies shall be for the unexpired term, if there are less than two years remaining in the unexpired term,¹⁵ and shall not be counted as a term in determining eligibility for reappointment.~~
- ~~(C) — All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by NCGS 153A-26.¹⁶~~
- ~~(D) — A member whose term has expired shall may continue to serve on the Board until his/her respective successor has been appointed.~~
- ~~— Attendance at the regular meetings of the Board and at Public Hearings shall be considered a prerequisite for maintenance of membership on the Planning Board. The Board of County Commissioners may declare a vacancy on the Planning Board because of a member's non-attendance, in accordance with the Planning Board Rules of Procedure.~~
- ~~(E) — Attendance at Public Hearings for matters on which the Planning Board has made a recommendation shall be encouraged.¹⁷~~
- ~~(F) — Absence due to sickness, death of an immediate family member or similar reason shall be considered approved absences and shall not affect the member's status. In the event of long illness or other cause for prolonged absence, the member shall be replaced.~~
- ~~(G)(A) The Board of County Commissioners may by resolution establish rules related to tenure and membership expectations. If the terms of such resolution, or policy created thereby, conflict with the terms of this section 1.6.1 or 1.6.2 the terms of the resolution or policy shall control.~~

¹⁴ Because this information is now included in the two referenced policy documents, staff is recommending these duplicate provisions be deleted from the UDO.

¹⁵ Update to reflect current advisory board policy.

¹⁶ This is a new requirement under 160D-309.

¹⁷ Update to reflect current advisory board policy.

1.6.3 Duties¹⁸

As provided for in ~~153A-324~~160D-301 of the General Statutes of North Carolina, as amended, the Planning Board shall have the following ~~general~~ Powers and Duties:

- ~~(A)~~ — ~~Make studies of Orange County and surrounding areas;~~
- ~~(B)~~ — ~~Determine objectives to be sought in the development of Orange County;~~
- ~~(C)~~ — ~~Propose and recommend plans for achieving these objectives;~~
- ~~(A)~~ Prepare, review, maintain, monitor, and periodically update and recommend to the Board of County Commissioners a Comprehensive Plan, and other such plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
- ~~(D)~~(B) Develop and recommend policies, ordinances, development regulations, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;
- ~~(E)~~(C) Advise the Board of County Commissioners concerning the use and amendment of means for carrying out implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS 160D-604;
- ~~(F)~~(D) Exercise such functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- ~~(G)~~(E) Perform other related duties that the Board of County Commissioners may direct;
- ~~(H)~~ — ~~Approve and recommend for adoption by the Board of County Commissioners a Comprehensive Plan for the development of the county, as well as amendments thereto; and~~
- ~~(I)~~ — ~~The Planning Board, working with the Planning Director, shall from time to time, at intervals of not more than five years, examine the provisions of this Ordinance and the location of Zoning District boundary lines and shall submit a report to the Board of County Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Subsection 1.1.5.~~

1.6.4 Conflicts of Interest¹⁹

- ~~(A)~~ A member of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation contained in this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identified financial impact on the member.
- ~~(B)~~ A member of the Planning Board shall not vote on any zoning amendment if the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

~~1.6.4.1.6.5~~ Staffing

- ~~(A)~~ The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff to the Planning Board and shall be primarily responsible for completing any work product necessary to assist the Board in carrying out its duties.

¹⁸ All revisions in the section conform the UDO to NCGS 160D-301.

¹⁹ Adoption of conflict of interest standards are now required, pursuant to NCGS 160D-109.

- (B) The Board of County Commissioners must approve all work assignments or projects requested by the Planning Board outside of work product associated with this Ordinance prior to the commencement of work.

1.6.51.6.6 Rules of Procedure

The Planning Board shall conduct its affairs in accordance with the “Orange County Board of County Commissioners Advisory Board Policy” and the “Planning Board Policies and Procedures”.

1.6.61.6.7 Notification of Meetings

All meetings shall be open to the public. The Planning Director shall cause notices to be given as required under:

- (A) Article 33C, Chapter 143 of the North Carolina General Statutes;
- (B) 143-318.11 of the North Carolina General Statutes; and
- (C) Article 2 of this Ordinance.

1.6.71.6.8 Meeting Minutes

The Planning ~~Board Director~~ shall cause minutes of ~~its Planning Board~~ meetings to be maintained as a permanent public record. Such minutes shall record the attendance of its members, its findings, recommendations, and a summary of information, data and comments presented to it.

SECTION 1.7: COMPREHENSIVE PLAN

1.7.1 Intent

- (A) The Comprehensive Plan shall constitute an internally consistent and compatible statement of policies ~~for the long term, physical development that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development~~ of that portion of Orange County under County jurisdiction, in accordance with NCGS 160D-501.²⁰
- ~~(B) The Comprehensive Plan shall consist of a statement of development policies and shall include maps and text setting forth objectives, principles, standards and plan proposals for physical development. The Comprehensive Plan shall periodically be reviewed and maintained to ensure the relevance of policies to current and projected conditions.~~²¹
- ~~(C)~~(B) Land use regulations are intended to be consistent with the adopted Comprehensive Plan.

1.7.2 Elements

The Comprehensive Plan shall be comprised of the following elements:

- (A) Economic Development
- (B) Housing
- (C) Land Use

²⁰ NC jurisdictions exercising zoning authority are now required to adopt and “reasonably maintain” a Comprehensive Plan. The amendments in this section reflect the language in 160D-501.

²¹ The new statutes (160D-501) do not prescribe a timeframe in which a Comprehensive Plan must be reviewed/updated because the necessity will vary considerably among the hundreds of NC local governments that exercise zoning authority. UNC School of Government staff has indicated that “the schedule for updates is left to the good judgment of each jurisdiction, provided officials act in a reasonable fashion under the particular circumstances.”

- (D) Natural and Cultural Systems, including:
 - (1) Agriculture,
 - (2) Air and Energy Resources,
 - (3) Cultural and Historic Resources,
 - (4) Natural Areas, Wildlife Habitat and Prime Forests,
 - (5) Water Resources,
- (E) Parks and Recreation,
- (F) Services and Community Facilities, including:
 - (1) Water and Wastewater,
 - (2) Erosion Control and Stormwater Management,
 - (3) Solid Waste and Recycling,
 - (4) Public Safety and Telecommunications,
 - (5) Library Service,
 - (6) Education,
- (G) Transportation,
- (H) County Profile (Data), and
- (I) Such additional elements dealing with other subjects which in the judgment of the Board of Commissioners relate to the physical development of the county. Such elements may include, but not be limited to, the subjects of historic preservation, community or rural design, growth management, etc.

1.7.3 Area Plans

As part of the Comprehensive Plan, area plans may be prepared which focus on a portion of the County such as a township, a watershed or an interstate highway interchange. Likewise, technical information and/or task force reports prepared as part of a plan element or an area plan may be incorporated as part of the appendix of or as a supplement to the Comprehensive Plan.

In preparation and adoption of a plan element, area plan or other similar document, the Board of Commissioners shall ever be mindful of the need to balance the public interest with the needs of private interests, particularly in the conservation of surface and underground water resources, soil resources, and natural growth resources of the county and the efficient use of the renewable and non-renewable sources of energy.

SECTION 1.8: BOARD OF ADJUSTMENT

1.8.1 Establishment

- (A) The Orange County Board of Commissioners under the authority of ~~§153A-345160D-~~ 302 of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein creates a Board of Adjustment.
- (B) The Board shall consist of five members and two alternates who shall be residents of Orange County's Planning Jurisdiction. Members shall serve without compensation except for incidental expenses incurred in connection with official duties as approved by the Board of County Commissioners.
- (C) The Board of County Commissioners may by resolution establish rules related to the requirements for volunteer service on the Board of Adjustment, appointment and removal of Board of Adjustment members, and rules of procedure.

1.8.2 Tenure and Membership

- ~~(A) — Tenure and Membership information is included in the *Orange County Advisory Board Policy* and the *Board of Adjustment Rules of Procedure*, as approved by the *Board of County Commissioners*. The members shall be appointed by the Board of County Commissioners for terms of three years. A member whose term has expired shall continue to serve on the Board until his/her respective successor has been appointed and qualified.~~
- ~~(B) — Members' terms shall be staggered so that all terms will not expire simultaneously.~~
- ~~(C) — In cases where an individual is appointed to serve the unexpired portion of a Board member's term, the appointment shall be for the time period of the unexpired term only and shall not be counted as a regular term for that member.~~
- ~~— A member may be appointed for a second successive term, but after two consecutive terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.~~
- ~~(D) — An alternate member shall only vote in the absence of a regular member.~~

1.8.3 Duties

The Board of Adjustment shall have the following duties:

- (A) Hear, review, and decide appeals of any order requirement, decision, or determination made by the Planning Director in the performance of official duties.
- (B) Hear and decide applications for the approval of ~~Class B~~²² Special Use permit applications in accordance with the rules and conditions laid down in this Ordinance.
- (C) Hear and decide appeals for variances from the dimensional regulations of this Ordinance in accordance with provisions detailed herein. Nothing in this Ordinance shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a Permitted Use nor a Special Use.
- (D) Pass upon, decide or determine such other matters as may be required by this Ordinance.

1.8.4 Conflict of Interest²³

- ~~(A) — A member of the Board of Adjustment shall not vote on any matter before the Board where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identified financial impact on the member.~~
- ~~(B) — A member of the Board of Adjustment shall not vote on any matter before the Board if the applicant of the matter is a person with whom the member has a close familial, business, or other associational relationship.~~
- ~~(C) — A member of the Board of Adjustment shall not vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.~~
- ~~(1) — Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to changes, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.~~

²² As explained in the footnote in Section 1.3.1, staff is recommending that there will no longer be classes of special use permits (SUP). The Board of Adjustment will be the only board to hear SUP cases; uses that formerly required a Class A SUP will be reviewed as conditional districts.

²³ Adoption of conflict of interest standards are now required, pursuant to NCGS 160D-109.

1.8.41.8.5 Rules of Procedure

The Board shall adopt Rules of Procedure and Regulations for the conduct of its affairs. The rules shall be maintained in the office of the Planning Director. Except as otherwise expressly stated in this Ordinance, the rules adopted by the Board of Adjustment shall provide for:

- (A) Selection of officers, specifically a Chair and Vice-Chair, whose term of office shall be one year, with eligibility for re-election.
- (B) Attendance requirements.
- (C) Establishment of a quorum, which shall be a majority of the appointed members, to allow the Board to conduct business.
- (D) Establishment of a date and time for a regular meeting.
- (E) A procedure for calling special meetings as the need of the Board requires.

1.8.51.8.6 Conduct and Notification of Meetings

All meetings of the Board shall be conducted in compliance with:

- (A) North Carolina General Statutes Chapter 143, Article 33C,
- (B) This Ordinance

The Planning Director shall give notice of Board meetings as provided in NCGS Chapter 143, Article 33C. Notice of meetings shall be given to Board of Adjustment members as provided in the Rules of Procedure adopted by the Board as well as the provisions of this Ordinance.

1.8.61.8.7 Record of Meetings

The Planning Director shall keep a record of Board meetings to be maintained as a permanent public record. This record shall include minutes from each meeting including the vote of each member on every question, the Board's findings on required items, recommendations, and a complete summary of the evidence submitted to the Board including all documents, data, and testimony presented.

SECTION 1.9: DEVELOPMENT ADVISORY COMMITTEE

1.9.1 Establishment and Intent

(A) Establishment

There is hereby established a Development Advisory Committee (DAC) to assist the Planning Department in the execution of its functions with respect to processing applications submitted in accordance with the provisions of this Ordinance.

(B) Intent

The DAC is an informal advisory committee to allow various entities to review and discuss issues associated with a submitted application in order to assist with the development of a formal recommendation as to the disposition of the request by the Planning Department.

1.9.2 Duties and Responsibilities

The Development Advisory Committee has the following duties and responsibilities. The Committee shall:

- (A) Review proposed text and atlas amendments, Conditional Districts, Special Use Permits, rezonings, subdivisions or other similar technical issues that may be referred to the Committee.
- (B) Review in cooperation with the Planning Director the relationship between the Comprehensive Plan and this Ordinance.

- (C) Produce, as required, for all County governing bodies and planning boards a report on such proposed text and atlas amendments, Conditional Districts, Special Use ~~P~~ermits, rezonings, subdivisions or other similar technical issues that may be referred to the Committee.
- (D) Render technical advice and recommendations related to this Ordinance and its operation.

1.9.3 Membership

The DAC may consist of representatives from:

- (A) Orange County Planning Department (including Erosion Control, Building Inspections, Floodplain Management, Transportation, Comprehensive Planning, etc.),
- (B) Orange County Health Department,
- (C) Orange County Department of Environment, Agriculture, Parks and Recreation,
- (D) Orange County Economic Development Department,
- (E) Orange County Emergency Services Department,
- (F) N.C. DOT District,
- (G) Town of Chapel Hill,
- (H) Town of Carrboro,
- (I) Town of Hillsborough,
- ~~(J)~~ City of Mebane,
- ~~(J)~~~~(K)~~ City and/or County of Durham,²⁴
- ~~(K)~~~~(L)~~ Orange Water and Sewer Authority,
- ~~(L)~~~~(M)~~ Orange-Alamance Water District,
- ~~(M)~~~~(N)~~ Public Utilities,
- ~~(N)~~~~(O)~~ Natural Resource Conservation Service, and
- ~~(O)~~~~(P)~~ Boards of Education; Orange County and/or Chapel Hill-Carrboro.

1.9.4 Meetings

The Planning Director is to convene and chair meetings of the Development Advisory Committee. The minutes of each meeting of the Committee are to be maintained as a separate document in the nature of a public record in the office of the Planning Director. Meetings shall not be open to the public.

1.9.5 Reports

The Development Advisory Committee shall prepare its report on a proposed amendment, Special Use permit, rezoning, Conditional Districts, or subdivision on the basis of the petition, if any, and supporting documentation as well as any public plans, studies, or data for inclusion within the official review file of the given project.

²⁴ Added to reflect long-standing courtesy review agreements and areas of mutual planning.

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			
Soil Erosion and Sedimentation Control Permits		R and DM				
Stormwater Management Plans		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 EPH Class-B	R [1] Class-A	DM and PH Class-A
Zoning Variances	R		R	DM and EPH		
Conditional Use	R	R	R		R [1]	DM and PH
Appeals/Interpretations	R		R	DM and EPH		
Comprehensive Plan Amendments	R				R [1]	DM and PH
Subdivision Related Procedures						
Exempt	R and DM					
Minor	R and DM	R	R			
Major	R	R	R		R and DM [2]	R and DM
Conditional Use District	R	R	R		R [1]	R, DM, and PH
Appeal						
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.

2.2.2 Timely Processing of Applications

The Planning Director, Planning Board, Board of Adjustment, Board of County Commissioners and all other authorized review and decision-making bodies shall make every reasonable effort to process, review, and act on applications in a timely manner, consistent with the need to fully consider the application's proposed impact and ensure that it is consistent with the spirit and intent of the Orange County Comprehensive Plan and otherwise advances the public health, safety, and general welfare.

2.2.3 Burden Of Proof

The burden of demonstrating that an application complies with applicable submittal, review, and approval criteria is on the applicant.

2.2.4 Form of Application and Filing Fees

- (A) Unless a greater number is specified herein for a specific review procedure, three copies of all applications, including required supporting documentation, shall be submitted by the applicant. Applications detailing the submittal requirements for each type of application are available in the Planning Department office.
- (B) Officials responsible for accepting applications shall maintain a list specifying the materials and information to be submitted with each application filed. The list shall be made available to all applicants and to any other person who requests a copy.
- (C) The Planning Director is authorized to propose and promulgate administrative regulations, including but not limited to the type and amount of data required for a completed application, in order to implement the provisions of this Ordinance.
- (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.

2.2.5 Pre-application Conference

- (A) Prior to submittal of an application for review and approval of a:

- (1) Non-residential development,
- (2) Special Use Permit (SUP),
- ~~(3) Conditional Use District (CUD),~~
- ~~(4)(3) Conditional Zoning District (CZD),~~
- ~~(5)(4) Major Subdivision, and/or~~
- ~~(6)(5) Minor Subdivisions Utilizing the Flexible Development Option.~~

The applicant shall schedule a pre-application conference with the Planning Department.

- (B) In preparation for the pre-application conference, the applicant shall submit a sketch plan illustrating the location, size and major design elements of the proposed development no later than five working days prior to the pre-application meeting.
- (C) The Planning Department may request that representatives of other public agencies be present at the pre-application conference, including, but not limited to:
 - (1) Planning Board,
 - (2) Building Inspections,
 - (3) Health Department,

2.2.9 Manner of Review

Applications requiring a public hearing shall be reviewed using either a legislative process or a quasi-judicial process as follows:

- (A) Comprehensive Plan amendments – legislative
- (B) Special Use Permits – quasi-judicial
- (C) Zoning Atlas and Unified Development Ordinance amendments – legislative
- ~~(D) Conditional Use District (CUD) – rezoning portion is legislative; Special Use Permit portion is quasi-judicial~~
- ~~(E)(D) Conditional Zoning District (CZD) - legislative~~

SECTION 2.3: COMPREHENSIVE PLAN AMENDMENTS

2.3.1 Review and Approval Flow Chart

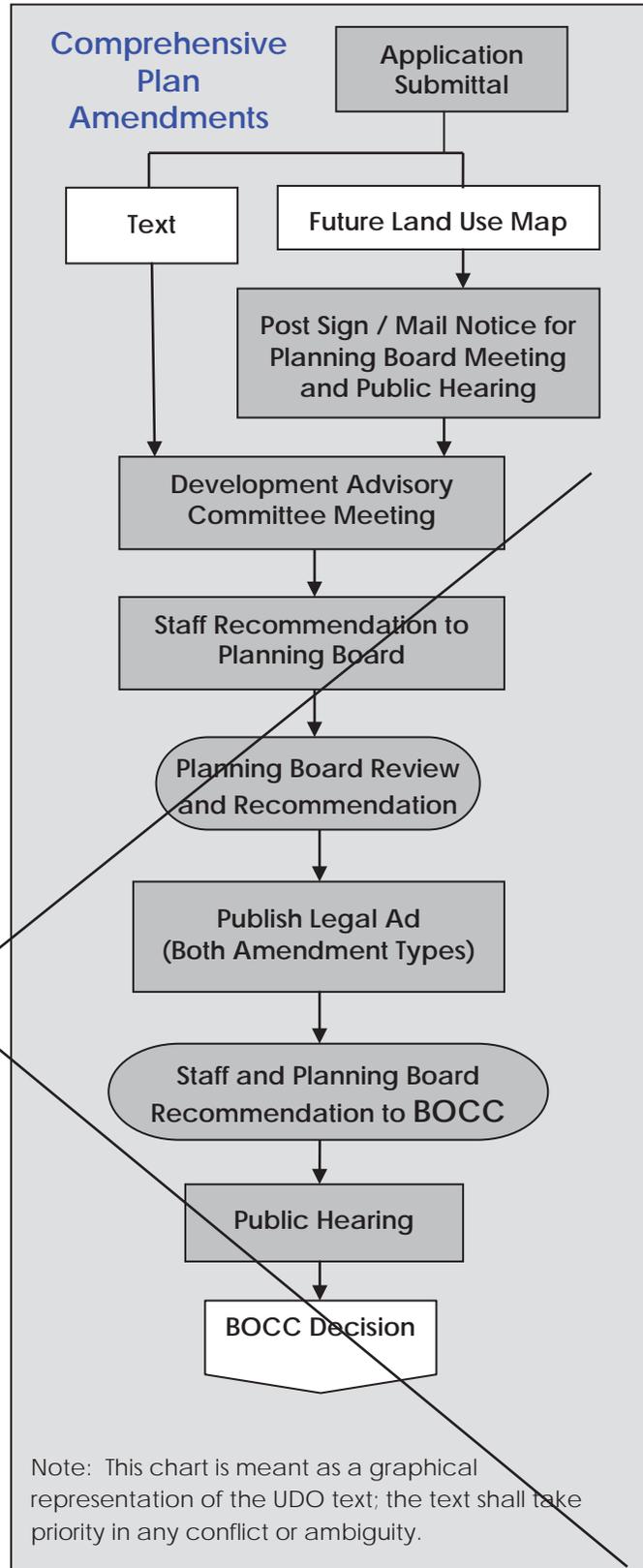
The review and approval process for Comprehensive Plan Amendments is shown in the procedure's flowchart.

2.3.2 Generally

- (A) The Comprehensive Plan shall be so prepared that all or individual elements and parts thereof may be adopted and/or amended by the Board of Commissioners.
- (B) For the purpose of establishing and maintaining sound, stable, and desirable development within Orange County, the Comprehensive Plan or portion thereof shall not be amended except as follows:
 - (1) Because of changed or changing conditions in a particular area or areas of the County;
 - (2) To correct an error or omission; or
 - (3) In response to a change in the policies, objectives, principles or standards governing the physical development of the County.

2.3.3 Initiation of Amendments

- (A) An amendment to the Comprehensive Plan or portion thereof may be initiated by:
 - (1) The Board of Commissioners on its own motion;
 - (2) The Planning Board;



- ~~(3) Application, by any person or agency, which accurately and completely sets forth the reason(s) for the proposed amendment as prescribed in Section 2.3.2(B); or~~
- ~~(4) The Planning Director.~~
- ~~(B) Once initiated, all amendments shall be referred to the Planning Board.~~

2.3.4 Public Hearing Required

~~A public hearing shall be held before adoption of any proposed Comprehensive Plan amendment. The Board of County Commissioners shall hear applications and receive public comment for proposed Comprehensive Plan amendments in a Public Hearing.~~

2.3.5 Notice Requirements for Planning Board Meetings and Public Hearings

- ~~(A) The Planning Director shall provide notice of Planning Board meetings at which the Planning Board is to review and make a recommendation on Future Land Use Map amendments and Public Hearings at which an amendment to the Future Land Use Map is to be reviewed. Notifications of proposed Future Land Use Map amendments shall occur as follows:~~
- ~~(1) Notice of the Planning Board meeting and public hearing shall be posted on the affected parcel or on an adjacent public right of way a minimum of ten days, but not more than 25 days,²⁵ prior to the Planning Board meeting. Said notice shall contain the time and location of both the Planning Board meeting and public hearing.~~
- ~~(a) When multiple parcels are affected, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested persons.~~
- ~~(2) Written notice of the Planning Board meeting and public hearing shall be sent by first-class mail to all property owners, as listed in the Orange County tax records, whose property is affected or within one thousand feet of the affected parcel(s). Said notice shall be mailed at least ~~15 ten~~ days, but not more than 25 days, prior to the date of the Planning Board meeting and shall include the times and locations of both the Planning Board meeting and public hearing. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."~~
- ~~(a) Alternative option to mailed notice for large-scale Future Land Use Map amendments shall be as follows:²⁶~~
- ~~The first class mail notice required by subsection (2) shall not be required if a Future Land Use Map amendment proposes to change the land use classification of more than 50 properties, owned by at least 50 different property owners, and Orange County elects to use the expanded public notice described as follows:~~
- ~~(i) An advertisement published as described in (C) below, provided that the advertisement is not less than one-half of a newspaper page in size.~~

²⁵ Comprehensive Plan (CP) amendments are required to follow the same notification process as zoning text amendments (NCGS 160D-501(c)), namely newspaper legal ads; this is true for both CP text and map amendments. However, Orange County has a long tradition of providing mailed notification to property owners in the vicinity of a Future Land Use Map amendment so staff is recommending the notification timeframe follow the same timeframe as zoning map amendments.

²⁶ State Statutes have long allowed for an alternative method of public notice for large-scale rezonings but Orange County's regulations have not included the option. Staff is recommending that the alternative option be included in the regulations, particularly for Future Land Use Map amendments which do not require mailed notice under State statutes.

(ii) The advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners that reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (2).

(B) The Planning Director shall provide public notice for any Comprehensive Plan amendment to be heard at a Public Hearing. The notice shall include the time and location of the public hearing.

(C) For all proposed amendments, notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in the County, stating the time and place of such hearing and the substance of the proposed amendment.

(1) This notice shall appear in said newspaper once a week²⁷ for two consecutive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

~~(2) The minimum published size of the notice shall be 25 square inches.~~²⁸

2.3.6 Consideration of Amendments

(A) A proposed amendment may be considered in conjunction with a rezoning request for the same property.

2.3.7 Application Requirements

(A) Generally

(1) All applications for amendments to the Comprehensive Plan shall be submitted on forms supplied by the Planning Department and shall be signed.

(2) Three copies of the application shall be submitted to the Planning Director.

(3) Before accepting any amendment application, the Planning Director shall ensure that it contains all required information, as specified in this Ordinance. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance, shall not be accepted by the Planning Director, but shall be returned to the applicant, with a notation by the Planning Director of the deficiencies in the application.

(B) Contents of Application

Applications for amendments to the Comprehensive Plan, without limiting the right to file additional material, shall contain at least the following:

(1) For amendments to the Future Land Use Map within the Land Use Element, a map at a legible scale adequately illustrating the land which would be covered by the proposed map amendment, and a complete list of Property Identification Numbers (PIN) for the properties;

(2) For amendments to the Comprehensive Plan text, a copy of the existing text provision(s) which the applicant proposes for amendment, and a written statement which describes in detail changes which the applicant proposes to make to the text of the Comprehensive Plan and the rationale for the proposed amendment consistent with the standards established in this Ordinance; and

²⁷ Clarification on number of times a notice is published.

²⁸ This minimum size is not required by statutes and staff is recommending its removal. As a point of fact, the amount of text included in the published legal ad precludes a notice less than 25 square inches in size.

elements associated with obtaining a Zoning Compliance, Erosion Control, and Stormwater permit as detailed herein.

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

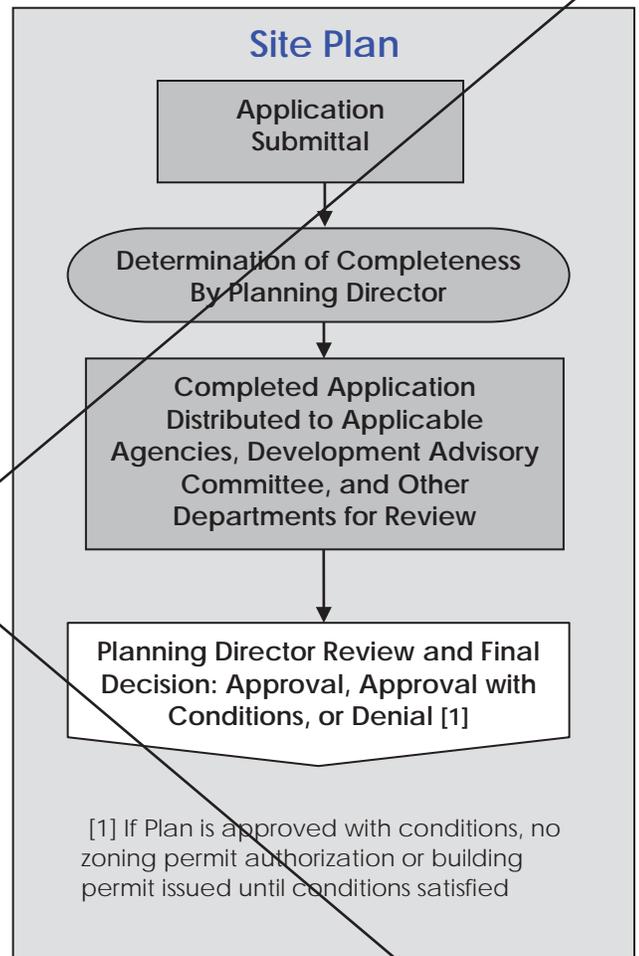
2.4.2 Requirements and Conditions

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

2.4.3 Plot Plan Specifications

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

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



SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

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

2.5.2 Application Requirements

- (A) Each site plan shall be prepared and sealed by an appropriately licensed professional. The following are exempt from this requirement but must provide a plot plan pursuant to Section 2.4.3:
- (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
 - (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
 - (3) ~~Large day care homes, as defined in Article 10, Definitions Center in a Residence.~~²⁹.

²⁹ Although not related to "160D" revisions, this use type was renamed in a 2019 amendment but was missed for revision in this section. Staff recommends correcting the term at this time.

- (4) ~~Rural Guest Establishments with three guestrooms or less— Bed & Breakfasts Short Term Rental – Host Occupied³⁰.~~
 - (5) Cooperative Farm Stand.
 - (6) Rural Special Events.
 - (7) Non-Farm Use of Farm Equipment.
- (B) The applicant shall submit to the Planning and Inspections Department:
- (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;
 - (4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.
 - (5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.
 - (6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (C) Other items which should be submitted simultaneously, but are not required as part of the site plan application are:
- (1) Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit, and
 - (2) Stormwater management plans as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
 - (3) Building construction plans to be approved by the Building Official prior to issuance of a building permit.

2.5.3 Plan Specifications

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

- (A) The boundary of the lot(s) to be developed labeled with bearings and distances;
- (B) The name, address, and phone number of the applicant and the property owner;
- (C) Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- (D) Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- (E) Adjacent right-of-way widths with road names and numbers;
- (F) A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.
- (G) Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;

³⁰ Although not related to "160D" revisions, this use type was renamed in a 2019 amendment but was missed for revision in this section. Staff recommends correcting the term at this time.

- (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-~~CZ-CD~~ zoning district, as detailed within Section 5.2-~~3~~³¹ of this Ordinance.
- (D) The Planning Director shall review the plan(s) based on, but not limited to, the following general criteria:
- (1) Compliance with all applicable County ordinances;
 - (2) Extent and intensity of impacts to the surrounding area;
 - (3) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
 - (4) Efficient use of the land to minimize disturbance and grading and to conserve energy;
 - (5) Safe and efficient vehicular and pedestrian circulation;
 - (6) Logical placement of structures and other site functions;
 - (7) No open burning of trees, limbs, stumps and construction debris associated with the permitted activity; and
 - (8) Compliance with any previously issued Special Use or Conditional Use Permit(s) (a permit type no longer issued as of January 1, 2021) associated with the project.
- (E) Following review of the site plan, the Planning Director shall take final action on the application within 21 days of acceptance of a complete application. Final action shall be one of the following:
- (1) Approval,
 - (2) Approval with conditions, or
 - (3) Denial.
- Failure to meet the criteria for site plan approval listed herein, and/or to address all review comments solicited during plan review, will result in denial of the application.
- (F) If a plan is approved with conditions, no zoning authorization allowing land disturbing activity or subsequent building permit shall be issued until all conditions of approval have been met to the satisfaction of Orange County.
- (G) Site plan approval and the issuance of a Zoning Compliance Permit does not establish a vested right to develop the property should zoning regulations change subsequent to plan approval.

2.5.5 Vesting of Site Plan³²

- (A) At the option of the Applicant, a site plan may be vested for a period of not less than two nor more than five years. Multi-phased developments, as defined in NCGS 160D-108, shall be vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.
- (B) To become vested, a site specific development-vesting plan must be approved by the Board of County Commissioners as a Special Use Permit, in accordance with Section 2.7 of this Ordinance through either the normal project approval process if the Board of County Commissioners is the approval authority, or, in the case the Board of

³¹ Correct a section referenced missed in a 2019 amendment.

³² The revisions in this section are necessary based on changes made to state statutes in Section 160D-108.

County Commissioners is not the normal approval authority, by the Board of County Commissioners after a legislative hearing.

(1) Said legislative hearing shall follow the public notification procedures set forth in Section 2.8.7

(2) The Board of County Commissioners may approve the site specific vesting plan with such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right. Failure to abide by such terms and conditions shall result in a forfeiture of vested rights.

(A)(C) An approved site specific ~~development vesting~~ plan shall contain the following statement: "Approval of this plan establishes a zoning vested right under ~~G.S.NCGS 153A-344.1160D-108~~. Unless terminated at an earlier date, the zoning right shall be valid until _____."

(B)(D) The site specific ~~development vesting~~ plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

2.5.6 Guarantee of Improvements

- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

2.5.7 Additional Requirements for Overlay Districts

(A) Efland-Cheeks Highway 70 Corridor Overlay District

(1) Approval Requirements

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, 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.

(B) Efland Interstate Overlay District

(1) Approval Requirements

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) 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) ~~(A)(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 ~~Part 1, Article 19 of Chapter 160A~~ Sections 160D-201 and 160D-202 of the North Carolina General Statutes.

2.6.2 Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Planning Department prior to any development activities proposed to be located within flood prone areas.

The following items/ information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (A) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
- (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, driveways, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the SFHA as delineated on the FIRM or other flood map as determined in Section 1.1.3 of this Ordinance or a statement that the entire lot is within the SFHA;
 - (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1.1.3 of this Ordinance;
 - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section ~~Section~~ 1.1.3 of this Ordinance;
 - (5) The Base Flood Elevation (BFE) where provided as set forth in Section(s) 1.1.3, 1.10.2, and 6.21;
 - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (7) Preparation of the plot plan by or under the direct supervision of a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by them.
- (B) Proposed elevation, and method thereof, of all development within a SFHA including but not limited to:
- (1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE will be flood-proofed; and
 - (3) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or flood proofed.
- (C) If flood-proofing, a flood-proofing³³ certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures completed by a registered professional engineer or architect shall be required certifying that the non-residential flood proofed development will meet the flood-proofing criteria in Section 6.21.
- (D) A Foundation Plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
- (1) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear wall); and
 - (2) Openings to facilitate equalization of hydrostatic flood forces on walls according to Section 6.21(B), when solid foundation perimeter walls are used in Zones.
- (E) Usage details of any enclosed space below the regulatory flood protection elevation.
- (F) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

³³ [Conforming language to how it is used by FEMA.](#)

- (G) Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.);
- (H) If the application is for placement of recreational vehicles and/or temporary structures, documentation to ensure compliance with Section 6.21(B)(5) and (7) of this Ordinance.
- (I) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation, an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map, drawn to scale, (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2.6.3 Data Requirement

The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this Ordinance.

- (A) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (B) The SFHA determination for the proposed development per available data specified in Section 1.1.3 of this Ordinance.
- (C) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (D) The regulatory flood protection elevation required for the protection of all public utilities.
- (E) All certification submittal requirements with timelines.
- (F) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.
- (G) If in an AE zone, specify the minimum foundation opening requirements.
- (H) State limitations of below BFE enclosure uses (if applicable) such as, parking, building access and limited storage only).
- (I) ~~(H)(I)~~ A statement indicating that all materials below BFE and/or Regulatory Flood Protection Elevation (RFPE) must be flood resistant materials.

2.6.4 Certification Requirements

- (A) **An Elevation Certificate (FEMA Form 086-0-33)**
 - (1) Is required within 7 calendar days of establishment of the reference level elevation.
 - (2) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or flood proofing elevation, whichever is applicable, in relation to NAVD 1988.
 - (a) Said certification shall be prepared by, or under the direct supervision of, a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by them.
 - (b) Any work done within the 7 day calendar period and before submission of the certification shall be at the permit holder's risk.

- ~~(3) The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and before further work being permitted to proceed.~~
- ~~(4) Failure to submit the certification or failure to make required corrections shall be cause to deny the floodplain development permit and/or issue a stop-work order for the project.~~
- ~~(5) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance.~~
- ~~(a) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.~~
- ~~(i) Elevation certification shall be prepared by, or under the direct supervision of, a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by the same.~~
- ~~(b) The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.~~
- ~~(c) In some instances, another certification may be required to certify corrected as-built construction.~~
- ~~(d) Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.~~
- ~~(e) The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided within the Finished Construction Elevation Certificate. These photographs should show the entire building, including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable~~

(B) Floodproofing Certificate (FEMA Form 086-0-34)

- (1) In those instances where non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction.
- (2) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988
- (a) Floodproofing certification shall be prepared by, or under the direct supervision of, a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by the same and shall be accompanied by all documentation as detailed in Section 2.6.2 of this Ordinance.

- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required
- (F) Certification Exemptions
The following structures, if located within Zone AE, are exempt from the elevation/flood proofing certification requirements specified in items (A) and (B) above:
 - (1) Recreational vehicles meeting requirements of Section 6.21(B)(5);
 - (2) Temporary structures meeting requirements of Section 6.21(B)(7); and
 - (3) Accessory Structures with any dimension that is 12 feet or greater in height, width, or depth, meeting requirements of Section 6.21(B)(8).

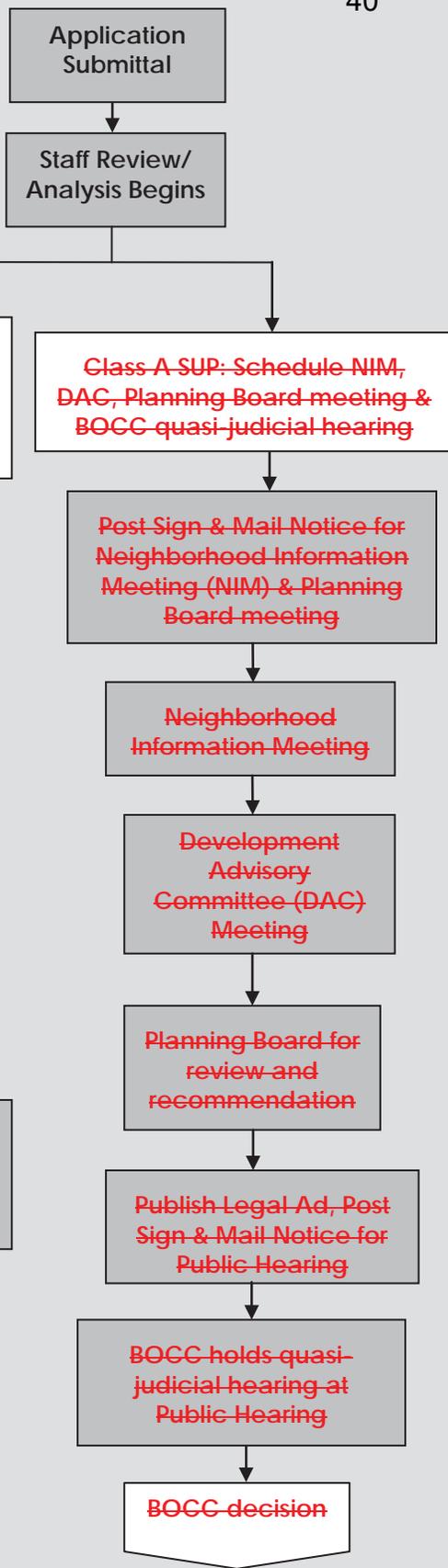
SECTION 2.7: SPECIAL USE PERMITS

2.7.1 Generally

- (A) Any use or development designated by applicable zoning district regulations contained within Article 5 as a special use, or as allowed only pursuant to a special use permit ~~(either Class A or Class B),~~³⁴ may be established in that district only after the use or development is authorized by a validly issued and recorded special use permit.

³⁴ As footnoted in Article 1, staff is recommending that Special Use Permits (quasi-judicial process) be heard only by the Board of Adjustment. Former Class A SUP uses (formerly heard by the BOCC) have been revised to be allowed in a conditional district, reviewed/approved by the BOCC through a legislative process.

Special Use Permit



(B) This section sets forth required review and approval procedures for submittal, review, and approval of applications for a special use permit.

(C) A special use permit authorizes its holder to use or develop a particular parcel of land in a particular way, as specified by the terms and conditions of the special use permit.

(D) A special use permit imposes on its holder the responsibility of ensuring that the authorized use or development continues to comply with the terms and conditions of approval.

(E) Issuance of a special use permit does not relieve the holder of the special use permit of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

2.7.2 Review and Approval Flow Chart

The review and approval process for Special Use Permits is shown in the procedure's flowchart.

2.7.3 Application Requirements

(A) Applications for a Special Use shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(B) Applications shall include:

Note: This chart is meant as a graphical representation of the UDO text; the text shall take priority in any conflict or ambiguity.

- (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.
- (2) The name(s) and address(es) of the owner(s) of the property involved.
- (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use (See Articles 5 and 6).
- (4) ~~For Class A Special Uses 26 copies of the site plan, and for Class B Special Uses 10~~Ten copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.
- ~~(5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.~~³⁵
- ~~(6)~~(5) A list of all parcels located within ~~500-1,000~~³⁶ feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.
- ~~(7)~~(6) Elevations of all structures proposed to be used in the development.
- ~~(8)~~(7) ~~For Class A Special Uses 26 copies and for Class B Special Uses 10~~Ten copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.
- ~~(9)~~(8) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.
- ~~(10)~~(9) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.
- ~~(11)~~(10) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum or up to seven years for multi-phase developments, as defined in Article 10).

2.7.4 Staff Review

- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
 - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-~~CZ-CD~~ zoning district, as detailed within Section 5.2-~~3~~³⁷ of this Ordinance.
- (B) The Planning Director shall submit the analysis to the ~~Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.~~ Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.

³⁵ Subdivisions that were formerly approved through a Class A SUP will be reviewed legislatively through a conditional district process.

³⁶ Revision to reflect notification requirements in Sections 2.7.5 and 2.7.6.

³⁷ Correct Section reference that should have been part of amendments made in 2019.

- (C) The ~~appropriate~~ Board ~~of Adjustment reviewing the application~~ shall receive and enter the analysis into evidence during the ~~public evidentiary~~³⁸ hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.

2.7.5 Neighborhood Information Meeting

- (A) Before an Public Evidentiary Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.
- (B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Special Use has been requested.
- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (E) The meeting shall be held a minimum of 45 days prior to the date of the Evidentiary Hearing:
- ~~(1) 14 days prior to the date of the Planning Board meeting where the application is scheduled for review (Class A Special Use Permit applications).~~
 - ~~(2) 45 days prior to the date of the Public Hearing (Class B Special Use Permit applications).~~
- (F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

2.7.6 Notice Requirements for **Class A** Special Use Permits

- ~~(A) The Planning Director shall give notice of the date, time and place of the Planning Board meeting at which the Planning Board is scheduled to review a Special Use Permit application.~~
- ~~(1) Written notice shall be sent by first class mail to all adjacent property owners not less than ten days before the Planning Board meeting date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."~~
 - ~~(2) The Planning Director shall post on the affected property a notice of the Planning Board meeting at least ten days prior to the date of said meeting.~~
 - ~~(3) Notices may be combined with notice of the Neighborhood Information Meeting required in Section 2.7.5.~~
- ~~(B)~~(A) The Planning Director shall give notice of the date, time and place of the ~~public hearing~~Evidentiary Hearing to be held to receive evidence in the form of testimony and exhibits pertaining to the application for a Special Use.

³⁸ 160D now uses the term "evidentiary hearing" to be more clear about what type of hearing is necessary for SUPs.

- (1) Written notice shall be sent by first class mail to all adjacent property owners at least ten days but not more than 25 days before the hearing date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of ~~Public Evidentiary~~ Hearing."
- (2) The Planning Director shall post on the affected property a notice of the ~~public Evidentiary H~~ Hearing at least ten days but not more than 25 days prior to the date of said hearing.
- ~~(3) Notice of the public hearing shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days nor more than 25 days prior to the date of the hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.³⁹~~

~~2.7.7~~ **Notice Requirements for Class B Special Use Permits**

~~Notice Requirements for Class B Special Use Permits shall follow the procedures in Section 2.12.6.~~

~~2.7.8~~ **2.7.7 Nature of Proceedings**

- ~~(A)~~ The review of Special Use Permit applications shall be conducted during an ~~Evidentiary public H~~ Hearing ~~by the decision-making board.~~
- ~~(B)~~ The review of a Special Use Permit application is a quasi-judicial process, where the Board ~~of Adjustment responsible for rendering a decision~~ acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.
- ~~(B)(C)~~ The applicant, Orange County staff, and any person who would have standing to appeal the decision under NCGS 160D-1402 shall have the right to participate as a party at the Evidentiary Hearing.⁴⁰
- ~~(C)(D)~~ The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the ~~Evidentiary H~~ Hearing.
- ~~(D)(E)~~ The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:
 - (1) Barring the presentation of obvious hearsay evidence,
 - (2) Barring the presentation of non-expert opinion,
 - (3) Interrupting digressions into immaterial testimony,
 - (4) Interrupting repetitive testimony,
 - (5) Reasonably limiting the time allotted each witness or cross-examination,

³⁹ ~~Staff is suggesting the discontinuation of advertising SUP hearings in the newspaper because only the testimony of persons with legal standing may be considered in quasi-judicial proceedings. The County's mailed notification boundary of 1,000 feet already far exceeds statutory requirements (which require mailings to only abutting property owners) and it is questionable as to whether any party other than abutting property owners has legal standing in quasi-judicial proceedings..~~

⁴⁰ Recommended addition to be clear on which parties definitely have the right to participate in an Evidentiary Hearing, per 160D-406.

- (6) Providing for the selection of spokespersons to represent groups of persons with common interests,
- (7) Interrupting personal attacks, and/or
- (8) Ordering an end to disorderly conduct.

~~(E)~~(F) Where the Board finds compliance with the general standards, specific rules governing the specific use, and that the use complies with all required regulations and standards, the application must be approved unless the Board shall also find, in some specific manner, that:

- (1) the use will not maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

~~(F)~~(G) Those opposing approval of the application on the grounds that the use will not promote the public health, safety and general welfare shall have the burden of establishing, by competent material and substantial evidence, the specific manner in which the proposed use does not satisfy the requirements for approval of the application for a Special Use.

2.7.92.7.8 Review and Decision

~~(A)~~ For Class A Special Use Permits, the following shall apply:

- ~~(1)~~ All applications shall be referred to the Planning Board for review and recommendation after the Neighborhood Information Meeting but prior to the public hearing.
- ~~(2)~~ The Planning Board shall make a recommendation and proposed findings of fact on the application, including the findings required in Section 5.3.2 of this Ordinance. The Planning Board's action on an application shall be one of the following:
 - ~~(a)~~ Recommend approval based on proposed findings of fact,
 - ~~(b)~~ Recommend denial based on proposed findings of fact,
 - ~~(c)~~ Recommend approval based on proposed findings of fact but with specified conditions.
- ~~(3)~~ Should the Planning Board fail to make a recommendation prior to the public hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.
- ~~(4)~~ The Board of County Commissioners shall review the application during a Public Hearing.
- ~~(5)~~ All evidence shall be submitted during the public hearing. If additional evidence is requested by the Board of County Commissioners during a hearing which must be submitted at a later date, the hearing shall be continued to a date/time certain in order to receive the additional evidence.
- ~~(6)~~ After closing the public hearing, the Board of County Commissioners shall do one of the following:
 - ~~(a)~~ Defer action to a later Board of County Commissioners meeting date, or
 - ~~(b)~~ Act upon the application.
- ~~(7)~~ Board of County Commissioner action on the application shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:
 - ~~(a)~~ Approval;

- ~~(b) — Approval but with specified conditions as provided in Section 2.7.12; or~~
- ~~(c) — Denial.~~

~~(B) For Class B Special Use Permits, the following shall apply: The following shall apply to all Special Use Permit applications:~~

- ~~(1)(A) The Board of Adjustment shall review the application during a regularly scheduled public Evidentiary Hearing.~~
- ~~(2)(B) The Board of Adjustment shall conduct the Evidentiary Hearing in accordance within the provisions detailed in this Section as well as those contained within Section 2.12.~~
- ~~(3)(C) After closing the public Evidentiary Hearing, the Board of Adjustment shall take action upon the application. This action shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:~~
 - ~~(a)(1) Approval;~~
 - ~~(b)(2) Approval but with specified conditions as provided in Section 2.7.11; or~~
 - ~~(c)(3) Denial.~~

2.7.102.7.9 Standards of Evaluation

The following specific standards shall be used in deciding on an application:

- (A) The project meets all applicable design standards and other requirements of this Ordinance.
- (B) The development can reasonably be completed within the vesting period requested, if any.
- (C) Where vesting in excess of two years is requested, the project is located in an area where current issues under study do not involve potential amendments to the Comprehensive Plan and/or this Ordinance.

2.7.112.7.10 Required Findings

- (A) A resolution or motion to approve the application must include the findings of fact and conclusions of law that support the decision. Any proposed conditions of approval must also be included in the resolution or motion to approve the application.
- (B) A resolution or motion to deny the application must state findings of fact and conclusions of law that support the decision.
- (C) If a resolution or motion to approve the application fails, the application is deemed denied. Those members voting against the resolution or motion must state which of the conclusions of law they could not reach as well as findings of fact on which their inability to reach the conclusions is based.

2.7.122.7.11 Conditions of Approval

- (A) The ~~Board of County Commissioners or the~~ Board of Adjustment, ~~as appropriate,~~ may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.
- (B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.
- (C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.

- (D) It shall be stated in the Special Use Permit that the Permit shall automatically expire ~~within 12 months of from~~ the date of approval if the use has not commenced or construction has not commenced or proceeded, unless a timely application for extension of this time limit is approved by the Board of ~~County Commissioners~~ Adjustment as provided in Section 2.7.13.

2.7.13 2.7.12 Notification of Board Action

- (A) The Planning Director shall send a notice of the ~~relevant~~ Board's action on the application within a reasonable time by personal delivery, certified electronic mail and/or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. ~~A copy of the decision shall be filed in the Planning Department within five business days of the relevant Board's action.~~⁴¹
- (B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.
- (C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the ~~Board of County Commissioners or Board of Adjustment, as appropriate,~~ with a report provided to the County Manager.
- (D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

2.7.14 2.7.13 Time Limits and Extensions

- (A) If a request is received before the Special Use permit expires, the Board of ~~County Commissioners~~ Adjustment, for good cause shown, may extend the expiration deadline six months ~~upon the favorable recommendation of the Planning Board.~~
- (B) The application for an extension request shall be submitted a minimum of ~~six~~ three months prior to the expiration of the Special Use Permit.
- (C) No changes shall be made to the terms and/or conditions of approval.
- (D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.
- ~~(E)~~ The applicant may request that the Special Use Permit be vested as a Site Specific Vesting Plan in accordance with the requirements of Section 2.5.5. for a period of not less than two nor more than five years. For vesting purposes, Site Plans and Preliminary Plans may also be approved as a Special Use Permit at the request of the applicant. See Section 2.5 for information regarding site plans.
- ~~(E)(1)~~ The required legislative hearing by the Board of County Commissioners to establish vested rights shall be held after approval of the Special Use Permit by the Board of Adjustment.

⁴¹ The existing language in this section has been a source of confusion in the past. The proposed language conforms to NCGS 160D-406(j).

2.7.152.7.14 Changes/Modifications to Approved Plans⁴²

- ~~(A) After a Special Use Permit has been issued, no deviations from the terms of the approved permit shall be made until written approval of proposed changes or deviations has been obtained.~~
- ~~(B) The Planning Director is authorized to shall approve minor changes/modifications in the approved permit if requested by the applicant except where the Special Use Permit includes a condition explicitly prohibiting such a modification. plans of Special Uses, as long as they are in harmony with action of the approving Board of Adjustment, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction of Adjustment. Minor modifications are as follows:~~
- ~~(1) A change (increase or decrease) of no more than 5% in the amount of open space, recreation facilities, or landscape screening.~~
 - ~~(2) A change of 25100-feet or less in the location of open space, recreation facilities, or landscape screening.~~
 - ~~(3) A change (increase or decrease) of no more than of 5% in the number of parking spaces approved.~~
 - ~~(4) A change in pedestrian and/or vehicular access or circulation that moves such facilities less than 25-feet.~~
 - ~~(5) For telecommunication facilities, a minor modification shall also include the following:
 - ~~(a) An increase in the existing vertical height of the structure by less than:
 - ~~(i) 10% of the height of the tower, or~~
 - ~~(ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet~~~~
 - ~~(b) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the lesser of:
 - ~~(i) 20 feet, or~~
 - ~~(ii) Less than the width of the wireless support structure at the level of the appurtenance.~~~~
 - ~~(c) Increasing the square footage of the existing equipment compound by less than 2,500 square feet~~~~
- ~~(C) For minor modifications, the applicant shall file an amended site plan, or written statement, outlining in detail the minor modification(s) proposed. The Planning Director shall state the findings in writing to the applicant and file the amended site plan or written statement with the approved site plan.~~
- ~~(D) A modification that is not listed as a minor modification in (B) above is considered a major modification and shall require approval of the Board of Adjustment.~~
- ~~(A) The following criteria shall constitute a modification:
 - ~~(1) Any change in a condition imposed during the approval of a special use permit.~~~~

⁴² The County Attorney's office has opined that NCGS 160D-403(d) requires that minor modifications be defined/listed rather than the County's existing language of defining major modifications. Staff has listed minor modification by "reversing" the existing list of major modifications. The proposed language also more closely aligns to language in 160D-403(d).

- ~~(2) — Any change in use or enlargement of approved use.~~
- ~~(3) — Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area and/or an increase in the number of dwelling or lodging units.~~
- ~~(4) — Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicant's narrative.~~
- ~~(5) — Substantial change in the amount and/or location of open space, recreation facilities or landscape screening.~~
- ~~(6) — Any increase in the size or number of approved signs.~~
- ~~(7) — Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved.~~
- ~~(8) — Substantial changes in pedestrian and/or vehicular access or circulation.~~
- ~~(9) — Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval.~~
- ~~(10) — Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service.~~
- ~~(11) — For telecommunication facilities, a modification shall also include the following:
 - ~~(a) — An increase in the existing vertical height of the structure by more than:
 - ~~(i) — 10% in the height of the tower, or~~
 - ~~(ii) — The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet~~~~
 - ~~(b) — A substantial change to the physical dimensions of the wireless support structure which alters facts or conditions relied upon by the County when granting the original permit. It shall be the County's burden to demonstrate that such a scenario constitutes a substantial change to the physical dimensions of the wireless support structure.~~
 - ~~(c) — The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the greater of:
 - ~~(i) — More than 20 feet or~~
 - ~~(ii) — More than the width of the wireless support structure at the level of the appurtenance.~~Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.~~
 - ~~(d) — Increasing the square footage of the existing equipment compound by more than 2,500 square feet~~~~
- ~~(B) — The Planning Director shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Planning Director's findings under the criteria of subsection (B) above.⁴³~~

⁴³ No longer relevant since minor modifications are defined in (B).

- ~~(C) — The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.⁴⁴~~
- ~~(D)(E) If it is determined that the proposed action is a modification, the Planning Director shall require the applicant to submit a request for modification of the approved special use permit. The For major modifications, the applicant shall adhere to the following procedures shall be adhered to in the case of a modification:~~
- (1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.
 - (2) The Planning Director shall submit the request to the Board ~~that approved the original application of Adjustment.~~
 - (3) The Board shall set an ~~n public Evidentiary h~~Hearing to receive testimony concerning the modification request. Any ~~public Evidentiary h~~Hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.
 - (4) The Board may approve, approve with conditions, or deny the application for a modification.
 - (5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant in writing of the Board's action.

SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

2.8.1 Review and Approval Flow Chart

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

2.8.2 Amendment Initiation

- (A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:
 - (1) The Board of County Commissioners on its own motion;
 - (2) The Planning Board;
 - (3) Application, by any person or agency authorized by Ordinance, downzonings applied for by a third party require the written consent of the property owner;⁴⁵ or
 - (4) The Planning Director.
- (B) If a request for consideration of an amendment proposal is submitted directly to the Board of County Commissioners, said Board may decline to consider the request or may refer the amendment proposal to the Planning Director for preparation of an amendment application.
- (C) Once initiated, all amendments shall be referred to the Planning Board.

⁴⁴ Moved to (C) above.

⁴⁵ Third party downzonings are prohibited by SL2019-111. Although Orange County has always required the consent of the property owner on a rezoning application files by a third-party, the County Attorney's office has opined that the regulations should be clear that a third party cannot apply to downzone property.

2.8.3 Contents of Application

Applications shall contain the following:

(A) For amendments to the Zoning Atlas:

(1) A map at a legible scale showing the land which would be covered by the proposed amendment, and

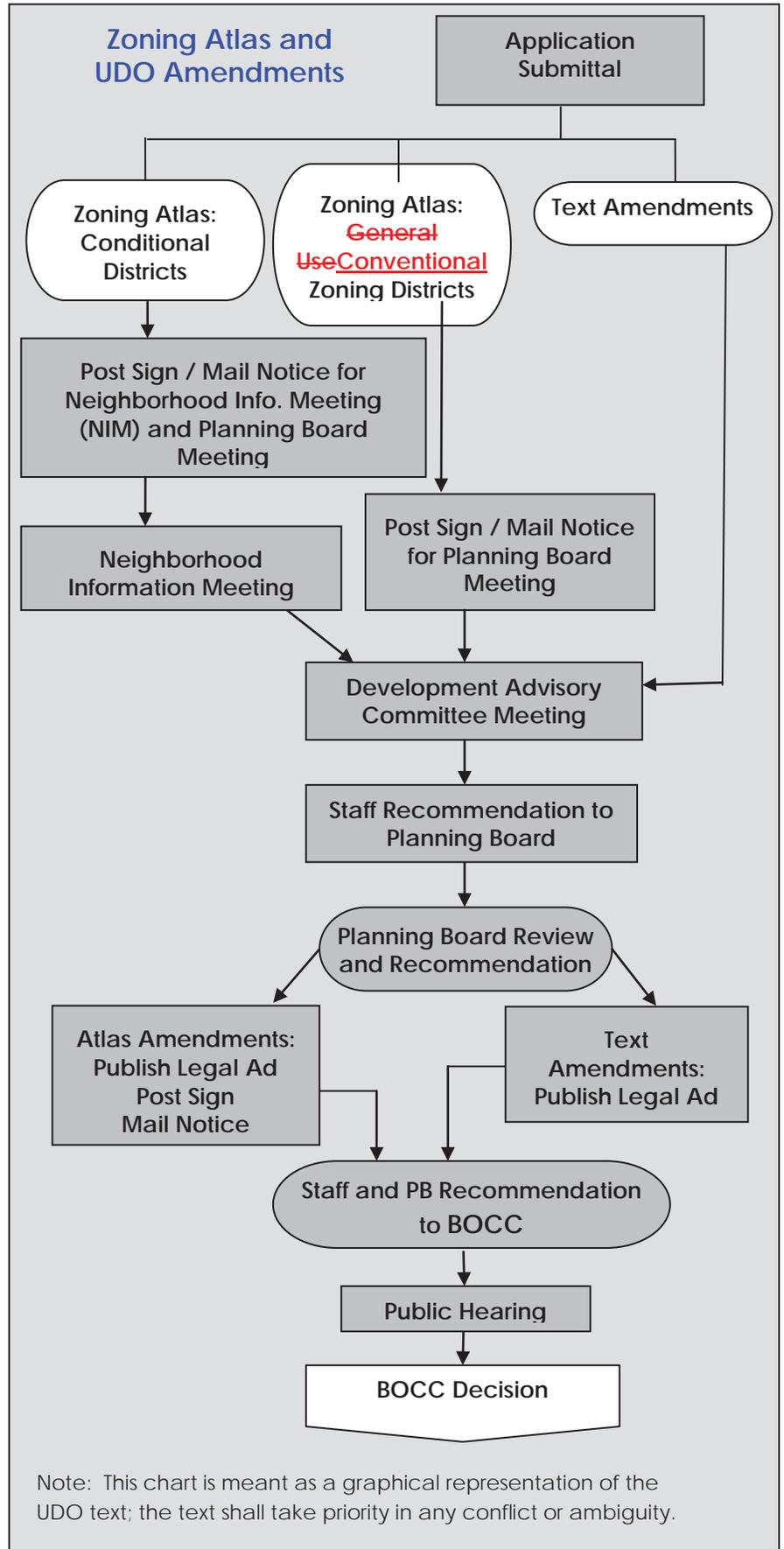
(2) A legal description of the land.

(B) For amendments to the Unified Development Ordinance text:

(1) A copy of the existing text provision(s) which the applicant proposes for amendment, and

(2) A written statement which describes in detail the changes the applicant proposes to make.

(C) The alleged error in the Zoning Atlas and/or Unified Development Ordinance text that would be corrected by the proposed amendment with a detailed explanation of such error in the Zoning Atlas and/or Unified



Development text and detailed reasons how the proposed amendment will correct the alleged error;

- (D) The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Zoning Atlas and/or Unified Development Ordinance text amendment reasonably necessary to promote the public health, safety and general welfare;
- (E) The manner in which the proposed Zoning Atlas and/or Unified Development Ordinance text amendment will carry out the intent and purpose of the adopted Comprehensive Plan or part thereof; and
- (F) A traffic impact study as required by Section 6.17.
- (G) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Review, Analysis and Recommendation

- (A) The Planning Director shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners.
- (B) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (1) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (2) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-~~GZ-CD~~ zoning district, as detailed within Section 5.2.3⁴⁶ of this Ordinance.

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Public Hearing.

⁴⁶ [Correct reference that should have been part of amendments made in 2019.](#)

2.8.7 Notice Requirements for Planning Board Meetings and Public Hearings

- (A) The Planning Director shall provide notification of Planning Board meetings at which the Planning Board is to review and make a recommendation on Zoning Atlas amendments. Notifications shall be mailed and posted for the Planning Board meeting in the same manner as for the public hearing, as detailed in (C) and (D) below. The notice shall include the time and location of the Planning Board meeting. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."
- (B) The Planning Director shall cause notice of the public hearing to review the application and receive public comment to be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing and the substance of the proposed amendment.
- (1) Said notice shall appear in said newspaper once a week⁴⁷ for two successive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.
- (C) For amendments to the Zoning Atlas, the Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.
- (D) For amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and by first class mail to ~~all adjacent abutting~~ property owners and all property owners whose property lies within 1,000 feet of the affected property at least ~~15 ten~~⁴⁸ days, but not more than 25 days, before the public hearing date. ~~Adjacent p~~Property owners ~~are those whose~~ names and addresses shall be obtained from the current listing are currently listed in the Orange County tax records ~~and whose property lies within one thousand feet of the affected property~~⁴⁹. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."
- (1) Alternative option to mailed notice for large-scale Zoning Atlas amendments⁵⁰
- The first class mail notice required by subsection (D) shall not be required if a Zoning Atlas amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and Orange County elects to use the expanded public notice described as follows:
- (a) An advertisement published as described in (B) above, provided that the advertisement is not less than one-half of a newspaper page in size.
- (b) The advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners that reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (D) above.
- ~~(D)~~(E) The Planning Director shall certify the mailing of all notices to the Board of County Commissioners.

⁴⁷ Clarify publication frequency.

⁴⁸ Conform County's regulations to statutory requirements.

⁴⁹ Revision necessary to properly address 160D-602 requirement that "abutting" property owners are noticed versus Orange County's requirement that property owners within 1,000 feet are noticed.

⁵⁰ State Statutes have long allowed for an alternative method of public notice for large-scale rezonings but Orange County's regulations have not included the option. Staff is recommending that the alternative option be included in the regulations.

2.8.8 Planning Board Review

- ~~(A) The Planning Board shall allow public comments at its meeting and those comments shall be taken into consideration by the Planning Board in making its recommendation.~~
- ~~(B) The Planning Board's action on an application shall be one of the following:~~
- ~~(1) Recommend approval,~~
 - ~~(2) Recommend denial,~~
 - ~~(3) Recommend approval but with specified changes, or~~
 - ~~(4) Recommend the Planning Board be given extended time to consider the matter.~~
- ~~(C) In making its recommendation, the Planning Board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.~~
- ~~(D) Should the Planning Board fail to make a recommendation prior to the Public Hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.~~

2.8.9 Action by Board of County Commissioners

- (A) The Board of County Commissioners shall hold a public hearing after the Planning Board either makes its recommendation or takes no action on the application within 30 days of its referral.
- (B) After the Board of County Commissioners closes the public hearing, the Board of County Commissioners shall do one of the following:
- (1) defer a decision to a later Board of County Commissioners meeting date, or
 - (2) make a decision.
- (C) In making its decision, the Board of County Commissioners shall consider adopted plans, comments made at the public hearing, the Planning Board's recommendation, and the Planning Director's recommendation. In accordance with NCGS 160D-605, ~~the~~ the Board of County Commissioners shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.

2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions

- ~~(A) The Erosion Control Officer shall review all of the North Carolina Sedimentation Control Commission's revisions to the State's Model Soil Erosions and Sedimentation Control Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the North Carolina Sedimentation Control Commission for its consideration and comments.~~
- ~~(B) Within 150 days after receipt of the North Carolina Sedimentation Control Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.~~
- ~~(C) Text amendments to this Ordinance for soil erosion and sedimentation control provisions shall comply with the requirements in effect for any other text amendment.~~

2.8.11 Text Revisions Pertaining to Stormwater Provisions

- ~~(A) The Erosion Control Officer shall review all of the State Environmental Management Commission's revisions to the State's Model Stormwater Ordinance and, within 90~~

~~days of receipt of the recommended revisions, submit draft amendments to the State Environmental Management Commission for its consideration and comments.~~

- ~~(B) Within 150 days after receipt of the State Environmental Management Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.~~
- ~~(C) Text amendments to this Ordinance for stormwater provisions shall comply with the requirements in effect for any other text amendment.~~

SECTION 2.9: CONDITIONAL DISTRICTS

~~2.9.1 Conditional Use District (CUD)⁵¹~~

~~(A) Generally~~

- ~~(1) Any use permitted under the CUD process shall conform to all applicable development regulations for the corresponding general use zoning district as well as any specific development standards outlined within this Ordinance.~~
- ~~(2) The Board of County Commissioners, in reviewing a CUD application, may impose such reasonable conditions upon approval of a CUD request as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and ensure equitable treatment.~~
- ~~(3) Only those conditions mutually agreed to by the applicant and the Board of County Commissioners may be imposed on a CUD application.~~
- ~~(4) Within the Economic Development Districts (EDDs), there are specific uses that require approval of a CUD. These uses are noted on the Table of Permitted Uses – Economic Development Districts (Section 5.2).~~

~~(B) Applications~~

~~Applications to establish a CUD shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:~~

- ~~(1) Zoning Atlas amendment (Section 2.8),~~
- ~~(2) Class A Special Use Permit (Section 2.7), and~~
- ~~(3) The provisions of this Section.~~

~~(C) Submittal Requirements~~

- ~~(1) In addition to the CUD application form, an applicant shall also submit the following information:~~
 - ~~(a) A site plan prepared in accordance with the provisions of Section 2.5 including the following:
 - ~~(i) A detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development,~~
 - ~~(ii) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance,~~~~

⁵¹ One of the primary outcomes of “160D” legislation is conditional use districts are no longer authorized for use in the State. The process, which included quasi-judicial and legislative components, was difficult to successfully navigate and, with the authorization in the mid-2000s for conditional zoning districts, became obsolete.

- ~~(b) The proposed support facilities, such as parking, screening and buffer areas,~~
- ~~(c) The timing of the proposed development,~~
- ~~(d) Architectural review and controls,~~
- ~~(e) The Permitted and Special Uses allowed under the existing zoning classification, and,~~
- ~~(f) Other matters that the BOCC may find appropriate or the applicant may propose.~~

~~(F) Approval and Conditions~~

- ~~(1) The Board of County Commissioners shall take action on the application in the following manner:
 - ~~(a) Approve or deny the application to change the zoning designation of the parcel to the appropriate CUD designation,~~
 - ~~(b) Approve or deny the Special Use Permit application, and~~
 - ~~(c) Approve or deny the CUD permit application.~~~~
- ~~(2) Specific conditions may be proposed by the applicant or the County, or its agencies, but only those conditions mutually agreed upon by the County and the petitioner may be incorporated into the SUP and/or CUD permit requirements.~~
- ~~(3) 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 CUD application. The applicant shall agree in writing to any conditions prior to a final decision on the application.~~

~~(G) Issuance of Permit~~

~~If an application for a CUD is approved, the Planning Director shall issue a CUD permit authorizing the development of the approved use. The CUD permit, including any conditions, shall become effective after being duly recorded by the applicant in the Orange County Register of Deeds.~~

~~Failure by the applicant to record the CUD permit within 180 days from the date of approval shall cause the permit to be deemed null and void.~~

~~(H) Effect of Approval~~

~~Once approved, the CUD that is established, and any conditions attached to the approval, is binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.~~

~~(I) Zoning Atlas Designation~~

~~Following approval of a CUD application/permit by the Board of County Commissioners, the property shall be identified on the zoning atlas by the appropriate parallel CUD designation. This designation is the general zoning district designation plus the letters "CU".~~

~~(J) Timeline for Development of Approved Uses~~

- ~~(1) Construction of the approved project must begin within 12 months of the approval of the permit. If no construction has started within the stated time frame the permit becomes null and of no effect.~~
- ~~(2) The property owner may request only one 6-month extension from the Board of County Commissioners upon the favorable recommendation of the Planning Board if the request is received before the permit expires.~~

~~(3) — The application for an extension request shall be submitted a minimum of six months prior to the expiration of the permit.~~

~~(K) — Alterations to an Approved CUD~~

~~(1) — 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 Section 2.8.~~

~~(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:~~

~~(a) — Alter the basic relationship of the proposed development to adjacent property,~~

~~(b) — Alter the approved land uses,~~

~~(c) — Increase the density or intensity of development, and/or~~

~~(d) — Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site.~~

2.9.22.9.1 Conditional Zoning Districts (CZD)

(A) Generally

Only those uses listed on the Table of Permitted Uses in Section 5.2 for a specific Conditional ~~Zoning~~ District and detailed in Section 3.8 of this Ordinance shall be developed.

(B) Applications

Applications to rezone property to a ~~CZD-Conditional District~~ shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

(1) Zoning Atlas amendment (Section 2.8),

(2) Site plans (Section 2.5) for ~~CZDs-Conditional Districts~~ that require a site plan, and

(3) The provisions of this Section.

(C) Submittal Requirements

(1) In addition to the ~~CZD-Conditional District~~ application form, an applicant shall also submit the following information:

(a) A site plan prepared in accordance with the provisions of Section 2.5 of this Ordinance, except for Master Plan Development (MPD)-~~CZD-CD~~ applications (see (C)(2) below).

(b) A detailed description of the proposed use of property including an outline of the proposed development.

(c) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance.

(d) The appropriate Environmental Document prepared in accordance with Section 6.16.

- (e) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.
- (f) A summary of utility services, including processing of wastewater. For Home Park (HP) CZD-CD, the utility service plan shall specify if the proposed services are temporary or permanent connections.
- (g) A schedule of construction of all elements of the proposal.
- (h) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

(2) In lieu of the requirements in (1)(a) above, an application for a Master Plan Development (MPD) CZD-CD shall include the requirements in Section 6.7. The requirements of (1)(b) through (1)(h) above are applicable for MPD-CZ-CD applications.

(3) 26 copies of the application package required in (1) and (2) above shall be submitted by the applicant.

(4) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a CZDConditional District.

(D) Neighborhood Information Meeting

(1) Before a Public Hearing may be held on an accepted application for a CZDConditional District, the applicant is required to schedule, with the assistance of the Planning Department, a minimum of one neighborhood information meeting. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.

(2) The applicant shall obtain property owner mailing address information from the Orange County Planning Department and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a CZD-Conditional District has been requested.

(3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.

(4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.

(5) The meeting shall be held a minimum of 14 days prior to the date of the Planning Board meeting where the application is scheduled for review.

(E) Review and Evaluation of Application

The review, processing, and evaluation of a CZD-Conditional District application is a legislative process subject to judicial review using the same procedures and standards of review that apply to general-useconventional district zoning decisions.

(F) Approval and Conditions

(1) The Board of County Commissioners shall take action on the application to rezone the property in accordance with the procedures outlined within Section 2.8.

(2) The applicant or the County may recommend that reasonable and appropriate conditions be attached to the approval of the application.

- ~~(3) Conditions and site-specific standards shall be limited to those that address the conformance of the development to County ordinances, the adopted Comprehensive Plan, or any other relevant plans that address the impacts reasonably expected to be generated by the proposed development. Any such conditions may address:~~
- ~~(a) The compatibility of the proposed development with surrounding property,~~
 - ~~(b) Proposed support facilities (i.e. roadways and access points, parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, storm water drainage, the provision of open space, etc), and/or~~
 - ~~(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 CZD-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 CZD-Conditional District district and all approved conditions.
- (2) The applicant shall comply with all requirements established in the CZD-Conditional District approval Ordinance. Only those uses and structures included in the CZD-Conditional District approval Ordinance and approved site plan shall be allowed on the subject property.

(H) Zoning Atlas Designation

Following approval of the CZD-districtConditional 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 CZD-Conditional District

- (1) Except as provided in Section 6.7.2 for MPD-CZ-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:
- (a) Alter the basic relationship of the proposed development to adjacent property,
 - (b) Alter the approved land uses,

- (c) Increase the density or intensity of development, and/or
- (d) Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site.

2.9.32.9.2 Public Hearing and Notification Requirements – CUD and CZD

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:

- (A) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood of general public, may not be the basis for granting a variance.

- (B) The Board of Adjustment is not authorized to grant a variance that would permit a use in a district where that use is neither a Permitted Use nor a Special Use.

2.10.9 Review Procedures

- (A) Applications for a Variance shall be reviewed and acted upon by the Board of Adjustment in accordance with the procedures contained in Section 2.12 of this Ordinance.
- (B) The Planning Director shall complete an assessment of the application and provide a recommendation on the disposition of the application.
- (C) The assessment shall be introduced at the hearing and become part of the record.

2.10.10 Findings of Fact

- (A) Required findings of fact, as listed in Section 2.10.4, shall be made in the indicated order by the Board of Adjustment.
- (B) The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact supported by substantial evidence in the record of proceedings before the Board.

2.10.11 Conditions of Approval

The Board of Adjustment may impose appropriate conditions provided that such conditions are reasonably related to the variance.

2.10.12 Notice Requirements

Notice of matters before the Board of Adjustment shall follow the procedures in Section 2.12.6.

SECTION 2.11: INTERPRETATIONS

2.11.1 Generally

An appeal from an order, requirement, decision or determination of the Planning Director shall be decided by the Board of Adjustment based upon its findings of fact and to achieve the intent of this Ordinance. In exercising this power, the Board of Adjustment shall act in a prudent manner so that the purposes of this Ordinance shall be served. The effect of the decision shall not be to vary the terms of this Ordinance nor add to the list of Permitted Uses in the districts.

2.11.2 Application Requirements

- (A) Applications for an appeal of an interpretation of a decision, file determination, directive, Notice of Violation, or other similar determination 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 must be received by the Planning Director no later than 30 days after the decision, file determination, directive, Notice of Violation, or other similar determination was made.

2.11.3 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 an [an Variance appeal or from an order, requirement, decision, or determination of the Planning Director.](#) ~~interpretation.~~⁵²

⁵² [Correct existing error in the text.](#)

- ~~(B) The Board shall act on any appeal of a Stop Work Order issued by the Planning Director at its next regularly scheduled meeting or at a special meeting called for that purpose.~~

2.12.2 Quasi-Judicial Proceedings

- ~~(A) The Board of Adjustment acts in a quasi-judicial capacity. However, it is not intended that its proceedings be conducted as formally as those before courts.~~
- ~~(B) The rules of procedure and evidence set forth in this Ordinance shall be followed to protect the interests of all parties and the public.~~
- ~~(C) The presiding officer shall administer oaths to all witnesses and shall make rulings necessary to preserve fairness, order, or proper decorum in any matter before the Board of Adjustment. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class I misdemeanor.~~
- ~~(D) Any member of the Board of Adjustment or any interested party may object to, and the presiding officer may exclude, any evidence, testimony, or statement that is deemed incompetent, irrelevant, immaterial, or unduly repetitious and therefore fails to reasonably address the issues before the Board of Adjustment.~~

2.12.3 Evidence and Testimony

(A) Interested Party and Objections

- ~~(1) Any interested party may shall be permitted to⁵³ present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.~~
- ~~(2) Any member of the Board of Adjustment may question any interested party.~~
- ~~(3) Persons other than interested parties may make offer competent, relevant, and material comments testimony or evidence that is not repetitive as allowed by the Board.~~
- ~~(4) Administrative materials such as applications, staff reports, and other relevant administrative materials shall become part of the hearing record and may be provided in written or electronic form.⁵⁴~~
- ~~(a) Administrative materials shall be distributed to the applicant and to the landowner, if that person is not the applicant, at the same time they are distributed to the Board.~~
- ~~(b) Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board at the hearing.~~
- ~~(3)(5) Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party, may be made to the Board. The Board chair shall rule on any objections and the chair's ruling may be appealed to the full Board.⁵⁵~~

(B) Subpoenas

- ~~(1) The Board of Adjustment may subpoena witnesses and compel the production of evidence.~~

⁵³ Conform language to NCGS 160D-406(d). Note the definition of Interested Party in Article 10: it is a person who has legal standing to appeal the decision, as further defined in NCGS 160D-1402(d).

⁵⁴ Conform language to NCGS 160D-406(c).

⁵⁵ New provision in NCGS 160D-406(d).

- (2) To request issuance of a subpoena, persons with standing as detailed under NCGS ~~160A-939(d), 160D-1402(c)~~, shall make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas in those cases where testimony or evidence is deemed to be relevant, reasonable in nature and scope, and not oppressive.
- ~~(3) The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board.~~
- ~~(4) If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment, or the party seeking the subpoena, may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court will have jurisdiction to issue those orders after notice to all proper parties.~~
- ~~(5) No testimony of any witness before the Board of Adjustment, pursuant to a subpoena issued in exercise of the power conferred by this subsection, may be used against the witness in any civil or criminal action, other than a prosecution for false swearing committed on the examination.~~
- ~~(6) Anyone who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.~~

2.12.4 Quorum and Vote Required

- (A) A quorum of the Board is necessary to conduct any business and shall consist of four members.
- (B) The affirmative vote of four of the members of the Board shall be necessary in order to effect any variation in this Ordinance.
- (C) A majority of the members shall be required to decide on the issuance of a ~~Class B~~ Special Use Permit or an appeal application.

~~2.12.5 Notification of Board Action~~

- ~~(A) Within five working days after Board action, the Planning Director shall have available in the Planning Department's office a notice of decision of the Board's action.~~
- ~~(B) The Planning Director shall notify the parties to an application or appeal of the Board's disposition. This includes the applicant, the property owner if different from the applicant, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. This notice shall be made by registered or certified mail within five working days of the Board's actions.~~
- (C) The Planning Director shall keep a copy of the Board's action on file.

2.12.6 Notice Requirements for Matters Before the Board⁵⁶

- ~~(A) The Board shall give notice of matters coming before it by causing notice to be placed in a newspaper of general circulation in Orange County. The notice shall appear once a week for two consecutive weeks, the first insertion to be not less than ten days nor more than 25 days prior to the meeting date. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.~~
- ~~(B)(A) Notice for Special Use Permit or Variance applications shall follow the process in Section 2.7.6. In the case of application for a Class B Special Use permit or variance the Planning Director shall give written notice by first class mail to adjacent property owners. This notice shall be mailed at least ten days but not more than 25 days prior~~

⁵⁶ Notice requirements for Special Use Permits are covered in Section 2.7.6 and do not need to be repeated here.

~~to the meeting date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whom are currently listed as property owners in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."~~

~~(C)(B) The Planning Director shall post on the affected property a notice of the Board meeting at least ten days but not more than 25 days prior to the meeting date.~~

~~(D)(C) In the case of an appeal of a Stop Work Order issued by the Planning Director, the Planning Director shall give written notice by certified mail to the property owner, and/or person(s) engaged in the alleged violation. Notification of adjacent property owners, posting of property, and publication of a hearing notice is not required.~~

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.
- (B) One copy of the final mylar plat and three paper copies of the plat shall be submitted with the request for a determination for an exempt subdivision.
- (C) Exempt subdivisions shall comply with all applicable non-plat 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) If the Planning Director determines that the proposed land division does not constitute a subdivision, the Planning Director shall certify the proposed land division as exempt and include the necessary statement on the plat certifying same.
- (C) If the Planning Director determines that the proposed land division constitutes a subdivision, the applicant shall be informed of such in writing and shall be required to submit the appropriate Subdivision application.

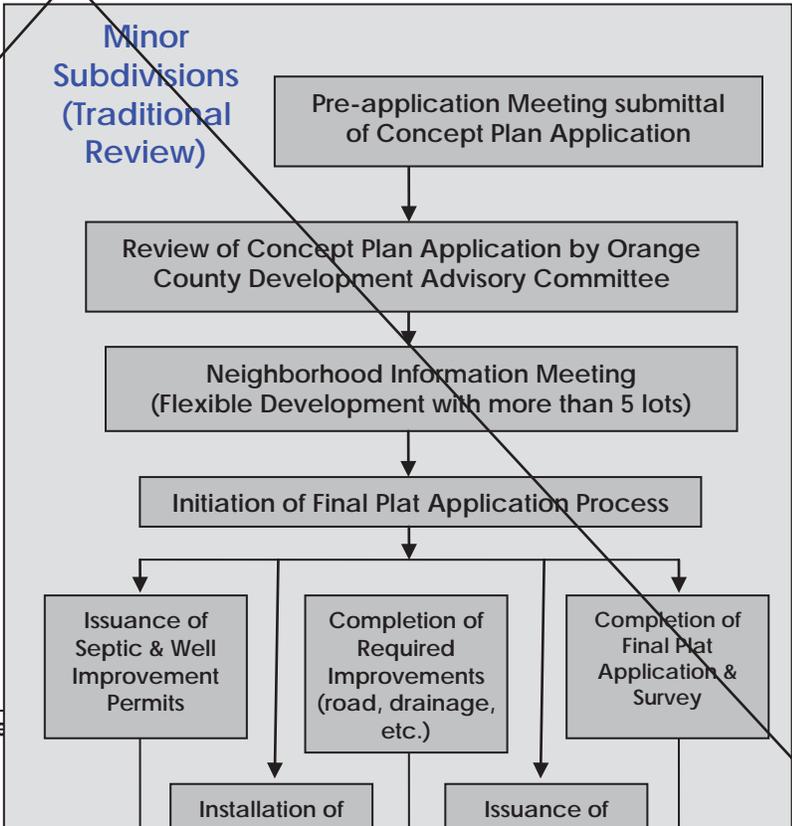
SECTION 2.14: MINOR SUBDIVISIONS

2.14.1 Review and Decision Processes and Flow Charts

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.

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.

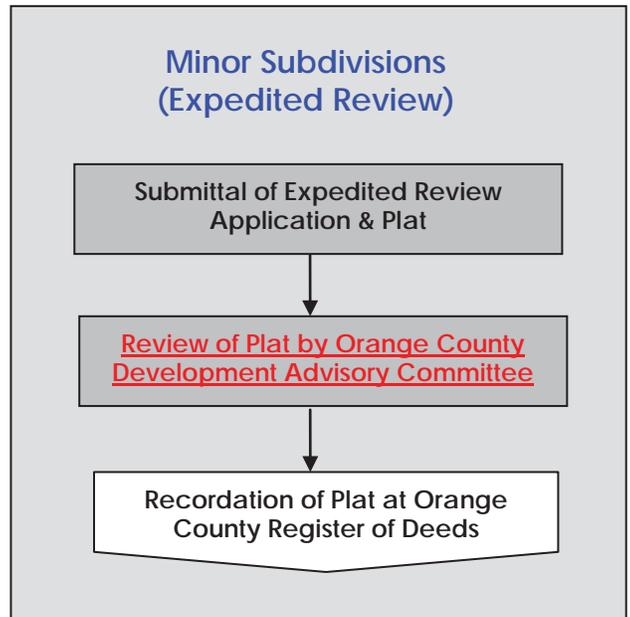
2.14.3 Expedited Review

(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.

(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 Plan

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 ~~with more than 5 lots~~

- ~~(1) A minor subdivision application using the Flexible Development Option shall require a Neighborhood Information Meeting if it proposes more than five lots, excluding open space.⁵⁷~~
- ~~(1)(2) Upon acceptance of a Concept Plan application, the Planning Director shall schedule a Neighborhood Information Meeting (NIM) and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.~~
- ~~(2)(3) Notices of the NIM shall be mailed by first class mail at least ten days prior to the date of the meeting.~~
- ~~(3)(4) The Planning Director 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 seven days prior to the NIM. The NIM shall be held a prior to Final Plat Application submittal.~~
- ~~(4)(5) At the NIM, the applicant shall be available 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)(6) The Planning Director shall explain the subdivision approval process and neighboring property owners may speak with regard to specific concerns and/or issues.~~

(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.~~

⁵⁷ Although not related to 160D, staff is suggesting this clarifying language be added in response to recent questions that were asked about the process.

There are no changes on this page - it's included to give context to the deletion of the next page.

- (d) County Attorney,
 - (e) Orange County Environmental Health,
 - (f) Orange County Erosion Control,
 - (g) Orange County Engineering,
 - (h) Public Utility Companies, and
 - (i) Orange County Department of Environment, Agriculture, Parks and Recreation (DEAPR).
- (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; or
 - (c) Deny the application.
- (6) 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 assure 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.

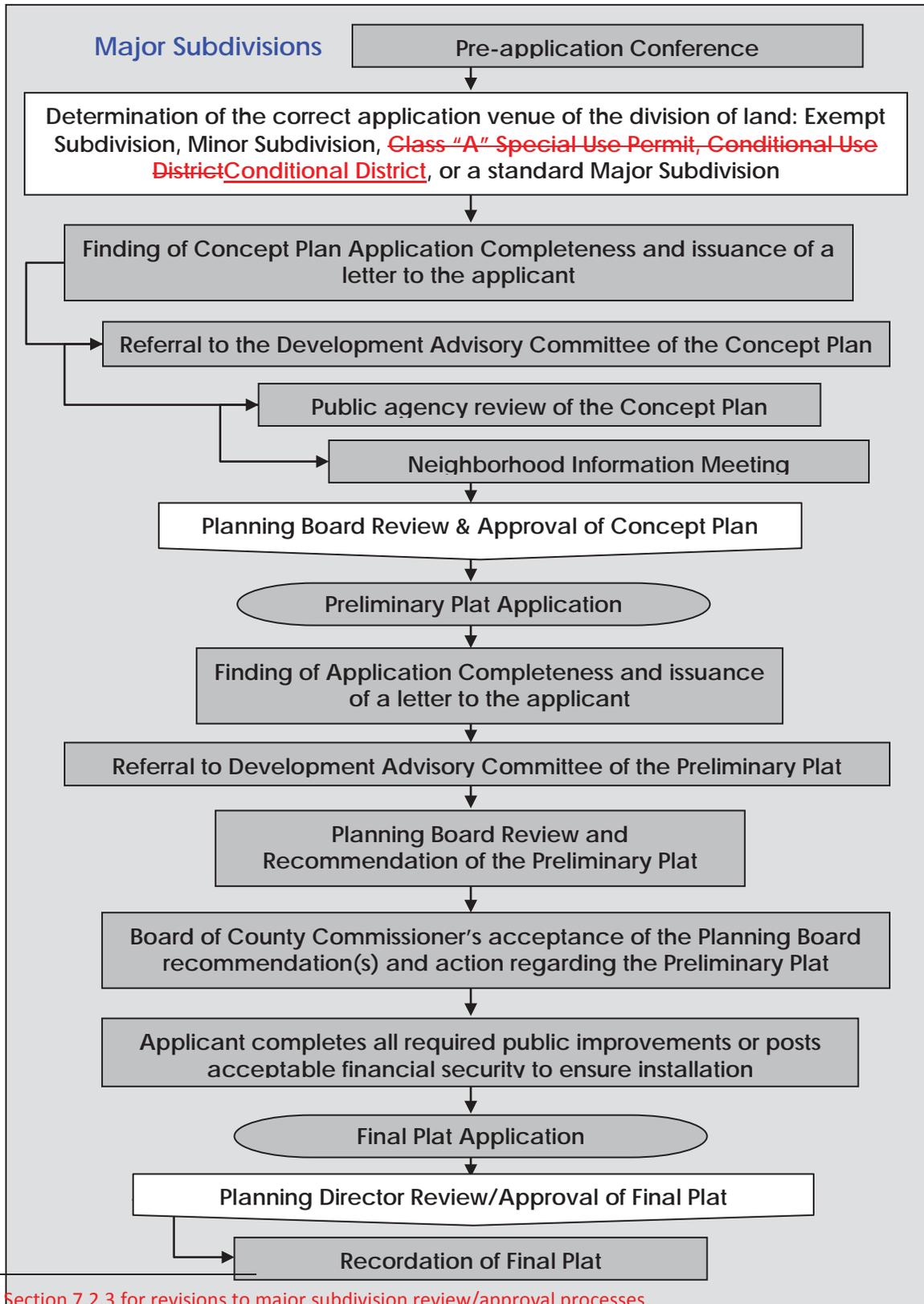
- ~~(7)~~ Any plat or portion thereof not receiving final plat approval within the time period set forth in ~~(5)~~ above shall be null and void except under the following conditions:
- ~~(a)~~ The subdivision is built in sections or phases, and a phasing plan was approved as part of the Preliminary 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.
- ~~(8)~~ 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.⁵⁸
- ~~(9)~~(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.
- ~~(10)~~(8) All final plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.
- ~~(11)~~(9) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.

⁵⁸ The requirements of (7) and (8) are long-standing errors from the former "Subdivision Regulations" since neither preliminary plats nor phasing is applicable to minor subdivisions. Staff suggests correcting this error at this time.

SECTION 2.15: MAJOR SUBDIVISIONS

2.15.1 Review and Decision Process Flow Chart⁵⁹

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



⁵⁹ See Section 7.2.3 for revisions to major subdivision review/approval processes.

- (6) Number 10 (business) sized envelopes with first class postage affixed addressed to each owner of property within ~~500~~1,000⁶⁰ 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) Upon acceptance of a Concept Plan application, the Planning Director shall schedule a Neighborhood Information Meeting (NIM) 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 ten days prior to the date of the meeting.
- (3) The Planning Director 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 seven 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) At the NIM, the applicant shall be available 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 Planning Director shall explain the subdivision approval process and shall identify meeting dates of the Planning Board and Board of Commissioners at which neighboring property owners may speak with regard to specific concerns and/or issues.

(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.

⁶⁰ Correct distance requirement. See (D)(1) below.

~~(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 ~~insure-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 ~~not otherwise classified as a Major Subdivision, Class A Special Use (Rural Designated or Urban Designated) or a Major Subdivision, Conditional Use (Rural Designated or Urban Designated)~~ 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 ~~required for Class A Special Uses shall apply as specified in Section 2.5 of this Ordinance for a Site Plan Special Use in Section 2.5.5 shall apply.~~
- ~~(3) Those subdivisions of land which are a Class A Special Use shall comply with all applicable requirements of this Ordinance.~~

(B) Application Requirements

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;
 - (f) Auxiliary documents, in draft form, prepared in accordance with Article 7 of this Ordinance which assure 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 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:

- ~~(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 ~~insure~~ ensure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.
- (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 ~~regularly scheduled~~ business⁶¹ 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 Procedures**
- (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 ~~regularly scheduled 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.

⁶¹ Necessary to clarification on BOCC meeting s which were modified in recent years.

(3) All interested persons shall be given the opportunity to speak and ask questions regarding the application at a ~~regularly scheduled~~ 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 ~~insure~~ 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.

(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

(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 Special Use Permit.
- (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 ~~insure~~ 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 ~~assure~~ 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.

Section 2.16: Subdivisions in the Economic Development, Commercial, and/or commercial-Industrial Nodes

- (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.

2.15.5 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

- (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:⁶²
 - (1) When a ~~MPD-CZ~~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 ~~MPD-CZ and Special Use Permit, Class A (as applicable) that is~~ approved along with the ~~rezoning~~Conditional District petition.
 - (c) If the ~~Master Plan and Special Use Permit, Class A (as applicable) that is~~ approved along with the ~~MPD-CZ~~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 ~~Master Plan and~~MPD-CZConditional District rezoning approval.

⁶² The revisions in the subsection are necessary to conform the requirements to revisions in Article 3 (Hillsborough EDD districts) and revisions to the SUP process (see Section 2.7).

- (i) For example, if the Master Plan or Site Plan associated with a MPD-CZ 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.

(B) Lots Sold

If lots in the plat have been sold or built upon, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

2.17.2 Initiation

The owner or owners of lots in any approved subdivision must initiate a plat vacation by filing an application with the Planning Director.

2.17.3 Application Requirements

(A) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(B) Applications shall include:

- (1) Copy of the approved/recorded plat,
- (2) A narrative outlining the reason(s) for the request,
- (3) A legal description of the total area sought to be altered or vacated,
- (4) A legal description of any easements or other similar restrictions affecting the property,
- (5) A list of those individuals, corporations, or other entities holding an ownership interest in the property,
- (6) Documentation denoting all encumbrances, including delinquent taxes or assessments, on the property at the time of application submittal,
- (7) If there is a street that has been dedicated to NC DOT for maintenance, the application shall contain a copy of a petition for abandonment of the street,
- (8) The legal documentation, including a revised development agreement and deed(s), necessary to complete the vacation process,
- (9) If the subdivision is subject to restrictive covenants, the applicant(s) will need to submit either revised covenants, including signed statements from property owner's agreeing to the change, denoting the lot(s) being vacated or legal documents extinguishing the existing covenants in the event the development as a whole is being abandoned,
- (10) Five copies of a plat denoting the lot(s) intended to be vacated, and

SECTION 2.22: HOME OCCUPATIONS

2.22.1 Application Requirements

- (A) An application for a Home Occupation Permit shall be filed with the Planning Director on forms provided by the Planning Department.
- (B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.
- (C) An application for a minor home occupation shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.34.
- (D) An application for a major home occupation shall require a ~~Class B~~ Special Use Permit and adhere to the requirements of Sections 2.5.3, 2.7, and 5.5.43.

2.22.2 Conditions of Approval

- (A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.
- (B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:
 - (1) Hours of operation;
 - (2) Number of vehicles to be parked on the premises;
 - (3) The location of an accessory building, storage area or parking on the property.
- (C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the home occupation from adjoining properties.

2.22.3 Application Approval

- (A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a permit letter informing him/her of the approval and of the requirements of the Ordinance that apply to the home occupation.
- (B) The permit letter must be signed by the applicant to indicate his/her willingness to operate the home occupation in conformance with the requirements and conditions set forth in the permit letter.
- (C) Each permit letter shall be kept on file by the Planning Director and shall constitute the Home Occupation Permit for the particular use in question.
- (D) The home occupation may be operated by the applicant as long as it is operated in conformance with the requirements and conditions set forth in the permit letter.

2.22.4 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.22.5 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section 2.27.

- (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

(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)~~160A-393(d) 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)).

2.26.5 Board of County Commissioners Decisions

~~(A) Quasi-Judicial Decisions⁶³~~

- ~~(1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any person who has standing as detailed within NCGS 160A-393(d) by the Superior Court by proceedings in the nature of certiorari.~~
- ~~(2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.~~

~~(B)~~(A) Legislative Decisions

- (1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.

⁶³ Staff is recommending that the BOCC no longer make quasi-judicial decisions so this sub-section is no longer applicable.

- (2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:
 - (a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,
 - (b) 1 year (365 days) in cases involving the appeal of an Ordinance ~~amendment-amending~~ the UDO,
 - (c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

2.26.6 Water Supply Watershed Critical Area Boundary Line

Appeal applications disputing the Planning Director's decision regarding the location of a Water Supply Watershed Critical Area boundary line shall be accompanied by:

- (A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:
 - (1) The locational criteria in Section 4.2,
 - (2) The official Watershed map on file in the Planning Department, and
 - (3) The boundary line the applicant asserts is correct.
- (B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

2.26.7 Flood Regulations

- (A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.
- (B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

2.26.8 Soil Erosion and Sedimentation Control

(A) Appeal of Erosion Control Plan

Except as provided in subsection (D) below, the appeal of a disapproval, approval with modifications, or approval with conditions of an Erosion Control Plan shall be governed by the following provisions:

- (1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.
- (2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

- (a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

- (b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.
- (c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.
- (d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

- (a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.
- (b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.
- (c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.
- (d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

If the local governing body upholds the disapproval, modification, or conditions of approval of a proposed Erosion Control Plan following the public hearing, the applicant shall be entitled to appeal the local government's action to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes and Title 15A NCAC 4B.0118.

(D) Appeal of Erosion Control Plan if Disapproval Based on Applicant's Past Performance

The applicant may appeal disapprovals issued under the provisions of Section 2.19.11 of this Ordinance directly to the North Carolina Sedimentation Control Commission.

(E) Appeal of Land-Disturbing Stop Work Order

- (1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular business⁶⁴ meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

⁶⁴ Conforming to updated term for BOCC meetings.

2.26.9 Stormwater Management Plan

- (A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.
- (B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.
- (C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.
- (D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.
- (E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions

- (A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular-business⁶⁵ meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties

(A) Appeal from Board of County Commissioners or Other Governing Body Decisions

Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

⁶⁵ Conforming to updated term for BOCC meetings.

ARTICLE 3: BASE ZONING DISTRICTS

SECTION 3.1: INTENT

Division of lands under Orange County planning jurisdiction is intended to implement the policies contained in the Orange County 2030 Comprehensive Plan, adopted on November 18, 2008, and amended from time to time. The previous Orange County Comprehensive Plan was adopted on September 2, 1981, and amended from time to time.

The Land Use Element of the 2030 Comprehensive Plan identifies land use categories in which specific types of development are encouraged and a map depicting the geographic locations of the various land use categories. The 2030 Comprehensive Plan contains a matrix identifying which zoning districts are compatible with each land use category.

SECTION 3.2: REQUIRED CONFORMANCE TO DISTRICT REGULATIONS AND PROJECTS APPROVED AS PLANNED DEVELOPMENTS

3.2.1 Required Conformance to District Regulations

Except as otherwise provided in this Ordinance, no structure or land shall hereafter be used or occupied, and no structure, or part thereof, shall be altered, moved, erected, or built except in conformity with the regulations herein specified for the Zoning District in which the structure or land is located.

3.2.2 Projects Approved as Planned Developments or Conditional Use Districts

- (A) Projects approved as one of the Planned Development (PD) zoning districts (zoning districts included in the former Zoning Ordinance but no longer used) or as a Conditional Use District may continue to function under the terms and conditions approved in the Class A Special Use Permit issued as part of the Planned Development or Conditional Use District approval.
- (B) Planned Development (PD) and Conditional Use districts shall continue to be depicted on the Zoning Atlas but in no case shall lands be rezoned to PD or CUD in the future.

SECTION 3.3: RESIDENTIAL DISTRICTS

<h1 style="margin: 0;">RB</h1> <h2 style="margin: 0;">RURAL BUFFER</h2>	DIMENSIONAL AND RATIO STANDARDS		
	Lot Size, min. (square feet)	Conventional Subdivision Process (Article 7)	87,120
		Flexible Development Subdivision Process (Section 7.12)	40,000
PURPOSE	Lot Width, min. (feet)	130	
<p>The purpose of the Rural Buffer (RB) District is to provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.</p>	Front Setback from ROW, min. (feet)	40 [1]	
	Corner Side Setback, min. (feet)	40 [2]	
	APPLICABILITY	Side Setback, min. (feet)	20 [1]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Designated by the adopted Comprehensive Plan as Rural Buffer or by the adopted Joint Planning Area Land Use Plan as Rural Residential or both. 2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years. 	Rear Setback, min. (feet)	20 [1]	
	Height, max. (feet)	25 [3]	
	<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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, CU = conditional use</p> <p>[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.</p>	Floor Area Ratio, max. ⁶⁶	R-CU [4]⁶⁶ NR [4]
		NR-CU	-.100 [5]
Required Open Space Ratio, min.		R-CU NR NR-CU	.84
Required Livability Space Ratio, min.		R-CU	.75
Required Recreation Space Ratio, min.		R R-CU	.028 .031
Gross Land Area, min. (square feet)		R-CU	-.174
		NR-CU	-.240

⁶⁶ Staff recommends that the necessity of all of the ratios in the charts in this Article be studied as part of a future project. Many, if not all, of the ratios are obsolete, given other development requirements in the UDO.

⁶⁷ Throughout the charts in this Article, references to the former CU district are being deleted. Project review/approval will now be processed as a new conditional district (see Section 3.8).

	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.21
RB DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1.	Uses shall be restricted to those indicated for the RB District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).		
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.		
3.	While the Minimum Lot Size may be 87,120 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.		
5.	Regardless of subdivision process and reductions allowed in Section 7.12, of this Ordinance, lot(s) within the RB general use conventional zoning district shall not be reduced below 1 acre in area. For Subdivisions utilizing the Flexible Development Option, the required wastewater system area may be contained either within the residential lot or within dedicated easement and/or septic lot that is recorded and maintained within allowed open space areas, and as further defined in NC DHHS DPH Innovative Waste Water System Approval IWWS 2016-01. Under the Flexible Development Option required minimum lot size shall be based on proposed wastewater disposal and percentage of open space.		
6.	With the exception of Orange County government development projects, wastewater treatment facilities with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal are prohibited in the RB zoning district unless approved through the Special Use Permit (SUP) process or as a Conditional Use (CU) a <u>Conditional</u> District.		
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. The "Village Option" for a flexible development is not permitted in the RB district.		
8.	Subdivisions utilizing the conventional design process and/or 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.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.		

AR AGRICULTURAL RESIDENTIAL	DIMENSIONAL AND RATIO STANDARDS			
	Lot Size, min. (square feet)	Conventional Subdivision Process (Article 7)	40,000	
Flexible Development Subdivision Process (Section 7.2)		Proposed Open Space within subdivision	Allowable Lot Size (sq. ft.)	
		33%	40,000	
		40%	30,000	
		45%	20,000	
		50%	15,000	
60% and over	10,000			
PURPOSE	Lot Width, min. (feet)	Conventional Subdivision Process (Article 7)	150	
The purpose of the Agricultural Residential (AR) District is to assist in the preservation of land suitable, as a result of location, existing farming operations, soils and topography, for agricultural, silvicultural or horticultural uses and to protect such uses from the adverse effects of incompatible land uses.		Flexible Development Process (Section 7.12)	100	
	Front Setback from ROW, min. (feet)			40 [1] [6]
	Corner Side Setback, min. (feet)			40 [2] [6]
	APPLICABILITY	Side Setback, min. (feet)		
This district will usually be applied where the following conditions exist: 1. Designated by the adopted Comprehensive Plan <u>as</u> Agricultural Residential. 2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years.	Rear Setback, min. (feet)			20 [1] [6]
	Height, max. (feet)			25 [3]
DIMENSIONAL STANDARDS NOTES: [1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations. [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, CU = conditional use [5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in	Floor Area Ratio, max.	R-CU [4]	.058	
		NR [4]	.088 [5]	
		NR-CU	.100 [5]	
	Required Open Space Ratio, min.	R-CU NR NR-CU	.84	
	Required Livability Space Ratio, min.	R-CU	.75	
	Required Recreation Space Ratio, min.	R	.028	
R-CU		.034		

the RB, AR, R-1, R-2, R-3, and R-4 zoning districts. [6] Required setbacks for lots created through the Flexible Development design process as detailed in Section 7.12 of this Ordinance may be reduced by 25% with the preservation of more than 33% open space for the project. Under no circumstances shall any required setback be less than 10 feet.	Gross Land Area, min- (square-feet)	R-CU NR-CU	80,000
	Required Pedestrian/ Landscape Ratio, min.	NR NR-CU	.21

AR DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the AR District in Section 5.2, unless a Conditional ~~Use (CU) or MPD-CZ~~ District is approved (see Section 3.8).
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.
3. While the Minimum Lot Size may be 40,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
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. For Subdivisions utilizing the Flexible Development Option, the required wastewater system area may be contained either within the residential lot or within dedicated easement and/or septic lot that is recorded and maintained within allowed open space areas, and as further defined in NC DHHS DPH Innovative Waste Water System Approval IWWS 2016-01. Under the Flexible Development Option required minimum lot size shall be based on proposed wastewater disposal and percentage of open space. Please refer to Section 7.12 for more information.
6. With the exception of Orange County government development projects, wastewater treatment facilities with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal are prohibited in the AR zoning district unless approved through ~~the Special Use Permit (SUP) process or as a Conditional Use (CU)~~ a Conditional -District.
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 utilizing the conventional design process and/or 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. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-1 RURAL RESIDENTIAL	DIMENSIONAL AND RATIO STANDARDS			
	Lot Size, min. (square feet)	Conventional Subdivision Process (Article 7)	40,000	
Flexible Development Subdivision Process (Section 7.12)		Proposed Open Space	Allowable Minimum Lot Size	
		33-39%	40,000	
		40-44%	30,000	
		45-49%	20,000	
50-59%	15,000			
60% and over	10,000			
PURPOSE	<p>The purpose of the Rural Residential (R-1) District is to provide locations for rural non-farm residential development, at very low intensities, in areas where the short and long-term solutions to domestic water supply and sewage disposal shall be individual wells and ground absorption system.</p>	Conventional Subdivision Process (Article 7)	130	
Lot Width, min. (feet)		Flexible Development Subdivision Process (Section 7.12)	100	
		Front Setback from ROW, min. (feet)	40 [1] [6]	
		Corner Side Setback, min. (feet)	40 [2] [6]	
APPLICABILITY	Side Setback, min. (feet)	20 [1] [6]		
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> Designated by the adopted Comprehensive Plan as Rural Residential. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years. 	Rear Setback, min. (feet)	20 [1] [6]		
	Height, max. (feet)	25 [3]		
	<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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; CU = conditional use</p> <p>[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.</p> <p>[6] Required setbacks for lots created through the Flexible Development design process as detailed in Section 7.12 of this Ordinance may be reduced by 25% with the preservation of more than 33% open space for</p>	Floor Area Ratio, max.	R-CU [4] NR [4]	-.058 .088 [5]
Required Open Space Ratio, min.		NR-CU R-CU -NR NR-CU	.84	
Required Livability Space Ratio, min.		R-CU	-.75	
Required Recreation Space Ratio, min.		R	.028	
		R-CU	.031	
Gross Land Area, min. (square feet)		R-CU NR-CU	80,000	
Required Pedestrian/Landscape Ratio, min.		NR NR-CU	.21	

the project. Under no circumstances shall any required setback be less than 10 feet.

R-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-1 District in Section 5.2, unless a Conditional ~~Use (CU)~~ or ~~MPD-CZ~~ District is approved (see Section 3.8).
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.
3. While the Minimum Lot Size may be 40,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
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. For Subdivisions utilizing the Flexible Development Option, the required wastewater system area may be contained either within the residential lot or within dedicated easement and/or septic lot that is recorded and maintained within allowed open space areas, and as further defined in NC DHHS DPH Innovative Waste Water System Approval IWWS 2016-01. Under the Flexible Development Option required minimum lot size shall be based on proposed wastewater disposal and percentage of open space. Please refer to Section 7.12 for more information.
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 utilizing the conventional design process and/or 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. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

<h1 style="margin: 0;">R-2</h1> <h2 style="margin: 0;">LOW INTENSITY RESIDENTIAL</h2>	DIMENSIONAL AND RATIO STANDARDS			
	Lot Size, min. (square feet)	Conventional Subdivision Process (Article 7)	20,000	
		Flexible Development Subdivision Process (Section 7.12)	Proposed Open Space	Allowable minimum lot size
			33-49%	20,000
50-59%			15,000	
	60% and over	10,000		
PURPOSE	Lot Width, min. (feet)	Conventional Subdivision Process (Article 7)	100	
The purpose of the Low Intensity Residential (R-2) District is to provide locations for low intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.		Flexible Development Subdivision Process (Section 7.12)	70	
		Front Setback from ROW, min. (feet)		30 [1] [6]
		Corner Side Setback, min. (feet)		30 [2] [6]
	APPLICABILITY	Side Setback, min. (feet)	15 [1] [6]	
This district will usually be applied where the following conditions exist: <ol style="list-style-type: none"> 1. Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years. 2. Water and sewer lines should exist at site or be assured of installation as part of the development process. 3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan. 	Rear Setback, min. (feet)	15 [1] [6]		
	Height, max. (feet)	25 [3]		
	DIMENSIONAL STANDARDS NOTES: [1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations. [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, CU = conditional use. [5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts. [6] Required setbacks for lots created through the Flexible	Floor Area Ratio, max.	R-CU [4]	.076
NR [4]			.088 [5]	
NR-CU			.100 [5]	
Required Open Space Ratio, min.		R-CU NR-CU	.82	
		NR	.83	
Required Livability Space Ratio, min.		R-CU	.70	
Required Recreation Space Ratio, min.		R	.056	
	R-CU	.059		
Gross Land Area, min. (square feet)	R-CU NR-CU	45,000		

Development design process as detailed in Section 7.12 of this Ordinance may be reduced by 25% with the preservation of more than 33% open space for the project. Under no circumstances shall any required setback be less than 10 feet.	Required Pedestrian/ Landscape Ratio, min.	NR	.208
		NR-CU	.205

R-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-2 District in Section 5.2, unless a Conditional ~~Use (CU) or MPD-CZ~~ District is approved (see Section 3.8).
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.
3. While the Minimum Lot Size may be 20,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
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. For Subdivisions utilizing the Flexible Development Option, the required wastewater system area may be contained either within the residential lot or within dedicated easement and/or septic lot that is recorded and maintained within allowed open space areas. Under the Flexible Development Option required minimum lot size shall be based on proposed wastewater disposal and percentage of open space. Please refer to Section 7.12 for more information.
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 utilizing the conventional design process and/or 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. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

<h1 style="margin: 0;">R-3</h1> <h2 style="margin: 0;">MEDIUM INTENSITY RESIDENTIAL</h2>		DIMENSIONAL AND RATIO STANDARDS		
		Lot Size, min. (square feet)	Conventional Subdivision Process (Article 7)	15,000
Flexible Development Subdivision Process (Section 7.12)	Proposed Open Space		Allowable Minimum Lot Size	
	33-59%		15,000	
	60% and over		10,000	
PURPOSE		Lot Width, min. (feet)	Conventional Subdivision Process (Article 7)	100
<p>The purpose of the Medium Intensity Residential (R-3) District is to provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.</p>			Flexible Development Subdivision Process (section 7.12)	70
		Front Setback from ROW, min. (feet)	30 [1] [6]	
		Corner Side Setback, min. (feet)	30 [2] [6]	
		APPLICABILITY		Side Setback, min. (feet)
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years. Water and sewer lines should exist at site or be assured of installation as part of the development process. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan. 		Rear Setback, min. (feet)	15 [1] [6]	
		Height, max. (feet)	25 [3]	
		<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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; CU = conditional use.</p> <p>[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.</p> <p>[6] Required setbacks for lots created through the Flexible Development design process as detailed in Section 7.12 of this Ordinance may be reduced by 25% with the preservation of more than 33% open space for the project.</p>		Floor Area Ratio, max.
			NR [4]	.088 [5]
			NR-CU	.100 [5]
		Required Open Space Ratio, min.	R-CU	.80
			NR	.81
		Required Livability Space Ratio, min.	R-CU	.65
		Required Recreation Space Ratio, min.	R	.074
			R-CU	.077
		Gross Land Area, min. (square feet)	R-CU	30,000
			NR-CU	

Under no circumstances shall any required setback be less than 10 feet.	Required Pedestrian/ Landscape Ratio, min.	NR	.203
		NR-CU	.20

R-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-3 District in Section 5.2, unless a Conditional ~~Use (CU) or MPD-CZ~~ District is approved (see Section 3.8).
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.
3. While the Minimum Lot Size may be 15,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
5. 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.
6. Subdivisions utilizing the conventional design process and/or 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.
7. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

<h1 style="margin: 0;">R-4</h1> <h2 style="margin: 0;">MEDIUM INTENSITY RESIDENTIAL</h2>		DIMENSIONAL AND RATIO STANDARDS																													
PURPOSE	The purpose of the Medium Intensity Residential (R-4) District is to provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	Lot Size, min. (square feet)	10,000																												
APPLICABILITY	This district will usually be applied where the following conditions exist: 1. Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years. 2. Water and sewer lines should exist at site or be assured of installation as part of the development process. 3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan.	Lot Width, min. (feet)	75																												
		Front Setback from ROW, min. (feet)	25 [1]																												
		Corner Side Setback, min. (feet)	25 [2]																												
		Side Setback, min. (feet)	10 [1]																												
		Rear Setback, min. (feet)	10 [1]																												
		Height, max. (feet)	25 [3]																												
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Floor Area Ratio, max.</td> <td style="padding: 2px; color: red;">R-CU [4]</td> <td style="padding: 2px; text-align: center; color: red;">.141</td> </tr> <tr> <td></td> <td style="padding: 2px;">NR [4]</td> <td style="padding: 2px; text-align: center;">.123[5]</td> </tr> <tr> <td></td> <td style="padding: 2px; color: red;">NR-CU</td> <td style="padding: 2px; text-align: center; color: red;">.141 [5]</td> </tr> <tr> <td rowspan="2" style="padding: 2px;">Required Open Space Ratio, min.</td> <td style="padding: 2px; color: red;">R-CU</td> <td style="padding: 2px; text-align: center; color: red;">.78</td> </tr> <tr> <td style="padding: 2px;">NR</td> <td style="padding: 2px; text-align: center;">.79</td> </tr> <tr> <td style="padding: 2px; color: red;">Required Livability Space Ratio, min.</td> <td style="padding: 2px; color: red;">R-CU</td> <td style="padding: 2px; text-align: center; color: red;">.54</td> </tr> <tr> <td rowspan="2" style="padding: 2px;">Required Recreation Space Ratio, min.</td> <td style="padding: 2px;">R</td> <td style="padding: 2px; text-align: center;">.111</td> </tr> <tr> <td style="padding: 2px; color: red;">R-CU</td> <td style="padding: 2px; text-align: center; color: red;">.114</td> </tr> <tr> <td style="padding: 2px; color: red;">Gross Land Area, min. (square feet)</td> <td style="padding: 2px; color: red;">R-CU-NR-CU</td> <td style="padding: 2px; text-align: center; color: red;">15,000</td> </tr> <tr> <td rowspan="2" style="padding: 2px;">Required Pedestrian/Landscape Ratio, min.</td> <td style="padding: 2px;">NR</td> <td style="padding: 2px; text-align: center;">.198</td> </tr> <tr> <td style="padding: 2px; color: red;">NR-CU</td> <td style="padding: 2px; text-align: center; color: red;">.195</td> </tr> </table>		Floor Area Ratio, max.	R-CU [4]	.141		NR [4]	.123[5]		NR-CU	.141 [5]	Required Open Space Ratio, min.	R-CU	.78	NR	.79	Required Livability Space Ratio, min.	R-CU	.54	Required Recreation Space Ratio, min.	R	.111	R-CU	.114	Gross Land Area, min. (square feet)	R-CU-NR-CU	15,000	Required Pedestrian/Landscape Ratio, min.	NR	.198
Floor Area Ratio, max.	R-CU [4]	.141																													
	NR [4]	.123[5]																													
	NR-CU	.141 [5]																													
Required Open Space Ratio, min.	R-CU	.78																													
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Gross Land Area, min. (square feet)	R-CU-NR-CU	15,000																													
Required Pedestrian/Landscape Ratio, min.	NR	.198																													
	NR-CU	.195																													
R-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS																															
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the R-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. 3. While the Minimum Lot Size may be 10,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.

5. 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.
6. Subdivisions utilizing the conventional design process and/or 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.
7. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

<h1 style="margin: 0;">R-5</h1> <h2 style="margin: 0;">HIGH INTENSITY RESIDENTIAL</h2>		DIMENSIONAL AND RATIO STANDARDS					
PURPOSE		Lot Size, min. (square feet)	7,500				
		Lot Width, min. (feet)	50				
<p>The purpose of the High Intensity Residential (R-5) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>		Front Setback from ROW, min. (feet)	20 [1]				
		Corner Side Setback, min. (feet)	20 [2]				
		Side Setback, min. (feet)	10 [1]				
APPLICABILITY		Rear Setback, min. (feet)	10 [1]				
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan. Water and sewer lines should exist at site or be assured of installation as part of the development process. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities. 		Height, max. (feet)	25 [3]				
		Floor Area Ratio, max.	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">R [4] NR</td> <td style="text-align: center;">.174</td> </tr> <tr> <td style="text-align: center;">R-CU NR-CU</td> <td style="text-align: center;">.200</td> </tr> </table>	R [4] NR	.174	R-CU NR-CU	.200
R [4] NR	.174						
R-CU NR-CU	.200						
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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, CU = conditional use.</p>		Required Open Space Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">R NR</td> <td style="text-align: center;">.77</td> </tr> <tr> <td style="text-align: center;">R-CU NR-CU</td> <td style="text-align: center;">.76</td> </tr> </table>	R NR	.77	R-CU NR-CU	.76
		R NR	.77				
		R-CU NR-CU	.76				
		Required Livability Space Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">R R-CU</td> <td style="text-align: center;">.52</td> </tr> </table>	R R-CU	.52		
		R R-CU	.52				
		Required Recreation Space Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">R R-CU</td> <td style="text-align: center;">.197</td> </tr> <tr> <td style="text-align: center;">R-CU</td> <td style="text-align: center;">.200</td> </tr> </table>	R R-CU	.197	R-CU	.200
		R R-CU	.197				
R-CU	.200						
Gross Land Area, min. (square feet)	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">R-CU NR-CU</td> <td style="text-align: center;">10,000</td> </tr> </table>	R-CU NR-CU	10,000				
R-CU NR-CU	10,000						
Required Pedestrian/Landscape Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">NR</td> <td style="text-align: center;">.195</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.19</td> </tr> </table>	NR	.195	NR-CU	.19		
NR	.195						
NR-CU	.19						
R-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS							
<p>1. Uses shall be restricted to those indicated for the R-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-</p>							

CZ District is approved (see Section 3.8).

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.
3. While the Minimum Lot Size may be 7,500 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
5. 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.
6. Subdivisions utilizing the conventional design process and/or 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.
7. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

<h1 style="margin: 0;">R-8</h1> <h2 style="margin: 0;">HIGH INTENSITY RESIDENTIAL</h2>		DIMENSIONAL AND RATIO STANDARDS		
PURPOSE		Lot Size, min. (square feet)	5,000	
<p>The purpose of the High Intensity Residential (R-8) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>		Lot Width, min. (feet)	50	
		Front Setback from ROW, min. (feet)	20 [1]	
		Corner Side Setback, min. (feet)	20 [2]	
APPLICABILITY		Side Setback, min. (feet)	8[1]	
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan. Water and sewer lines should exist at site or be assured of installation as part of the development process. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities. 		Rear Setback, min. (feet)	8 [1]	
		Height, max. (feet)	25 [3]	
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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; CU = conditional use.</p>		Floor Area Ratio, max.	R [4] NR	.246
			R-CU NR-CU	.283
		Required Open Space Ratio, min.	R NR	.75
			R-CU NR-CU	.74
		Required Livability Space Ratio, min.	R	.49
			R-CU	.48
		Required Recreation Space Ratio, min.	R	.296
			R-CU	.299
		Gross Land Area, min. (square feet)	R-CU NR-CU	7,000
NR	.088			
Required Pedestrian/Landscape Ratio, min.	NR-CU	.185		
	R-8 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the R-8 District in Section 5.2, unless a Conditional Use (CU) or MPD-GZ District is approved (see Section 3.8). 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.

3. While the Minimum Lot Size may be 5,000 square feet, the 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 Section 4.2.5 for a breakdown of the allowable impervious surface area.
5. 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.
6. Subdivisions utilizing the conventional design process and/or 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.
7. The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-13 HIGH INTENSITY RESIDENTIAL	DIMENSIONAL AND RATIO STANDARDS		
	PURPOSE	Lot Size, min. (square feet)	3,000
<p>The purpose of the High Intensity Residential (R-13) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>	Lot Width, min. (feet)	50	
	Front Setback from ROW, min. (feet)	20 [1]	
	Corner Side Setback, min. (feet)	20 [2]	
	Side Setback, min. (feet)	8[1]	
APPLICABILITY	Rear Setback, min. (feet)	8 [1]	
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan. 2. Water and sewer lines should exist at site or be assured of installation as part of the development process. 3. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan. 4. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities. 	Height, max. (feet)	25 [3]	
	Floor Area Ratio, max.	R [4]	.348
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</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; CU = conditional use.</p>		R-CU	.400
	Required Open Space Ratio, min.	R R-CU NR-CU	.72
	Required Livability Space Ratio, min.	R R-CU	.44
	Required Recreation Space Ratio, min.	R R-CU	.497
	Gross Land Area, min. (square feet)	R-CU NR-CU	5,000
	Required Pedestrian/Landscape Ratio, min.	NR-CU	.18
R-13 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<p>1. Uses shall be restricted to those indicated for the R-13 District in Section 5.2, unless a Conditional Use (CU) or MPD-GZ District is approved (see Section 3.8).</p>			

- ~~2.~~ ~~Non-residential uses are permitted only as a Conditional Use (CU) District in the R-13 district.~~
- ~~3-2.~~ 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.
- ~~4-3.~~ The 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).
- ~~5-4.~~ Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.5 for a breakdown of the allowable impervious surface area.
- ~~6-5.~~ 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.
- ~~7-6.~~ Subdivisions utilizing the conventional design process and/or 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.
- ~~8-7.~~ The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

SECTION 3.4: GENERAL CONVENTIONAL COMMERCIAL DISTRICTS

<h1 style="margin: 0;">LC-1</h1> <h2 style="margin: 0;">LOCAL COMMERCIAL</h2>	<h3 style="margin: 0;">DIMENSIONAL AND RATIO STANDARDS</h3>		
	PURPOSE	Lot Size, min. (square feet)	None [1]
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 insure the absence of adverse impacts beyond the immediate space occupied by the building.	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]	
This district will usually be applied where the following conditions exist: 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	R-CU [4] NR [4]	.100
		NR-CU	.115
	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	R-CU NR	.40
		NR-CU	.45
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, CU= conditional use.	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	R-CU NR	.80
		NR-CU	.79
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.55	
	Required Livability Space Ratio, min.	R-CU	.65
	Required Recreation Space Ratio, min.	R	.074
		R-CU	.077
	Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
		NR-CU	none/ 421,344
	Required Pedestrian/Landscape Ratio, min. , if located <u>outside</u> of a CTAN or CITAN	NR	.20
		NR-CU	.198
Required Pedestrian/Landscape Ratio, min. , if located <u>within</u> a CTAN or CITAN	NR NR-CU	.05	

LC-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the LC-1 District in Section 5.2, unless a Conditional ~~Use (CU) or MPD-CZ~~ 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 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 ~~Use-District~~ in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5); ~~Conditional Use (CU), or MPD-CZ 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.

<h1 style="margin: 0;">NC-2</h1> <h2 style="margin: 0;">NEIGHBORHOOD COMMERCIAL</h2>	DIMENSIONAL AND RATIO STANDARDS					
PURPOSE	Lot Size, min. (square feet)	2,000 [1]				
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 insure the absence of adverse impacts beyond the lot boundaries of the use.	Lot Width, min. (feet)	20				
	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	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R-CU [4]</td> <td style="width: 50%; text-align: center;">.200</td> </tr> <tr> <td style="width: 50%;">NR [4]</td> <td style="width: 50%; text-align: center;">.230</td> </tr> </table>	R-CU [4]	.200	NR [4]	.230
R-CU [4]	.200					
NR [4]	.230					
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, CU = conditional use .	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R-CU</td> <td style="width: 50%; text-align: center;">.40</td> </tr> <tr> <td style="width: 50%;">NR</td> <td style="width: 50%; text-align: center;">.45</td> </tr> </table>	R-CU	.40	NR	.45
	R-CU	.40				
	NR	.45				
	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R-CU</td> <td style="width: 50%; text-align: center;">.76</td> </tr> <tr> <td style="width: 50%;">NR</td> <td style="width: 50%; text-align: center;">.75</td> </tr> </table>	R-CU	.76	NR	.75
	R-CU	.76				
	NR	.75				
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.55				
	Required Livability Space Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R-CU</td> <td style="width: 50%; text-align: center;">.52</td> </tr> </table>	R-CU	.52		
	R-CU	.52				
	Required Recreation Space Ratio, min.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R</td> <td style="width: 50%; text-align: center;">.111</td> </tr> <tr> <td style="width: 50%;">R-CU</td> <td style="width: 50%; text-align: center;">.114</td> </tr> </table>	R	.111	R-CU	.114
R	.111					
R-CU	.114					
Gross Land Area, min./max. (square feet)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">R-CU</td> <td style="width: 50%; text-align: center;">5,000/ none</td> </tr> <tr> <td style="width: 50%;">NR-CU</td> <td style="width: 50%; text-align: center;">none/ 421,344</td> </tr> </table>	R-CU	5,000/ none	NR-CU	none/ 421,344	
R-CU	5,000/ none					
NR-CU	none/ 421,344					
Required Pedestrian/Landscape Ratio, min., if located <u>outside</u> of a CTAN or CITAN	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">NR</td> <td style="width: 50%; text-align: center;">.19</td> </tr> <tr> <td style="width: 50%;">NR-CU</td> <td style="width: 50%; text-align: center;">.188</td> </tr> </table>	NR	.19	NR-CU	.188	
NR	.19					
NR-CU	.188					
Required Pedestrian/Landscape Ratio, min., if located <u>within</u> a CTAN or CITAN	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">NR</td> <td style="width: 50%; text-align: center;">.05</td> </tr> <tr> <td style="width: 50%;">NR-CU</td> <td style="width: 50%; text-align: center;">.05</td> </tr> </table>	NR	.05	NR-CU	.05	
NR	.05					
NR-CU	.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 ~~Use (CU)~~ or ~~MPD-CZ~~ 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 ~~Use District~~ in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), ~~Conditional Use (CU), or MPD-CZ~~ 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.

<h1 style="margin: 0;">CC-3</h1> <h2 style="margin: 0;">COMMUNITY COMMERCIAL</h2>	DIMENSIONAL AND RATIO STANDARDS		
PURPOSE	Lot Size, min. (square feet)	2,000 [1]	
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 insure the absence of adverse impacts beyond the zoning district boundaries of the use.	Lot Width, min. (feet)	20	
	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 controlled by the approved as an appropriate Conditional Use designation 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 sewage 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	R-CU [4] NR [4]	.400
		NR-CU	.459
	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	R-CU NR	.60
		NR-CU	.65
	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	R-CU NR NR-CU	.72
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN		.45
	Required Livability Space Ratio, min.	R-CU	.44
	Required Recreation Space Ratio, min.	R R-CU	.197 .200
	Gross Land Area, min./max. (square feet)	R-CU NR-CU	5,000/ none 425,600/ 1,273,544
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, CU = conditional use.	Required Pedestrian/Landscape Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR NR-CU	.18
	Required Pedestrian/Landscape Ratio, min., if located <u>within</u> a CTAN or CITAN	NR NR-CU	.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 ~~Use (CU)~~ ~~or MPD-CZ~~ 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. 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), ~~Conditional Use (CU), or MPD-CZ~~ or as a Conditional District.
10. 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 insure 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	
		NR-CU	.566	
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, CU = conditional use.	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	.75		
	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		
	Gross Land Area, min./max. (square feet)	NR-CU	425,600/ none	
	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			
1. Uses shall be restricted to those indicated for the GC-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on				

<h1 style="margin: 0;">EC-5</h1> <h2 style="margin: 0;">EXISTING COMMERCIAL</h2>		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"> 1. Existing commercial uses in previously unzoned townships. 2. 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"> 1. Uses shall be restricted to those indicated for the EC-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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. 				

<h1 style="margin: 0;">O/RM</h1> <h2 style="margin: 0;">OFFICE / RESEARCH AND MANUFACTURING</h2>		DIMENSIONAL AND RATIO STANDARDS	
PURPOSE	Lot Size, min. (square feet)	R [1]	None
		NR NR-CU	5,000
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.	Lot Width, min. (feet)	R NR-CU	None
		NR	50
	Front Setback from ROW, min. (feet)	R NR-CU	None
		NR	25
Side Setback, min. (feet)	R	None	
	NR	10 [2]	
	NR-CU	None [2]	
APPLICABILITY This district will usually be applied where the following conditions exist: 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.	Rear Setback, min. (feet)	R	None
		NR	10 [2]
	NR-CU	None [2]	
DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential, CU = conditional use. [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.	Floor Area Ratio, max.	R-CU NR	.40
		NR-CU	.45
	Required Open Space Ratio, min.	.55	
	Required Livability Space Ratio, min.	R-CU	.52
	Required Recreation Space Ratio, min.	R	.111
		R-CU	.114
	Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
NR-CU		200,000/ none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05	
O/RM DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1. Uses shall be restricted to those indicated for the O/RM District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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			

<h1 style="margin: 0;">AS</h1> <h2 style="margin: 0;">AGRICULTURAL SERVICE</h2>	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]
APPLICABILITY		
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.	Rear Setback, min. (feet)	20 [2]
	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] 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.	Floor Area Ratio, max.	None
	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 Use (CU) or MPD-CZ 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		

SECTION 3.5: INDUSTRIAL DISTRICTS

<h1 style="margin: 0;">I-1</h1> <h2 style="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 insure the absence of adverse impacts beyond the immediate space occupied by the building.		NR-CU	None
	Front Setback from ROW, min. (feet)	NR	50
		NR-CU	None
APPLICABILITY	Side 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.		NR-CU	None [3]
	Rear Setback, min. (feet)	NR	50
		NR-CU	None [3]
	Height, max. (feet)	45 [43]	
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, CU = conditional use. [3] 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. [43] 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
		NR-CU	.75
	Required Open Space Ratio, min. , if located <u>within</u> a CITAN	.45	
	Gross Land Area, min./max. (square feet)	NR-CU	80,000/none
	Required Pedestrian/Landscape Ratio, min. , if located <u>outside</u> of a CITAN	NR	.20
		NR-CU	.187
	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 Use (CU) or MPD-CZ 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		

I-2 MEDIUM INDUSTRIAL		DIMENSIONAL AND RATIO STANDARDS		
		Lot Size, min., per use (square feet)	20,000	
PURPOSE		Lot Width, min. (feet)	NR [1]	100
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 insure the absence of adverse impact beyond the lot boundaries of the use.			NR-CU	None
				NR
				NR-CU
		APPLICABILITY		Side Setback, min. (feet)
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.		Rear Setback, min. (feet)	None [2]	
		Height, max. (feet)	45 [3]	
		Floor Area Ratio, max.	.65	
		Required Open Space Ratio, min.	.40	
DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential, CU = conditional use. [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.		Gross Land Area, min./max. (square feet)	NR-CU	80,000/ none
		Required Pedestrian/Landscape Ratio, min.	.05	
I-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
1.	Uses shall be restricted to those indicated for the I-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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			

EI EXISTING INDUSTRIAL	DIMENSIONAL AND RATIO STANDARDS	
	PURPOSE	Lot Size, min., per use (square feet)
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.	Lot Width, min. (feet)	200
	Front Setback from ROW, min. (feet)	50
	Side Setback, min. (feet)	50 [1]
	Rear Setback, min. (feet)	50 [1]
APPLICABILITY	Height, max. (feet)	45 [2]
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 <u>impacts beyond the immediate space occupied by the building.</u> ⁶⁸	Floor Area Ratio, max.	.200
	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 Use (CU) or MPD-CZ 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		

⁶⁸ This has been an incomplete sentence since the UDO was adopted in 2011. Staff looked up the exact language of the former Zoning Ordinance and added it.

SECTION 3.6: OTHER DISTRICTS

<h1 style="margin: 0;">PID</h1> <h2 style="margin: 0;">PUBLIC INTEREST DISTRICT</h2>	DIMENSIONAL AND RATIO STANDARDS	
	PURPOSE	Lot Size, min., per use (square feet)
The purpose of Public Interest District (PID) is to preserve and protect certain public land and private educational lands, deemed environmentally sensitive and of major scientific research significance from the impacts of development. In addition, these lands will be managed in ways that will prevent any intentionally generated adverse impacts from affecting surrounding property.	Lot Width, min. (feet)	No requirement
	Front Setback from ROW, min. (feet)	No requirement
	Side Setback, min. (feet)	No requirement [1]
	Rear Setback, min. (feet)	No requirement [1]
APPLICABILITY	Height, max. (feet)	25 [2]
This district will be applied to the following: 1. All Duke Forest lands, the Eno River State Park, all University of North Carolina lands, and all other public or private educational lands deemed to be environmentally sensitive and of major scientific or research significance.	Floor Area Ratio, max.	.0125
	Required Open Space Ratio, min.	No requirement
	Required Pedestrian/Landscape Ratio, min.	No requirement
PID DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the PID District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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. 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. 		

<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	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.	Front Setback from ROW, min. (feet)	Buildings/ Structures	25
APPLICABILITY		Side Setback, min. (feet)	Vehicle Use Areas, Storage Areas, Signs	10
		Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
		Driveway Setback from Property lines, min. (feet)	Vehicle Use Areas, Storage Areas, Signs	10 [2]
This district will usually be applied where the following conditions exist: 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.	Setbacks between Buildings, min. (feet)	10		
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, CU = conditional use	Height, max. (feet)	20		
	Floor Area Ratio, max.	R-CU [4] NR [4]	.60	
	Required Open Space Ratio, min.	NR-CU	.70	
	Required Livability Space Ratio, min.	R-CU	.45	
	Gross Land Area min./max. (square feet)	None		
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05	
EDB-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
1. Uses shall be restricted to those indicated for the EDB-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 <u>appropriate</u> Conditional Use District or as a MPD-CZ (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.				

<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				
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.		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		Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
			Vehicle Use Areas, Storage Areas, Signs	10 [2]
This district will usually be applied where the following conditions exist: 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]	
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, CU = conditional use		Floor Area Ratio, max.	R-CU [4] NR [4]	.65
			NR-CU	-.75
		Required Open Space Ratio, min.	.40	
		Required Livability Space Ratio, min.	R-CU	-.45
		Gross Land Area, min./max. (square feet)	none	
		Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05
		EDB-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the EDB-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 <u>n</u>				

- appropriate Conditional Use District ~~or as a MPD-CZ~~ (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 ~~Class-B~~ 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									
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.		Front Setback from ROW, min. (feet)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">Buildings/ Structures</td> <td style="text-align: center;">25</td> </tr> <tr> <td style="background-color: #d3d3d3;">Vehicle Use Areas, Storage Areas, Signs</td> <td style="text-align: center;">10</td> </tr> </table>	Buildings/ Structures	25	Vehicle Use Areas, Storage Areas, Signs	10		
Buildings/ Structures	25								
Vehicle Use Areas, Storage Areas, Signs	10								
		Side Setback, min. (feet)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">Buildings/ Structures</td> <td style="text-align: center;">25 [2]</td> </tr> <tr> <td style="background-color: #d3d3d3;">Vehicle Use Areas, Storage Areas, Signs</td> <td style="text-align: center;">10 [2]</td> </tr> </table>	Buildings/ Structures	25 [2]	Vehicle Use Areas, Storage Areas, Signs	10 [2]		
		Buildings/ Structures	25 [2]						
Vehicle Use Areas, Storage Areas, Signs	10 [2]								
		Rear Setback, min. (feet)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">Buildings/ Structures</td> <td style="text-align: center;">25 [2]</td> </tr> <tr> <td style="background-color: #d3d3d3;">Vehicle Use Areas, Storage Areas, Signs</td> <td style="text-align: center;">10 [2]</td> </tr> </table>	Buildings/ Structures	25 [2]	Vehicle Use Areas, Storage Areas, Signs	10 [2]		
		Buildings/ Structures	25 [2]						
Vehicle Use Areas, Storage Areas, Signs	10 [2]								
APPLICABILITY									
This district will usually be applied where the following conditions exist: 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]						
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, CU = conditional use		Floor Area Ratio, max.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">R-CU [4]</td> <td style="text-align: center;">.60</td> </tr> <tr> <td style="background-color: #d3d3d3;">NR [4]</td> <td></td> </tr> <tr> <td style="background-color: #d3d3d3;">NR-CU</td> <td style="text-align: center;">.70</td> </tr> </table>	R-CU [4]	.60	NR [4]		NR-CU	.70
		R-CU [4]	.60						
		NR [4]							
		NR-CU	.70						
		Required Open Space Ratio, min.	.45						
		Required Livability Space Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">R-CU</td> <td style="text-align: center;">.45</td> </tr> </table>	R-CU	.45				
R-CU	.45								
Gross Land Area, min./max. (square feet)	none								
Required Pedestrian/Landscape Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d3d3d3;">NR</td> <td style="text-align: center;">.05</td> </tr> <tr> <td style="background-color: #d3d3d3;">NR-CU</td> <td></td> </tr> </table>	NR	.05	NR-CU					
NR	.05								
NR-CU									
EDE-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS									
1. Uses shall be restricted to those indicated for the EDE-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 <u>appropriate</u> Conditional Use District or as a MPD-CZ (see Section 3.8). 3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for									

<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			
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.	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			
This district will usually be applied where the following conditions exist: 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.	Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
		Vehicle Use Areas, Storage Areas, Signs	10 [2]
	Driveway Setback from Property lines, min. (feet)	10	
	Setbacks between Buildings, min. (feet)	20	
	Height, max. (feet)	60 [3]	
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, CU = conditional use	Floor Area Ratio, max.	R-CU [4] NR [4]	.65
		NR-CU	.75
	Required Open Space Ratio, min.	.40	
	Required Livability Space Ratio, min.	R-CU	.45
	Gross Land Area, min./max. (square feet)	none	
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05
	EDE-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the EDE-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 ~~Use~~ District ~~or as a MPD-CZ~~ (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 ~~Class B~~-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
PURPOSE			
<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>		Front Setback from ROW, min. (feet)	50
APPLICABILITY			
<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. 		Side Setback, min. (feet)	15 [1]
		Corner Setback, min. (feet)	40 [1] [2]
		Rear Setback, min. (feet)	50 [1]
		Height, max. (feet)	30 [3]
<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, CU = conditional use</p>		Floor Area Ratio, max.	R-CU [4] NR [4] .45 NR-CU .50
		Required Open Space Ratio, min.	.55
		Required Livability Space Ratio, min.	R-CU .55
		Gross Land Area, min./max. (square feet)	none
		Required Pedestrian/Landscape Ratio, min.	NR NR-CU .05

EDH-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDH-1 District in Section 5.2, unless a Conditional ~~Use (CU) or MPD-CZ~~ 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 Use District ~~or as a MPD-CZ~~ (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., ~~a Class A Special Use Permit shall be required~~ 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 6.8.12 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. See Section ~~5.3.2(C)~~ 5.21.2 for standards for uses requiring ~~a Class A Special Use Permit~~ 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		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.	Front Setback, from ROW, min. (feet)	50			
APPLICABILITY			Side Setback, min. (feet)	20 [1]			
This district will usually be applied where the following conditions exist: 1. This district will be applied in the Hillsborough Economic Development District. 2. 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.		Corner Setback, min. (feet)	50 [1] [2]				
		Rear Setback, min. (feet)	40 [1]				
		Height, max. (feet)	60 [3]				
		Floor Area Ratio, max.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc; width: 50%;">R-CU [4]</td> <td style="text-align: center;">.45</td> </tr> <tr> <td style="background-color: #cccccc; width: 50%;">NR [4]</td> <td style="text-align: center;">.50</td> </tr> <tr> <td style="background-color: #cccccc; width: 50%;">NR-CU</td> <td style="text-align: center;">.50</td> </tr> </table>	R-CU [4]	.45	NR [4]	.50
R-CU [4]	.45						
NR [4]	.50						
NR-CU	.50						
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, CU = conditional use		Required Open Space Ratio, min.	.55				
		Required Livability Space Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc; width: 50%;">R-CU</td> <td style="text-align: center;">.50</td> </tr> </table>	R-CU	.50		
		R-CU	.50				
		Gross Land Area, min./max (square feet)	none				
		Required Pedestrian/Landscape Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc; width: 50%;">NR</td> <td style="text-align: center;">.05</td> </tr> <tr> <td style="background-color: #cccccc; width: 50%;">NR-CU</td> <td style="text-align: center;">.05</td> </tr> </table>	NR	.05	NR-CU	.05
NR	.05						
NR-CU	.05						
EDH-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS							
1. Uses shall be restricted to those indicated for the EDH-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 <u>an appropriate Conditional Use District or as a MPD-CZ</u> (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. Any nonresidential use within two hundred feet of a lot smaller than 2 acres in size with an existing dwelling unit shall ~~require a Special Use Permit, Class A~~ 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. See Section ~~5.3.2(C)5.21.2~~ for standards for uses requiring ~~a Class A Special Use Permit~~ 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				
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).		Front Setback, from ROW, min. (feet)	50	
APPLICABILITY		Side Setback, min. (feet)	20 [1]	
This district will usually be applied where the following conditions exist: 1. This district will be applied in the Hillsborough Economic Development District. 2. 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.		Corner Setback, min. (feet)	50 [1] [2]	
		Rear Setback, min. (feet)	40 [1]	
		Height, max. (feet)	R [3]	35 [4] [5]
			NR	60 [4]
		Floor Area Ratio, max.	R-CU [3] NR	.60 -.65
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] R = Residential uses; NR = Non-residential uses. [4] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [5] Multi-family structures shall be limited to a three-story maximum.		Required Open Space Ratio, min.	.50	
		Required Livability Space Ratio, min.	R-CU	-.45
		Gross Land Area, min./max. (square feet)	none	
		Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.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 Use (CU) or MPD-CZ 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 <u>appropriate Conditional Use District or as a MPD-CZ</u> (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 ~~require a Special Use Permit, Class A~~ 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. See Section ~~5.3.2(C)~~ 5.21.2 for standards for uses requiring ~~a Class A Special Use Permit~~ 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			
<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>	Front Setback, from ROW, min. (feet)	50	
APPLICABILITY			
<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. 	Side Setback, min. (feet)	20 [1]	
	Corner Setback, min. (feet)	50 [1] [2]	
	Rear Setback, min. (feet)	40 [1]	
	Height, max. (feet)	60 [3]	
<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, CU = conditional use</p>	Floor Area Ratio, max.	R-CU [4] NR [4]	.65
		NR-CU	.75
	Required Open Space Ratio, min.	.40	
	Required Livability Space Ratio, min.	R-CU	.45
	Gross Land Area, min./max. (square feet)	none	
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.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 Use (CU) or MPD-CZ 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 <u>an appropriate Conditional Use District or as a MPD-CZ</u> (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. Residential uses are not permitted in this district.⁶⁹~~

~~7.6.~~ All outparcels within this district shall have internal access to the development.

~~8.7.~~ 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.

~~9.8.~~ A justification for any deviation to development standards must state a public benefit or purpose.

~~10.9.~~ All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.

~~11.10.~~ 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.

~~12.11.~~ Proposed subdivisions shall follow the procedures outlined in Section 2.16.

~~13.12.~~ See Section ~~5.3.2(C)~~5.21.2 for standards for uses requiring ~~a Class A Special Use Permit~~approval as a Conditional District within the Hillsborough Economic Development District.

⁶⁹ This is incorrect. Some higher-density residential uses are allowed in this district, subject to use standards (See Article 5)

<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								
<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>	Front Setback, from ROW, min. (feet)	50						
APPLICABILITY								
<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. 	Side Setback, min. (feet)	20 [1]						
	Corner Setback, min. (feet)	50 [1] [2]						
	Rear Setback, min. (feet)	40 [1]						
	Height, max. (feet)	40 [3]						
<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, CU = conditional use</p>	Floor Area Ratio, max.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">R-CU [4]</td> <td style="text-align: center;">.65</td> </tr> <tr> <td style="text-align: center;">NR [4]</td> <td></td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.75</td> </tr> </table>	R-CU [4]	.65	NR [4]		NR-CU	.75
	R-CU [4]	.65						
	NR [4]							
	NR-CU	.75						
	Required Open Space Ratio, min.	.40						
	Required Livability Space Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">R-CU</td> <td style="text-align: center;">.45</td> </tr> </table>	R-CU	.45				
	R-CU	.45						
Gross Land Area, min./max. (square feet)	none							
Required Pedestrian/Landscape Ratio, min.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NR</td> <td style="text-align: center;">.05</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td></td> </tr> </table>	NR	.05	NR-CU				
NR	.05							
NR-CU								
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 Use (CU) or MPD-CZ 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 								

2. 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 ~~Use-District or as a MPD-CZ~~ (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 ~~5.3.2(C)~~5.21.2 for standards for uses requiring ~~a Class A Special Use Permit~~approval as a Conditional District within the Hillsborough Economic Development District.

SECTION 3.8: CONDITIONAL DISTRICTS

3.8.1 Generally

This Ordinance contains regulations that establish zoning districts and assign land uses to one or more of these districts. The Ordinance also provides standards for development that regulate lot size, yards, parking, landscaping, open space management, and other aspects of land use planning.

However, there are certain circumstances when:

- (A) A ~~general zoning conventional~~ district designation would not be appropriate for a certain property, but a specific use permitted within the district would be consistent with the objectives of this Ordinance and/or the adopted Comprehensive Plan,
- (B) A planning study, adopted by the Board of County Commissioners, indicates there may be opportunities to allow for specific classifications of development within a specific geographic area of the county that is not located within appropriate Land Use Categories to allow for a ~~general use conventional district~~ rezoning to occur,
- (C) Certain uses, groups of uses, or types of development that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and cannot be predetermined or controlled by ~~general use conventional~~ district standards, or
- (D) A property owner proposes the development, adoption, and imposition of unified development standards associated with the approval of a master development plan for a specific parcel of property that may or may not involve proposed modification of existing development regulations.

In these circumstances, ~~a Conditional Districts~~ may be utilized.

3.8.2 Purpose and Intent

- (A) Conditional Districts may be established for specialized purposes where tracts suitable in location, area and character for the use and structures proposed are to be planned and developed on a unified basis.
- (B) The suitability of tracts for the development proposed shall be determined primarily by reference to the adopted Comprehensive Plan, any relevant adopted small area plan, and the standards outlined in this Ordinance, but due consideration shall be given to the existing and prospective character of surrounding development.
- (C) Conditional Districts offer advantages to both the general public and property owners.
 - (1) **Benefits to the general public include:**
 - (a) A more efficient and effective use of land,
 - (b) A more efficient use of energy,
 - (c) The reduction of the costs of continuing maintenance responsibilities,
 - (d) The master planning of infrastructure development within the region, and
 - (e) A higher level of amenities in all types of development.
 - (2) **Benefits to property owners include:**
 - (a) Greater flexibility in the development of their land,
 - (b) The opportunity to utilize new and ingenious development techniques, and
 - (c) A more prudent use of time, money, effort, and other resources.

- (D) A rezoning request to a Conditional District is a voluntary procedure that is intended for firm development proposals.

3.8.3 Districts Established

- (A) **Conditional ~~Zoning~~ Districts⁷⁰**
- (1) Conditional ~~Zoning (CZ)~~ Districts are floating zoning districts, permitted within most land use designations allowing for the development of specific land uses, in accordance with established standards.
 - (2) A ~~CZ-Conditional District~~ requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan or Master Plan, and may include agreed-upon conditions of development.
 - (3) The following ~~CZ-Conditional Districts~~ districts are hereby established:
 - (a) Agricultural Support Enterprises (ASE-~~CZCD~~)
 - (b) Home Park (HP-~~CZCD~~)
 - (c) Master Plan Development (MPD-~~CZCD~~)
 - (d) NC Highway 57 Speedway Area Rural Economic Development Area (REDA-~~CZCD~~-1)
 - (e) Residential (R-CD)
 - ~~(d)(f)~~ Non-Residential (NR-CD)
 - (4) Land uses permitted within ~~CZ-Conditional Districts~~ districts shall be those uses detailed within Section 5.2 of this Ordinance.
 - (5) Development standards ~~for each district are located~~ in Article 6 of this Ordinance ~~apply to Conditional Districts unless a condition is approved which modifies a standard. However, a condition which allows a standard less than a state or federal minimum shall not be approved.~~⁷¹
- (B) **~~Conditional Use Districts~~**
- ~~(1) Conditional Use Districts allow for the development of a specific land use, or land uses, listed on the Table of Permitted Uses in Section 5.2 of this Ordinance, even if such use is not listed as a permitted use or special use under the current zoning designation of the subject property.~~
 - ~~(2) Conditional Use Districts shall conform to all applicable development regulations, including uses, for the corresponding general use zoning district, as well as any specific use standards and development standards established in Articles 5 and 6 of this Ordinance.~~
 - ~~(3) A Conditional Use District requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan, the issuance of a Class A Special Use Permit, and may include agreed-upon conditions of development.~~

3.8.4 Where Permitted

Conditional Districts are permitted within the following:⁷²

⁷⁰ 160D-703 of the statutes standardizes the term “conditional zoning district” to “conditional district.”

⁷¹ The existing statement is not accurate. The suggested amendment clarifies the intent of the statement and also clarifies that modifications from development standards may be approved.

⁷² (A), (B), and (C) are currently A, B, and C – a “bug” in Word is not allowing correct modification when also using the Track Changes feature.

- ~~(A)~~ Conditional Districts are permitted in in any Land Use classification and shall be located consistent with the existing general development pattern and the objectives of the adopted Comprehensive Plan and any adopted small area plan(s); ~~and,-~~
- ~~(C)~~**(B)** Conditional Districts are permitted within Wwithin areas subject to the Joint Planning Agreement (JPA) between Orange County the Towns of Carrboro and Chapel Hill, subject to the terms and standards of the JPA; ~~and,-~~
- ~~(D)~~**(C)** Conditional Districts are permitted within Wwithin the University Lake, Cane Creek, and Upper Eno Protected and Critical Watershed Overlay Districts.

<h1 style="margin: 0;">ASE-CZCD</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>		DIMENSIONAL AND RATIO STANDARDS	
		Lot size, min., per use (square feet)	40,000 [1]
		Lot Width, min. (feet)	150
PURPOSE		Front Setback from ROW, min. (feet)	40
The purpose of the Agricultural Support Enterprises Conditional District (ASE-CZCD) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.		Side Setback, min. (feet)	20 [2]
		Rear Setback, min. (feet)	20 [2]
APPLICABILITY		Height, max. (feet)	45 [3]
The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring-ensuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself.		Floor Area Ratio, max	No requirement [4]
		Required Open Space Ratio, min.	No requirement [4]
		Required Livability Space Ratio, min.	No requirement [4]
		Required Recreation Space Ratio, min.	No requirement [4]
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] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.		Required Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ-CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1. Uses shall be restricted to those indicated for the ASE- CZ-CD District in Section 5.2. Certain uses shall not be approved on parcels located within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan (refer to Section 5.2.3 for these uses see use standards in Article 5⁷³). 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. 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). The ASE- CZ-CD district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated farm or the proprietor of the approved use. 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. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots			

⁷³ A 2019 amendment changed the way the uses are denoted and Section 5.2.3 no longer exists; this proposed language should have been part of the 2019 amendments.

<div style="background-color: #4a7ebb; color: white; padding: 10px;"> <h1 style="margin: 0;">MPD-CZCD</h1> <h2 style="margin: 0;">MASTER PLAN DEVELOPMENT</h2> </div>		DIMENSIONAL AND RATIO STANDARDS	
			Tract size, min. (acres)
PURPOSE	The purpose of the Master Plan Development Conditional Zoning District (MPD-CZD) District is to provide for unified large scale subdivisions, non-residential, and mixed-use developments that promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment through the approval of a general concept Master Plan the permits defined flexibility to accommodate land use adjustments in response to evolving market trends.	Tract Front Setback from ROW, min. (feet)	No requirement [1]
APPLICABILITY	The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring-ensuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself.	Tract Side Setback, min. (feet)	No requirement [1]
		Tract Rear Setback, min. (feet)	No requirement [1]
		Height, max. (feet)	No requirement [1]
		Tract Floor Area Ratio, max	No requirement [1]
		Required Open Space Ratio, min.	No requirement [1]
		Required Livability Space Ratio, min.	No requirement [1]
	DIMENSIONAL STANDARDS NOTES: [1] The MPD-CZ-CD district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives. Specific site development standards can be approved with the Master Plan.	Required Recreation Space Ratio, min.	No requirement [1]
		Required Pedestrian / Landscape Ratio, min.	No requirement [1]
MPD-CZ-CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1.	MPD-CZ-CD districts shall be limited to Transition Land Use Categories within the Orange County Planning Jurisdiction and Rural Community Nodes, as defined in the Orange County Comprehensive Plan.		
2.	Uses shall be restricted to those indicated for the MPD-CZ-CD District in Section 5.2. 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.		
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.		
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.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all		

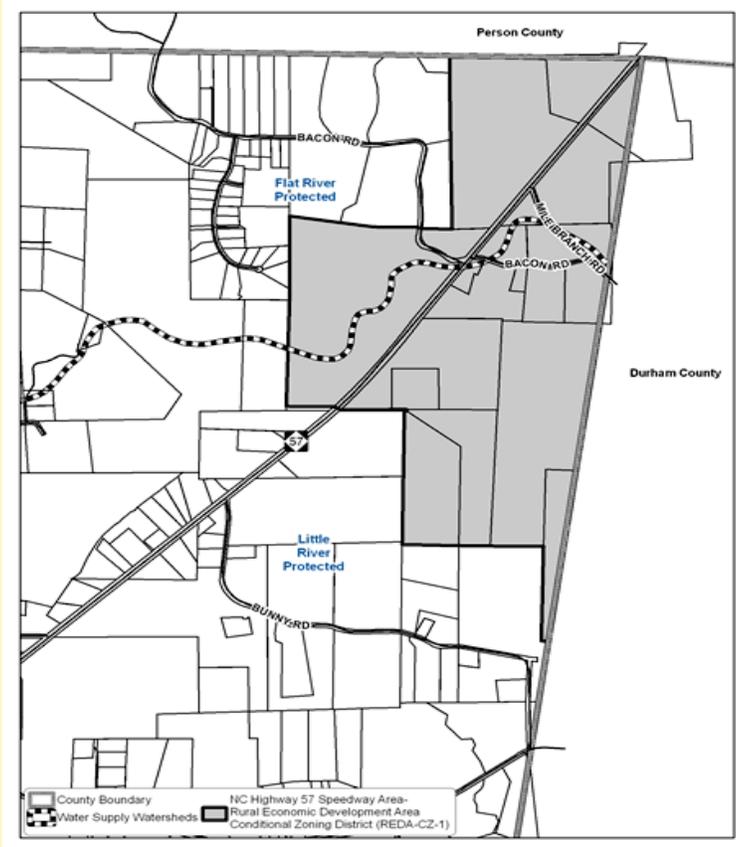
applicable development standards detailed in Article 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations.

7. Within the Rural Buffer Land Use classification, as denoted in the adopted Comprehensive Plan (RB) zoning district⁷⁴, only the following types of uses shall be considered for a MPD-~~CZCD~~: residential uses, institutional uses and professional services. Under no circumstances shall a MPD-~~CZ-CD~~ be approved for a retail or manufacturing/industrial land use within the RB zoning district.

⁷⁴ The correct reference is to the Land Use classification since, after a parcel is rezoned to MPD-CD, it is technically no longer within the RB zoning district. This restriction comes from the Joint Planning Agreement which is based primarily on future Land Use designations.

<div style="display: flex; justify-content: space-between; align-items: center; padding: 10px;"> <div style="text-align: left;"> <h1 style="margin: 0;">HP-CZCD</h1> <h2 style="margin: 0;">HOME PARK</h2> </div> <div style="text-align: right; font-weight: bold; color: white;"> DIMENSIONAL AND RATIO STANDARDS </div> </div>																									
PURPOSE	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Tract size, min./max. (acres)</td> <td style="text-align: center;">5/100</td> </tr> <tr> <td>Tract Front Setback from ROW, min. (feet)</td> <td style="text-align: center;">40</td> </tr> <tr> <td>Tract Side Setback, min. (feet)</td> <td style="text-align: center;">20</td> </tr> <tr> <td>Tract Rear Setback, min. (feet)</td> <td style="text-align: center;">20</td> </tr> <tr> <td>Individual Mobile Home Space Size, min. (square feet)</td> <td style="text-align: center;">5,000</td> </tr> <tr> <td>Temporary Residential Unit Space Size, min. (square feet)</td> <td style="text-align: center;">2,000</td> </tr> <tr> <td>Individual Space Width, min. (feet)</td> <td style="text-align: center;">50</td> </tr> <tr> <td>Height, max. (feet)</td> <td style="text-align: center;">25 [1]</td> </tr> <tr> <td>Tract Floor Area Ratio, max</td> <td style="text-align: center;">Consistent with residential uses in adjacent zoning districts</td> </tr> <tr> <td>Required Open Space Ratio, min.</td> <td style="text-align: center;">Consistent with residential uses in adjacent zoning districts</td> </tr> <tr> <td>Required Livability Space Ratio, min.</td> <td style="text-align: center;">Consistent with residential uses in adjacent zoning districts</td> </tr> <tr> <td>Required Recreation Space Ratio, min.</td> <td style="text-align: center;">Consistent with residential uses in adjacent zoning districts</td> </tr> </table>	Tract size, min./max. (acres)	5/100	Tract Front Setback from ROW, min. (feet)	40	Tract Side Setback, min. (feet)	20	Tract Rear Setback, min. (feet)	20	Individual Mobile Home Space Size, min. (square feet)	5,000	Temporary Residential Unit Space Size, min. (square feet)	2,000	Individual Space Width, min. (feet)	50	Height, max. (feet)	25 [1]	Tract Floor Area Ratio, max	Consistent with residential uses in adjacent zoning districts	Required Open Space Ratio, min.	Consistent with residential uses in adjacent zoning districts	Required Livability Space Ratio, min.	Consistent with residential uses in adjacent zoning districts	Required Recreation Space Ratio, min.	Consistent with residential uses in adjacent zoning districts
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<p>The purpose of the Home Park Conditional Zoning-District (HP-CZCD) District is to provide for the development of properly located and planned facilities for mobile home and temporary housing unit parks.</p> <p>Adequate housing is fundamental to the welfare of county residents; however, conventional housing is not consistently affordable to, nor desired by, all members of the general public. There is also an identified need to provide some level of flexibility for transient residents who need to reside within the area on a temporary basis.</p> <p>Where properly regulated and located, Home Parks address the public need for alternative housing and achieve a satisfactory relationship to adjoining and nearby property.</p>																									
APPLICABILITY																									
<p>The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring ensuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed mobile home district, the relationship of the site and site development plan to adjoining property, and the development itself.</p>																									
<p>DIMENSIONAL STANDARDS NOTES: [1] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>																									
HP- CZ CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS																									
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the HP-CZCD District in Section 5.2. 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. 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 located 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. 																									

5. See Section 5.5.4 for standards pertaining to Home Parks.
6. When a new home park is proposed to be located adjacent to an existing home park, the Standards in Section 5.5.4 shall be met.
7. Each home space shall contain only one designated temporary or permanent residential unit. Efficiency Units are prohibited within HP-~~CZ~~-CD districts.
8. A Temporary Residential Unit shall be allowed within a given park for a maximum of 180 days.
9. All permanent residential units within a HP-C~~Z~~D shall be designed and built to the appropriate State and Housing and Urban Development (HUD) standards and shall be served by permanent utility connections.

<h1 style="margin: 0;">REDA-GZCD-1</h1> <h2 style="margin: 0;">NC HIGHWAY 57 SPEEDWAY AREA RURAL ECONOMIC DEVELOPMENT AREA</h2>		DIMENSIONAL AND RATIO STANDARDS	
PURPOSE		Tract size, min. (acres)	none
		Tract Front Setback from ROW, min. (feet)	No requirement [1]
<p>The purpose of the NC Highway 57 Speedway Area Rural Economic Development Area Conditional Zoning-District (REDA-GZCD-1) District is to encourage additional, compatible, and unique non-residential development opportunities in a predefined area of the County as identified within the adopted NC Highway 57 Small Area Plan. Further, this district is intended to provide existing non-conforming land uses an opportunity to become conforming through a development review process so that property owners can upgrade their existing business to address changing needs while recognizing, and being consistent with, local land use regulations.</p>		Tract Side Setback, min. (feet)	No requirement [1]
		Tract Rear Setback, min. (feet)	No requirement [1]
APPLICABILITY		Height, max. (feet)	No requirement [1]
<p>This district shall be located consistent with the parcels designated as “Rural Economic Development Area” within the aforementioned Small Area Plan, a map of which is provided herein for illustrative purposes only:</p>		Tract Floor Area Ratio, max	No requirement [1]
		Required Open Space Ratio, min.	No requirement [1]
		Required Livability Space Ratio, min.	No requirement [1]

DIMENSIONAL STANDARDS NOTES: [1] The REDA- CZCD -1 district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with the adopted goal statements, policies, and action statements of the Small Area Plan and with the policies and objectives of this Ordinance. Specific site design standards shall be incorporated into the Planning Department-approved Site Plan.	Required Recreation Space Ratio, min.	No requirement [1]
	Required Pedestrian / Landscape Ratio, min.	No requirement [1]

REDA-~~CZCD~~-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Applications for the REDA-~~CZCD~~-1 district shall be accepted only for parcels delineated as being suitable for non-residential development within the NC Highway 57 Speedway Area Small Area Plan adopted by the BOCC on August 21, 2007.
2. Potential uses shall be restricted to those listed as permitted for the REDA-~~CZCD~~-1 District in Section ~~5.2.35.2~~⁷⁵.
3. Specific uses shall be limited to those approved by the Board of County Commissioners in the conditions of approval. 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.
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.
5. Development within the conditional ~~zoning~~ district shall be subject to all applicable use standards detailed in Articles 5 and 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations.
6. Applicants shall complete a comprehensive groundwater study to anticipate future usage to determine the appropriateness of a proposed land use. Such a study shall detail how much water is anticipated to be consumed, what amount of groundwater withdrawal is safe and sustainable in the immediate vicinity of the use, and if other wells will be affected by such withdrawals.
7. All new development shall limit groundwater withdrawals to not more than 240 gallons per day per acre.
8. No new development having a significant negative impact on existing roadways, traffic patterns or surface drainage patterns shall be permitted, unless an appropriate and viable solution has been approved to mitigate these conditions.

⁷⁵ Correction that should have been part of amendments adopted in 2019.

<p>CU CONDITIONAL USE DISTRICT</p>	<p>DIMENSIONAL AND RATIO STANDARDS</p>
	<p>Dimensional and Ratio Standards shall conform to the requirements of the corresponding general use zoning district.</p>
<p>PURPOSE</p>	
<p>The purpose of the Conditional Use (CU) District is to provide for unified developments that accomplish the purposes of applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots, and to promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment. Conditional Use Districts are intended to be used for purpose of binding development to a detailed site plan with a list of specific conditions that insures compatibility and harmony with surrounding areas.</p>	
<p>APPLICABILITY</p>	
<p>1. The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself.</p> <p>2. The Conditional Use (CU) development review process involves the development of a specific land use(s) on a specific parcel of property regardless of the current zoning designation.</p>	
<p>CU DISTRICT SPECIFIC DEVELOPMENT STANDARDS</p>	
<ol style="list-style-type: none"> 1. CU allows for the development of any land use contained within Section 5.2 of this Ordinance even if such use is not listed as a permitted or special use under the current zoning designation of the subject property. 2. Certain uses are excluded from consideration as a CU. See Section 5.1.3(E) for a list of uses that will not be considered for a CU. 3. 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. 4. 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). 5. 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. 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. 7. Within the Rural Buffer (RB) zoning district, only the following types of uses shall be considered for a CU: residential uses, institutional uses and professional services. Under no circumstances shall a CU be approved for a retail or manufacturing/industrial land use within the RB zoning district. 8. Any use permitted as a CU shall conform to all applicable development regulations for the corresponding general use zoning district as well as the specific development standards outlined in Articles 5 and 6 of this Ordinance. 9. All applications for a CU designation require the approval of a Special Use Permit, and the processing of the request shall be completed in accordance with the provisions of Section 2.9 of this Ordinance. 10. As detailed within Section 2.9, the review and approval of a CU requires: <ol style="list-style-type: none"> a. Approval of a rezoning petition by the Board of County Commissioners, and b. The approval and issuance of a Class A Special Use Permit by the Board of County Commissioners which includes the approval of a site plan for the proposed land use. See Sections 2.5 and 2.7. 	

<h1 style="margin: 0;">R-CD</h1> <h2 style="margin: 0;">RESIDENTIAL CONDITIONAL DISTRICT</h2>	<u>DIMENSIONAL AND RATIO STANDARDS</u>	
	<u>Tract size, min. (acres)</u>	<u>none</u>
	<u>Tract Front Setback from ROW, min. (feet)</u>	<u>No requirement [1]</u>
<u>PURPOSE</u>	<u>Tract Side Setback, min. (feet)</u>	<u>No requirement [1]</u>
<p>The purpose of the Residential Conditional District (R-CD) is to provide for unified residential developments that accomplish the purposes of applicable regulations to an equivalent or higher degree than where such regulations are intended to control development on individual lots, and to promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment. The R-CD District is intended to be used for purpose of binding development to a detailed site plan with a list of specific conditions that ensure compatibility and harmony with surrounding areas.</p>	<u>Tract Rear Setback, min. (feet)</u>	<u>No requirement [1]</u>
<u>APPLICABILITY</u>	<u>Height, max. (feet)</u>	<u>No requirement [1]</u>
<p>The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus ensuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself.</p>	<u>Tract Floor Area Ratio, max</u>	<u>No requirement [1]</u>
	<u>Required Open Space Ratio, min.</u>	<u>No requirement [1]</u>
	<u>Required Livability Space Ratio, min.</u>	<u>No requirement [1]</u>
<p><u>DIMENSIONAL STANDARDS NOTES:</u> [1] The R-CD district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with the policies and objectives of this Ordinance. Specific site development standards can be approved with the rezoning.</p>	<u>Required Recreation Space Ratio, min.</u>	<u>No requirement [1]</u>
	<u>Required Pedestrian / Landscape Ratio, min.</u>	<u>No requirement [1]</u>
<u>R-CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS</u>		
<ol style="list-style-type: none"> 1. Potential uses shall be restricted to those listed as permitted for the R-CD District in Section 5.2. 2. Specific uses shall be limited to those approved by the Board of County Commissioners during a rezoning hearing in the conditions of approval. 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. 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 Section 4.2.6 for a breakdown of the allowable impervious surface area. 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. Development within the conditional district shall be subject to all applicable use standards detailed in Articles 5 and 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations. or provide creative alternatives that meet the intent and spirit of the regulations. 7. Within the Rural Buffer Land Use classification, as denoted in the adopted Comprehensive Plan, only the following types of 		

uses shall be considered for rezoning to R-CD: residential uses, institutional uses and professional services. Under no circumstances shall a R-CD rezoning be approved for a retail or manufacturing/industrial land use within the Rural Buffer Land Use classification.

<h1 style="margin: 0;">NR-CD</h1> <h2 style="margin: 0;">NON-RESIDENTIAL CONDITIONAL DISTRICT</h2>	<u>DIMENSIONAL AND RATIO STANDARDS</u>	
	<u>Tract size, min. (acres)</u>	<u>none</u>
	<u>Tract Front Setback from ROW, min. (feet)</u>	<u>No requirement [1]</u>
<u>PURPOSE</u>	<u>Tract Side Setback, min. (feet)</u>	<u>No requirement [1]</u>
<p>The purpose of the Non-Residential Conditional District (R-CD) is to provide for unified non-residential developments, which may include residential components, that accomplish the purposes of applicable regulations to an equivalent or higher degree than where such regulations are intended to control development on individual lots, and to promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment. The NR-CD District is intended to be used for purpose of binding development to a detailed site plan with a list of specific conditions that ensure compatibility and harmony with surrounding areas.</p>	<u>Tract Rear Setback, min. (feet)</u>	<u>No requirement [1]</u>
<u>APPLICABILITY</u>	<u>Height, max. (feet)</u>	<u>No requirement [1]</u>
<p>The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus ensuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself.</p>	<u>Tract Floor Area Ratio, max</u>	<u>No requirement [1]</u>
	<u>Required Open Space Ratio, min.</u>	<u>No requirement [1]</u>
	<u>Required Livability Space Ratio, min.</u>	<u>No requirement [1]</u>
<p>DIMENSIONAL STANDARDS NOTES: [1] The NR-CD district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with the policies and objectives of this Ordinance. Specific site development standards can be approved with the rezoning.</p>	<u>Required Recreation Space Ratio, min.</u>	<u>No requirement [1]</u>
	<u>Required Pedestrian / Landscape Ratio, min.</u>	<u>No requirement [1]</u>
<u>NR-CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS</u>		
<ol style="list-style-type: none"> 1. Potential uses shall be restricted to those listed as permitted for the NR-CD District in Section 5.2. 2. Specific uses shall be limited to those approved by the Board of County Commissioners during a rezoning hearing in the conditions of approval. 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. 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 Section 4.2.6 for a breakdown of the allowable impervious surface area. 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. Development within the conditional district shall be subject to all applicable use standards detailed in Articles 5 and 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations. or provide creative alternatives that meet the intent and spirit of the regulations. 		

7. Within the Rural Buffer Land Use classification, as denoted in the adopted Comprehensive Plan, only the following types of uses shall be considered for rezoning to NR-CD: residential uses, institutional uses and professional services. Under no circumstances shall a NR-CD rezoning be approved for a retail or manufacturing/industrial land use within the Rural Buffer Land Use classification.

- (D) It is the intent of this overlay district to encourage land use patterns that will:
- (1) Protect existing single-family residential land uses,
 - (2) Protect the character of the area,
 - (3) Enhance property values,
 - (4) Maintain the economic viability and carrying capacity of the corridor,
 - (5) Preserve open vistas whenever possible,
 - (6) Encourage small businesses to locate in appropriate areas, and
 - (7) Continue to promote and provide for the general welfare of local citizens and property owners.
- (E) Standards are established in Section 6.6.1 to allow for the development of additional non-residential land uses within the ECOD in order to maintain and enhance the economic vitality of the area while protecting the less intensive mixture of existing residential land uses

4.3.2 Applicability

- (A) This district is intended for properties adjacent to Highway 70 within Cheeks Township of Orange County in accordance with the boundaries shown on the Orange County Zoning Atlas.
- (B) The requirements of this Ordinance pertaining to ECOD apply to all non-residential land uses and developments within the Highway 70 Overlay District except for existing non-residential land uses located within previously established **general conventional** commercial or Existing Commercial-5 (EC-5) zoning districts.

4.3.3 Non-residential Development

Non-residential development within the Highway 70 Corridor shall be limited to the following and shall be in accordance with the standards contained in this Section and Section 6.6.1:

- (A) Pre-designated commercial area as indicated on the Orange County Zoning Atlas, and
- (B) Along Highway 70 as depicted on the Orange County Zoning Atlas.

4.3.4 Permitted Uses

Within the ECOD, uses of land and structures shall be permitted as follows:

- (A) Non-residential development within the pre-designated commercial area shall adhere to the permitted and special uses outlined for the Neighborhood Commercial - 2 (NC-2) zoning district as contained within Section 5.2 of this Ordinance.
- (B) Non-residential uses within the Highway 70 Corridor Overlay District, shall be limited to professional office and similar institutional uses and shall abide by the standards contained in this Section and Section 6.6.1.
- (C) No more than 40% of the Highway 70 corridor outside of the pre-designated commercial areas shall be permitted for non-residential uses.
- (1) This figure shall be calculated by the sum of the street frontage of lots used for non-residential purposes compared to the total street frontage of all lots on both sides of the roadway outside of the pre-designated commercial areas along the overlay district corridor.
 - (2) The 40% limitation includes non-residential uses conducted within new or converted/rehabilitated structures that have a residential appearance.

in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

- (C) In addition to the listing of such uses, the Board of County Commissioners intends that the general standards and the more specific requirements established herein, shall be used by the Board of Adjustment, ~~the Planning Board and the Board of County Commissioners, as appropriate,~~ to direct deliberations upon application or the approval of Special Uses.
- (D) It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

~~(E) — Establishment of Classes of Special Uses; Authority To Approve or Disapprove~~

~~There are hereby established the following classes of Special Uses which shall be approved or disapproved as shown:~~

- ~~(1) — Class A — Approved or disapproved by Board of County Commissioners~~
- ~~(2) — Class B — Approved or disapproved by Board of Adjustment~~

~~5.1.4 — Conditional Uses⁷⁶~~

~~(A) — The Board of County Commissioners is mindful of its responsibility to protect the public health, safety and general welfare of the residents of Orange County and intends to encourage development within the County consistent with that purpose.~~

~~(B) — The Board of County Commissioners also recognizes that certain uses are appropriate for development in Orange County but their location and site development specifics cannot be predetermined or regulated through the use of a general zoning district designation and conventional standards.~~

~~(C) — Conditional Uses and Conditional Use Districts are hereby established and shall be reviewed in accordance with the provisions of this Ordinance.~~

~~(D) — Permitted Uses~~

- ~~(1) — Any use listed as Permitted by Right or by Special Use Permit on the Table of Permitted Uses may be approved as a Conditional Use within a Conditional Use District, unless expressly excluded in Section 5.1.3(E) of this Ordinance.~~
- ~~(2) — Permitted uses are subject to all general and specific standards of approval for that use, as established within this Section.~~

~~(E) — Exclusions~~

- ~~(1) — Unless otherwise noted in Section 5.2, the following uses shall not be considered or approved as a Conditional Use District within the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node land use classifications, as designated by the adopted Comprehensive Plan:~~
- ~~(a) — Airports, General Aviation, Heliports, S.T.O.L.,~~
- ~~(b) — Class II Kennels,~~

⁷⁶ This section is obsolete because of the removal of the Conditional Use (CU) process from the UDO. The potential for the type of developments formerly approvable with the CU process will now be reviewed/approved via conditional districts (R-CD and NR-CD are proposed to be added to replace the former CU district). It should be noted that staff is recommending that subsection (E), Exclusions (from consideration as development proposals in certain Land Use categories) also be deleted. Staff is pointing this out because it would allow these types of uses to be considered on a site-by-site basis, subject to all development criteria contained in the UDO, through the conditional district rezoning process.

- ~~(c) — Commercial Feeder Operation,~~
- ~~(d) — Composting Operation with grinding,~~
- ~~(e) — Crematoria,~~
- ~~(f) — Extraction of Earth Products,~~
- ~~(g) — Junkyards,~~
- ~~(h) — Landfills (less than 2 acres),~~
- ~~(i) — Landfills (2 acres or more),~~
- ~~(j) — Meat Processing Facility, Regional,~~
- ~~(k) — Military Installations (National Guard & Reserve Army),~~
- ~~(l) — Residential Hotel (Fraternities, Sororities, and Dormitories),~~
- ~~(m) — Sawmills,~~
- ~~(n) — Stables, Commercial,~~
- ~~(o) — Stockyards / Livestock Markets, and~~
- ~~(p) — Waste Management Facility; Hazardous & Toxic~~
- (2) — For all land use classifications other than the Commercial Industrial Transition Activity Node or Economic Development Transition Activity Node, the following uses shall not be considered or approved as a Conditional Use District:**
 - ~~(a) — Agricultural Processing Facility~~
 - ~~(b) — Airports, General Aviation, Heliports, S.T.O.L.,~~
 - ~~(c) — Bus Terminals & Garages,~~
 - ~~(d) — Class II Kennels,~~
 - ~~(e) — Commercial Feeder Operation,~~
 - ~~(f) — Composting Operation with grinding,~~
 - ~~(g) — Crematoria,~~
 - ~~(h) — Drive-In Theaters,~~
 - ~~(i) — Extraction of Earth Products,~~
 - ~~(j) — Farm Equipment Rental, Sales and Service,~~
 - ~~(k) — Feed Mill,~~
 - ~~(l) — Funeral Homes,~~
 - ~~(m) — Health Services: Over 10,000 square feet,~~
 - ~~(n) — Hospitals,~~
 - ~~(o) — Hotels & Motels,~~
 - ~~(p) — Industrial, Light,~~
 - ~~(q) — Industrial, Medium,~~
 - ~~(r) — Industrial, Heavy,~~
 - ~~(s) — Junkyards,~~
 - ~~(t) — Landfills (less than 2 acres),~~
 - ~~(u) — Landfills (2 acres or more),~~
 - ~~(v) — Meat Processing Facility, Regional,~~

- ~~(w) — Military Installations (National Guard & Reserve Armory),~~
- ~~(x) — Motor Freight Terminals,~~
- ~~(y) — Motor Vehicle Maintenance & Repair (Body Shop),~~
- ~~(z) — Motor Vehicle Repair Garage,~~
- ~~(aa) — Petroleum Products: Storage & Distribution,~~
- ~~(bb) — Research Facility,~~
- ~~(cc) — Residential Hotel (Fraternities, Sororities, and Dormitories),~~
- ~~(dd) — Sawmills,~~
- ~~(ee) — Stables, Commercial~~
- ~~(ff) — Stockyards / Livestock Markets,~~
- ~~(gg) — Storage of Goods, Outdoor,~~
- ~~(hh) — Waste Management Facility; Hazardous & Toxic, and~~
- ~~(ii) — Wholesale Sales.~~

5.1.55.1.4 Key to Permitted Use Table

- (A) The Table of Permitted Uses applies the following symbology:
- (1) An asterisk (*) indicates the use is permitted by right within the district,
 - (2) A delta (Δ) indicates the use is permitted subject to compliance with additional use standards,
 - (3) An 'AS' indicates the use is permitted subject to the issuance of a **Class A** Special Use Permit, and
 - ~~(4) — A 'B' indicates the use is permitted subject the issuance of a Class B Special Use Permit,~~
 - ~~(5) — A 'C' indicates the use requires the issuance of a Conditional Use Permit, and~~
 - ~~(6)(4)~~ A box with no symbols indicates the use is prohibited for development within the identified zoning district.

TABLE OF PERMITTED USES																																						
* = PERMITTED USE		Δ = SUBJECT TO USE STANDARDS										⊠ = CLASS A SPECIAL USE ⁹⁹					B = CLASS B SPECIAL USE ----- C = CONDITIONAL USE (REZONING & CLASS A SUP)																					
USE TYPE	GENERAL-USE CONVENTIONAL ZONING DISTRICTS																ECONOMIC DEVELOPMENT DISTRICTS										CONDITIONAL ZONING DISTRICTS											
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	ASE-C/DZ	MPD-C/DZ	HP-C/DZ	REDA-C/DZ-1	R-CD	NR-CD		
70.	Water & Sanitary Sewer Pumping Stations	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*		Δ*	Δ*	Δ*	Δ*	Δ*	Δ*	Δ*				Δ*	Δ*	Δ*	Δ*				Δ	Δ		
71.	Solar Array – Large Facility	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S		B/S	B/S		B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S							Δ*	Δ*			Δ	Δ	
72.	Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A	A	A	A	A							Δ*	Δ*			Δ	Δ	
WASTE MANAGEMENT USES																																						
73.	Landfills	A	A	A												A		A	A	A																Δ		
74.	Waste Management Facility											A							A	A																	Δ	
Wholesale Trade Uses																																						
75.	Wholesale Trade												*	*	*			*	*	*		*	*	*		*	*	*	*	*	*	*	*	*	*	*		
Assembly Uses⁹⁹																																						
76.	Club or Lodge	Δ*	Δ*	Δ*						Δ*	Δ*	Δ*	Δ*		Δ*							Δ*		Δ*						Δ*	Δ*				Δ	Δ		
77.	Community Center	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	B/S	Δ*	Δ*	Δ*		Δ*							Δ*		Δ*						Δ*	Δ*				Δ	Δ		
78.	Museum	B/S	B/S							B/S	B/S					B/S														Δ						Δ	Δ	
79.	Place of Worship	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ		Δ	Δ	Δ		Δ	Δ	Δ	Δ				Δ	Δ			Δ		Δ	Δ		
80.	Retreat Center	B/S	B/S	B/S							Δ*	Δ*	Δ*									Δ*		Δ*				Δ*		Δ*					Δ	Δ		
81.	Rural Special Events	Δ	Δ														Δ													Δ						Δ	Δ	
82.	Special Events – 150 attendees or less											Δ	Δ																							Δ	Δ	
83.	Special Events – 151 attendees or more																																				Δ	Δ

⁹⁹ This section is being corrected to reflect that all types of Assembly uses are subject to the standards in 5.18.1.

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.47-22 establish additional standards for specific Permitted Uses, Special Uses, ~~Conditional Uses~~, and uses permitted in Conditional ~~Zoning~~ Districts.

5.3.2 Special Uses

(A) General Standards

Before any application for a Special Use Permit shall be approved:

- (1) The applicant 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 Special Use; and
- (2) The ~~Board of County Commissioners or~~ Board of Adjustment shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:
 - (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
 - (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
 - (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

(B) Specific Standards

In addition to the general standards stated in Section 5.3.2(A), the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

- (1) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.
- (2) Method and adequacy of police, fire and rescue squad protection.
- (3) Method and adequacy of vehicular access to the site and traffic conditions around the site.
- (4) Other use specific standards as set forth herein.

~~(C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD¹⁰¹~~

~~In addition to the general and specific standards for all Special Use Permits, the following standards shall be addressed by the applicant before the issuance of a Class A Special Use Permit within the Hillsborough Economic Development District:~~

¹⁰¹ This entire subsection was moved to Section 5.22.2 because uses in the Hillsborough EDD that formerly required a Class A SUP are proposed to be processed through a Conditional District process.

(1) General Provisions

- (a) This section establishes criteria pertaining to appearance in the design of a site, buildings and structures, landscaping, signs, and other miscellaneous features that are observed by the public.
- (b) Aesthetic criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which result in creative solutions that will promote visual appearance within the city and county, preserve taxable values, and promote the public health, safety and welfare.

(2) General Design Standards

- (a) Harmonious and efficient organization
 - (i) The site plan shall be organized harmoniously and efficiently in relation to existing topography, the size and type of plot, the character of adjoining property, and the type and size of buildings.
 - (ii) The site will be developed to facilitate orderly development of surrounding property and with minimal disturbance to the natural environment.
- (b) Preservation of natural state
 - (i) Desirable vegetation or other unique natural features shall be preserved in their natural state when practical.
 - (ii) The Environmental Protection Plan shall include the locations of all existing trees 12" diameter four feet above the ground.
- (c) Enhancement of residential privacy

The site plan shall provide reasonable visual, lighting, and sound privacy for all adjacent dwelling units.
- (d) Emergency access

Structures and other site features shall be arranged to permit practical emergency vehicle access to all sides of buildings.
- (e) Access to public ways

Every structure and dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- (f) Non-motorized circulation
 - (i) A non-motorized circulation system shall be provided which is direct, efficient, and pleasant.
 - (ii) The system shall be complementary to, but independent of the vehicular circulation system.
- (g) Design of access and egress drives

The location, size, and numbers of ingress and egress drives to a site will be strictly limited to minimize the negative impacts on public streets and on adjacent property. This shall include formal entryways and access to outparcels from inside the development only.
- (h) Coordination with off-site circulation systems
 - (i) The arrangement of rights-of-way or easements for circulation shall coordinate with the pattern of existing and planned streets, pedestrian and/or bicycle pathways and transit routes in the area.

- ~~(ii) — Connection to adjacent properties is encouraged where possible.~~
- ~~(i) — Stormwater control

 - ~~(i) — Protective measures shall ensure that removal of stormwater runoff will not adversely affect neighboring properties or the public storm drainage system.~~
 - ~~(ii) — Provisions shall be made for construction of stormwater facilities including grading, gutters, and piping to direct stormwater and prevent erosion.~~
 - ~~(iii) — Surface water on all paved areas shall be collected at intervals that do not obstruct vehicular or pedestrian traffic.~~~~
- ~~(j) — Exterior lighting

The location, type, size and direction of exterior lighting shall not cause glare or direct illumination that interferes with adjacent properties or safety of public rights-of-way.~~
- ~~(k) — Protection of property values

Elements of a site plan shall be arranged to have minimum negative impact on values of adjoining property and other on-site uses.~~

~~(3) — Specific Standards~~

- ~~(a) — Unless otherwise indicated herein, the relevant standards for the specific Economic Development Zoning Districts shall apply.~~
- ~~(b) — Where actions, designs, or solutions proposed by the applicant are not literally in accord with the applicable regulations of this Ordinance, but the Board of County Commissioners makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Board of County Commissioners may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the approved permit.~~
- ~~(c) — Relationship of buildings to site

 - ~~(i) — The site shall be planned to provide for adequate planting, safe pedestrian movement, and parking areas.~~
 - ~~(ii) — Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and reduce heat generated by paved areas.~~
 - ~~(iii) — Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.~~
 - ~~(iv) — All utility services shall be underground.~~~~
- ~~(d) — Relationship of buildings and site to adjoining areas

 - ~~(i) — Attractive landscape transition to adjoining properties shall be provided.~~
 - ~~(ii) — Lighting intensity at the property line adjacent to residential uses shall not be greater than ½ footcandle. —~~~~
- ~~(e) — Building design~~

- ~~(i) — Architectural style is not restricted. Evaluation of the appearance of a project shall be based on its relationship to the surroundings. Primary and pedestrian facades are encouraged to complement and reflect the characteristics of downtown Hillsborough.~~
- ~~(ii) — Specific building materials are not endorsed. Evaluation of the appearance of a project shall be based on the relationship to surroundings.

 - ~~a. — Materials and design shall be compatible with each other in multiple building projects.~~
 - ~~b. — Materials shall be selected for suitability to the type of buildings and the design in which they are used. Utilitarian materials shall be limited to inconspicuous facades and non-public or service areas.~~
 - ~~c. — Materials with unique or special character are encouraged.~~~~
- ~~(iii) — Buildings and building components, such as walls, windows, doors, eaves, and parapets, shall have human proportions and relationships to one another.~~
- ~~(iv) — Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways. This provision does not apply to the installation of electric vehicle charging stations.~~
- ~~(v) — Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.~~
- ~~(vi) — Recycling and waste removal areas, service yards, storage yards, and exterior work areas shall be located away from and screened from view from public ways, using materials as stated in criteria for equipment screening. Areas shall be sized to accommodate changes in technology and local refuse ordinances.~~
- ~~(vii) — Variation of detail, form, material, and siting may be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.~~
- ~~(f) — Landscaping and Site Treatment

~~Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utility structures. New and existing vegetation shall be maintained in a flourishing manner.~~

 - ~~(i) — Natural or existing topographic patterns contributing to the beauty and utility of a development shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect significant natural features and drainageways.~~
 - ~~(ii) — Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance.~~~~

- ~~(iii) — Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important visual corridors, and provide shade.~~
- ~~(iv) — Unity of design shall be achieved by repetition of certain plan varieties and other materials and by correlation with adjacent developments.~~
- ~~(v) — Plant material shall be selected for its structure, texture, and color for interest and for its ultimate growth. Use of native plants is encouraged; others that will be hardy, harmonious to the design, and of good appearance can be allowed.~~
- ~~(vi) — Appropriate curbs, tree guards or other devices shall be employed to protect plants susceptible to injury by pedestrian or motor traffic.~~
- ~~(vii) — Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.~~
- ~~(viii) — Service yards and other unsightly places shall be screened by use of walls, fencing and/or planting.~~
- ~~(g) — Signs~~
 - ~~(i) — Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings. A unified signage plan shall be submitted and approved with the Special Use Permit.~~
 - ~~(ii) — Every sign shall be designed as an integral architectural element of the building and the site to which it principally relates.~~
 - ~~(iii) — The colors, materials and lighting of every sign shall be harmonious with the building and site to which it principally relates.~~
 - ~~(iv) — The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the total area of the sign face.~~
 - ~~(v) — Freestanding signs shall not be pole mounted.~~
- ~~(h) — Maintenance, planning and design factors~~
 - ~~(i) — Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.~~
 - ~~(ii) — Provisions for cleaning buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to accumulate debris and dirt shall be avoided.~~

SECTION 5.4: STANDARDS FOR TEMPORARY USES

5.4.1 Yard Sale

(A) Standards of Evaluation

- (1)** Yard sales are permitted in accordance with the Table of Permitted Uses provided that these sales do not exceed two days per month.

5.4.2 Temporary Fund Raising Activity

(A) Standards of Evaluation

been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage

- a. Up to 500 square feet of outdoor storage area may be permitted only in the RB, AR and R-1 zoning districts provided that it:
 - i. Is clearly defined on the site plan and on the ground.
 - ii. Is located at least 40 feet from any lot line or road right-of-way; and
 - iii. Is totally screened from the view from the road and from adjacent property in the same manner as is required for accessory buildings.

(c) Major Home Occupations

(i) General Operations

The following requirements apply to major home occupations:

- a. Major home occupations shall be permitted only in the AR and R-1 zoning districts.
- b. All major home occupations shall be located on parcels at least five acres in size.
- c. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Up to six permanent and/or temporary nonresident employees may be permitted onsite at any one time with the exact number established in the Special Use Permit.
- d. The total amount of square footage permitted for a residential dwelling unit used in conjunction with a major home occupation, which exceeds standards referenced in Section 5.5.43.A.2(b)(i)b, shall be determined with the approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.
- e. Up to eight students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of fifteen students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

- a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than fifty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.
- b. All major home occupations shall conform to the standards of Section 5.5.43(A)(2)(b)(ii)c.
- c. Parking generated by the home occupation shall be met off the street and set back at least 40 feet from all property lines.
- d. Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.

- e. Major home occupations located on shared private roadways shall be required to submit a private road maintenance agreement prior to approval.

(iii) Use of Accessory Structures

- a. An accessory building containing up to 2,500 square feet may be utilized, with the approval of a major home occupation, on tracts totaling five to ten acres in size. An accessory building containing up to 3,000 square feet may be utilized, with the approval of a major home occupation, on tracts greater than ten acres in size.
- b. All accessory structures shall be built with materials not incompatible with a residential accessory structure.
- c. Setback standards for all accessory structures shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines.
- d. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous vegetation planted on the outside of the fence may be used for screening purposes. Screening will not be required when:
- i. The accessory structure is located 80 feet or more from all property lines; or
 - ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.
- e. New accessory structures built for the purpose of conducting a home occupation shall not exceed square footage allowances referenced in Section 5.5.43.A(2)(ec)(iii)a¹⁰².
- f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.43.A(2)(ec)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage Space

- a. Up to 500 square feet of outdoor storage area may be permitted in conjunction with major home occupations provided that it is:
- i. Clearly defined on the site plan and on the ground.

¹⁰² [Correct reference.](#)

- ii. Setback standards for outdoor storage space shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines; and
- iii. Totally screened from the view from the road and from adjacent property in the same manner required for accessory buildings.

5.5.5 Home Park

(A) Standards for HP-CZCD

(1) Permitted Uses and Structures

In addition to Mobile Homes and/or Temporary Residential Units, as defined by this Ordinance, the following accessory structures and uses shall be permitted:

- (a) Caretaker's or manager's home or office.
- (b) Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, and other similar services provided by the facility for the use and convenience of the home park tenants.
- (c) Recreation buildings/facilities and areas serving only the Home Park in which they are located.
- (d) Customary accessory buildings and facilities necessary for operation of the Home Park in which they are located.
- (e) Storage buildings for individual Home Park Spaces and intended for the exclusive use of the Home Park Space occupants shall be permitted. Such accessory structures shall meet required setbacks from adjacent structures.
- (f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents.
- (g) Sales of mobile homes and/or Temporary Residential Units already located on approved and established Home Park Spaces.

(2) Home Park Space Requirements

- (a) A Home Park shall be divided into individual Home Park Spaces, each Home Park Space having an area and width consistent with Section 3.8. The Orange County Health Department may increase the minimum area requirements for the park and/or individual Home Park Spaces where necessary to be consistent with groundwater resources and/or the limitations of providing sewage disposal systems for the proposed home park.
- (b) Only one mobile home or Temporary Residential Unit and its customary accessory buildings may be located within any Home Park Space at one time. Additional Efficiency Units or Temporary Residential Units shall not be permitted within an occupied Home Park Space.
- (c) The location of each Home Park Space must be at an elevation, distance and angle in relation to the adjacent access drive or street such that placement and removal of the mobile home or Temporary Residential Unit is practical by means of customary moving equipment.
- (d) The surface of each Home Park Space and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.

(5) Vehicular Access for HP-CZ-CD Districts

- (a) Each individual space shall abut an improved access drive or street approved by the County.
- (b) No individual space shall have direct vehicular access to a street or thoroughfare other than those located within the home park.
- (c) The street layout within the Home Park should be appropriately related to the topography, locations of abutting land uses, drainage patterns, street function and other natural features of the site.
- (d) The planned layout of streets should minimize overall length of streets and provide for the safe, continuous flow of traffic.
- (e) All streets shall be located within a 40 foot right of way
- (f) The travelway for all streets shall be at least 18 feet in width and must comply with the drainage standards established in this Ordinance.
- (g) All streets shall be constructed with paved, all-weather surfaces consisting of four inches of base material (crusher run) and 1 ½ inches of 1 2 asphalt or tar and gravel surface treatment consisting of a minimum of six inches of base material (crusher run) covered with alternating layers of tar and pea sized gravel.
- (h) Every street shall have a maintained six foot wide shoulder running parallel and adjacent to each side of the paved street surface. The shoulder section may be used for walkways, driveways, grass or low growing vegetative ground cover or utility rights of way.
- (i) The maximum length of a cul-de-sac shall be 800 feet. Cul~~s~~-de-sacs¹⁰³ shall have a paved turnaround radius of 45 feet with a right of way radius of 55 feet.
- (j) No street shall intersect another street at an angle less than 60 degrees.
- (k) The turning radius at street intersections shall not be less than 30 feet.
- (l) Offset intersections are to be avoided, but where permitted, they shall be separated by a minimum distance of 200 feet between street center lines.
- (m) Streets intersecting with a State maintained street shall conform to the standards of the North Carolina Department of Transportation specified in Subdivision Roads Minimum Construction Standards.
- (n) Required off street parking spaces must be surfaced with at least four inches of compacted crushed stone or an all-~~w~~-weather¹⁰⁴ paved surface.

(6) Signs

- (a) Any sign erected on-site shall comply with the standards established in Section 6.12 of this Ordinance.
- (b) Traffic control signs (stop, yield, speed limit, children playing signs, etc.) meeting the standards of the Uniform Traffic Control Manual shall be placed throughout the home park where necessary. Cul~~s~~-de-sacs¹⁰⁵ shall have 'Dead End' street signs erected at the entrance to such streets.

¹⁰³ Correct grammar error.¹⁰⁴ Correct grammar error.¹⁰⁵ Correct grammar error.

(7) Street Names, Signs & Addressing

- (a) All street names shall be approved by the Orange County Planning Department and Land Records staff.
- (b) Street signs shall be located and constructed to Orange County standards and shall be installed outside the right-of-way at all intersections.
- (c) Each applicant shall submit to the Planning Department and Land Records for approval a space addressing system consistent with the Orange County Addressing Ordinance. Upon approval of the home park, the applicant shall submit an approved copy of the addressing plan to the emergency services/fire protection agency responsible for providing such services.
- (d) Each space shall have a permanent address sign erected in accordance with the Orange County Addressing Ordinance.

(8) Grounds and Buildings

- (a) The grounds shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.
- (b) Grounds, buildings and storage areas shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds.

(9) Mail Facilities

- (a) Within each HP-~~CZ-CD~~ district shall provide a clustered mail delivery system, in compliance with the appropriate postal service guidelines. Applicants shall consult the appropriate agency for the specific requirements of this system.
- (b) Access to the mail delivery facility must be designed to allow three to four cars to stop at the mail delivery facility without conflict from passing vehicles.

(10) Garbage & Refuse Collection

- (a) All garbage and refuse shall be stored in suitable waterproof and rodent proof receptacles which shall be kept covered with tightly fitting lids.
- (b) A central collection system shall be provided either through a private collection system for individual spaces or through the use of bulk containers (dumpsters).
- (c) Where bulk containers are used, there must be at least one four cubic yard bulk container for every 16 individual spaces, which shall be emptied weekly. Within the HP-~~CZ-CD~~ district, parks with fewer than 16 spaces shall be required to provide one container.
- (d) Bulk containers shall be front loading wherever practicable. A side-loading container may be allowed where a front-loading container is not feasible and the property is accessible to a regular route of a side-loading refuse collection vehicle.
- (e) Where bulk containers are provided, a six inch reinforced concrete pad shall be provided to set the set container and also support the front wheels of the truck during the loading operation. The pad shall be 10 feet in width and 20 feet in length with at least 10 feet of the pad accessible for the truck to drive onto in front of the dumpster container for front loading pickup. If side loading containers are used, the pad may be 12 feet in width and eight feet deep with no projection for the truck wheels.

- (b) ~~The home may be placed on a permanent support system, if desired. If a solid concrete or masonry perimeter foundation is used, the exterior covering material shall not extend below the top of the foundation.~~
- (6) ~~Temporary mobile homes installed in accordance with the Table of Permitted Uses are exempt from the support system requirements established in Subsections (4) and (5) above. However, skirting is required and the mobile home must be connected in conformance with all applicable laws and regulations.~~

5.5.8 Group Care Facility

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit or Conditional Districts

(1) Submittal Requirements

In addition to the information required by section 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the type of persons to be cared for and the nature of the care to be provided.
- (b) If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of these alterations or new construction.

(2) Standards of Evaluation

- (a) The proposed use is not within 500 feet of another existing Family Care Facility or Group Care Facility.
- (b) Structural alterations shall be of such a nature as to preserve the residential character of the building.
- (c) If a state license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met.

5.5.9 Group Home

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit or Conditional Districts

(1) Submittal Requirements

In addition to the information required by Section 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the type of persons who will be living within the facility.
- (b) If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of these alterations or new construction.

(2) Standards of Evaluation –

- (a) The proposed use is not within 500 feet of another existing Family Care Facility, Group Home, or Group Care Facility.
- (b) Structural alterations shall be of such a nature as to preserve the residential character of the building.

5.5.10 Health and Personal Care Facility

(A) Use Standards

Multi-family uses are permitted in the EDH-3 and EDH-4 zoning districts only in accordance with the following standards:

- (a) The site plan must identify the square footage of each building by type of use.
- (b) A permitted Principal Use must be established on at least 50% of the total square footage of structures on the site.
- (c) Multi-family dwellings shall not exceed 25% of the total square footage of all structures on the site.

SECTION 5.6: STANDARDS FOR SERVICE USES

5.6.1 Service Uses

(A) Standards for the LC-1, NC-2, and EC-5 Zoning Districts

- (1) Shall be limited to no more than 12,000 sq.ft. of building area.

(B) Standards for the O/RM Zoning District

- (1) Shall be limited to no more than 16,000 sq.ft. of building area as a principal use of property.

5.6.2 Cemetery

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit for Conditional District

(1) Submittal Requirements

In addition to the information required by Section 2.7 or 2.9, as applicable, the following shall be submitted as part of the application:

- (a) Evidence that the requirements of the North Carolina General Statutes Chapter 65 can be achieved and that the standards of the N.C. Cemetery Commission shall be met.

(2) Standards of Evaluation

- (a) A minimum lot size of two acres is provided.
- (b) The site shall have direct access to a collector or arterial street.
- (c) There shall be adequate space within the site for the parking and maneuvering of funeral cartilages.
- (d) No interments shall take place within 30 feet of any lot line.

5.6.3 Eating and Drinking Establishments

(A) Use Standards

- (1) Shall have frontage, and obtain access from, a public roadway.
- (2) Buildings housing nightclubs, bars, and pubs shall not be located within 200 ft. of a residential structure.
- (3) Drive-thru facilities shall only be permitted within the CC-3, GC-4, EDE-2, EDB-2, EDH-4, and MPD-CZ Conditional Zoning Districts.

5.6.4 Funeral Homes

(A) Use Standards

- (1) ~~Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(2)(1)~~ On-site Crematoria shall only be permitted within the I-1 and I-2 Zoning Districts.

5.6.5 Garden Center

(A) Use Standards

(1) Rental of moving vehicles shall be permitted as a customary accessory use.

(B) Standards of Evaluation

- (1) Outdoor display and storage of goods will be permitted.
- (2) Outdoor storage of bulk goods shall be located to the rear or side of the primary building and screened on three sides by an eight foot high opaque wall or fence.
- (3) Outdoor storage for bulk goods shall be limited to 1,500 square feet per acre of the zoning lot.

5.6.6 Massage Business

(A) Standards for Evaluation

- (1) Must comply with the Ordinance for the Control of Massage and Massage Establishments
- (2) The submittal of construction plans for all existing and proposed buildings housing the massage business. The construction plans shall include floor plans and cross sections showing the proposed use of all portions of such buildings.
- (3) For existing buildings, certification by the Orange County Building Inspector that the structure(s) complies with the North Carolina Building Code and all related construction codes.

5.6.7 Junkyards/Salvage Yards

~~(A) Use Standards~~

~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)(A) Submittal Requirements and Standards of Evaluation for **Class A Special Use Permit** NR-CD District~~

~~(1) Submittal Requirements~~

~~In addition to the information required by Section 2.79, the following information shall be supplied as part of the application for approval of this use:~~

- ~~(a) Detailed plans and specifications for the site screening proposed.~~
- ~~(b) Description of type and number of motorized machines to be employed upon site.~~
- ~~(c) Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles.~~

~~(2) Standards for Evaluation~~

- ~~(a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.~~
- ~~(b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines.~~
- ~~(c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.~~

5.6.8 Kennels (Class II)

(A) Use Standards

~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(2)(1) Allowed as more than 4 one principal use if location on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.~~

(B) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit or Conditional Districts

(1) Submittal Requirements

In addition to the information required by Section 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

(2) Standards of Evaluation

- (a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.
- (b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel.
 - (i) The 150 foot setback established by this section shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
 - (ii) For Class II Kennels developed within the EDE-2 zoning district, this setback shall not apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.
 - (iii) For Class II Kennels developed within the EDE-2 zoning district, all buildings, structures, dog runs, pens, or exercise yards in which animals are housed or exercised shall observe the principal setbacks established within Section 3.7 of the UDO in those instances where the property abuts other EDE-2 zoned property and US Highway 70.
- (c) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.
- (d) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.
- (e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.
- (f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.

- (2) A Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (a) Amount of area allocated to each use.
 - (b) Number of full and part time employees.
 - (c) Number of clients and/or occupants expected to use the facility.
 - (d) Proposed hours of operation for non-residential uses of the site and within buildings thereon.
- (3) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (4) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials.
- (5) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses including any proposed eating establishment.
- (6) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (7) The proposed development schedule for the site.
- (8) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(C) **Standards of Evaluation for ~~Class A Special Use Permit~~ Conditional Districts**

- (1) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (2) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (3) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (4) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).
- (5) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (6) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (7) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (8) On-site parking shall be provided in accordance with Sections 6.9 of this Ordinance. The Fire Marshal shall approve the site plan indicating there is sufficient area for EMS and fire truck accessibility.

- (9) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (10) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.
- (11) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

5.6.11 Short Term Rental – Non Host Occupied

(A) Use Standards

- (1) ~~Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

5.6.125.6.11 Storage of Goods

(A) Use Standards

- (1) **Standards for the NC-2 and EC-5 Zoning Districts**
 - (a) Shall be limited to no more than 12,000 sq.ft. of building area.
 - (b) Outdoor storage shall be prohibited.
- (2) **Standards for the GC-4 and O/RM Zoning Districts**
 - (a) Shall be limited to no more than 24,000 sq.ft. of building area.
 - (b) Outdoor storage shall be permitted subject to the following:
 - (i) Shall be setback 50 ft. from all property lines.
 - (ii) Shall be enclosed by a fence a minimum of 8 ft. in height.
 - (iii) Shall be screened by a Type B land use buffer as detailed in Section 6.8 of this Ordinance.
- (3) **Standards for I-1, I-2, I-3, EDB-1 and EDE-1 Zoning Districts**
 - (a) Outdoor storage areas shall be permitted subject to the following:
 - (i) Shall be setback 50 ft. from all property lines.
 - (ii) Shall be enclosed by a fence a minimum of 8 ft. in height.
 - (iii) Shall be screened by a Type B land use buffer as detailed in Section 6.8 of this Ordinance.

5.6.135.6.12 Taxidermy

(A) Use Standards

- (1) Allowed as more than ~~4~~one principal use if location on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation for ~~Class B~~ Special Use Permit

- (1) Enterprises located in an AR zoning district must be located on a bona fide farm.
- (2) If located adjacent to residentially zoned property, all buildings, structures,

facilities, etc. used in the taxidermy enterprise shall be located a minimum of 100 feet from the property line.

5.6.145.6.13 Sexually Oriented Businesses

(A) Submittal Requirements

- (1) In addition to the site plan submittal criteria detailed within Section 2.5 of this Ordinance the applicant shall submit proof a license has been issued allowing for the operation of a sexually oriented business in accordance with Chapter 8 of the Orange County Code of Ordinances.

(B) Standards of Evaluation

- (1) Sexually oriented business(es) shall not be located in any building, or portion thereof, that is:
 - (a) Within 1,000 feet of an existing sexually oriented business.
 - (b) Within 1,000 feet of a:
 - (i) Residential land use including any open space established as part of the residential subdivision approval process,
 - (ii) Church and/or place of worship,
 - (iii) School (public, private, or specialty),
 - (iv) Public or private library,
 - (v) State licensed child care facility, or
 - (vi) Public park or recreational facility.
 - (c) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Uses as Accessory Uses

(A) Use Standards - Residential Land Uses

In addition to the requirements contained within this Ordinance, recreational uses developed as an accessory use to a residence shall abide by the following:

(1) General Standards

- (a) Accessory recreational uses shall not be open to the public or serve as a recreation amenity for other lots.
- (b) Amenities, equipment, and/or facilities intended for spectators such as bleachers or public address systems shall not be permitted.
- (c) Outdoor sports field lighting, as detailed within Section 6.11, shall be prohibited.

(2) Specific Standards

- (a) Motor Cross and Go-Kart Tracks
 - (i) All tracks and/or paths shall be located a minimum of 100 feet from a property line.
 - (ii) A track or path shall not cross over active septic fields.

around the perimeter of the property.

- (d) Nothing in Section 5.7.2 (B) shall be construed as regulating hunting activities or the operation of a shooting range developed for, and exclusively utilized by, local, State, and/or Federal law enforcement agencies.
- (e) Nothing in Section 5.7.2 (B) shall be construed as regulating or prohibiting:
 - (i) Hunting activities or the operation of a shooting range developed for, and exclusively utilized by, local, State, and/or Federal law enforcement agencies.
 - (ii) The holding of turkey shoots or other similar activities conducted as a fundraiser or community event so long as such activities occur no more than three days in a given calendar year on a parcel of property.
 - (iii) The incidental discharge of a firearm, the discharge of a firearm in self-defense, or engaging in target shooting activities on a parcel of property no more than 2 days in a given month.

(2) Outdoor Paintball

- (a) Areas where outdoor paintball activities occur shall be a minimum of 50 feet from all property lines, street rights-of-way, or access easements.
- (b) A Type B land use buffer, as detailed in Section 6.8, shall be required around the perimeter of the portion of property where outdoor paintball activity occurs.

(3) Pitch and Putt Courses

- (a) Pitch and putt areas shall be located a minimum of 40 feet from all property lines, street rights-of-way, or access easements.
- (b) A Type B land use buffer, as detailed in Section 6.8, shall be required around the perimeter of the portion of property where pitch and putt course activity occurs.

(C) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the exact type facility planned, the amount of area, including and number of members or participants expected, a site plan showing siting and size of existing and proposed building.
- (b) Access, parking, service and recreation areas for all planned facilities or existing facilities.
- (c) Plans, and elevation for all proposed and existing structures and descriptions of the color and nature of all exterior materials.
- (d) A landscape plan showing, at the same scale as the site plan, existing and proposed trees, shrubs, ground cover and any other landscape materials.
- (e) A signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.

(2) Standards of Evaluation

- (a) The property shall have direct frontage on, and obtain vehicular access from, a public road.
- (b) Lot size shall be adequate for the method of sewage disposal proposed, and for the proposed recreational uses.
- (c) The site plan should show the boundaries of the site, the distances to the nearest residential structures, proposed or existing access points, parking and service areas, location of outdoor recreational facilities, and location of existing or proposed buildings.
- (d) The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition to proposed or existing trees, shrubs and ground cover.
- (e) Elevations of all structures and buildings. The structure shall be of such a nature as to preserve the residential character of the area.
- (f) There are no adverse impacts on the adjacent roads or residential property.

5.7.3 Golf – Driving and Practice Range

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) A site plan showing the following:
 - (i) All existing or proposed buildings, tee areas, lawn areas,
 - (ii) Distances to nearest residential structures,
 - (iii) Access road(s) to the site, with an indication of type of proposed surface;
 - (iv) On-site parking and roads, with an indication of type of proposed surface; and
 - (v) All other requirements as indicated in section 2.5.

(2) Standards of Evaluation

- (a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.
- (b) The landscape plan shall show how the facilities will be screened from the adjacent properties. A Type D 50 foot buffer, as indicated in Section 6.8, shall be observed around the perimeter of the property. This buffer shall be located outside of the required dimensional area indicated in d. below.
- (c) The site plan, as required in Section 2.7, shall be reviewed by the Orange County Recreation and Parks Director.

- (d) The depth of a range along the driving axis shall be not less than 350 yards measured from the locations of the tees and the breadth not less than 200 yards at a distance of 350 yards from the tees.
- (e) Service to customers shall be halted at dusk. Lighting of the driving and practice range is not permitted.

5.7.4 Golf Courses

(A) Intent

The purpose of this Subsection is to protect natural, visual, and cultural resources by regulating the location, planning, design, construction, operation, and maintenance of golf courses and associated uses.

(B) Applicability

The standards contained herein shall apply to all new golf courses, whether proposed as a principal use or as an accessory use which is part of a residential subdivision, or included in a ~~Conditional Use District or~~ Conditional ~~Zoning~~ District.

- (a) Notwithstanding the provisions of Section 8.6, golf courses which existed prior to May 21, 1997, shall comply with the requirements of this article when 50% or more of the total playable acreage of golf holes is concurrently reconstructed or altered, or if 50% of playable acreage is added to an existing course. Playable acreage includes all tees, greens, fairways, and roughs measured as of May 21, 1997.

- (b) Changes to Approved Special Use Permits ~~(for approvals prior to [date of adoption for this amendment])~~

In accordance with Section ~~2.7.12.7.14~~, the Planning Director is authorized to approve minor changes in the approved plans of Special Uses, provided the changes are in harmony with the original approval. Before changes to an approved Special Use Permit may be considered, updates of submittal materials such as the environmental assessment, biological inventory, or resources management plan may be required. In lieu of the criteria established in Section ~~2.7.32.7.14 (B)~~, the following criteria shall be used to determine when proposed changes to a Special Use Permit for a golf course, shall require approval of the Board of County Commissioners:

- (i) Any change in a condition of approval, including any reduction in a setback;
- (ii) An increase in playable acreage of golf holes by more than 10%. Playable acreage shall include all tees, greens, fairways, and roughs as shown on the first site plan approved;
- (iii) Any new use not included in the approved Special Use Permit or substantial expansion of an approved use that does not involve floor area;
- (iv) An increase by 25% or more in total floor area of all structures shown on the first site plan approved, either in a new structure or as an addition(s) to an approved structure(s);
- (v) An increase in parking by 10% or more of the parking shown on the first site plan approved;
- (vi) Substantial changes in pedestrian and/or vehicular access or circulation; and

- (vii) A change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service and that is not associated with a less than 10% increase in playable acreage.

(c) Changes to Approved Conditional Districts

In accordance with Section 2.9.2, the Planning Director is authorized to approve minor changes in the approved plans of Conditional Districts. Before changes to an approved Conditional District may be considered, updates of submittal materials such as the environmental assessment, biological inventory, or resources management plan may be required. In lieu of the criteria established in Section 2.9.21(l), the following criteria shall be used to determine when proposed changes to a Conditional District for a golf course shall require approval of the Board of County Commissioners:

- (i) Any change in a condition of approval, including any reduction in a setback;
- (ii) An increase in playable acreage of golf holes by more than 10%. Playable acreage shall include all tees, greens, fairways, and roughs as shown on the first site plan approved;
- (iii) Any new use not included in the approved Special Use Permit conditions or substantial expansion of an approved use that does not involve floor area;
- (iv) An increase by 25% or more in total floor area of all structures shown on the first site plan approved, either in a new structure or as an addition(s) to an approved structure(s);
- (v) An increase in parking by 10% or more of the parking shown on the first site plan approved;
- (vi) Substantial changes in pedestrian and/or vehicular access or circulation that moves such facilities more than 25-feet; and
- (vii) A change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service and that is not associated with a less than 10% increase in playable acreage.

(C) Submittal Requirements

In addition to the information required by Section 2.79, the following information shall be supplied as part of the application for approval of this use:

- (1) A site plan prepared in accordance with Section 2.5, also illustrating the golf course routing plan. The plan shall show the center line of play, the boundaries of fairways, greens, tees, roughs, hazards, and buffers.
- (2) A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other manmade features, historic and archaeological sites, and a visual analysis of views into and from the site;

As part of the Resources Management Plan, the applicant shall submit a plan to establish best management practices (BMP's) for the golf course and maintenance facilities which shall include the following:

- (a) Isolate potential contaminants from the soil and water during delivery, storage and use of such contaminants at the golf course;
- (b) Fertilizer storage area shall be covered
- (c) Washing of maintenance equipment shall occur in an area that is covered from the elements.
- (d) Grass clippings and debris collected from washing may be composted.
- (e) Runoff from the wash pad area shall be drained to a common point and either,
 - (i) Filtered through a grease trap, and recycled,
 - (ii) Directed through a filtration pond; or
 - (iii) Discharged to a sewage treatment facility other than a ground absorption system.

(3) Irrigation

- (a) Irrigation systems shall be designed and operated according to a water conservation plan described in the Resources Management Plan submitted with the application;
- (b) The schematic irrigation plan required by Section 5.7.3(C)(7) shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and
- (c) Use water recycled from stormwater retention ponds, or treated sewage effluent, where it is a safe alternative.

(4) Habitat Maintenance

- (a) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
- (b) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.

(5) Maintenance of Improvements

- (a) All site improvements such as roads, utilities (including irrigation and drainage structures), the golf course, habitat enhancements, recreational amenities, signage, landscaping, etc. shall be maintained in function and appearance.
- (b) Maintenance specifications for on-going site management shall be submitted as part of the Resources Management Plan.

(6) Solid Waste Management

- (a) The Resources Management Plan shall include a program for the on-going recycling and composting of refuse from course and landscape maintenance, as well as solid waste from other course facilities such as a clubhouse.

(G) Pollutant Monitoring Program

- (a) If contaminants are found that reasonably may be attributed to the construction, operation, and/or maintenance of the golf course, management plans shall be reviewed to assess the problem. Appropriate adjustments in the resource management and/or integrated pest management plans shall be made to prevent further contamination; and
- (b) If sampling and analysis indicate a trend toward increased concentrations of contaminants or if the U.S. Environmental Protection Agency health advisory limits (HAL) or State ground or surface water standards for thresholds are exceeded, then Orange County will notify the appropriate authorities.

5.7.5 Camp

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) A site plan prepared in accordance with Section 2.5, also showing the following (existing or proposed):
 - (i) Buildings,
 - (ii) Campsites,
 - (iii) Storage areas,
 - (iv) Fencing and gates,
 - (v) Outdoor recreation areas
 - (vi) Access road(s) to the site, as well as on site roads, with an indication of type of proposed surface.
- (b) A description of the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.
- (c) A phasing plan, when necessary, indicating the area to be developed in each phase with time periods for construction of each phase. This may be indicated on the site plan.
- (d) The site plan shall show the distances to the nearest residential structure.

(2) Standards of Evaluation

- (a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.
- (b) The landscape plan shall show how the facilities will be screened from the adjacent properties. A minimum 30 foot Type B buffer, as indicated in Section 6.8 shall be observed around the perimeter of the property.

- (b) Define and delineate emergency vehicle access points and fire lanes on the property.
- (5) The facility owner shall work with NCDOT to complete a traffic intersection analysis for access points along any state-maintained road or highway to determine need for access improvements such as left turn lanes or deceleration lanes.
- (6) The facility owner shall work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues to coordinate acceleration and deceleration lanes at approved entrance and exit points on the property during major events.
- (7) The facility owner shall work with NCDOT and County officials to post proper signage on the property directing traffic through a one-way ingress and egress location.
- (8) A litter collection and recycling system shall be developed throughout the grounds and at all points of egress. During events facility employees shall remove trash from the receptacles in a timely manner.
- (9) All new facilities shall install noise abatement systems to ensure compliance with applicable County noise regulations. For existing facilities, the property owner/managers shall provide a noise abatement system to reduce sustained noise levels at the property lines to the lowest practical level. To accomplish this goal, the owners/managers have the option of employing, either singly or in combination, any of the following:
 - (a) Requiring all competition vehicles to have functional noise mufflers attached at all times;
 - (b) Installing a system of noise baffles, berms, or walls on the perimeter of the racetrack facility incorporated into the design and placement of any lighting system and viewing stands, and/or
 - (c) Depressing the elevation of the raceway track surface, or
 - (d) Some other innovative noise abatement system.
- (10) Limits on racing activities shall be such that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, or beyond 9:00 p.m. on other evenings. Practice activities shall not commence before 10:00 a.m. on any day and shall cease by 9:00 p.m.
- (11) All external lighting fixtures shall comply with Orange County lighting standards (Section 6.11).
- (12) No storage of hazardous materials shall be permitted, except for racing fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange County Fire Marshal shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.
- (13) If additional or accessory land uses are desired, the facility owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with this Ordinance.
- (14) The County shall approve a construction schedule to complete the items listed above.

5.7.7 Guest Ranch

(A) Standards of Evaluation for ASE-CZ-CD Zoning District

- (1) Minimum lot size: 25 acres.
- (2) Application materials shall include a comprehensive groundwater study, for

- (3) Where a State license is required to operate the facility, evidence that the requirements to qualify or said license have been, or will be, met shall be submitted..

(C) Standards of Evaluation

- (1) There is direct frontage and access on a public state maintained road.
- (2) Adequate access to and from the site, as well as adequate space off the road right-of-way, is provided for the safe pickup and discharge of clients and is provided in such a manner that traffic generated by the use is not disruptive to adjacent residentially developed properties.
- (3) The plot plan shall show how the facilities will be screened from adjacent properties. A Type B 30-foot buffer shall be provided around the use and play/exercise area in accordance with Section 6.8.6. These buffers will effectively screen the view of any outdoor area, and reduce noise associated with the operation.
- (4) Each Center in a Residence is required to provide a minimum of 75 square feet of outdoor space for every client in care. This space may not be located in a required buffer or in an area, which is used or reserved for use as a sewage disposal nitrification field.
- (5) Fencing is to be provided around the outdoor space, which ensures the protection of the client receiving care and protects adjacent residentially developed properties from trespass.
- (6) All gates shall be self-closing and self-latching.

(D) Additional Standards of Evaluation – Care of Children and Adolescents

- (1) The Center in a Residence is to be located in an area, which is free from conditions dangerous to the physical and moral welfare of the children.

5.8.2 Care Facilities

(A) Use Standards

(1) Standards in Commercial and Industrial¹⁰⁷ Districts

- (a) At least 100 square feet of outdoor space per client shall be provided.
- (b) Outdoor play/exercise space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited by other usage or natural features. All required fences shall comply with the regulations of this Ordinance. The minimum height in any case shall be three feet.
- (c) The minimum lot area for the first eight clients shall be 10,000 square feet. The minimum additional area for multiples of eight clients shall be 2,000 square feet.

(B) Standards of Evaluation for ~~Class B~~ Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) Where a State license is required to operate the facility, evidence that the minimum requirements to qualify for said license have been, or will be, met shall be submitted.

¹⁰⁷ This type of use is not permitted in the industrial districts.

- (b) A floor plan of the proposed facility, showing the use and dimensions of each room and the location of entrances and exits.

(2) Standards of Evaluation

- (a) Facilities involving the care of children and adolescents shall be located in an area which is free from conditions dangerous to the physical and moral welfare of the children.
- (b) Where a State license is required to operate the facility, the applicant shall demonstrate the minimum requirements to qualify for said license are satisfied.
- (c) There is direct frontage and access on a public State-maintained road.
- (d) Adequate access to and from the site as well as adequate space off the road right of way, is provided for the safe pick up and discharge of clients and is provided in such a manner that traffic generated by the facility is not disruptive to adjacent residentially developed properties.
- (e) All client pick up and drop offs shall be on site, with proper vehicle stacking area equivalent to three cars.
- (f) The site plan shall show how the facilities will be screened from adjacent properties. A Type-B, 30-foot buffer shall be provided around the facility and outdoor area in accordance with Section 6.8.6. These buffers will effectively screen the view of any outdoor area, and reduce noise associated with the facility.
- (g) Each facility is required to provide a minimum of 75 square feet of outdoor space for every client in care. This space may not be located in a required buffer or in an area, which is used or reserved for use as a sewage disposal nitrification field.
- (h) Fencing and/or screening is to be provided which ensures the protection of the clients receiving care and protects adjacent residentially developed properties from trespass.
- (i) All gates shall be self-closing and self-latching.
- (j) Each facility approved by the Board of Adjustment shall be reviewed annually by the Planning Director to ensure compliance with the standards of evaluation for such facilities and any conditions attached to the application by the Board of Adjustment. Any change in the operation of the facility, which deviates from the original standards and conditions will constitute a modification and will require the approval of the Board of Adjustment. In determining whether a change in the operation of the facility has occurred, the Planning Director shall be guided by the procedures and criteria contained in Sections 2.7.4-14 and 5.8.2(B).

5.8.3 Schools: Universities, Colleges, and Institutes

(A) Submittal Requirements and Standards of Evaluation for ~~Class A Special Use Permit or~~ CC-3, GC-4, O/RM, EDB-2, EDE-2, EDH-4, EDH-5, and ~~MPD-CZ~~ Conditional Zoning Districts

(1) Submittal Requirements

In addition to the information required by either Section(s) 2.5 and/or 2.79, the following shall be submitted as part of the application:

- (a) The site plan, in addition to other requirements detailed within this Ordinance, shall denote the following:
- (i) Location, width and type of all internal vehicular and pedestrian circulation.

- (ii) Location and dimensions of all on site signage.
- (iii) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings therein, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of students and staff expected to use the facility.
 - (iv) Proposed hours and days of operation.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations and sections showing proposed use.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and any other landscape materials.
- (e) Statement from the appropriate agencies concerning the method and adequacy of water supply and wastewater treatment.
- (f) Statement from the appropriate agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) A detailed description of the organization, its staff, membership, affiliations and activities.

(2) Standards of Evaluation

- (a) The site plan submitted meets all requirements specified in applicable Subsections 2.5, ~~2.7-32.9~~, and 5.8.3(A)(1).
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) The site has frontage and access on to a paved State maintained road. The developer must show that the existing facilities have the capacity to handle the additional traffic generated by the use or has an agreement with NCDOT to upgrade the facility to accommodate expanded needs.
- (d) Internal vehicular and pedestrian circulation is designed to encourage smooth traffic flow and reduce hazards.
- (e) All access roads and employee/visitor parking areas shall be paved.
- (f) Development of the site as proposed would have no adverse impact beyond the building, except for appropriate parking facilities.
- (g) The floor area of a building or group of buildings housing a Non- Profit Educational Cooperative shall not exceed the maximum floor area ratio as permitted in Article 3 of this Ordinance.
- (h) All buildings associated with the operation of the cooperative shall be designed to be harmonious with the character of the zoning district and neighborhoods in which it is proposed to be located.

5.8.4 Schools: Preparatory

(A) Submittal Requirements and Standards of Evaluation for ~~Class A Special Use Permit and MPD-CZ~~ Conditional Districts

(1) Submittal Requirements

In addition to the information required by either Section(s) 2.5, ~~2.7.3~~ and/or ~~5.3.22.9~~, the following information shall be submitted as part of the application:

- (a) 26 copies of the site plan prepared in accordance with this Ordinance and with the following additional information shown on the plan:
 - (i) Total student capacity of school as designed;
 - (ii) Total number of employees at time of greatest shift;
 - (iii) Number and dimensions of designated parking spaces for school buses;
 - (iv) Number of designated parking spaces for employees;
 - (v) Number of visitor parking spaces;
 - (vi) Number of student parking spaces;
 - (vii) Location of student drop off points with stacking spaces identified;
 - (viii) Location of all proposed and future athletic fields and structures, including:
 - a. Total number of seats for spectators, and
 - b. Location of concession stands, if any anticipated;
 - (ix) Proposed public roadway improvements; and
 - (x) Existing and proposed infrastructure improvements (water and sewer).
- (b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.
- (c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.
- (d) Estimated water usage for structures, landscaping and athletic fields.
- (e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.
- (f) A Biological Inventory, prepared in accordance with Section ~~5.17.65.22.1~~¹⁰⁸(A)(2)(b) of this Ordinance.
- (g) A Resources Management Plan, prepared in accordance with the Resources Management Plan definition in Article 10 of this Ordinance.

(2) Standards of Evaluation Within Economic Development Districts (EDD)

If located within an EDD, the application must meet the EDD design standards established in Article 6 of this Ordinance.

(3) Standards of Evaluation in Zoning Districts other than an Economic Development Districts (EDD)

If located within a zoning district other than an EDD, the applicant must meet the following Standards of Evaluation:

- (a) The project meets all applicable design standards and other requirements of this Ordinance.
- (b) The project meets all service provision criteria as set forth below:
 - (i) Fire – identifies the primary and secondary responders and the source(s) of water.

¹⁰⁸ A previous amendment did not update this Section reference to the correct Section number.

- d. All access points shall be located to provide maximum visibility and safety.
- e. No driveway shall be permitted in a location that will hinder or congest traffic movement on a public street.

5.8.5 Schools: Technical, Trade, and Skill Training

(A) Use Standards

(1) Standards for the LC-1, NC-2, CC-3, EC-5, EDH-4, and EDH-5 Zoning Districts

- (a) Structures shall not exceed 16,000 sq.ft. of floor area.
- (b) Schools shall involve only activities associated with Continuing Education, Performing/Fine Arts, Sports and Recreation, and Trade schools as defined herein.

(2) Standards for the GC-4, I-2, I-3, EDB-2, and EDE-2 Zoning Districts

- (a) Schools shall involve only activities associated with Continuing Education, Performing/Fine Arts, Sports and Recreation, and Trade schools as defined herein.

(3) Standards for the O/RM, ~~NR-CD~~, or MPD-~~CZ-CD~~ Zoning Districts

- (a) All School: Technical, Trade, and Skill Training land uses, as defined herein, shall be permitted.

(4) Applications proposing flight training schools shall submit documentation identifying where actual flying activities are intended to occur. No on-site flying activities, other than the use of simulators, shall be permitted.

(5) Applications proposing a Community College shall require prior approval, and budgetary allocation of funds by, the Orange County Board of County Commissioners before being submitted for processing if County funding is required.

(B) Standards of Evaluation

- (1) All outdoor activity areas shall be buffered by a Type B land use buffer around its perimeter in accordance with Section 6.8.6 of this Ordinance.

SECTION 5.9: STANDARDS FOR UTILITIES

5.9.1 Telephone Exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations

(A) Standards of Evaluation

- (1) The design of structures shall conform as closely as possible to the character of the area in which it is located.
- (2) Building or structures shall conform to the minimum building setback distances for the applicable zoning district and shall not exceed 800 square feet in area.
- (3) All buildings and structures shall be landscaped and screened according to the standards that follow:
 - (a) Buildings and structures which resemble residential accessory structures must be landscaped and maintained in the character of a residential area.
 - (b) Any outside storage areas must be fenced with a minimum five foot fence and the area screened from adjacent property according to the standards in this section.

5.9.2 Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv)

(A) Standards of Evaluation

- (1) Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.
- (2) The components of the facility, including but not limited to towers, transformers, circuit breakers, metering devices, and supporting latticework, shall be contained within a geometric area not to exceed 12,000 square feet.
- (3) The facility shall be located on a parcel or easement across the parcel, (whether owned or leased by the utility) which has been recorded with the Orange County Register of Deeds.
- (4) Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.
- (5) A Type E Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes or no other purposes.
- (6) Existing vegetation within an easement, leasehold or parcel of a public utility may be used to satisfy the landscaping requirements.
- (7) Modification to or replacement of existing facilities shall be subject to the requirements set forth in this Section. Pre existing facilities may remain during construction of replacement facilities, but shall be dismantled after the replacement facility is in operation.
- (8) The parcel or easement across the parcel, (whether owned or leased by the utility) on which the facility is located shall contain a minimum area of 5000 square feet.
- (9) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$ 500,000.00 per occurrence.

5.9.3 Public Utility Stations and Substations, ~~(Including Electric Substations, Metering, and Switching Stations Receiving More Than 100 Kilovolts (kv) of Electricity)~~, Water Treatment Plant, Sewage Treatment Plant, Telephone Exchanges

(A) Submittal Requirements and Standards of Evaluation for ~~Class A Special Use Permits~~ Conditional Districts

(1) Submittal Requirements

In addition to the information required by Section 2.79, the following shall be submitted as part of the application:

- (a) A site plan showing all existing or proposed buildings, storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.
- (b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.
- (c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material.

(2) Standards of Evaluation

- (a) Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.
- (b) The facility shall be located on a parcel or an easement across the parcel (whether owned or leased by the utility) which has been recorded with the Orange County Register of Deeds.
- (c) Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.
- (d) Where a building is involved and it is proposed to be located in a residentially zoned ~~district area~~¹⁰⁹, it shall have the appearance suitable for a residential district, or it shall be screened from adjacent residential land.
- (e) Where buildings are set back from road rights of way or from private property lines by a distance of 200 feet, screening for the building will not be required.
- (f) A clearly visible voltage warning sign shall be placed at the base of all pad-mounted transformers and substations.
- (g) A Type E Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement area, or leasehold area located adjacent to property zoned or utilized for residential use except where such property is currently used for electrical distribution or transmission purposes.
- (h) Existing vegetation may be used to satisfy the landscaping requirements.
- (i) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.
- (j) The site is of adequate size for the sewage disposal system proposed and for the proposed use.

5.9.4 Elevated Water Storage Tanks

(A) Submittal Requirements and Standards of Evaluation ~~for Class B Special Use Permit~~Conditional Districts

(1) Submittal Requirements

In addition to the information required in Section 2.79, the following shall be submitted as part of the application:

- (a) A site plan showing the following:
 - (i) Location and size of all existing and proposed structures,
 - (ii) Existing and proposed topography at a contour interval of five feet and
 - (iii) Any officially designated floodways and floodplains, or the presence of alluvial soils.
- (b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior material.

¹⁰⁹ Since Conditional Districts are their own zoning district, this language should be updated since, upon a Conditional District approval, the property will no longer be considered a residential zoning district, as instituted in Article 3.

- (c) A Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, plus shrubs, ground cover and other landscape materials.

(2) Standards of Evaluation

- (a) Adequate provision has been made, by means of fencing or otherwise, for the security of the site, including the provision of a gate at the access entrance of access roads leading to such facilities.
- (b) A minimum lot size shall be adequate for the proposed use.
- (c) Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety.
- (d) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.

5.9.5 Electric, Gas and Liquid Fuel Transmission Lines

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit and Conditional Districts

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) A site plan showing the following:
 - (i) All existing and proposed structures within the site of the line,
 - (ii) All existing structures within 50 feet of the boundaries of the site, and
 - (iii) Officially designated floodways and floodplains.
- (b) A plan of erosion and sediment controls for the site.
- (c) Typical cross sections for the installation showing elevation of all structures and existing and proposed topography.
- (d) Plans and elevations of all proposed structures and descriptions of the color and nature of all exterior materials.
- (e) Certification by the applicant that it is a public utility and a statement that the proposed installation is necessary to accomplish its public utility function and that public convenience and necessity will be served by the proposed installation.

(2) Standards of Evaluation

- (a) Adequate provision has been made to protect adjacent property from the dangers of explosion, rupture, collapse, fire or other menaces to public health and safety.
- (b) The public convenience and necessity shall be served by this proposed installation, if installed as proposed.
- (c) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.

5.9.6 Solar Array

(A) Standards for Accessory Use

may take the form of a small enclosed structure properly vented to allow for air flow, fence, or landscape hedge.

- (i) Mechanical equipment shall not be located within the required setback areas for the underlying zoning district as detailed within Article 3 or within required landscaped areas as required under Section 6.8.
- (j) Before commencement of earth disturbing activities, the property owner must acknowledge that he/she is the responsible party for owning and ensuring the perpetual maintenance of the solar array.
- (k) In cases where a solar array has not been in operation for a period of 6 months due to a malfunction or other defect the property owner shall affect repair(s) to the system within 30 days of notice from the County in accordance with Section 9.5 of the UDO.

In cases where the array has been deemed unsafe it shall be removed or repaired immediately in accordance with Section 9.5.5 of the UDO.

(2) Standards for Building Mounted Devices:

- (a) An array may be mounted on the roof of a principal or an accessory structure located on the property.
- (b) The array shall be viewed as an extension of the roof structure and, as a result, shall not exceed the maximum building height detailed within Article 3 for the underlying zoning district where the property is located.
- (c) As part of the building permit review process, structural engineering shall be provided demonstrating the roof can support the weight of the proposed array.

(3) Standards for Ground Mounted Devices:

- (a) Ground mounted system shall not exceed a maximum height of 15 feet from finished grade.
- (b) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall impervious surface area for the parcel in accordance with the provisions of Section 4.2.
- (c) Arrays shall be allowed to be erected anywhere on the property outside of established setback areas, designated open space areas, and well/septic system setback areas as identified by Orange County Environmental Health.
- (d) Arrays shall observe the principal setback requirements of the underlying zoning district where the property is located as detailed within Article 3.

In the case of an array erected on a non-residentially zoned property, the array shall not be located within any required setback, landscape, or buffer area.
- (e) If a ground mounted array is removed, any earth disturbance shall be graded and reseeded within 60 days.

(B) Submittal Requirements and Standards of Evaluation for Solar Array – Large Facility (Class-B Special Use Permit)

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array,

existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.

- (b) An assessment of the power needs for all structures on the property and the anticipated power generated by the proposed array.
- (c) The proposed arrays distance from all structures located on the property.
- (d) Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials.
- (e) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material
- (f) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.

(2) Standards of Evaluation

- (a) The proposed array shall not require the alteration of existing land use(s) to accommodate development.
- (b) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- (c) The height of proposed arrays and support structures shall not exceed the height requirements of the underlying zoning district where the property is located as detailed within Article 3.
- (d) Individual arrays/solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- (e) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (f) All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the provisions of Section 6.8.
- (g) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.
- (h) A Type D Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes.

Existing vegetation may be used to satisfy the landscaping requirements.

(C) Submittal Requirements and Standards of Evaluation for Solar Array – Public Utility (Class A Special Use Permit NR-CD District)

(1) Submittal Requirements

In addition to the information required by Section 2.79, the following shall be submitted as part of the application:

- (a) A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.

There are no changes on this page - it is included to give context to the deletion on the following page.

- (b) Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials.
- (c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material
- (d) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.

(2) Standards of Evaluation

- (a) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- (b) The height of proposed arrays and support structures shall not exceed 40 feet.
- (c) Individual arrays/solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- (d) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (e) All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the provisions of Section 6.8.
- (f) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$ 500,000.00 per occurrence.
- (g) A Type D Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes.

Existing vegetation may be used to satisfy the landscaping requirements.

(3) Decommissioning

The applicant agrees to the following as conditions in case the utility is to be abandoned:

- (a) The owner/operator of the facility is required to notify the Orange County Planning Director in writing 60 days prior to planned the cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.
- (b) Documentation shall be provided indicating that the public utility purchasing the power has been made aware of the decision.
- (c) The facility shall be removed within 12 months from the date the applicant ceases use of the facility.
- (d) Once the infrastructure is removed the property, the owner shall obtain the necessary Erosion Control permits to re-stabilize the property. The time frame for completion shall be determined by the Orange County Erosion Control Officer.
- (e) The owner shall provide financial security in form and amount acceptable to the County to secure the expense of dismantling and removing said structures.

~~(f) Upon removal of the facility, the Department shall cause a notice to be recorded within the Orange County Registrar of Deeds office indicating that the Class A Special Use Permit has been revoked.~~

SECTION 5.10: STANDARDS FOR TELECOMMUNICATION FACILITIES

5.10.1 Intent

The regulations contained herein are designed to provide for the safe and efficient integration of facilities necessary for the provision of advanced wireless telecommunications services through the community with the goal of establishing reliable wireless service to the public, governmental agencies, and first responders in a manner that provides for the public safety and general welfare of its citizens.

5.10.2 Master Telecommunications Plan (“Plan”)

- (A) The Plan is intended to assist providers in their search for suitable locations to build their service network. The County may develop the Plan (map), which would display locations within the County’s zoning jurisdiction where property owners have expressed formal, written, interest in allowing construction of telecommunications equipment.
- (B) Information that may be shown on the base Plan will include, but not limited to:
 - (1) Existing towers,
 - (2) Major transmission lines,
 - (3) County-defined Natural Areas,
 - (4) Historic properties,
 - (5) Scenic corridors,
 - (6) Known bird migratory patterns through the County,
 - (7) Voluntary Agricultural Districts, and
 - (8) Publicly-owned or quasi-public lands.
- (C) In order to participate in the Plan, all owner(s), or their legally binding representatives, shall submit an application on a form prepared by the Planning Department requesting inclusion.
- (D) All telecommunication providers who elect to construct facilities on properties in the Plan shall provide all necessary and requested information to the County's telecommunications consultant.
- (E) Modification of the Plan may be considered annually at ~~the first~~ the first Public Hearing ~~of the~~ in February of each¹¹⁰ calendar year. Any applicant requesting modification of the Plan shall make application to the Planning Director on or before December 1st of each year. The fee for modifying the Plan shall be that as set forth in the Orange County Schedule of Fees.
- (F) Withdrawal from the Plan is permitted if any owner submits, to the Planning Director, a notarized statement requesting same. Upon receipt of the request, including any fee for modifying the Plan as set forth in the Orange County Schedule of Fees, the Planning Director shall inform interested parties that the property has been withdrawn from consideration. Removal of the property from the Plan shall be processed as a modification as detailed herein.

¹¹⁰ Updating language to reflect current public hearing process.

5.10.5 Wireless Telecommunications Support Structures and Equipment as Principal or Accessory Uses

- (A) Wireless telecommunications support structures shall be permitted as a principal or accessory use in accordance with the Table of Permitted Uses and as follows:
- (1) On property owned by the County or any public entity, except those designated as historic properties or sites, the County may, in its sole discretion as the owner of the property, authorize the application and use of County property after the applicant executes a lease agreement acceptable to the County.
 - (2) Wireless telecommunications facilities, as part of existing utility poles shall be permitted as an accessory use. Wireless facilities shall be constructed as part of the existing utility poles or as replacements for the existing utility poles. No freestanding towers constructed exclusively for personal wireless services shall be permitted within utility easements.
 - (3) The placement of new wireless telecommunications support structures shall be in accordance with the Table of Permitted Uses, except as permitted in the Master Telecommunications Plan ("Plan") or by Section 5.10.6 of this Ordinance.

5.10.6 Administrative Approval of Certain Telecommunication Facilities

(A) Applicability

The following telecommunication facilities may be approved administratively by the Planning Staff provided that all of the provisions contained in Section 5.10 are met:

- (1) New stealth telecommunications wireless support structures up to 75 feet in height that are sufficiently disguised so as to minimize visual impact;
- (2) Any wireless support structure less than 75 feet in height;
- (3) Any wireless support structure less than 200 feet in height located on property that is owned or leased by Orange County; and
- (4) Any wireless support structure less than 200 feet in height on which the owner of such facility permits the County to collocate its wireless facilities on the structure at no charge to the County when the location of such facility is of benefit to the County as determined in the sole discretion of the County.
- (5) A written decision approving or denying an application for administrative approval of a telecommunication facility under this section shall be issued no later than 45 days following the submission of a complete application.
- (6) Collocation applications meeting the following requirements:
 - (a) The proposed additional facility will not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached consistent with Section ~~2.7.14-2.7.15(11)~~¹¹¹ of the Ordinance.
 - (b) The proposed additional facility will comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
 - (c) The proposed additional wireless facilities comply with all federal, State, and local safety requirements.
 - (d) The proposed additional facility does not exceed the applicable weight limits for the wireless support structure.

(B) Submittal Requirements

¹¹¹ [Correct reference.](#)

All applications for telecommunication facilities that are eligible for administrative approval shall be submitted and reviewed in accordance with the standards of Section 5.10.8 of this Ordinance.

(C) Neighborhood Information Meeting

- (1) For all administratively approved wireless support structures, excluding collocations, a neighborhood information meeting shall be scheduled in accordance with the provisions of Section 5.10.8(A)(2).

5.10.7 Antennas Not Located on Wireless Telecommunications Support Structures

(A) General Standards

- (1) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the application shall be required to demonstrate, in a technical manner acceptable to the Planning Director, why the stealth antenna (i.e. an antenna incorporated into the architecture of the building or fully screened from view from sight proximate to the antenna) cannot be used for the particular application. This does not preclude a combination of the various types of antennas.
- (2) Antenna dimensions shall be subject to approval by the Planning Director. A statement shall be submitted, prepared by a professional engineer competent to evaluate antenna choices, to certify the technical need for the required dimensions.
- (3) Prior to the issuance of a Building Permit by the Inspections Division, the application shall provide evidence that the wireless telecommunication support structure or antennas are in compliance with FAA regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

(B) Standards of Evaluation for Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas

In addition to the standards established in Subsection A above, the following are applicable to all Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas:

- (1) Antennas shall not exceed 20 feet above the roofline of the building or support structure, water tank, or transmission line;
- (2) Commercial advertising shall not be allowed on an antenna;
- (3) Signals, lights, or illumination shall not be permitted on an antenna, unless required by the FCC or the FAA;
- (4) Any related unstaffed equipment building shall not contain more than 600 square feet of gross floor area per user or exceed 12 feet in height;
- (5) Documentation shall be required denoting that the erection of an antenna will not compromise the structural integrity of the building, water tank, or transmission line;
- (6) If an antenna is erected on a transmission line, documentation shall be required outlining that the antenna will not interfere, or be interfered with, by the normal operating characteristics of the transmission line;
- (7) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area, and shall comply with all State of North Carolina Building Code requirements for the proposed and existing building; and

- (d) All towers shall be engineered to allow for collocations. No co-locator shall be refused access for collocation by charging exorbitant lease fees. Public safety provider collocations shall take priority over other co-locators.
- (e) A telecommunications consultant shall provide Planning Staff assistance on exorbitant rate leases.
- (f) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
- (g) Applicants shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing structure or structures within the applicant's search ring.
- (h) Prior to issuing a building permit for the collocation of an antenna array on an existing facility, an applicant shall demonstrate that the collocation is located appropriately on the facility with the overall goal being to preserve the carrying capacity of the facility for future collocations and to minimize the visual intrusiveness and impact, including the profile of the facility.
- (i) In determining the necessary height for a facility, or the height of a collocation on a facility, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer's published specifications for the customer equipment.
- (j) Approval of the Planning Director to verify consistency with the definition of stealth facility is required.
- (k) All telecommunications towers shall be placed in heavily wooded areas on the site to the maximum extent possible so as to lessen the visual intrusiveness of the structure and accessory structures.
- (l) No tower shall be permitted to exceed its designed loading capacity. For all wireless support structures attached to existing structures, the engineer certification statement shall include certification that the structure can support the load superimposed from the wireless support structure. All wireless support structures shall have the capacity to permit multiple users; at a minimum monopole wireless support structures shall be structurally designed to accommodate four users and self-support/lattice or guyed wireless support structures shall, at a minimum accommodate three users.

(B) General Submittal Requirements – Special Use Permits or Conditional Districts

In addition to the general submittal requirements detailed herein, and the specific submittal requirements for all Special Use Permit applications detailed within Section 2.7 or 2.9, as applicable, of this Ordinance, applicants shall be required to adhere to the following:

(1) Overall Policy and Desired Goals

The overall policy and desired goals for ~~Special Use Permits for approvals of~~ wireless telecommunications support structures shall be promoting and encouraging, wherever possible, the following:

- (a) Alternatives to constructing new wireless support structures, including but not limited to the collocation of wireless telecommunications equipment and mitigating the visual effect of a wireless

~~telecommunication support structure to an extent not commercially impracticable; and~~

- ~~(b) The placement, height and quantity of wireless telecommunications towers and equipment in such a manner, including but not limited to the use of stealth technology or camouflage techniques, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications support structure, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.~~

(2) Balloon Test and Neighborhood Information Meeting

- (a) The applicant shall, at least 45 days prior to a ~~Class-B~~ Special Use Permit ~~public evidentiary~~ hearing or Planning Board meeting ~~where a Class-A Special Use Permit at which a Conditional District~~ application is scheduled for review, conduct a balloon test whereby the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of 10'3" in length, brightly colored red or orange balloon at the maximum height of the proposed new wireless support structure.
- (b) The balloon test shall be flown for at least four consecutive daylight hours starting sometime between 10:00 A.M. and 2:00 P.M. on the dates chosen.
- (c) A notice of the dates (including a second date in case of poor visibility, weather or atmospheric conditions on the initial date), times, and location of the balloon test shall be mailed, by certified mail, return receipt requested, by the applicant, to all persons owning property within 1,000 feet of the subject parcel no less than 14 days in advance of the first test date. The data contained within the office of Orange County Land Records shall be used as the primary source for determining which residents are to receive notice of the balloon tests.

This notice shall also inform local residents that a neighborhood information meeting shall be held the day of the balloon test so that the applicant can explain the proposal and Planning staff, including the County's telecommunications consultant, can explain the ~~Special Use Permit relevant~~ review process.

- ~~(d) The primary date shall be on a weekend (excluding legal holidays), but to prevent delays in the processing of the application, and in case of poor weather or atmospheric conditions on the initial date, the secondary date may be a weekday.~~
- ~~(e) The applicant shall inform the County Planning Staff, in writing, of the dates and times of the test at least 14 days in advance.~~
- ~~(f) The applicant shall also post a sign on the subject property, and directional signs posted at locations to be determined by Planning Staff. The signs shall measure no more than nine square feet in area and no less than four square feet in area, giving the contact information of the County Planning Department, the proposed dates, times, and location of the balloon test. The signs shall be posted to meet the same time limits as provided for in the balloon test notification as stated above.~~

(3) Submittal Requirements

In addition to the information required herein as well as Section 2.7 or 2.9, as applicable, the following shall be submitted as part of the application:

- (a) A site plan showing the following:
 - (i) The entire site (including property boundary lines) and size of all existing structures within 500 feet of the site,
 - (ii) Existing and proposed structures on site,
 - (iii) The fall zone of the tower,
 - (iv) Existing and proposed topography at a contour interval of five feet and
 - (v) Any officially designated floodways and floodplains, or the presence of alluvial soils.
- (b) Plans, and elevations for all proposed structures and descriptions of the color and nature of all exterior material, along with the make, model, and manufacturer of the proposed structure, maximum antenna heights, and power levels.
- (c) A Landscape and Tree Preservation Plan drawn at the same scale as the site plan, showing the existing and proposed trees, shrubs, ground cover and other landscape materials. This plan shall minimize adverse visual effects of wireless telecommunications support structures and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.
- (d) Evidence that the applicant has investigated the possibilities of placing the proposed equipment on an existing wireless support structure. Such evidence shall consist of:
 - (i) A listing of all wireless telecommunications support structures within a two mile radius of the proposed wireless support structure site and a listing of all wireless support structure, utility poles and other structures in the vicinity of the proposed facility that are technically feasible for utilization by the applicant to fill all or a substantial portion of the telecommunications service need identified by the Applicant pursuant to section 5.10.8(A)(1)(s). Documents shall be submitted at the time of application filing that indicates the applicant's ability or inability to co-locate on the identified tower(s) and reasons why.
 - (ii) Delineation of the boundaries of the maximum search ring within which the telecommunication equipment can function as intended. The following information shall be provided for all existing wireless support structures within the search ring:
 - a. Wireless telecommunication support structure height;
 - b. Existing and planned wireless support structure users;
 - c. Whether the existing wireless telecommunication support structure could accommodate the telecommunication equipment to be attached to the proposed wireless support structure without causing structural instability or radio frequency interference; and
 - d. If the proposed telecommunication equipment cannot be accommodated on the existing wireless telecommunication support structure, assess whether the existing wireless support structure could be structurally strengthened or whether the antennas

- transmitters and related equipment could be protected from electromagnetic interference, and generally describe the means and projected cost of shared use of the existing wireless support structure; and
- e. Any restrictions or limitations of the FCC or FAA that would preclude the shared use of the wireless support structure;
 - f. Propagation studies of all adjoining planned, proposed, in-service, or existing sites, and;
 - g. Any additional information requested by the County.
- (iii) A summary explanation of why proposed telecommunication equipment cannot be located on any of the existing wireless support structures in the search ring.
- (e) Documentation from applicable state or federal agencies indicating requirements, which affect the appearance of the proposed wireless support structure, such as lighting and coloring.
 - (f) Draft bond which will guarantee the removal of the wireless support structure in the event that it is abandoned or unused for a period of 12 months.
 - (g) A listing of, and current tax map identifying, all property owners within 1,000 feet of the parcel and addressed, first class stamped envelopes to the property owners for notifications of the public hearing in accordance with [Sections 2.7.5 and Section 2.7.6](#) of this Ordinance.
 - (h) A report containing any comments received by the applicant in response to the balloon test along with color photographs from various locations around the balloon.
 - (i) Evidence that the balloon test requirement has been met, including a notarized statement and listing of the property owners notified of the test, a copy of a current Orange County Tax Map showing the subject property and all properties within the notification ring, and copies of the certified mail returned receipts from the mail-out.
 - (j) A notarized statement that the sign posting requirement has been met.
 - (k) Photographs of a clearly visible balloon floated at the proposed tower location to the maximum height of the tower, as well as photographs with the proposed tower and associated antennas superimposed upon them showing what the proposed tower will look like. Photographs shall be taken from locations such as: property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.
 - (l) The [Special Use Permit](#) application shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.
 - (m) An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and Visual Assessment will be reviewed at the pre-application meeting.
 - (n) If required, a Visual Impact Assessment, which shall include:
 - (i) A "Zone of Visibility Map" shall be provided in order to determine

- b. On existing Facilities without increasing the height of the tower or structure.
 - c. On County-owned properties or facilities.
 - d. On properties in areas zoned for commercial or industrial use.
 - e. On properties in areas zoned Agricultural Residential (AR).
 - f. On properties in areas zoned for residential use.
- (ii) If an Applicant proposes to place telecommunications equipment at a location that is not a preferred priority 1 site, then the Applicant must provide a detailed explanation as to why a higher priority site is not proposed. The explanation shall be in the form of a written report demonstrating the Applicant's review of the above locations in order of priority and the reason(s) for the site selection. The explanation shall, at a minimum, include the information required by section 5.10.8(B)(3)(ed).
- (iii) The application shall not be approved unless it demonstrates that the telecommunications equipment may not be sited at a higher priority site because of commercial impracticability or because no higher priority site is available that would serve to provide the telecommunications service need identified by the Applicant as provided for in section 5.10.8(A)(1)(s).
- (iv) An Applicant may not by-pass sites of higher priority merely because the site proposed is the only site leased or selected. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of commercial impracticability.
- (v) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, an application shall not be approved if it conflicts with the provisions and requirements of this Ordinance.
- (vi) Wireless support structures shall not be located within one-half (½) mile of any existing monopole, lattice or guyed wireless telecommunications support structure.
- a. An exception may be allowed when the applicant can sufficiently demonstrate that:
 - i. Appropriate space on the existing telecommunication wireless support structure is not available; or
 - ii. The applicant has made good faith effort to negotiate an agreement with the owner of the existing wireless telecommunication support structure and has been unsuccessful, which must be documented in writing; or
 - iii. The telecommunication equipment on the existing wireless telecommunication support structure is not compatible with the proposed telecommunication equipment of the applicant; or

- iv. Adequate coverage by the applicant cannot be met at the location of the existing wireless telecommunication support structure; or
- v. The existing wireless telecommunication support structure cannot be reasonably modified to accommodate additional collocation by the applicant.

b. Exceptions shall only be allowed after a thorough analysis of the search area, provided by the applicant is performed by the County's consultant or Staff, indicating that coverage is not possible on an existing wireless support structure at the four-carrier capacity or other user capacity that can be achieved. ~~For Special Use Permits, there must be an 80% approval vote of the deciding board~~ Board of Adjustment for this specific finding to pass the exception criteria.¹¹²

(c) Setbacks

- (i) Within or adjacent to residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be equal to 110% of the wireless support structure height.
- (ii) If the wireless support structure is proposed as an accessory use to a residential use, the setback shall be 110% of the wireless support structure height from any residence or dwelling unit on the subject property.
- (iii) Adjacent to non-residential uses or non-residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be the greater of 20% of the tower height, or the minimum required setback.
- (iv) All buildings and other structures to be located on the same zoning lot as a telecommunication tower wireless support structure shall conform with the setbacks established for the zoning district or as established through the subdivision process, whichever is greater.

(d) Access

- (i) At a wireless telecommunications support structure site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access.
- (ii) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
- (iii) Road construction shall, at all times, minimize ground disturbance and the cutting of vegetation.
- (iv) Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

(e) Landscaping and Buffers

- (i) A Type C Landscape Buffer shall be provided between the wireless support structures and its accessory structures and

¹¹² NCGS 160D-406(i) allows for requiring a four-fifths vote only in the cases of a variance. An exception is not a variance and a 4/5 vote cannot be required.

- adjoining property/properties.
- (ii) Existing vegetation may be removed only to the extent necessary to accommodate the wireless support structures, equipment buildings, and support structures such as guy wires.
 - (iii) Plantings around the compound perimeter, outside of any fence or wall, shall be composed entirely of fast growing evergreen vegetation.
 - (iv) New plantings and existing vegetation used for screening shall be at least six feet in height or greater at planting.
 - (v) Proposed plantings (name, type, height) shall be shown on the Landscape Plan for the facility.
 - (vi) Landscaping shall provide a screen on a year-round basis.
- (f) The visibility of the balloon to adjacent properties and the surrounding area shall not constitute sole justification of denial of a permit application, but is an indication of what location on the site may be less visually intrusive.
- (g) The applicant shall demonstrate and provide a description in writing and by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed facility.
- (h) The site plan shall indicate a location for at least two equipment buildings in addition to that proposed for use by the applicant.
- (i) All utilities at a facility site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- (j) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
- (k) Fences and Walls
- (i) An eight foot fence or wall shall be required around the base of any wireless support structures. This fence or wall shall encompass all accessory equipment within the compound.
 - (ii) Fences shall be required around guy wire tie downs
 - (iii) A fence or wall may be placed around the perimeter of the facility to include guy wire tie downs and associated equipment should the applicant/owner wish to do so.
- (l) The communications tower is structurally designed to support additional users as provided for in Section 5.10.8(A)(3)(d), and the Special Use Permit or Conditional District approval includes a statement that the owner of the wireless support structure is willing to permit other user(s) to attach communication equipment which do not interfere with the primary purpose of the wireless support structure, provided that such other users agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
- (m) To minimize the number of antenna arrays and thus the visual impact, the County may require ~~the use of that~~ dual mode antennas ~~to~~ be used, including by two different carriers, unless it can be proven that such will not work technologically and that such would have the effect of prohibiting the provision of service in the County.

that they are readily accessible only to persons authorized to operate or service them.

- (t) All abandoned communication wireless support structures shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified General Contractor licensed in the State of North Carolina. The amount of the security shall be 110% of the estimate.
- (u) A determination shall be made that the facility and its equipment will comply with all federal, state and local emission requirements, and the Special Use Permit or Conditional District approval shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.
- (v) Electro-Magnetic Radiation Levels
 - (i) The Special Use Permit or Conditional District approval shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the FCC, regarding emission of electromagnetic radiation.
 - (ii) Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards.
 - (iii) In addition, the tower owner must provide documentation of emission levels within five working days if so requested by Orange County.
 - (iv) Orange County may make such requests at any time, not to exceed two times per year.
- (w) "High Voltage", "No Trespassing" and Other Signs
 - (i) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
 - (ii) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
 - (iii) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.
 - (iv) The warning signs may be attached to freestanding poles if the content of the signs would, or could, be obstructed by landscaping. Signs noting federal registration (if required) shall be attached to the tower structure in compliance with federal regulation.
 - (v) Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area.

- (vi) A sign no larger than four square feet containing the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s) shall be installed. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet.
- (vii) On tower sites, an FCC registration sign, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting.
- (viii) The use of any portion of a tower for signs or advertising purposes including company name, banners, streamers, etc. shall be strictly prohibited.
- (ix) Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.

(5) Bond Security

- (a) The applicant and the owner of record of any proposed facility property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Section and conditions of any Special Use Permit or Conditional District approval issued pursuant to this Section.
- (b) The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit or Conditional District approval and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit or Conditional District approval.¹¹³ Tower Inspection.

(6) Liability Insurance

- (a) A holder of a Special Use Permit or Conditional District approval for a wireless support structure shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit or Conditional District approval in the following amounts:
- (i) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
- (ii) Automobile Coverage: \$1,000,000.00 per occurrence/\$2,000,000 aggregate; and
- (iii) A \$3,000,000 Umbrella coverage; and
- (iv) Workers Compensation and Disability: Statutory amounts.
- (b) For a wireless support structure on County property, the Commercial General Liability insurance policy shall specifically name the County as an additional insured. The insurance policies shall be issued by an

¹¹³ Extraneous Language.

agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

- (c) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days prior written notice in advance of the cancellation of the insurance.
- (d) Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- (e) Before construction of a permitted facility is initiated, but in no case later than 15 days prior to the grant of the building permit, the holder of the Special Use Permit or Conditional District approval shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts. A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the County shall not be deemed to comply with this Section.

(C) General Building and Inspection Standards for all Telecommunication Support Structures

(1) Tower Inspection

- (a) Telecommunication tower owners shall submit a report to the County Inspections Division certifying structural and electrical integrity upon completion of the initial construction and at intervals as specified in this Section.
- (b) Inspection records shall be kept by the tower owner and made available upon request to the Inspections Division during regular business hours.
- (c) The following inspection schedule shall be followed, except in cases where a tower has no structures other than those associated with telecommunication tower use located within the tower's fall zone.
 - (i) At least once every 36 months, or 36 months from the date of a collocation approval, a structural engineer who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers shall inspect the tower and submit a report to the Inspections Division within a reasonable time thereafter. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the tower inspections check list provided in the EIA-222 (as amended from time to time). This is considered a major inspection review.
 - (ii) At least once every 12 months, a visual inspection from the ground shall be conducted by a properly trained staff member of a tower provider or tower consultant and a report shall be filed with the Inspections Division within a reasonable time thereafter. This inspection shall include, but shall not be limited to, visual inspection of tower foundations, structures, guys, and connections for evidence of settlement or later movement; soil erosion; condition of paint or galvanizing; rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors; tower plumbness, significant variation in guy sags (i.e. tensions), and other material areas or matters relating to the structural integrity of the tower. This is considered a minor inspection review.
 - (iii) In addition to the regularly scheduled major and minor inspections set forth herein, a minor inspection, at a minimum,

- d. If the tower does not meet the aforementioned EIA standards, the letter or existing P.E. analysis shall include the types of modifications that would be required to bring the tower up to standard.
- e. All existing towers shall be subject to the annual electrical inspection conducted by the Inspections Division including any associated inspection fees.
- f. The Inspections Division shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County Inspections Division upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.

(D) Fees

- (1) A filing fee as set by the Board of County Commissioners shall be paid upon application for a Site Plan/Zoning Compliance Permit Application, a Building Permit application, a Conditional District, or Special Use Permit.
- (2) An inspection fee is due the County at the time of all required future inspections as detailed within Section 5.10.8(C)(1)(c) of this Ordinance. Such fees may reflect the County's fully allocated costs, and shall not exceed such costs.
- (3) Public land or right-of-way lease agreements shall be established by separate instrument and recorded prior to the issuance of Building Permits.
- (4) **Consultant Fee.** Regardless of the type of telecommunication support structure proposed (i.e. administrative approval, special use permit, collocation, etc.) an applicant is required to submit a fee to cover the County's telecommunications consultant to review the application. An escrow account of an amount determined by the Board of County Commissioners, as denoted on the adopted fee schedule, shall be paid by check to Orange County to pay associated consultant review fees during all phases of the application review process. The Board of County Commissioners shall determine the amount of charges or fees assessed to an applicant on account of an outside consultant in advance and incorporate these charges and fees into an application fee that is based on the reasonable costs of the services the County incurs in connection with the application review. The fees and charges paid by the applicant for the services of a consultant shall not exceed what is usual and customary for wireless facilities and support structures. The foregoing does not prohibit the County from imposing additional reasonable cost-based fees for the actual costs incurred by the County for a consultant's review of an application due to amendments or revisions to the original application. The amount of the consultant charges incorporated into the application fee shall be separately identified and disclosed to the applicant upon request. Any unused funds in the account after either the approval of the Certificate of Occupancy (CO), or the expiration of the Special Use Permit approval, whichever is sooner, shall be returned to the designated party.

5.10.9 Removal of Wireless Support Structures and Facilities

- (A) The owner of any facility shall be required to provide a minimum of 30 days written notice to the County Clerk prior to abandoning any facility.

(B) County Determination

Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require facility removal:

- (1) Facilities that have been abandoned (i.e. not used as facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days of abandonment;
 - (2) Permitted facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - (3) Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit or Conditional District approval, or any other necessary authorization and the Special Use Permitdevelopment approval may be revoked.
- (C) If the County makes such a determination as noted above, then the County shall notify the holder of the Special Use Permitdevelopment approval for the facility within 48 hours that said facility shall be removed.
- (D) The holder of the Special Use Permitdevelopment approval, or its successors or assigns, shall dismantle and remove such facility, and all associated structures, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the County. However, if the owner of the property upon which the facility are located wishes to retain any access to the facility, the owner may do so with the approval of the County.
- (E) If a facility is not removed or substantial progress has not been made to remove the facilities within 90 days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the facility at the sole expense of the owner or Special Use Permitdevelopment approval holder.
- (F) If the County removes, or causes to be removed a facility, and the facility owner does not claim and remove it from the site to a lawful location within ten days, then the County may take steps to declare the facility abandoned, and sell them and their components.
- (G) Temporary Use Permit/Agreement
- (1) Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the facility, for no more than 90 days, during which time the holder of the Special Use Permitdevelopment approval shall develop a suitable plan for facility removal, conversion, or re-location, subject to the approval of the County, and the holder of the Special Use Permitdevelopment approval and the County shall execute an agreement to such plan.
 - (2) If such a plan is not developed, approved and executed within the 90 day time period, then the County may take possession of and dispose of the affected facility in the manner provided in this Section and utilize the bond.

5.10.10 Ham Radio Antenna

(A) Standards of Evaluation

- (1) Shall be for the private use of the property owner on which they are located.
- (2) Shall not exceed 90 ft. in height
- (3) Minimum setbacks from the base of the antenna to the property boundary shall be equal to 110% of the tower height.

SECTION 5.11: STANDARDS FOR WASTE MANAGEMENT FACILITIES

5.11.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Orange County Residents

(A) Standards of Evaluation

- (1) The site shall consist of a parcel, or easement across a parcel, (whether owned or leased by the public agency) which has been recorded by the Orange County Register of Deeds.
- (2) The parcel or easement across the parcel, (whether owned or leased by the public agency) on which the facility is located shall contain a minimum area of 40,000 square feet.
- (3) The parcel or easement shall have frontage on a State maintained road.
- (4) A Type B landscape buffer, 30' in width, shall be provided along the perimeter of the parcel or easement.
- (5) Fencing at least six feet in height shall be provided between the landscape buffer and the improved portion of the parcel or easement.
- (6) An entrance sign shall identify site as a sanitation collection site, and shall identify the responsible public agency. The sign shall contain a maximum of nine square feet and shall not exceed eight feet in height. Instructional signs may be erected as needed within the facility.
- (7) The entrance to the site shall contain a travelway a minimum of 30' in width.

5.11.2 Landfills

~~(A) Use Standards~~

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)(A) Submittal Requirements and Standards of Evaluation for Class A Special Use Permits NR-CD District~~

~~(1) Submittal Requirements~~

~~In addition to the basic information required by Section 2.97 the following information shall be submitted as part of the application:~~

- ~~(a) Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum;~~
- ~~(b) Proposed handling and storage areas for overburden, by products and fill materials;~~
- ~~(c) Proposed fencing, screening and gates, parking, service and other areas;~~
- ~~(d) Any areas proposed for ponding; and~~
- ~~(e) Access roads to the site, as well as on site roads, with indication of surface treatment to limit dust, and sight distances on all roads used for access to the site.~~
- ~~(f) An Operations Plan which shall include:

 - ~~(i) The date of commencement of operations and their expected duration.~~
 - ~~(ii) Proposed hours and days of operation.~~~~

- (iii) Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used.
- (iv) Any phasing of operations and relationship among phases.
- (v) Operating practices to be followed to ensure compliance with applicable performance standards in Section 2.7.7(E)-6.4.¹¹⁴
- (g) A Rehabilitation Plan which shall include:
 - (i) A statement of planned future use of the site, including detailed methods of accomplishment.
 - (ii) A map, to the same scale as the Site Plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed.
 - (iii) A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion.

(2) Standards of Evaluation

- (a) All operations associated with the fill shall conform to the following performance standards:
 - (i) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
 - (ii) Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:

TABLE 5.11.2.A.2.I: SOUND LEVEL STANDARDS FOR WASTE MANAGEMENT FACILITIES	
TIME	DECIBEL LIMIT
7:00 a.m. to 7:00 p.m.	68 dBA
7:00 p.m. to 7:00 a.m.	58 dBA

- (iii) Vibration levels at the boundaries of the fill site shall not exceed the following standards:

TABLE 5.11.2.A.2.II: VIBRATION LEVEL STANDARDS FOR WASTE MANAGEMENT FACILITIES	
TIME	DECIBEL LIMIT
Steady State	1.0 inches/second
Impact	2.0 inches/second

[1] The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second.

For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute, shall be considered impact vibrations. □

¹¹⁴ [Update to correct section reference.](#)

- (b) The Rehabilitation Plan shall be referred to the Orange County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- (c) The permanent roads, defined as those to be used in excess of one year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- (d) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- (e) Where the proposed fill shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet high shall be installed.
- (f) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with filling.

5.11.3 Waste Management Facility, Hazardous and Toxic

(A) Standards for ~~Class A Special Use Permit~~ NR-CD District

(1) Submittal Requirements

In addition to the information required in ~~Section 2.79~~, the following shall be supplied as part of the application:

- (a) A copy of the application filed with the North Carolina Department of Health and Human Services for a hazardous waste management facility.
- (b) A detailed description of the type facility planned. Included in this description will be the size of the project, size of the site, the type storage involved, and the method of permanent disposal anticipated.
- (c) Letters from the appropriate agencies that the facility has adequate protection against fire, vandalism and personal injury.
- (d) Survey of floodplain and floodway location on the site plan.
- (e) An emergency management plan that has been submitted to the appropriate North Carolina State agency, and approved.

(2) Standards of Evaluation

- (a) All necessary State permits have been applied for and granted to the applicant.
- (b) The description of the type facility planned, including a detailed description of the type wastes to be stored or disposed of on the site, the size of the finished project, method of storage or final disposal.
- (c) Adequate fire, police and rescue protection can be provided. The appropriate agencies have written letters confirming adequate protection.

- (d) The site is of adequate size to provide a buffer for adjacent properties. The buffer shall also be of sufficient size to prevent adverse effects in adjacent property.
- (e) Access to the site is directly from an interstate, arterial, or major collector street.
- (f) Accident prevention/emergency management plan approved by the State.
- (g) Location of flood plain if any is on site.
- (h) The site plan has buffer from streams.

SECTION 5.12: STANDARDS FOR EXTRACTIVE USES

5.12.1 Borrow Pits for Federal and State Highway Projects

(A) Use Standards

- (1) Permitted by right in all districts in accordance with the provisions of Section 5.1.42 of this Ordinance.

(B) Standards of Evaluation

- (1) The borrow pit is located within one-half mile of the construction site;
- (2) An Erosion Control Plan has been approved by the Department of Environment, Health and Natural Resources;
- (3) The material extracted is to be used solely for a State or Federal road construction project; and
- (4) Road construction plans include provision for reclaiming the excavated area. If the reclamation plan involves filling the excavated area, the fill material must be inert material defined as beneficial fill by the Solid Waste Branch of the Department of Environment and Natural Resources, provided that the debris is also associated with a State or Federal Highway road construction project. Inclusion of reusable or recyclable materials in the reclamation or filling of the borrow pit should be minimized. A proposed debris recycling program or a statement as to why material will not be recycled must be submitted for review by Orange County.

5.12.2 Extraction of Earth Products

(A) Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~
- ~~(2)~~(1) Processing of materials on-site, beyond incidental mechanical consolidation or sorting to facilitate transportation off-site for further processing, is prohibited.

(B) Submittal Requirements and Standards of Evaluation for ~~Class A Special Use Permit~~NR-CD District

(1) Submittal Requirements

In addition to the information required by Section 2.79, the following shall be submitted as part of the application:

- (a) 26 copies of the site plan, prepared by an appropriately licensed professional, which shall contain the following:
 - (i) Extent of area to be excavated or mined.

(xii) Operating practices will be followed to comply with the performance standards applicable to the operation (See ~~Subsection 2.7.7(E)Section 6.4~~¹¹⁵).

(c) A Rehabilitation Plan which shall include:

- (i) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
- (ii) A map showing the final topography, after rehabilitation, to the same scale as the Site Plan, depicting any water areas and methods of preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed, and the amount and type of back fill to be employed, if any.
- (iii) Typical cross sections showing planned rehabilitation.
- (iv) A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be complete.
- (v) The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
- (vi) A written legal description or survey of the property, prepared by a North Carolina registered land surveyor or engineer.

(2) Standards of Evaluation

- (a) The applicant demonstrates that the extractive use operation fulfills primarily a local need as opposed to a regional need in terms of supplying sand and/or gravel for building and construction purposes.
- (b) All operations associated with extraction shall conform to the following performance standards:
- (c) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- (d) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:

TABLE 5.12.2.A.2.D: VIBRATION LEVEL STANDARDS FOR EXTRACTION SITES	
TIME	DECIBEL LIMIT
7:00 a.m. to 7:00 p.m.	68 dBA
7:00 p.m. to 7:00 a.m.	58 dBA

(e) Vibration levels at the boundaries of the extraction site shall not exceed the following standards:

TABLE 5.12.2.A.2.E.: VIBRATION LEVEL STANDARDS FOR EXTRACTION SITES

¹¹⁵ [Update to correction section reference.](#)

- (m) The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of materials extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings.
- (n) Annual inspections of the operation shall be conducted by the Planning Director following submittal of the annual operations reports to determine compliance with the provisions of the ~~Special Use Permit~~development approval.
- (o) In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new ~~Special Use Permit~~development approval is required.
- (p) The Board of County Commissioners shall require for all extractive uses a performance guarantee to ~~insure~~ensure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State then the difference shall be made up in a bond to Orange County.

SECTION 5.13: STANDARDS FOR AGRICULTURAL USES

5.13.1 Agricultural Processing Facility

(A) Use Standards

~~(1)~~ Shall not be permitted: ~~within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application.~~¹¹⁶

~~(+)(2)~~

~~(a) As a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(b) Within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional Zoning District application.~~

~~(B) Standards of Evaluation~~

~~(1) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:~~

~~(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);~~

~~(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and~~

¹¹⁶-Existing restriction being relocated since there is no longer an (a) and (b) in the subsection.

- ~~(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.~~
- ~~(2) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.~~
- ~~(3) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.~~

5.13.2 Agricultural Processing Facility, Community

(A) Use Standards

- (1) Allowed as more than ~~four~~ one principal use if location on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation

- (1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-~~GZCD~~.
- (2) The building shall not exceed 10,000 square feet in size.
- ~~(3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:~~
- ~~(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);~~
- ~~(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and~~
- ~~(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.~~
- (4) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (5) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Cold Storage Facility

(A) Standards of Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~GZCD~~.

5.13.4 Community Farmers' Market**(A) Use Standards**

- (1) Allowed as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance,

(B) Standards of Evaluation

- (1) The minimum lot size shall be 3 acres unless permitted as an ASE-~~CZCD~~.
- (2) If located adjacent to residentially zoned property, all buildings and vendor areas shall be located a minimum of 100 feet from the property line.

5.13.5 Composting Operation**(A) Use Standards**

- (1) Operations involving the on-site grinding of materials shall only be permitted within the ~~AS-NR-CD~~ and ASE-~~CZ-CD~~ Zoning Districts.

- (2) Operations involving on-site grinding of materials shall not be permitted: within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application.¹¹⁷

~~(a) As a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(b) Within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional Zoning District application.~~

(B) Standards of Evaluation for ~~Class A Special Use Permit or ASE-CZ~~ Conditional Zoning Districts

- (1) The minimum lot size shall be 10 acres unless permitted as an ASE-~~CZCD~~.
- (2) All operations shall be located a minimum of 150 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~CZCD~~.
- (4) Outdoor storage areas shall be screened from view of adjacent properties and the road right-of-way.
- (5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (6) Compost piles shall not exceed 15 feet in height.
- (7) Operations that include grinding shall adhere to the following:
 - (a) Grinding shall be permitted only during the hours of 7 a.m. and 7 p.m., or as otherwise specified on the permit.
 - (b) Grinding area shall be located a minimum of 1,000 feet from any existing dwelling unit located on adjacent properties.
 - (c) Grinding area shall be located a minimum of 300 feet from all property lines.
- (8) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the

¹¹⁷ Existing restriction being relocated since there is no longer an (a) and (b) in the subsection.

proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.6 Cooperative Farm Stand

(A) Use Standards

- (1) Shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation

- (1) In addition to the application materials required in Sections 2.5.2 and 2.4.3, the following shall also be required:
 - (a) The number and location of participating cooperative farm partners.
 - (b) A description of the facility, including size of structure(s) and access locations.
 - (c) Number of employees, if any.
 - (d) Frequency and hours of operation.
- (2) Sales of any products not produced on the farm(s) of one of the cooperative farm partners shall be incidental, related to, and a subordinate component of farm stand sales in scale and profit.

5.13.7 Equestrian Center

(A) Standards of Evaluation for Class A Special Use Permit or ASE-CZ Conditional Zoning Districts

- (1) Minimum lot size: 15 acres.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit conditions of approval.
- (3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and horse trailers.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit conditions of approval.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (7) Application materials shall include a comprehensive groundwater study, for

facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.8 Farm Equipment Rental, Sales and Service

~~(A)~~ Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)~~(A) Standards of Evaluation

- (1) Outdoor display and storage of equipment shall be permitted in the side and rear yards of the primary structure and shall be screened from view of adjacent properties.
- (2) Service bays shall be located at the side or rear of a structure and shall not be visible from adjacent residential property or the road right-of-way.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~CZCD~~.
- (4) Parking shall not be located in the front yard space.
- (5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.9 Farm Supply Store**(A) Standards of Evaluation**

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~CZCD~~.
- (5) Parking shall not be located in the front yard space.
- (6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.10 Feed Mill~~(A) Use Standards~~

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)~~**(A) Standards of Evaluation**

- (1) The minimum lot size shall be 3 acres, unless permitted as an ASE-~~CZCD~~.
- (2) All structures, equipment, and outdoor storage areas shall be located a minimum of 100 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~CZCD~~.
- (4) Outdoor storage shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the

proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.11 Greenhouses with On Premise Sales

(A) Use Standards

- (1) Shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation

- (1) If located in an AR zoning district, the minimum lot size shall be 3 acres, unless permitted as an ASE-~~CZCD~~.
- (2) If located in an AR zoning district, outdoor storage shall be located in the side or rear yards and shall be setback a minimum of 100 feet from the property line.

5.13.12 Meat Processing Facility, Community

(A) Use Standards

- (1) Shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation

- (1) The building shall not exceed 10,000 square feet in size.
- (2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 100 feet from the property line.
- (3) Outdoor storage of products shall be permitted in to the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (4) In addition to the application materials required in Section 2.5 or 2.9, as applicable, the following shall also be required:
 - (a) The number or location of participating cooperative farm partners.
 - (b) Number of employees, if any.
 - (c) Frequency and hours of operation.
 - (d) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average

single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included),
- (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.13 Meat Processing Facility, Regional

(A) Use Standards

~~Use shall not be permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application.¹¹⁸~~

(1)

~~(a) Permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance; or~~

~~(b) Permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional Zoning District application.~~

(B) Standards of Evaluation for Class A Special Use Permit or ASE-CZ Conditional Zoning Districts

(1) The minimum lot size shall be 15 acres.

~~(2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 300 feet from the property line.~~

~~(3) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.~~

~~(4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.~~

~~(5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.~~

¹¹⁸ Existing restriction being relocated since there is no longer an (a) and (b) in the subsection.

- (6) In addition to the information required by Sections ~~2.7 or 2.9, as applicable~~, application materials shall also include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.14 Non-Farm Use of Farm Equipment

(A) Use Standards

- (1) Shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.

(B) Standards of Evaluation

- (1) Equipment shall be screened from view from adjacent properties and road(s).
- (2) Outdoor storage of materials such as gravel, dirt, or plants shall be limited in both area and duration.
- (3) On-site retail sales shall not be permitted.

5.13.15 Stables, Commercial

~~(A) Use Standards~~

- ~~(1) Use shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)(A) Submittal Requirements and Standards of Evaluation for Class-B Special Use Permit or ASE-CZ or MPD-CZ Conditional Zoning Districts~~

~~(1) Submittal Requirements~~

~~In addition to the information required by Sections 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:~~

- ~~(a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.~~
- ~~(b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.~~
- ~~(c) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning~~

district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Standards of Evaluation

- (a) Minimum lot size: 5 acres for up to 10 horses, increasing by ½ acre for each horse over 10.
- (b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
- (c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.
- (d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.

5.13.16 Stockyards / Livestock Markets

(A) Use Standards

- (1) Use shall not be: permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application.¹¹⁹
 - ~~(a) Permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance; or~~
 - ~~(b) Permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional Zoning District application.~~

(B) Standards of Evaluation

- (1) The minimum lot size shall be 10 acres.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless

¹¹⁹ Existing restriction being relocated since there is no longer an (a) and (b) in the subsection.

approved otherwise in the permit or conditions of approval, as applicable.

- (3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and stock trailers.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (7) If located adjacent to residentially zoned property, all animal pens shall be located a minimum of 300 feet from the property line.
- (8) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY, PROCESSING, AND DISTRIBUTION USES – FOOD

5.14.1 Manufacturing, Assembly, Processing, and Distribution Uses – Food

(A) Standards For NC-2 Zoning District

- (1) Uses shall be limited to 10,000 sq.ft. of building area.^{205¹²⁰}

(B) Standards for EDB-1 and EDE-1 Zoning Districts

- (1) Uses shall be limited to 20,000 sq.ft. of building area.

5.14.2 Microbrewery

(A) Use Standards

- (1) Microbrewery Production Only and Microbrewery with Minor Events land uses, as defined within this Ordinance, shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.
- (2) Microbrewery with Major Events, as defined within this Ordinance, shall:

¹²⁰ Extraneous text.

- (a) Only be permitted within the ASE-~~CZ-CD~~ and MPD-~~CZ-CD~~ Zoning Districts.
- (b) Shall not be permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional ~~Zoning~~-District application. ~~Refer to Section 5.1.3 of this Ordinance.~~¹²¹

(3) Specific Standards for RB and AR Zoning Districts

- (a) Only Microbrewery, Production Only shall be permitted for development.

(B) Submittal Requirements

- ~~(1) Applications for a Microbrewery, Production Only; Microbrewery with Minor Events; and Microbrewery with Major Events land uses, as defined within this Ordinance, shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:~~

- ~~(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);~~
- ~~(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and~~
- ~~(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use~~

~~(2) **Additional Submittal Requirements for Microbrewery with Minor Events and Microbrewery with Major Events**~~

- ~~(a) In addition to the requirements in Sections 2.7 and/or 2.9, as applicable, the following information shall be submitted with the application materials:~~
 - ~~(i) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.~~
 - ~~(ii) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.~~
 - ~~(iii) A map depicting surrounding uses and the distance to residential structures.~~
 - ~~(iv) A description of retail sales and facility tours, if proposed.~~

(C) Standards of Evaluation for Microbrewery, Production Only ~~Class B~~ Special Use Permit or OR/M, I-1, I-2, I-3, ~~ASE-CZ, and MPD-CZ~~ and Conditional Zoning Districts

- (1) If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm.

¹²¹ Unnecessary text.

- (a) A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A microbrewery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (D) Standards of Evaluation for Microbrewery with Minor ~~Events Class B Special Use Permit or ASE-CZ and MPD-CZ~~Zoning Districts**
- (1) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit or conditions of approval, as applicable.
 - (2) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
 - (3) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.
 - (4) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
 - (5) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit or conditions of approval, as applicable.
 - (6) Food services are not allowed unless approved in the permit or conditions of approval, as applicable.
 - (7) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit or conditions of approval, as applicable, may specify limits to these activities.
- (E) Standards of Evaluation for a Microbrewery with Major Events for ~~ASE-CZ or MPD-CZ~~Conditional Zoning Districts**
- (1) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit or conditions of approval, as applicable.
 - (2) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
 - (3) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
 - (4) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
 - (5) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit or conditions of approval, as applicable.

- (6) Food services are not allowed unless approved in the permit or conditions of approval, as applicable.
- (7) The permit or conditions of approval, as applicable, may limit the frequency of events.
- (8) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.14.3 Winery

(A) Use Standards

- (1) Winery Production Only and Winery with Minor Events, as defined within this Ordinance, shall be permitted as more than one principal use if located on a bona fide farm. Refer to Section 6.2.5 of this Ordinance.
- (2) Winery with Major Events, as defined within this Ordinance, shall:
 - (a) Only be permitted within the ASE-~~CZ-CD~~ and MPD-~~CZ-CD~~ Zoning Districts.
 - (b) Shall not be permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional ~~Zoning~~-District application. ~~Refer to Section 5.1.3 of this Ordinance.~~¹²²
- (3) **Specific Standards for RB and AR Zoning Districts**
 - (a) Only Winery, Production Only shall be permitted for development.

(B) Submittal Requirements

- (1) Applications for a Winery, Production Only; Winery with Minor Events; and Winery with Major Events as defined within this Ordinance shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
- (2) **Additional Submittal Requirements for Winery with Minor Events and Winery with Major Events**
 - (a) In addition to the requirements in Sections 2.7 and/or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (i) Description of special events to be held on-site, including

¹²² Unnecessary text.

frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

- (ii) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
- (iii) A map depicting surrounding uses and the distance to residential structures.
- (iv) A description of retail sales and facility tours, if proposed.

(C) Standards of Evaluation for a Winery, Production Only ~~Class B~~ Special Use Permit or ~~ASE-CZ~~ Conditional Zoning Districts

- (1) If located in an AR or RB zoning district or land use classification, as designated in the Comprehensive Plan, the winery must be located on a bona fide farm.
 - (a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.

(D) Standards of Evaluation for a Winery with Minor Events ~~Class B~~ Special Use Permit or ~~ASE-CZ and MPD-CZ~~ Conditional Zoning Districts

- (1) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit or conditions of approval, as applicable.
- (2) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (3) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.
- (4) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
- (5) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (6) Food services are not allowed unless approved in the permit or conditions of approval, as applicable.
- (7) Retail sales and facility tours are intended to be minor components of the overall use as a winery that produces wine. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit or conditions of approval, as applicable, may specify limits to these activities.

(E) Standards of Evaluation for a Winery with Major Events ~~ASE-CZ and MPD-CZ~~ Conditional Zoning Districts

- (1) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit or conditions of approval, as applicable.

- (2) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (3) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
- (4) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
- (5) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit or conditions of approval, as applicable.
- (6) Food services are not allowed unless approved in the permit or conditions of approval, as applicable.
- (7) The permit or conditions of approval, as applicable, may limit the frequency of events.
- (8) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

SECTION 5.15: STANDARDS FOR MANUFACTURING, ASSEMBLY, PROCESSING, AND DISTRIBUTION USES – OTHER THAN FOOD

~~5.15.1 Manufacturing, Assembly, Processing and Distribution Uses - Other Than Food~~

~~(A) Standards For EI and I-1 Zoning District~~

- ~~(1) Uses shall be limited to 10,000 sq.ft. of building area.~~

~~(B) Standards for EDB-1 and EDE-1 Zoning Districts~~

- ~~(1) Uses shall be limited to 20,000 sq.ft. of building area.~~

5.15.2 Metal Fabrication Shop

(A) Standards for ASE-~~CZ~~CD Zoning District

- (1) Facility must be located on a bona fide farm.
- (2) Minimum lot size: 3 acres.
- (3) Maximum building size: 3,000 square feet.
- (4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.

5.15.3 Research Facility With Manufacturing

(A) Standards for the O/RM Zoning District

- (1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Research Facility With Manufacturing and shall adhere to the standards of Section 5.15.3(A)(2):
 - ~~(a) Financial Services~~
 - ~~(b) Service land uses, limited to Beauty & Barber Shops, Laundry and Dry Cleaning Services~~
 - ~~(c) Eating and Drinking Establishments limited to Nightclubs, Bars, Pubs, Restaurants Carry Out and General.~~
 - ~~(d) Retail, limited to 12,000 sq.ft. of building area~~

- ~~(e) Manufacturing, Assembly, Processing, and Distribution Uses – Other, limited to Printing & Lithography~~
- ~~(2) Multiple Uses, identified in Section 5.15.3(A)(1), are permitted only in accordance with the following standards:~~
- ~~(a) The site plan shall identify the square footage of each structure by type of use.~~
- ~~(b) The Principal Use type of Research Facility With Manufacturing must be established on the site.~~
- ~~(c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.~~

5.15.4 Sawmills

(A) Use Standards

- ~~(1) Use shall not be: permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application.¹²³~~
- ~~(a) Permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance; or~~
- ~~(b) Permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional Zoning District application.~~

(B) Standards of Evaluation

- (1) Minimum lot size: 5 acres.
- (2) All structures, equipment, and storage shall be located a minimum of 100 feet from the property line.
- (3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit or conditions of approval, as applicable.

SECTION 5.16: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.16.1 Airports, General Aviation, Heliports, STOL

~~(A) Use Standards~~

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)~~(A) Submittal Requirements and Standards of Evaluation for **Class A Special Use Permit**NR-CD District

(1) Submittal Requirements

In addition to the information required in Section 2.79, the following shall be submitted as part of the application:

- (a) A configuration diagram depicting the layout of runways, taxiways, approach zones and overrun areas. These diagrams should also be on aerial photographs that show the area within five miles of the proposed site.

¹²³ Existing restriction being relocated since there is no longer an (a) and (b) in the subsection.

- (b) Isotonic contours showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.
- (c) The number and type of aircraft proposed to be stored including also the storage areas for aircraft, fuel and motor vehicles, service areas for aircraft.
- (d) How on site fire and rescue services shall be provided and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility.
- (e) List land uses within the final approach zones of the airport.
- (f) Certification that all Federal Aviation Administration (FAA) and State standards and requirements have been met.

(2) Standards of Evaluation

- (a) All F.A.A. and State regulations are met as a condition of approval.
- (b) The site and its operation will not adversely affect existing adjacent land uses.
- (c) Land sufficient to provide approach zones and overrun areas is owned or controlled by the applicant.
- (d) Adequate land area is provided for all of the proposed uses, buildings and storage areas.
- (e) Screening of buildings, storage and maintenance areas is provided from adjacent residential land.
- (f) Letters from appropriate fire and rescue agencies that protective services can be provided at an adequate level.
- (g) Access shall be directly onto a State maintained road.
- (h) Compatible land uses are located in the final approach areas of the airport.

5.16.2 Bus Terminal and Garage

(A) Use Standards

- (1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.

5.16.3 Motor Freight Terminal

(A) Use Standards

- (1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.

5.16.4 Motor Vehicle Maintenance

(A) Use Standards

- (1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.

5.16.5 Motor Vehicle Repair

(A) Use Standards

- (1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.

5.16.65.16.2 Motor Vehicle Sales / Rental

(A) Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~
- ~~(2)(1) Within the NC-2, EC-5, and E-I Zoning Districts the display of vehicles outdoors shall be limited to 32 vehicles per acre of property.~~
- ~~(3)(2) Within the GC-4, I-1, I-2, I-3, EDB-1, EDB-2, EDE-2, EDH-4, and EDH-5 the display of vehicles outdoors shall be limited to 45 vehicles per acre of property.~~

(B) Submittal Requirements

- ~~(1) In addition to the information required by Section 2.5, the site plan shall show the area for the display of vehicles for sale or rental.~~

(C) Standards of Evaluation

- ~~(1) Property shall have frontage and direct access onto a State maintained roadway.~~
- ~~(2) Areas of the property designated for the display of vehicles for sale or rent shall be improved with an all-weather surface (i.e. concrete, asphalt, gravel) and shall not be used for any other purpose.~~
- ~~(3) Additional vehicles, other than those offered for sale, rent or staff/customer designated parking as required under Section 6.9 of this Ordinance, can be stored on-site and shall be screened from view from adjacent properties and public rights-of-way. Such vehicles shall not be included in the display limit calculation.~~

5.16.75.16.3 Motor Vehicle Service

(A) Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

(B)(A) Standards for the LC-1, NC-2, and EC-5 Zoning Districts

- (1) Shall be limited to no more than 10,000 sq.ft. of building area.

SECTION 5.17: STANDARDS FOR MEDICAL USES

5.17.1 Hospital

(A) Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

5.17.25.17.1 Medical Uses

(A) Use Standards

- ~~(1) Shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

(B)(A) Standards for the LC-1, NC-2, CC-3, O/RM, EDH-1, EDH-2, and EDH-3 Zoning Districts

- (1) Shall be limited to no more than 10,000 sq.ft. of building area.

5.17.35.17.2 Veterinary Clinic

(A) Standards of Evaluation for ~~Class B~~ Special Use Permit or ~~ASE-CZ or MPD-CZ~~ Conditional Zoning Districts

- (1) In the AR and ASE-~~CZ-CD~~ zoning districts, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.17.45.17.3 Veterinary Hospital

(A) Standards of Evaluation for ASE-~~CZ-CD~~ Zoning District

- (1) In the ASE-~~CZ-CD~~ zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

SECTION 5.18: STANDARDS FOR ASSEMBLY USES

5.18.1 Assembly Uses, All Subtypes¹²⁴

(A) Use Standards

- (1) Assembly uses with an occupancy of 300 or more persons shall not be permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional ~~Zoning~~ District application.

(B) Standards for all Residential Zoning Districts

- (1) Unless otherwise denoted within this section, assembly land uses shall observe the following minimum setbacks:

TABLE 5.18.1.A: ASSEMBLY SETBACK STANDARDS IN RESIDENTIAL DISTRICTS	
SETBACK	DISTANCE (FEET)
Front	45
Side	50
Rear	50

(C) Standards for LC-1, NC-2, and EC-5 Zoning Districts

- (1) Assembly Uses shall not exceed 100 persons at any given time.
- (2) All activities shall be conducted indoors.

5.18.2 Community Center

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit or Conditional Districts

- (1) **Submittal Requirements**

¹²⁴ Clarify that the standards in this section apply to all types of "Assembly Uses" in the Table of Permitted Uses.

In addition to the information required by Section 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the exact type of facility planned, the size of the building, the number of participants; a signed statement from the owners or operators that the facility will be operated by a non-profit organization.
- (b) A site plan showing the location of the existing and proposed buildings, access points, parking, service areas, and outdoor recreation areas.
- (c) Building plans for all existing or proposed structures.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and any other landscape materials.

(2) Standards of Evaluation

- (a) Lot size shall be adequate for the method of sewage disposal, and for the other improvements proposed or required.
- (b) The site plan shall show the boundaries of the site, the distances to the nearest residential structures, access points, parking areas, service area, location of proposed existing buildings.
- (c) The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition, to proposed or existing trees, shrubs, and ground cover.
- (d) Elevations of buildings should show that the buildings preserve the residential character of the area.

5.18.3 Museum

(A) Standards of Evaluation for ~~Class B~~ Special Use Permit or ~~ASE-CZ~~ Conditional Zoning Districts

- (1) Within the AR and RB Zoning District or Land Use classification, as depicted in the Comprehensive Plan,¹²⁵ a museum shall be limited to a Rural Heritage Museum.
- (2) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.
- (3) The maximum building size in an AR or RB zoning district shall be 5,000 square feet.

5.18.4 Retreat Center

(A) Submittal Requirements and Standards of Evaluation for ~~Class B~~ Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

- (a) A site plan prepared in accordance with Section 2.5, also showing the following (existing or proposed):
 - (i) Buildings,

¹²⁵ Necessary addition to preserve intent since, when a parcel is rezoned to a Conditional District, it is technically no longer an AR or RB zoning district.

- (ii) Storage areas,
- (iii) Fencing and gates,
- (iv) Outdoor recreation areas
- (v) Access road(s) to the site, as well as on site roads, with an indication of type of proposed surface.
- (vi) Distances to the nearest residential structure.
- (b) A description of the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.
- (c) A phasing plan, when necessary, indicating the area to be developed in each phase with time periods for construction of each phase. This may be indicated on the site plan.

(2) Standards of Evaluation

- (a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.
- (b) The landscape plan shall show how the facilities will be screened from the adjacent properties. A minimum 30 foot Type B buffer, as indicated in Section 6.8 shall be observed around the perimeter of the property.
- (c) If private recreational facilities are proposed, the improvements must meet the site improvement requirements in Section 7.11 of this Ordinance. The site plan for recreational facilities shall be reviewed by the Orange County Recreation and Parks Director.
- (d) Off street parking requirements shall be provided in accordance with Section 6.9 of this Ordinance.

5.18.5 Rural Special Events

- (A) General Standards for Evaluation ~~or ASE-CZ or MPD-CZ Zoning Districts~~ for All Zoning Districts**
- (1) Must be located on a bona fide farm.
 - (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of parking area(s).
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.
 - (4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

- (5) Events permitted by right in the AR, RB, and AS zoning districts shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-~~CZ-CD~~ or MPD-~~CZCD~~.
- (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit or conditions of approval, as applicable.
- (7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit or conditions of approval, as applicable.
- (8) Food services are not allowed unless approved in the permit or conditions of approval, as applicable.
- (9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

5.18.6 Theater

~~(A) — Use Standards~~

- ~~(1) — Drive-in Theaters shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)(A) Standards for the NC-2 and CC-3 Zoning Districts~~

- (1) Shall be located in-doors. No outdoor performances or drive-in theater facilities shall be permitted.
- (2) Limited to 100 patrons per individual performance,

~~Section 5.19: STANDARDS FOR GOVERNMENT USES~~

~~5.19.1 Government Uses~~

~~(A) — Use Standards~~

- ~~(1) — Military Installations shall not be permitted as a Conditional Use District. Refer to Section 5.1.3 of this Ordinance.~~

~~Section 5.20: SECTION 5.19: STANDARDS FOR OFFICE AND FINANCIAL SERVICE USES~~

~~5.20-15.19.1 Office and Financial Service Uses~~

~~(A) Use Standards~~

- ~~(1) Specific Standards for the LC-1, NC-2, EC-5, EDH-1, and EDH-2 Zoning Districts

 - ~~(a) Uses shall be limited to 15,000 sq.ft. of building area.~~
 - ~~(b) No outdoor storage of equipment or materials shall be permitted.~~
 - ~~(c) Drive-thru facilities are prohibited,~~~~
- ~~(2) Specific Standards for EDB-1 and EDE-1 Zoning Districts

 - ~~(a) Uses shall be limited to 30,000 sq.ft. of building area.~~
 - ~~(b) No outdoor storage of equipment or materials shall be permitted.~~~~

5.20.25.19.2 Building/Trade Contractors Office with Equipment Storage Yard**(A) Use Standards in GC-4 Zoning District¹²⁶**

- (1) Equipment storage yards shall be:
 - (a) Setback a minimum of 50 ft. from all property lines.
 - (b) Enclosed by a minimum 6 ft. high fence.
 - (c) Screened along all sides with a Type A Land Use Buffer as detailed in Section 6.8 of this Ordinance.

5.20.35.19.3 Research Facility Without Manufacturing**~~(A) Use Standards~~**

- ~~(1) Use shall not be permitted as a Conditional Zoning District. Refer to Section 5.1.3 of this Ordinance.~~

~~(B)(A) Standards for the NC-2 Zoning District~~

- ~~(1) Uses shall be limited to 12,000 sq.ft. of building area.~~

~~(C)(B) Standards for the O/RM Zoning District~~

- (1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Research Facility Without Manufacturing and shall adhere to the standards of Section ~~5.15.2(C)(2)~~5.19.3(B)(2):
 - (a) Financial Services
 - (b) Service land uses limited to Beauty & Barber Shops, Laundry and Dry Cleaning Services
 - (c) Eating and Drinking Establishments limited to Nightclubs, Bars, Pubs, Restaurants Carry Out and General
 - (d) Retail, limited to 12,000 sq.ft. of building area.~~f~~
 - (e) Manufacturing, Assembly, Processing, and Distribution Uses – Other, limited to Printing & Lithography
- (2) Multiple Uses, identified in Section 5.15.2(~~CB~~)(1), are permitted only in accordance with the following standards:
 - (a) The site plan shall identify the square footage of each structure by type of use.
 - (b) The Principal Use type of Research Facility Without Manufacturing must be established on the site.
 - (c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.

Section 5.21-SECTION 5.20: STANDARDS FOR RETAIL USES**5.21.45.20.1 Retail****(A) Use Standards**

- (1) **Specific Standards for the LC-1, NC-2, and EC-5 Zoning Districts**
 - (a) Uses shall be limited to 12,000 sq.ft. of building area.
 - (b) No outdoor sales/displays shall be permitted.

¹²⁶ The Table of Permitted Uses indicates use standards apply only in the GC-4 district. Since the use is also permitted by right in certain Industrial districts, language should be added here to provide clarity as to intent.

(2) Specific Standards for the CC-3 Zoning District

- (a) Uses shall be limited to 24,000 sq.ft. of building area.
- (b) Outdoor sales/displays shall be permitted subject to the following:
 - (i) No more than 20% of the property area shall be utilized to support outdoor sales/displays.
 - (ii) Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
 - (iii) Displays shall not block entrances and exists to the structure.

(3) Outdoor sales/displays shall be allowed in other districts subject to the following:

- (a) No more than 25% of the property area shall be utilized to support outdoor sales/displays.
- (b) Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
- (c) Displays shall not block entrances and exists to the structure.

5.21-25.20.2 Country Store**(A) General Standards for Evaluation**

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-~~GZCD~~.
- (5) Parking shall not be located in the front yard space.
- (6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

Section 5.22: SECTION 5.21: STANDARDS FOR MISCELLANEOUS USES**5.22-15.21.1 Major Subdivision****(A) Standards for ~~Class A Special Use Permit~~ Conditional Districts****(1) Submittal Requirements**

In addition to the information required in Section 2.79, the following shall be submitted as part of the application:

~~(a) Notification~~

~~Stamped envelopes addressed to each owner of property within 500 feet of the property proposed for subdivision. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records system.¹²⁷~~

~~(b)(a) Development Schedule~~

A statement, from the applicant, indicating the anticipated development schedule for the build out of the project.

~~(e)(b) Water and Wastewater~~

- ~~(i) If the proposed lots are to be served by a public water system, proof of water supply and service availability in the form of a certified copy of a resolution to that effect enacted by the governing body of the water system providing the water to serve the lots in the subdivision.~~
- ~~(ii) If the proposed lots are to be served by a public sewer system proof of public sewer service availability in the form of a certified copy of a resolution to that effect enacted by the governing body of the sewer system providing the sewer service to the lots in the subdivision.~~
- ~~(iii) If the proposed lots are to be served by a community water and/or sewer system, proof that the system(s) will be operated either directly by or through contract with the water and/or sewer provider whose service area or interest area it is, as defined in the Water and Sewer Management Planning and Boundary Agreement and Map adopted December 3, 2001, and as may be amended from time to time.~~
- ~~(iv) If the proposed lots are to be served by individual wells or community wells, a professionally prepared groundwater yield analysis relating the proposed wells to the U.S. Geological Survey Water Resources Investigations Report 00-4286 and any later USGS Water Resource Investigation Report data available.~~
- ~~(v) If the proposed lots are to be served by individual septic systems the Environmental Health Division shall submit a report indicating approval for each building lot and for the open space if a homeowners' association amenity is proposed to be constructed within the open space.~~

~~(d)(c) Open Space Connectivity~~

A map that demonstrates that the open space composition, accessibility, shape and size requirements as set forth in Section 7.13 of this Ordinance are to be met.

¹²⁷ Redundant language as Section 2.9 already requires this.

~~(e)(d)~~ Natural & Human-Made Resources

A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other constructed features, historic and archaeological sites, and visual analysis of views into and from the site.

~~(f)(e)~~ Pedestrian / Bicycle Plan

- (i) If the subdivision is located in a Transition Area designated as such on the Land Use Element of the Comprehensive Plan, a plan for sidewalks or pedestrian/bike lanes as part of the public roads using, where appropriate, alternative North Carolina Department of Transportation design guidelines that include pedestrian/bike lanes as part of the public road system.
- (ii) For proposals not located in a ~~T~~ransition ~~A~~rea an off-road, pedestrian plan shall be submitted.

~~(g)(f)~~ Landscape Plan Details

A landscape and tree preservation plan that shows the following:

- (i) The proposed locations, and types of, plantings,
- (ii) The existing natural landscape with existing topography,
- (iii) The width of roadside and perimeter buffers to be left undisturbed,
- (iv) The open space (proposed undisturbed and proposed improved) as well as type of ownership.

(2) Additional Submittal Requirements - For all applications of over 40 lots

(a) Solid Waste

The location within the subdivision of a solid waste convenience center(s) intended to serve the subdivision and, where appropriate, the area in which the subdivision is located.

(b) Biological Inventory

- (i) A biological inventory which identifies the following:
 - a. Habitat diversity,
 - b. Species diversity,
 - c. Species of special concern such as those designated as threatened or endangered,
 - d. Last known sighting,
 - e. Candidate species likely to be present which may warrant protection,
 - f. Specimen trees outstanding in size and/or species, and
 - g. The status and source of the information compiled in the inventory.
- (ii) The biological inventory shall be accompanied by an analysis describing the following:
 - a. Habitat integrity,
 - b. Relationships between habitats and to ecological communities offsite,
 - c. Any existing threats to flora and fauna and
 - d. Potential for habitat enhancement.

(c) Environmental Mitigation

A mitigation plan is required when any wetland or other environmentally sensitive area identified in the biological inventory will be altered as a result of development of the subdivision or construction of homes or other buildings and structures associated with the subdivision. The mitigation plan shall include the following:

- (i) An assessment of the ecological value of resources that will be lost and a statement of how that value will be replaced through mitigation;
- (ii) A specific statement of the goals and objectives, i.e., exactly what steps will be taken to compensate for lost habitat, etc.;
- (iii) Detailed descriptions in the form of grading plans, construction plans, and planting plans to illustrate how the objectives will be carried out;
- (iv) A monitoring and maintenance plan to measure success of the mitigation based on stated objectives. Include a list of parties responsible for monitoring and maintenance, a schedule for each, and how results will be reported to the Planning and Inspections Department;
- (v) A plan showing how the site will be protected from impacts by human and unwanted animal intrusion, alternate plant species and construction methods that could be used in the event adjustments or substitutions are needed until the mitigation area is established; and
- (vi) A financial guarantee is required for the total cost of the mitigation project. Once the installation is complete, 30% of the amount of the letter of credit or escrow will be held for 12 months or until the site is established, whichever is greater.

(d) Traffic Study

- (i) A traffic impact study is required with all applications for the following:
 - a. Subdivisions with more than 40 lots outside of ~~†~~Transition ~~a~~Areas, and
 - b. Subdivisions with more than 80 lots within ~~†~~Transition ~~a~~Areas.
- (ii) The study shall include an analysis of the need for public road improvements, including pedestrian-oriented enhancements, for on-site and off-site improvements as said improvements relate to the level of service impacted by the development.
- (iii) The traffic impact study shall be prepared in accordance with the requirements of Section 6.17.

(3) Standards of Evaluation

- (a) The project meets all applicable design standards and other requirements of this Ordinance.
- (b) The project meets all service provision criteria as set forth below:
 - (i) Fire – identifies the primary and secondary responders and the source(s) of water.
 - (ii) Police – identifies the primary and secondary responders.
 - (iii) Rescue services – identifies the primary and secondary responders.

- (iv) Water Supply – source and capacity of water supply.
- (v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.
- (c) Habitats shall be identified and evaluated in the biological inventory required by Section ~~5-17-65.21.1~~(A)(2)(b) and are subject to the following:
 - (i) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff;
 - (ii) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include:
 - a. Preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags);
 - b. Installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or
 - c. Creating wetlands;
 - (iii) Conservation easements or other acceptable means such as dedication to a public agency, or conservancy or a homeowner's association are required to protect wetlands and other habitats while insuring proper long-term maintenance; and
 - (iv) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.
- (d) Landscaping and Buffers
 - (i) Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8 of the this Ordinance;
 - (ii) Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;
 - (iii) Corridors connecting habitats identified in the biological inventory shall be preserved along streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;
 - (iv) Trees and stumps cleared for roads and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried or otherwise disposed of **BUT NOT BURNED**.
 - (v) Berms, fences and landscaping walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions;
 - (vi) To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all freestanding entrance signs;

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.

- (k) Maintenance of Improvements
 - (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
 - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.22-25.21.2 Specific Standards for ~~Class A Special Use Permits~~ Conditional Districts Within Hillsborough EDD¹²⁸

~~In addition to the general and specific standards for all Special Use Permits, the~~ The following standards shall be addressed by the applicant before ~~the issuance of a Class A Special Use Permit~~ approval of a Conditional District within the Hillsborough Economic Development District:

(A) General Provisions

- (1) This section establishes criteria pertaining to appearance in the design of a site, buildings and structures, landscaping, signs, and other miscellaneous features that are observed by the public.
- (2) Aesthetic criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which result in creative solutions that will promote visual appearance within the city and county, preserve taxable values, and promote the public health, safety and welfare.

(B) General Design Standards

(1) Harmonious and efficient organization

- (a) The site plan shall be organized harmoniously and efficiently in relation to existing topography, the size and type of plot, the character of adjoining property, and the type and size of buildings.
- (b) The site will be developed to facilitate orderly development of surrounding property and with minimal disturbance to the natural environment.

(2) Preservation of natural state

- (a) Desirable vegetation or other unique natural features shall be preserved in their natural state when practical.
- (b) The Environmental Protection Plan shall include the locations of all existing trees 12" diameter four feet above the ground.

(3) Enhancement of residential privacy

- (a) The site plan shall provide reasonable visual, lighting, and sound privacy for all adjacent dwelling units.

(4) Emergency access

¹²⁸ This section was moved from Section 5.3.2 (a section pertaining to Special Use Permits) because uses in the Hillsborough EDD that formerly required a Class A SUP are suggested to be processed through the Conditional District process. The automatic hierarchical numbering scheme has changed without being marked as a change, but is consistent with existing Section 5.3.2; proposed revisions to the text are indicated as changes.

- (a) Structures and other site features shall be arranged to permit practical emergency vehicle access to all sides of buildings.

(5) Access to public ways

- (a) Every structure and dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(6) Non-motorized circulation

- (a) A non-motorized circulation system shall be provided which is direct, efficient, and pleasant.
- (b) The system shall be complementary to, but independent of the vehicular circulation system.

(7) Design of access and egress drives

- (a) The location, size, and numbers of ingress and egress drives to a site will be strictly limited to minimize the negative impacts on public streets and on adjacent property. This shall include formal entryways and access to outparcels from inside the development only.

(8) Coordination with off-site circulation systems

- (a) The arrangement of rights-of-way or easements for circulation shall coordinate with the pattern of existing and planned streets, pedestrian and/or bicycle pathways and transit routes in the area.
- (b) Connection to adjacent properties is encouraged where possible.

(9) Stormwater control

- (a) Protective measures shall ensure that removal of stormwater runoff will not adversely affect neighboring properties or the public storm drainage system.
- (b) Provisions shall be made for construction of stormwater facilities including grading, gutters, and piping to direct stormwater and prevent erosion.
- (c) Surface water on all paved areas shall be collected at intervals that do not obstruct vehicular or pedestrian traffic.

(10) Exterior lighting

- (a) The location, type, size and direction of exterior lighting shall not cause glare or direct illumination that interferes with adjacent properties or safety of public rights-of-way.

(11) Protection of property values

- (a) Elements of a site plan shall be arranged to have minimum negative impact on values of adjoining property and other on-site uses.

(C) Specific Standards

- (1) Unless otherwise indicated herein, the relevant standards for the specific Economic Development Zoning Districts shall apply.
- (2) Where actions, designs, or solutions proposed by the applicant are not literally in accord with the applicable regulations of this Ordinance, but the Board of County Commissioners ~~makes a finding in the particular case~~ determines that public purposes are satisfied to an equivalent or greater degree, the Board of County Commissioners may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the ~~approved permit~~ conditions of approval.
- (3) **Relationship of buildings to site**

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utility structures. New and existing vegetation shall be maintained in a flourishing manner.

- (a) Natural or existing topographic patterns contributing to the beauty and utility of a development shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect significant natural features and drainageways.
- (b) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance.
- (c) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important visual corridors, and provide shade.
- (d) Unity of design shall be achieved by repetition of certain plan varieties and other materials and by correlation with adjacent developments.
- (e) Plant material shall be selected for its structure, texture, and color for interest and for its ultimate growth. Use of native plants is encouraged; others that will be hardy, harmonious to the design, and of good appearance can be allowed.
- (f) Appropriate curbs, tree guards or other devices shall be employed to protect plants susceptible to injury by pedestrian or motor traffic.
- (g) Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.
- (h) Service yards and other unsightly places shall be screened by use of walls, fencing and/or planting.

(7) Signs

- (a) Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings. A unified signage plan shall be submitted and approved with the **Special Use Permit Conditional District**.
- (b) Every sign shall be designed as an integral architectural element of the building and the site to which it principally relates.
- (c) The colors, materials and lighting of every sign shall be harmonious with the building and site to which it principally relates.
- (d) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the total area of the sign face.
- (e) Freestanding signs shall not be pole-mounted.

(8) Maintenance, planning and design factors

- (a) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- (b) Provisions for cleaning buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to accumulate debris and dirt shall be avoided.

ARTICLE 6: DEVELOPMENT STANDARDS

SECTION 6.1: GENERAL STANDARDS

6.1.1 Establishment of Dimensional Requirements

The required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum building height and maximum lot coverage and permitted intensity of development for each of the ~~general-conventional~~ districts shall be as shown in this Article and Article 3 of this Ordinance.

6.1.2 Town of Chapel Hill Land Development Standards

The regulations governing minimum lot size, minimum lot width, required yard setbacks, maximum building height and other dimensional requirements controlling the permitted intensity of development as contained in the Town of Chapel Hill Land Development Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Chapel Hill Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

6.1.3 Town of Carrboro Land Development Standards

The regulations governing minimum lot size, minimum lot width, required yard setbacks, maximum building height and other dimensional requirements controlling the permitted intensity of development as contained in the Town of Carrboro Land Use Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Carrboro Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

SECTION 6.2: LOT & BUILDING STANDARDS

6.2.1 Regulations Encumbering Land Required to Satisfy Regulations

No portion of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the dimensional regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure or use.

6.2.2 Modifications of Dimensional Requirements

Except as provided in this Ordinance, all structures shall conform to the dimensional requirements established in Article 3 of this Ordinance.

(A) Height Limitations

- (1) Within any zoning district the height of a building may exceed the maximum building height established in Article 3 provided that one foot additional front, rear, and side setbacks are provided for every two feet of additional height. Regardless of additional setbacks provided, in no case shall a building's height exceed 75-feet unless modified as per (2) below.

- (2) The height limits of this Ordinance may be modified upon appeal to the Board of Adjustment in accordance with Section 2.10 of this Ordinance. The Board, when approving an application for modification of the height limitation, may affix to that approval reasonable conditions to protect the public health, safety and general welfare.

(B) Flexible Developments

- ~~(1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.~~

~~(C) **Flag Lots**~~

- ~~(1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.~~

~~(D) **Reuse of Existing Farm Buildings within the Rural Buffer Zoning District**~~

- ~~(1) Setback requirements may be lessened through the appropriate permitting process for agricultural support enterprise uses that reuse farm buildings in existence as of May 5, 2015 that are currently located within the required setback area.~~
- ~~(a) This provision applies to agricultural support enterprise uses currently zoned RB.~~
- ~~(b) The setback width shall not be lessened to a distance less than the setback required in the RB ~~general-useconventional~~ zoning district.~~
- ~~(c) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-~~CZ-CD~~ zoning district, as detailed within Section 5.2-~~3~~¹²⁹ of this Ordinance.~~

~~6.2.3 **Clustering**~~

~~(A) **UNIV-CA & UNIV – PW Watershed Protection Overlay Districts**~~

- ~~(1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.~~
- ~~(2) Each lot shall contain a minimum of one acre.~~

~~(B) **All Other Overlay Districts**~~

~~Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.~~

~~6.2.4 **Irregular Lots**~~

~~Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.~~

~~6.2.5 **Principal Uses**~~

~~There shall be no more than one principal use on any zoning lot except where:~~

- ~~(A) Permitted as a ~~CU-District or CZ-Conditional~~-District; or~~
- ~~(B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or~~
- ~~(C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or~~
- ~~(D) One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short term lease; or~~

~~¹²⁹ [Old section reference that should have been changed with 2019 amendments.](#)~~

- (E) ~~The use(s) is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1) and is/are located on a bona fide farm. The use is allowed located on a bona fide farm, and is in accordance with the use-specific standards in Article 5 which allow for more than one principal use in such cases.~~¹³⁰

6.2.6 Principal Structures

(A) Residential

- (1) There shall be no more than one principal structure permitted on any residential zoning lot, with the exception of the following:
- (a) Multi-family developments which have received approval as a ~~CU District~~ CU District or CZ Conditional District, or
 - (b) Temporary use of mobile homes for custodial care approved in accordance with the provisions of Section 5.4.4(B), or
 - (c) During the installation or construction of a permanent unit on the same lot, as provided in Section 5.4.4 of this Ordinance, or
 - (d) Duplexes, on lots that have twice the required lot area of the zoning district.

(B) Non-Residential

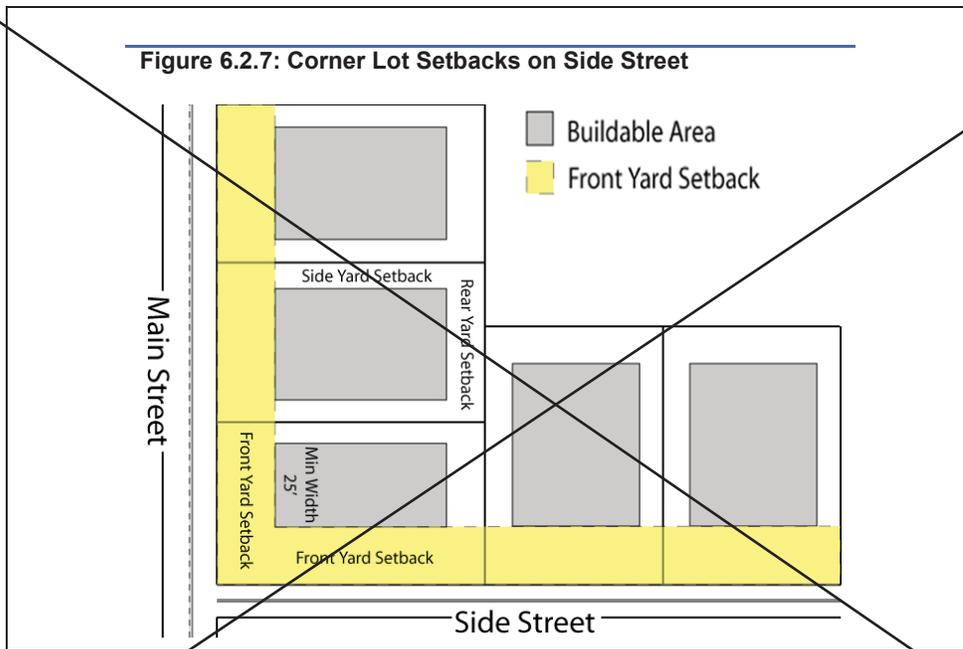
- (1) There shall be no more than one principal structure permitted by right on any non-residential zoning lot greater than two acres in size, unless:
- (a) Permitted as a ~~CU District or CZ Conditional~~ District, or
 - (b) The zoning lot is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
 - (c) ~~The structure(s) is/are located on a bona fide farm and is/are utilized for a use(s) that is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1). The use is allowed located on a bona fide farm, and is in accordance with the use-specific standards in Article 5 which allow for more than one principal use in such cases.~~¹³¹

6.2.7 ~~Corner Lot Setback on the Side Street~~

~~Any corner lot of record in a residential zoning district abutting a side street shall meet the minimum required setbacks of the zoning district in which it is located; provided, however, that this requirement does not reduce the width of area suitable for building to less than 25 feet.~~

¹³⁰ ~~When the table of permitted uses was updated in 2019, the way these uses were handled in Article 5 was changed. This subsection should have been revised in 2019 but was not.~~

¹³¹ ~~When the table of permitted uses was updated in 2019, the way these uses were handled in Article 5 was changed. This subsection should have been revised in 2019 but was not.~~



6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts

In all non-residential zoning districts, except I-1, I-2, I-3, and EI, 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.

6.2.9 Permitted Projections Into Required Open Space¹³²

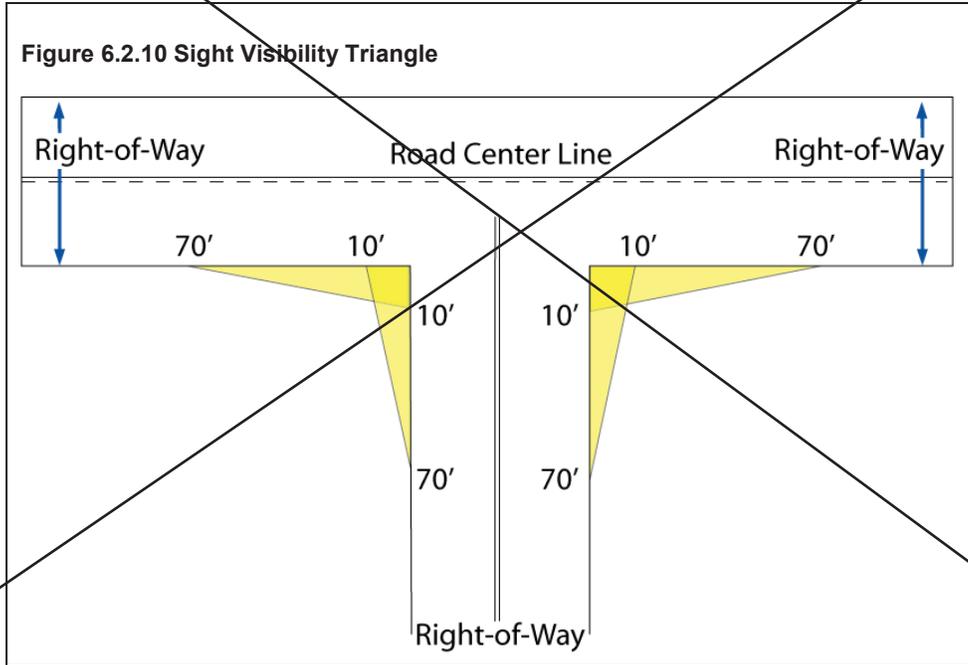
- (A) Certain architectural features, such as cornices, eaves and gutters, may project into the required open space as follows:
 - (1) Three feet into required front open space,
 - (2) One foot into the required rear open space, and
 - (3) One foot into required side open space.
- (B) An unenclosed balcony or porch, fire escape, or metal awning may project into the required open spaces as follows:
 - (1) A distance not to exceed five feet into the required front or rear open space, or
 - (2) A distance not to exceed three feet into the required side open space
- (C) A porch which is screen or glass enclosed shall be considered an enclosed porch
- (D) An enclosed vestibule, containing not more than 40 square feet, may project into the required front open space for a distance not to exceed four feet.

6.2.10 Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially block vision between a height of three and ten feet above the center line grades of the intersecting streets in the area inscribed by triangles formed by connecting the point ten feet

¹³² As noted in Article 3, a future study should analyze the continued need for the ratio requirements. This section is part of the ratios and, if the ratios are retained, the language in this section should be modernized since "open space" means something different to many people (and in other sections of the UDO), than it is used here and in the ratios.

from the corner of right-of-way along the street with lesser traffic volume and 70 feet from the corner of right-of-way along the street of higher traffic volume (see Figure 6.2.10) unless otherwise required by the NCDOT. The area of the sight visibility triangle shall be included in the dedicated right-of-way. Setbacks shall be measured from the edge of right-of-way defined by the triangle.



6.2.11 Open Space and Building Spacing For Attached Residential, Multi-Family Residential, and Lodging Units¹³³

(A) Purpose and Intent

Yards, courtyards, and other open space required herein in relation to structures or portions of structures containing dwelling or lodging units are intended to perform a variety of functions, including the following:

- (1) Ensuring adequate privacy, desirable outlook, natural light and ventilation;
- (2) Providing access to and around buildings, off-street parking and loading space and service areas;
- (3) Preserving space for landscaping;
- (4) Maintaining spacing between buildings and portions of building for reducing potential adverse effects of noise, odor, glare, or hazards from fire; and
- (5) Providing recreation space near buildings.

(B) Location of Required Yards and Courtyards

- (1) Except in the case of fixed yards required adjacent to streets, required yards and courtyards relating to residential uses subject to these regulations, need not be at ground level if and to the extent that, in other locations their functions, nature, orientation, areas, access, and improvements are appropriate to uses within the building and adjoining buildings, and particularly to adjacent uses at the same level of the building and nearby buildings.

¹³³ A future study should include consideration of modernizing the language in this section.

SECTION 6.3: LAND USE INTENSITY MEASURES¹³³

6.3.1 Applicability

- (A) In accordance with Article 3 of this Ordinance, the standards established in this Section shall be applicable to those districts and uses subject to the Land Use Intensity system.
- (B) For residential zoning districts and residential uses, except where application to other uses is specifically indicated, floor area, open space, livability space, and recreation space ratios shall be applied only to such land area, floor area, open space, and related elements as are incidental to and compatible with residential uses.
- (C) For non-residential zoning districts and non-residential uses, except where application to other uses is specifically indicated, floor area, open space and pedestrian/landscaped space ratios shall be applied only to such land area, floor area, open space and pedestrian/landscape use and accessory uses incidental to and compatible with non-residential uses.

6.3.2 Floor Area

- (A) **Residential**
 - (1) The maximum residential floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying to that district, as established in Article 3 of this Ordinance.
- (B) **Non-Residential**
 - (1) The maximum floor area shall not exceed the number of square feet derived by multiplying gross land area by the floor area ratio (FAR) applying to that zoning district, as established in Article 3 of this Ordinance.

6.3.3 Open Space

- (A) **Residential**
 - (1) The minimum open space required shall not be less than the number of square feet derived by multiplying gross residential land area by the open space ratio (OSR) applying to the zoning district, as established in Article 3 of this Ordinance.
- (B) **Non-Residential**
 - (1) The minimum open space shall not be less than the number of square feet derived by multiplying gross land area by the open space ratio (OSR) applying to that zoning district, as established in Article 3 of this Ordinance.

6.3.4 Livability Space

- (A) The minimum livability space required shall not be less than the number of square feet derived by multiplying gross residential land area by the livability space ratio (LSR) applying to the zoning district, as established in Article 3 of this Ordinance.

6.3.5 Recreation Space

- (A) The minimum recreation space required shall not be less than the number of square feet derived by multiplying gross residential land area by the recreation space ratio (RSR) applying to the zoning district, as established in Article 3 of this Ordinance.

¹³⁴ This section enumerates the ratio requirements of the zoning district charts in Article 3. As noted in Article 3, a future study should analyze the continued need for the ratio requirements and the modernization of the language used in this section.

6.3.6 Pedestrian / Landscape Space

- (A) The minimum pedestrian / landscape space shall not be less than the number of square feet derived by multiplying gross land area by the pedestrian/landscape ratio (PLR) applying to that zoning district, as established in Article 3 of this Ordinance.

SECTION 6.4: PERFORMANCE STANDARDS

6.4.1 Applicability

- (A) After the effective date of this Ordinance, any use established or changed to, and any building structure, or land developed, constructed or used for, any permitted principal use, or special use, ~~or conditional use~~, shall comply with all of the performance standards herein set forth for the district involved.
- (B) The performance standards contained herein shall apply in commercial, industrial, economic development, and conditional districts.
- (C) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.
- (D) Within 24 months of the effective date of this Ordinance, all presently existing uses of lands, buildings or other structures shall comply with the performance standards as herein set forth for the district subject to performance standards.

6.4.2 Electrical Disturbance or Interference

(A) Commercial, Industrial, and Conditional ~~Zoning~~ Districts

No Permitted Use, Special Use, ~~Conditional Use~~ or Accessory Use shall:

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- (2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(B) Economic Development Zoning Districts

- (1) No use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and general welfare or interferes with the operation, equipment, or radio, television and/or telephone reception, beyond the boundaries of the lot on which the activity is conducted.
- (2) All establishments conducting uses, activities or processes which generate electric and/or magnetic fields are expected to comply with applicable Federal Communications Commission (FCC) regulations. Copies of all required FCC permits, including any conditions for reporting and monitoring, must be submitted with the comprehensive site development plan.
- (3) In the Hillsborough Economic Development District, residential development shall be discouraged near high voltage transmission lines.

6.4.3 Noise

(A) General Standards

- (1) Sound levels shall be measured with an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.
- (2) All measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.
- (3) Impact Noises
 - (a) Impact noises are sounds that occur intermittently rather than continuously.
 - (b) Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10dba in excess of the figures listed in Table 6.4.3.B. This exception shall not apply from 7:00 pm to 7:00 am when the adjacent lot is used or zoned for residential purposes.
 - (c) The impact noise shall be measured using the fast response of the sound level meter.
- (4) Noise levels resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (5) Noise levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Zoning Districts

- (1) Within the LC-1, O/RM, EI, or I-1 district, no permitted Principal Use, Special Use or Accessory Use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.
- (2) The following table establishes the maximum permissible noise levels for permitted uses, special uses, conditional uses and accessory uses in the NC-2, CC-3, GC-4, EC-5, AS, I-2, I-3, and CZ-CD districts:

TABLE 6.4.3.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS			
ZONING OF ADJACENT LOT OR TYPE OF USE IF CONDITIONAL OR "OTHER" DISTRICT	ZONING OF DEVELOPMENT SITE	NOISE LEVEL LIMITS [dBA] FOR GENERATING LAND USE	
		7:00 PM TO 7:00 AM	7:00 AM TO 7:00 PM
Residential	NC-2, I-2 [1]	50	60
	CC-3, GC-4, EC-5, I-3, AS, CZ-Conditional Districts [2]	50	60
Commercial	NC-2, I-2 [1]	60	65
	CC-3, GC-4, EC-5, I-3, AS, CZ-Conditional Districts [2]	65	70
Industrial	NC-2, I-2 [1]	65	70
	CC-3, GC-4, EC-5, I-3, AS, CZ-Conditional Districts [2]	70	75

NOTES:
 [1] Measurements shall be taken at the boundary line of the zoning lot.
 [2] Measurements shall be taken at the boundary line of the zoning district.

- (4) The values stated in Tables 6.4.4.B & 6.4.4.C may be multiplied by 2 for impact vibrations.
- (5) Vibrations resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (6) Vibration levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Districts

- (1) No permitted Principal Use, Special Use or Accessory Use in LC-1, O/RM, EI, or I-1 districts may generate transmitted vibration that is perceptible to the human sense of touch, measured at the outside boundary of the structure occupied by the use generating the vibration.
- (2) No permitted Principal Use, Special Use, ~~Conditional Use~~ or Accessory Use in the NC-2, CC-3, GC-4, EC-5, I-2, I-3, and AS, and ~~CZ-Conditional Districts~~ districts may generate any ground transmitted vibration in excess of the limits set forth in the following table:

TABLE 6.4.4.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL DISTRICTS MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION		
ZONING OF ADJACENT LAND USE	ZONING OF DEVELOPMENT SITE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential	NC-2 & I-2 [1]	0.02
	CC-3, GC-4, EC-5, I-3, AS, & CZ-Conditional Districts [2]	0.20
Non-residential	NC-2 & I-2 [1]	0.10
	CC-3, GC-4, EC-5, I-3, AS, & CZ-Conditional Districts [2]	0.20

NOTES:
 [1] Measurements taken at the boundaries of the zoning district lot containing the use generating the vibrations.
 [2] Measurements taken at the zoning district boundaries

(C) Economic Development Zoning Districts

(1) Maximum Permitted Ground Transmitted Vibration

TABLE 6.4.4.C: MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION	
RECEIVING LAND USE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential development	0.02
Non-residential development	0.10

(2) Mitigation

- (a) Design features used to mitigate vibration must be clearly identified on the site plan.

- (b) Applicants must provide documentation of the source and level of vibration, and the specific manner in which the design feature will reduce vibration to acceptable levels.

6.4.5 Air Pollution

(A) General Standards

- (1) Any Permitted Principal Use, Special Use, ~~or~~ Accessory Use, ~~or Conditional Use~~ that emits any "air contaminant", as defined in G.S. 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.
- (2) No zoning compliance permit or building permit shall be issued with respect to any development covered by Subsection (1) until the State Division of Environmental Management has certified to the Planning Director that the appropriate State permits have been received by the applicant (as provided in G.S. 143-215.108) or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution control regulations.

6.4.6 Disposal of Liquid Wastes

- (A) No permitted use in any district shall discharge any waste contrary to the provisions of N.C.G.S. 130A (Provisions for Sanitary Sewage Disposal).
- (B) No Permitted Principal Use, Special Use, ~~or~~ Accessory Use, ~~or Conditional Use~~ in any district shall discharge into the OWASA, Durham or Hillsborough sewage treatment facilities any waste that cannot be adequately treated by biological means.

6.4.7 Hazardous Materials

(A) General Standards

Each permitted use, special use, ~~and~~ accessory use, ~~and conditional use~~ is required to comply with all applicable federal, state, and local rules and regulations governing the storage, use, and disposal of hazardous materials.

(B) Additional Standards in Economic Development Districts

- (1) Each site plan must be accompanied by a Hazardous Materials Management Plan (HMMP) consisting of the following information:
 - (a) A Materials Safety Data Sheet (MSDS) which lists the specific hazardous substances that a facility is handling and details its known health impacts, physical properties, and appropriate protective measures. a separate MSDS form must be submitted for each hazardous substance handled.
 - (b) A Tier Two form which indicates the precise location and quantity of hazardous materials within a plant or place of business.
 - (c) Building and site plans which indicate the precise location and quantity of hazardous materials.
- (2) An Environmental Assessment will be required for any use or facility which qualifies as a small or large generator of hazardous waste as defined by the N.C. Department of Environment and Natural Resources.
- (3) Any use or facility which is involved in the long-term storage or disposal of hazardous wastes will be required to submit a full Environmental Impact Statement.
- (4) Documentation must be provided as part of the HMMP confirming the following:

- (a) That hazardous wastes are being sent to an approved hazardous waste recycling, storage, treatment or disposal facility,
- (b) That an EPAID number has been obtained,
- (c) That only authorized transporters are used, and
- (d) That on-site storage is limited to 180 days (or up to 270 days if the waste is to be transported more than 200 miles).

6.4.8 Utilities

(A) Economic Development Districts

- (1) Each permitted use, special use, and accessory use to be served by a public or private water or sewer system must be:
 - (a) Designed, sized, and constructed to the standards of the utility provider; and
 - (b) Assured of installation of such services at the time it is approved.
- (2) Each MPD-~~CZ-CD~~ Master Plan and site plan or NR-CD site plan must be accompanied by documentation from the utility provider that it has reviewed and approved:
 - (a) Preliminary plans for the proposed water and/or sewer lines;
 - (b) The adequacy of the existing system(s) to which the connections(s) will be made;
 - (c) The capacity of the existing water and sewer treatment facilities;
 - (d) The carrying capacity of the discharge stream or discharge point; and
 - (e) The method of funding proposed extensions of water and sewer lines.
- (3) The approval by the utility provider must in the form of a resolution or other agreement adopted by its board of directors or governing board and must also contain a certification that service to the development project is authorized by any water management plan and discharge permit in effect at the time of approval.
- (4) Installation
 - (a) The location and size of easements for water and/or sewer lines must be approved by and dedicated in the form of a deed of easement to the utility provider.
 - (b) Where cuts in existing streets are made for water and/or sewer work, all cutting, backfilling, and paving shall be done in accordance with N.C. Department of Transportation and/or municipal specifications and procedures.
- (5) Water Use Limitations

Because of the size or remaining excess capacity of treatment plants for some utility providers, uses which require large quantities of water for manufacturing and/or processing operations will require the review and approval of the Board of County Commissioners as a ~~Conditional Use District or CZ~~Conditional-District in accordance with the following:

 - (a) Applicants for approval of a comprehensive site development plan must submit documented data for the proposed use or a comparable facility which justifies the projected water consumption rates.

- (b) If the projected water consumption rates exceed 30,000 gallons per day, the applicant will be required to obtain development approval as a ~~Conditional Use District or CZ Conditional~~-District as established in this Ordinance.

6.4.9 Solid Waste

(A) ~~MPD-CZ and~~ Economic Development Districts, ~~MPD-CD, and NR-CD~~

The following general provisions are applicable to MPD-~~CZ-CD and NR-CD~~ applications and each permitted use, special use, and accessory use, ~~and conditional use~~ in Economic Development Districts:

- (1) All uses and activities must provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities must be convenient to collection and must be appropriate to the type and size of use or activity being served.
- (2) All solid waste and recyclables storage facilities must be screened in accordance with Sections 6.4 and 6.8. of this Ordinance.
- (3) All uses and activities must remove recyclable materials from the solid waste generated and make them available for recycling. Recyclable materials, consisting of glass, metal cans, plastic containers, corrugated cardboard and white office paper, newspapers, and motor oil, must not be mixed with or disposed of with other solid waste.
- (4) All uses and activities shall remove or cause to be removed all solid wastes from the site or property before harborage of such waste creates a health hazard.
- (5) Each Master Plan and site plan must be accompanied by a Solid Waste Management Plan, including a recycling plan and a plan for the management of construction and land clearing debris. The recycling plan must provide information regarding the type and quantity of recyclable materials generated each month, and the facilities to be provided for collection and storage. Management plans for construction and land clearing debris must identify the type and quantity of debris as well as its disposal location.

6.4.10 Service & Outdoor Storage

(A) General Standards

- (1) Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.
- (2) Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted to the front of a building.
- (3) If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.

(B) Additional Standards in Economic Development Districts

- (1) Exterior storage for materials, supplies, and equipment may only be located at the side or rear of a building and only in totally enclosed screened areas. Exterior storage areas must never be located to the front of any building unless screened from view through the use of fencing, walls and/or landscaping, in accordance with Section 6.8 of this Ordinance.

SECTION 6.6: ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS

6.6.1 Highway 70 / ECOD

(A) Ingress and Egress

The following standards shall regulate ingress and egress points within the corridor:

(1) For purposes of determining the allowable number of ingress and egress points on any particular lot, all lots recorded at the effective date of this Ordinance shall be granted at least one ingress and egress point per road front unless access can be provided through some internal means. However, minimization of the total number of driveways along the Highway 70 corridor is desirable through the use of shared driveways or other access management techniques.

(2) Entrances/Exits

- (a) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.
- (b) To manage access on Highway 70, corner lots may be required to provide ingress and/or egress from the adjacent street.
- (c) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (d) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and in accordance with established traffic mitigation standards, should not be required.

(3) Multiple Curb Cut Requirements

- (a) A lot fronting on Highway 70 shall have a minimum of 600 feet of road frontage along the street before two curb cuts are allowed, unless the project meets one of the following criteria:
 - (i) Any mixed-use development where two curb cuts are approved as part of ~~a Special Use Permit or Conditional District, as prescribed an approval~~ by the Board of County Commissioners.
 - (ii) Shared Access
 - a. In instances where a non-residential land use is proposed next to another non-residential land use and each of the contiguous non-residential land uses will have direct frontage along Highway 70, then the County shall require shared driveway cuts for all such contiguous non-residential land uses.
 - b. In the event that shared driveway cuts are required, then the owners of the contiguous parcels shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a service road to channel access from Highway 70 to each property. Figure 6.6.2.A.3 shows an example of the shared access.

- ~~(3) Landscaping shall be in accordance with an approved landscaping plan.~~
- ~~(4) Any areas left in a natural state shall remain undisturbed except as follows:

 - ~~(a) Within the buffer areas, necessary ingress, egress and utility service may be allowed, but no other disturbance for site improvements shall be permitted.~~
 - ~~(b) Selective clearing of vegetation may be allowed only to remove diseased trees or trees weakened by age, storm, fire or other injury.~~~~
- ~~(5) Non-residential uses within Transition Areas, as designated by the Comprehensive Plan, may provide one break in the required buffer per lot adjacent to the interstate right-of-way in order to provide an on-site commercial sign and/or building visibility. The break shall constitute no more than 50% of the interstate highway frontage.~~

SECTION 6.7: ADDITIONAL STANDARDS FOR MPD-CZDCD

6.7.1 Master Plan

- ~~(A) All applications for the MPD-CZ-CD designation shall be prepared in accordance with Section 2.9 of this Ordinance and shall include a general development plan herein called the 'Master Plan'.~~
- ~~(B) The Master Plan shall be prepared by an appropriately licensed professional and shall include the following:

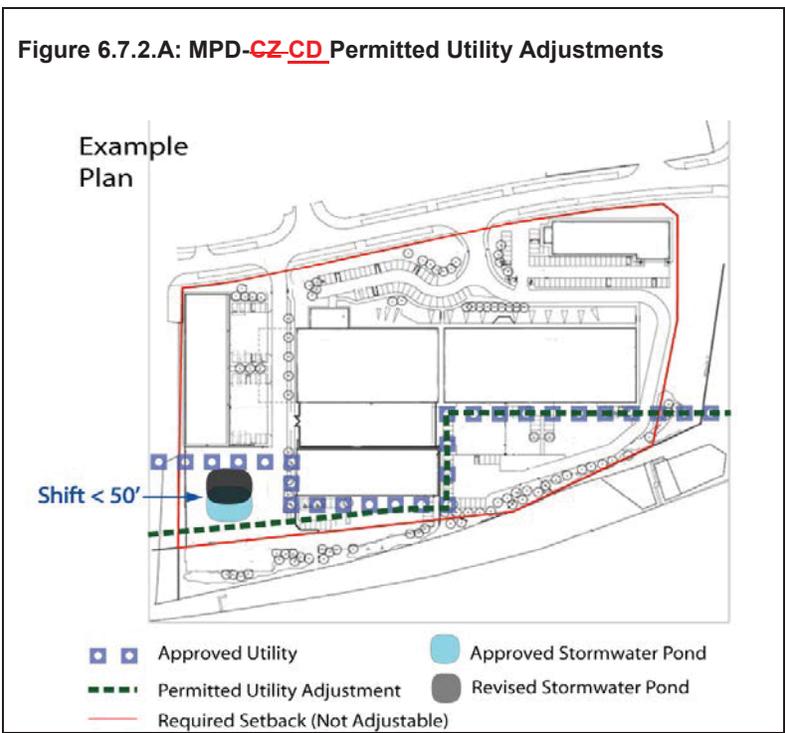
 - ~~(1) **Map of the development site, including the following:**
 - ~~(a) Overall acreage of the site,~~
 - ~~(b) Adjacent rights-of-ways,~~
 - ~~(c) Zoning designation and current use of adjacent properties, including those across rights-of-ways,~~
 - ~~(d) Streams and other environmental features on-site and within 1,000 feet, and~~
 - ~~(e) Any existing structures or improvements on-site.~~~~
 - ~~(2) **General layout of development, including the following:**
 - ~~(a) Each development lot/pod and acreage of each,~~
 - ~~(b) Interior roadway plan, with cross section detail also showing drainage,~~
 - ~~(c) Proposed access points, and~~
 - ~~(d) Proposed on-site recreation and/or open space.~~~~
 - ~~(3) **Proposed Uses**
 - ~~(a) All uses proposed within the development shall be shown on the Master Plan.~~
 - ~~(b) For developments with more than one development lot/pod, the proposed uses shall be listed for each lot/pod.~~
 - ~~(c) More than one use may be approved for each lot/pod. However, the Master Plan shall include a compatibility matrix to limit conflicts between adjacent uses.~~~~~~

- (v) Electrical service,
 - (vi) Cable,
 - (vii) Telephone,
 - (viii) Fiber Optic, and
 - (ix) Other.
 - (b) All onsite utility lines shall be underground, unless approved by the Board of County Commissioners.
- (7) Master Sign Plan**
- (a) A master sign plan, consistent with the standards established in Section 6.12, shall be reviewed and approved as part of the Master Plan.
 - (b) The sign plan shall include the following:
 - (i) Location and size of all signs proposed on-site, including wall signs, identification signs, informational signs, etc.,
 - (ii) Illumination specifications of signs, if any,
 - (iii) Materials (signs and supports),
 - (iv) Planting details for ground and pole mounted signs, and
 - (v) Any other information requested by the Planning Director and/or Board of County Commissioners.
- (8) Architectural Concept Plan**
- (a) An architectural concept plan shall be required for developments with multiple buildings and development lot/pods. The plan shall address the following:
 - (i) Architectural theme on-site, if any,
 - (ii) Permitted color palettes,
 - (iii) Acceptable building materials (i.e. siding, roofing, doors, trim, awnings, etc.),
 - (iv) Specific design requirements, if any, and
 - (v) Any other information requested by the Planning Director and/or Board of County Commissioners.
 - (b) Architectural Concept Plans shall not be required for single-family residential subdivisions approved as a MPD-~~CZCD~~. However, they may be approved with the Master Plan if proposed by the applicant.
- (C)** The Master Plan shall be approved by the Board of County Commissioners in conjunction with the ~~CZD Conditional District~~ rezoning application.

6.7.2 Permitted Adjustments

- (A)** The MPD-~~CZ-CD~~ designation permits a prescribed amount of flexibility when developing property and permitted adjustments shall be consistent with the following:
 - (1) Non-Residential Development Lots/Pods**
 - (a) Maximum intensity of development for each lot/pod, when multiple uses are listed for each, shall be based on traffic generation for each use, in accordance with ITE Trip Generation Manual and may be established on the Master Plan.

- (b) The acreage of each development lot/pod may be adjusted by up to 15%, provided the acreage of the entire development site remains the same and a plat has not been approved for the property.
- (2) **Roadways & Access Points**
 - (a) Shifts in the interior roadways/rights-of-ways shall be considered permitted adjustments provided the following conditions are met:
 - (i) The roadway/right-of-way is moved less than 50 feet to either side,
 - (ii) The roadway/right-of-way width remains the same, and
 - (iii) The roadway/right-of-way shift does not cause a change in the location or design of any intersection with a roadway exterior to the development.
 - (b) Shifts in the location of roadway access points interior of the development shall be a permitted adjustment, provided the number of access points remains consistent with the approved Master Plan and the locations meet all separation requirements established within this Ordinance.
 - (c) All points of access from roadways exterior to the development shall be as approved on the Master Plan.
- (3) **Utilities**
 - (a) Shifts in the location of utilities serving the development shall be a permitted adjustment provided the changes are consistent with the following:
 - (i) The proposed changes do not impact any perimeter buffers and/or setbacks established on the Master Plan.
 - (ii) On-site stormwater ponds shown on the Master Plan that are considered part of the buffer for incompatible uses, shall not be shifted more than 50 feet along the perimeter property boundary.



- (B) Permitted Adjustments may be approved by the Planning Director. The Master Plan shall be revised to show all permitted adjustments and filed with the Planning Department for incorporation in the approved MPD-CZDCD. Other changes to the Master Plan shall be approved by the Board of County Commissioners in accordance with the procedures specified in Section 2.9.2 of this Ordinance.

6.7.3 Final Development Plans

- (A) Site plans shall be submitted subsequent to MPD-CZCD Master Plan approval in accordance with the procedures established in Section 2.5 of this Ordinance.
- (B) Approval of detailed site plans and related material is an administrative action and no public notice or hearing is required.
- (C) After a MPD-CZCD district has been established, no zoning compliance permit, permit for land disturbing activity, building permit, or the like, shall be issued for the site, unless and until the Planning Director has approved a site plan, prepared and approved in accordance with Section 2.5 of this Ordinance, for the development as a whole or each development lot/pod, in accordance with the approved Master Plan.
- (D) Approval of site plans shall be based on compliance with regulations applying at the time the land was zoned to MPD-CZCD.
- (E) The Planning Director shall certify that all conditions imposed by the Board of County Commissioners with the approval of the MPD-CZCD and Master Plan have been met and a report shall be provided to the County Manager within 30 days following the approval of a site plan for any property included within the MPD-CZCD.

~~6.7.4 Start of Construction & Extensions~~

- ~~(A) Site plans shall be approved and construction started in accordance with the timetable approved with the Master Plan. If the site plan(s) have not been approved or no construction has started within the stated time frames, the Master Plan becomes void and of no effect. The owner can request an extension from the Board of County Commissioners upon the favorable recommendation of the Planning Board, if the request is received before the Master Plan expires.~~
- ~~(B) No changes shall be made to the conditions of approval with extension requests. Approval of a time extension shall be based on evidence presented by the applicant showing that approvals have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the developer.~~

6.7.5 Specific Standards for Hillsborough EDD

In addition to the standards and regulations for all MPD-CZCD districts established in this Ordinance, the standards contained herein shall apply to MPD-CZCD districts in the Hillsborough Economic Development District.

(A) Purpose and Intent

The purpose of the MPD-CZCD in the Hillsborough Economic Development District is to provide locations for a mix of residential, commercial and light industrial uses in a cohesive development that is compatible with the natural terrain and surrounding uses. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments.

(B) Applicability

- (1) The minimum size of a MPD-CZCD district shall be 5 acres.
- (2) 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.

(C) Development Standards

(1) Dimensional Requirements

- (a) There are no minimum lot sizes within the MPD-CZ-CD district; However, the Master Plan will set forth the individual lot setbacks in accordance with the General Dimensional Requirements established herein.

TABLE 6.7.5.C: SPECIFIC STANDARDS FOR HILLSBOROUGH EDD									
ZONING DISTRICT	MINIMUM ZONING LOT		MINIMUM SETBACKS					MAXIMUM IMPERVIOUS SURFACE COVER (%)	MAXIMUM HEIGHT (FEET)
	AREA (ACRE)	WIDTH (FEET)	FRONT (FEET)	REAR (FEET)	SIDE				
					ONE SIDE (FEET)	COMBINED (FEET)	STREET (FEET)		
MPD-CZCD	-	200	60	40	20	40	40	50	60

- (b) Single-family and duplex residential uses following the flexible development guidelines established in Section 7.13 of this Ordinance, may reduce the minimum setbacks by 50% and the lot width by 60%.

(2) Internal Access

- (a) All outparcels within the MPD-CZ-CD district shall have internal access to the development.
- (b) All parcels shall provide for interconnectivity between parking areas if determined necessary by staff.

(3) No drive through facilities may be constructed in this district.

(4) Consideration of lower cost and affordable housing shall be incorporated into any mixed use development.

(5) A justification for any deviation to development standards must state a public benefit or purpose.

(D) Plan Approvals

(1) If a MPD-CZ-CD rezoning application is approved with a Master Plan, the approval does not obviate the need to obtain a Class A Special Use Permit or site plan approval for the individual “pods”/lots shown on the Master Plan in accordance with the provisions of this Ordinance.

(2) ~~A Class A Special Use Permit shall be required if~~ any nonresidential use is located within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size, an appropriate Conditional District must be approved. See Section ~~5.3.2(C)5.21.2~~ for standards for uses requiring ~~a Class A Special Use Permit~~ Conditional District approval.

~~(3) No special use permit for a site governed by an approved MPD-CZ Master Plan may be denied for reasons set forth in Section 2.5 or Article 5 of this Ordinance, if the basis for such denial involves an element or effect of the development that has been specifically addressed and approved in the MPD-CZ Master Plan approval process, unless one of the following conditions apply:~~

- ~~(a) It can be demonstrated that the information presented to the Board of County Commissioners at the MPD-CZ Master Plan approval stage was materially false or misleading, or~~
- ~~(b) Conditions have changed substantially in a manner that could not reasonably have been anticipated, or~~

- ~~(c) The plan has changed substantially in its impacts, or~~
- ~~(d) A basis for denial for reasons set forth in Section 2.5 or Article 5 is demonstrated by clear and convincing evidence.¹³⁵~~

~~(4)(3) A site plan shall not be accepted by staff for review until the MPD-CZ-CD Master Plan has been approved.~~

~~(5) The Planning Director shall have the discretion to require a modification to the approved MPD-CZ Master Plan should the submitted site plan violate, in the Planning Director's opinion, the provisions set forth in Section 6.7.5(D)(3) above.~~

SECTION 6.8: LANDSCAPING, BUFFERS & TREE PROTECTION

6.8.1 Purpose and Intent

The standards of this section provide for the preservation of existing vegetation and for the installation and maintenance of new vegetation and other landscape architectural features. The purpose of these standards is to:

- ~~(A) Protect, preserve, and enhance the visual appeal, character, and value of Orange County;~~
- ~~(B) Enhance the beauty of the built environment;~~
- ~~(C) Enhance the privacy and welfare of citizens by separating incompatible land uses;~~
- ~~(D) Allow for the ecological benefits provided by plant materials including: protection of land from erosion and storm water runoff; minimize noise, water, light and air pollution; mitigation of the heat island effect; recharging of aquifers; and protection and enhancement of wildlife habitats; and~~
- ~~(E) Preservation of natural forested tree areas.~~

6.8.2 Applicability

The landscaping and buffering standards of this section shall apply to all proposed land development for which a site plan, special use permit, MPD-CZ-CD Master Plan, preliminary plat in the case of major subdivisions or a final plat in the case of minor subdivisions, is required.

6.8.3 Variations

- ~~(A) In some cases the strict adherence to this section of the Ordinance would serve no useful purpose, in which case the Planning Director, may modify the buffer and landscape standards of this Section where:

 - ~~(1) The topography of a site and/or the size of a proposed lot are sufficient to serve the purpose of a buffer;~~
 - ~~(2) Existing structures, utilities, gardens or active farmland are located in the buffer or setback areas;~~
 - ~~(3) Existing vegetation is damaged, unhealthy, or poses a safety threat; or~~
 - ~~(4) An existing residence or structure with established lawn areas and/or plant beds is contained within a proposed subdivision lot.~~~~
- ~~(B) The Planning Director may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.~~
- ~~(C) When a proposed lot includes one or more of the conditions listed above, the Planning Director is empowered to waive the requirements for screening or additional~~

¹³⁵ The language in (3) is no longer necessary since review/approval would be via a Conditional District rather than an SUP.

- (a) All shrubs shall be cold hardy and heat tolerant.
- (b) Upright shrubs shall be a minimum of 15 inches in height at the time of planting.
- (c) Shrubs shall not be planted closer than three feet on center. Shrubs shall not be planted closer than three feet to planted trees, nor within six feet of existing protected trees; however, no more than 25% of the root protection zone of an existing tree may be disturbed with new plantings.
- (d) When planted as a hedge, the maximum spacing for 24-inch high deciduous shrubs shall be 36 inches on center. Spacing for other size shrubs shall be determined by the Planning Director or designee based on the proposed species.

(4) Preferred Species

The Planning Director shall maintain a list of plants by type and their preferred location or use on sites developed under this Section. The list shall include drought tolerant and native species

(5) Prohibited Plants

The Planning Director shall maintain a list of plants that are not permitted for any use due to their invasive tendencies. Such species shall not be planted as landscaping for any purpose.

(D) Installation

- (1) The International Society of Arboriculture¹³⁶ (ISA) maintains standards for tree plantings. All installations shall adhere to the standards published by the ISA. The Planning Director will have available the planting details as a booklet.

(E) Maintenance

- (1) All plantings must be maintained in a healthy state. Should any vegetation that was required to meet the standards of this section die within two years of planting, the plants must be replaced with the same or comparable species.
- (2) The Planning Director may conduct inspections to monitor the health and status of the required landscaping.

6.8.6 Land Use Buffers

(A) Purpose

Land use buffers are intended to screen and buffer lower intensity/density uses from incompatible higher intensity/density land uses. Buffers reduce adverse visual effects, as well as noise, dust, and odor.

(B) Applicability

Land use buffers will be required based on the zoning district of the proposed use and the zoning district of the adjacent uses.

(C) Location

- (1) Required land use buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses and/or zoning designations. Buffers shall not be located on any portion of an existing or proposed street right of way, drainage or utility easement.
- (2) No building or structure of any type shall be erected, constructed or installed in a required land use buffer.

¹³⁶ [Correct misspelling.](#)

(D) Land Use Buffer Table

TABLE 6.8.6.D: LAND USE BUFFERS													
		ZONING OR USE OF ADJACENT PROPERTIES											
		RB, AR, RI	R-2, R-3	R-4, R-5	R-8, R-13	HP-GZCD	O/RM, NC-2, LC-1	CC-3, GC-4, EC-5	EI, I-1, I-2, I-3, PID	INTERSTATE HIGHWAY	ARTERIAL STREET	COLLECTOR STREET	ACTIVE FARM/ AGRICULTURE
Zoning or Use of Subject Property	RB, AR, R1	-	A	A	B	F	E	F	F	F	E	B	B
	R-2 & R-3	A	-	A	B	F	D	F	F	F	D	B	B
	R-4 & R-5	A	A	-	B	F	C	E	E	F	C	B	B
	R-8 & R-13	B	B	B	-	F	B	D	D	F	C	B	B
	HP-GZCD	F	F	F	F	-	F	F	F	F	F	F	F
	O/RM, NC-2, LC-1	E	D	C	B	F	-	-	-	F	B	B	D
	CC-3, GC-4, EC-5	F	F	E	D	F	-	-	-	F	B	B	D
	EI, I-1, I-2, I-3, PID	F	F	E	E	F	-	-	-	F	B	B	D
AS, ASE-GZCD	D	A	A	A	F	A	A	A	F	B	B	B	

Note: MPD-GZCD, R-CD, and NR-CD buffers to be determined at time of approval.

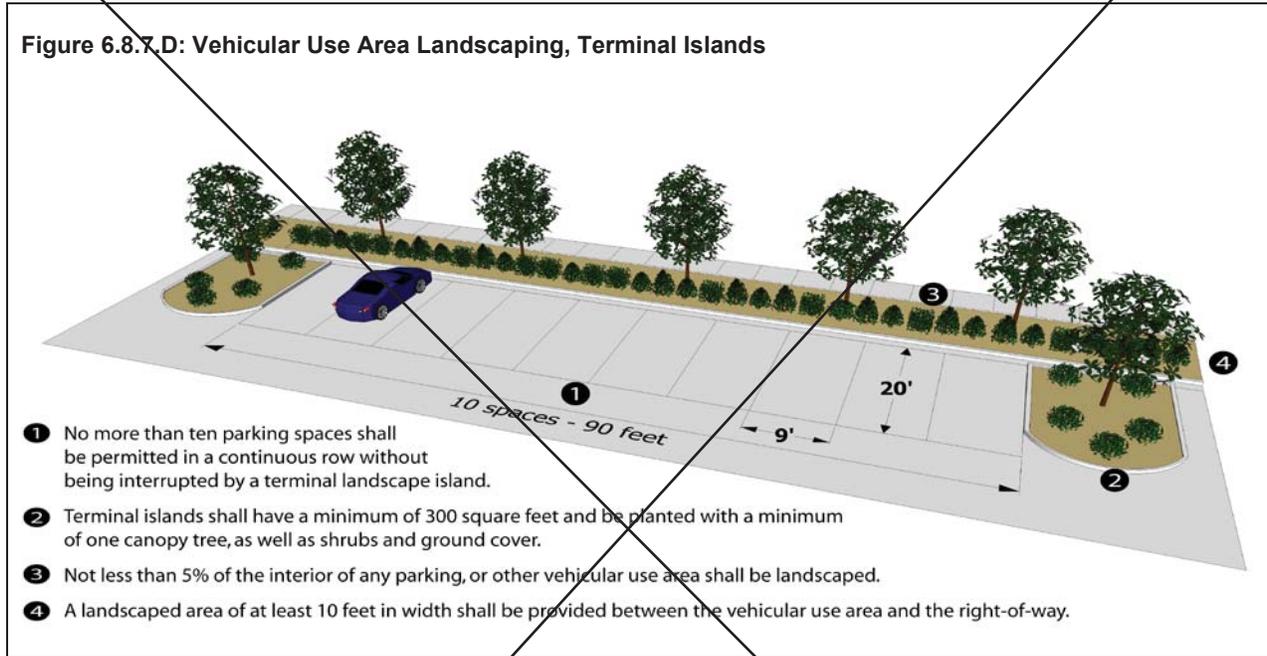
(E) Natural Buffers

- (1) If there is existing, healthy, natural vegetation in the area of a required buffer, it must be preserved. If the vegetation is removed for any reason, other than in accordance with an approved landscape and tree preservation plan, the dimensions of the buffer shall be increased 50% and the number of required plantings shall be increased 50%.
- (2) The critical root zones of trees within the buffer must be protected if the applicant seeks credit for preservation of existing trees. For example, if a required buffer has a dimensional width of 30 feet, and the critical root zone extends beyond the 30 feet, the buffer will be extended to the edge of the critical root zone in the area around the tree.
- (3) If necessary, a natural buffer will be supplemented with additional plantings in order to meet the Constructed Buffers standards established herein.

(F) Constructed Buffers

- (1) If existing plantings are not sufficient to meet the buffer standards established in this Section, additional plantings shall be installed.
- (2) The plant units listed below will be considered comparable, and therefore interchangeable, as set forth below.

- b. The location of the required interior landscaping is at the option of the owner or developer and may include median strips and required terminal islands.



6.8.8 Credits for Existing Vegetation

- (A) Healthy vegetation that is retained may be credited toward landscaping requirements.
- (B) Vegetation to be saved shall meet all requirements of Section 6.8.4, Protection of Existing Vegetation.
- (C) Healthy canopy trees may be retained and credited toward landscaping requirements if each tree proposed for credit has a caliper of at least two inches, and credit will be given on a one-for-one basis.
- (D) Credit shall be allocated on a one-for-one basis for healthy evergreen trees, deciduous understory trees, evergreen understory trees or shrubs. The size of material shall not be taken into account except where such material is below the required minimum planting size, in which case no credit shall be granted.
- (E) In order to receive credit for any retained trees, 100% of the critical root zone shall remain undisturbed. Trees with critical root zones outside the protected area shall not count toward any landscaping requirements unless consistent with Section 6.8.6(E)(2).

6.8.9 Screening

(A) Applicability

- (1) The standards contained herein shall apply to the following:
 - (a) Air handlers and similar mechanical equipment in multifamily or nonresidential development;
 - (b) ~~Class B outdoor~~Outdoor storage for nonresidential development¹³⁷;
 - (c) Loading areas; and

¹³⁷ This appears to be either an outdated or partial term. Staff recommends correcting the term to encompass what staff believes the intent is.

(d) Trash handling facilities, including dumpsters and recycling.

(2) All rooftop equipment shall be screened or setback so that it is not visible from any adjacent right-of-way, except that solar panels shall be exempt from screening requirements.

(B) Standards

Features and uses specified above shall provide a visual obstruction from adjacent properties in conformance with the following standards:

(1) The screen may be composed of view-obscuring vegetation used individually, or in combination with a wall, semi-opaque fence, or berm. The screen height shall be eight feet from the ground, except that utilities and trash handling facilities shall be screened to the height of the facilities plus six inches.

(2) A minimum opacity of at least 80% that obscures views from the ground to the height of the object being screened shall be attained.

(3) Plant materials shall be at least two feet tall at the time of installation and reach the desired height within three years of planting.

(4) Except for screening around roof-top equipment, one upright shrub of an evergreen species shall be installed per four linear feet of any wall or fence that faces off-site.

(5) Trash and recycling containers must be contained within a gated, durable and attractive enclosure, compatible with building architecture. Shrubs shall be planted around the foundation.

(C) Fences and Walls

(1) Fences and walls shall not be required to adhere to the setback requirements detailed within this Ordinance but shall be located on the property of the individual erecting the structure.

(2) Fences and walls shall be compatible with building architecture.

(3) Fences and walls shall be setback a minimum of ten feet from any property line adjoining a road right-of-way, either public or private, to ensure adequate site visibility.

(4) Fences shall not exceed 12 feet in height.

(5) Privacy fences shall be erected to that support posts and slats are visible and accessible from the individual's property that erected the structure.

(6) Chain link fencing is not permitted in areas visible from adjacent properties, parking areas, street or pedestrian walkways unless it is screened through use of evergreen shrubs.

(D) Credit for Other Landscaping

Plant material in project boundary buffers may be counted towards the planting requirements of this section when located to serve both functions.

6.8.10 Landscape and Tree Preservation Plan

(A) Whenever land development for which a site plan, special use permit, MPD-CZ-CD Master Plan, preliminary plat in the case of major subdivisions or a final plat in the case of minor subdivisions, is required, a landscape and tree preservation plan meeting the requirements of this Section must be submitted for review and approval in accordance with the provisions in Article 2 of this Ordinance.

(B) Landscape and tree preservation plans shall be prepared by certified landscape architects or other landscape professionals with a proficiency in preparing landscaping plans, with the exception of minor subdivisions. If a minor subdivision

(such as a letter of credit or performance bond) sufficient to cover 110% of the installed landscaping costs has been posted with the Planning and Inspections Department.

6.8.12 Additional Standards for Economic Development Districts

(A) Landscape and Tree Preservation Plan

The Landscape and Tree Preservation Plan shall be prepared in accordance with the requirements of Section 6.8.10.

(B) Preservation of Existing Features

- (1) Natural features such as streams and ponds, hillsides, rock formations, unique vegetation and natural areas, wildlife habitats, and other similar features must be incorporated into the overall development concept.
- (2) Building sites, parking areas, and other uses shall be situated in such a way as to protect existing tree stock having a diameter of one-foot or greater when measured four and a half feet above ground level.
- (3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.
- (4) Where possible, trees shall be protected in stands or clusters.
- (5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.
- (6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.
- (7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.

(C) Buffering Neighboring Uses

- (1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.
- (2) In accordance with Section 6.6.45, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.
- (3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.
- (4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.
- (5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section 6.6.54(5).
- (6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.
- (7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.
- (8) Trees with a caliper of six inches or greater should be considered for preservation.

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE		
A WHEN THIS LAND USE IS BEING DEVELOPED AND...	B ABUTS THIS EXISTING LAND USE... NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT"	"A" PROVIDES A BUFFER WIDTH OF NEXT TO "B"
Residential, all types	Residential, all types	N/A
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	30
	Other (all other Use Types in Section 5.2.2)	50
	Interstate Highway (See also Section 6.6.34)	100
	Arterial Road	30
	Collector Road	20
	Railroad	40
	Transmission Lines	40
Undeveloped Parcel	20	
Finance	Residential, all types	20
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.34)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
Undeveloped Parcel	20	
Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	Residential, all types	30
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.43)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
Undeveloped Parcel	20	
Other (all other Use Types in Section 5.2.2)	Residential, all types	40
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	40
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.43)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
Undeveloped Parcel	20	

Note: See Article 10 for the definition of "Transmission Lines."

(D) Landscaped Parking Areas

In addition to the requirements contained in Section 6.8.7(D), projects in Economic Development Districts shall require the following:

The overall scope and purpose of the lighting plan is to allow staff to work with the property owner to prevent excessive and unnecessary lighting on the property prior to installation of the proposed fixtures avoiding potential costly compliance remedies upon completion of the project.

(B) Submittal Requirements

(1) With the exception of single-family and duplex residential plot plan submittals, a lighting plan shall be submitted with site plan, MPD-~~CZ-CD~~ Master Plan or preliminary plat approval documents when outdoor lighting fixtures are proposed. Any development project proposing outdoor lighting shall not be permitted until the proposed lighting plan is approved in accordance with the provisions of this Ordinance.

(2) Lighting Plans shall comply with the following standards:

- (a) Lighting plans shall be completed and sealed by a professional engineer and shall contain all required information as detailed herein;
- (b) Plans, drawn to a maximum scale of one inch equaling 40 feet, shall show the exact location, type, and height of all outdoor luminaires, existing and proposed, including building, pole and ground fixtures;
- (c) The plan shall include a detailed description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations and product specifications from the manufacturer. As part of this requirement, all lighting plans shall contain inset drawings of all proposed lighting fixtures including any directional controls (i.e. shields, reflectors, refractors, etc.) that will aim and limit the angle of illumination. The lighting detail shall also show the vertical angle of illumination for all proposed fixtures that will be used to determine the required shielding angle;
- (d) A lighting plan shall delineate the horizontal position of all lighting fixtures proposed for a parcel of property; and
- (e) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and lumen output shall be required. An example of a photometric plan is as follows:

(F) Temporary Construction and Financial Institution Signs

- (1) Shall not exceed 24 square feet in area, per sign;
- (2) May not to exceed two signs per building site;
- (3) Signs shall be erected only after a Building Permit authorizing construction on-site has been issued; and
- (4) Signs must be removed within seven days after construction work has been completed and the certificate of occupancy has been issued.

(G) Directional/Informational Signs

- (1) May be displayed on parcels of property utilized for non-residential purposes.
- (2) May not exceed two square feet in area.
- (3) May contain corporate logos or other similar graphical displays so long as they provide some necessary information to patrons (i.e. entrance and exit locations, one-way entrance ways, drive through entranceways, ATM location, etc.).
- (4) A maximum of three directional/informational signs may be displayed on a non-residential parcel of property.

(H) Temporary Real Estate Signs, in excess of four square feet in area

- (1) One sign shall be permitted per building site, not to exceed 24 square feet in area.
- (2) Signs shall not be placed within any public street right-of-way.
- (3) Signs must be removed after property has been transferred.

(I) Landmark Signs

Signs shall be erected only after the historical significance of the particular site has been verified and that proposed location of the sign has been approved by the Orange County Planning Department and all other related agencies (i.e. NC Department of Transportation).

6.12.12 Signs Permitted in Specific Zoning Districts

The following signs shall be permitted in the zoning districts indicated, in accordance with all other provisions of this Section and specific standards for each sign established herein:

(A) Flags

All flags shall comply with the following provisions, except for those in cemeteries which are regulated by Section 6.12.13(C).

- (1) In residential zoning districts (RB, AR, R1, R2, R3, R4, R5, R8, ~~and R13~~ and R-CD), up to three flags and one flagpole per lot shall be allowed. Each flag shall be a maximum of twenty four (24) square feet in area. The flagpole shall be a maximum of twenty four (24) feet in height. Flagpoles shall be setback at least twenty (20) feet from all property lines.
- (2) In all other zoning districts, up to three flags and three flagpoles shall be allowed. Each flag shall be a maximum of ninety six (96) square feet in area. Each flagpole shall be a maximum of fifty four (54) feet in height. Flagpoles shall be setback at least twenty (20) feet from all property lines.
- (3) Flags lawfully in existence on the date this provision was first advertised, which do not conform to the provisions of this Unified Development Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming.

- (a) For the purpose of amortization, nonconforming flags may be continued from the effective date of this subsection for a period not to exceed one year.
 - (b) Flags which were unlawful under the prior versions, and which do not conform to the current ordinance, must be removed immediately.
 - (c) Any flag or flagpole which is altered, relocated, or replaced, must be immediately brought into compliance with all provisions of this code.
 - (4) Depictions of flags, when placed on structures, shall comply with the remaining provisions of this Section.
- (B) On-Premise Commercial Signs**
- (1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
 - (2) On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-~~CZCD~~, HP-~~CZCD~~, ASE-~~CZCD~~, REDA-~~CZCD~~-1, ~~NR-CD~~ and all of the Economic Development zoning districts.
 - (3) All on-premise commercial signs shall be setback ten feet from the front, side, and rear property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.
 - (4) **Number of Signs Permitted**
 - (a) One on-premise commercial sign shall be permitted per parcel. However, one additional on-premise commercial sign may be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.
 - (b) Under no circumstances shall more than one three-dimensional sign be permitted on-site.
 - (c) For multi-tenant buildings and/or sites permitted as a ~~conditional use or~~ conditional ~~zoning~~ district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.
 - (5) **Height of Signs**
 - (a) Pole signs shall be limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign
 - (b) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign
 - (6) **The allowable area for on-premise commercial signs shall be determined as follows:**
 - (a) Single or double-faced signs shall not exceed 32 square feet in area, per sign face. For parcels zoned CC-3, GC-4, O/RM, I-1, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, ~~NR-CD~~ and MPD-~~CZ-CD~~ signage shall not exceed 72 square feet in area for parcels that:
 - (i) Are larger than 60,000 square feet in area, and
 - (ii) Have more than 300 linear frontage along a NC Department of

- (6) The height of an off-premise commercial sign shall not exceed 25 feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of an off-premise sign shall not be less than eight feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less.
- (7) Off-premise commercial signs shall be limited to 480 square feet of sign area.
- (8) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.
- (9) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.
- (10) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:
 - (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
 - (b) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,
 - (c) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.

(D) Wall Signs

- (1) Shall either be mounted or painted on a building.
- (2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-~~GZCD~~, ASE-~~GZCD~~, REDA-~~GZCD~~-1, NR-CD and all of the Economic Development zoning districts.
- (4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.
- (5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.
- (6) Number of Signs Permitted
 - (a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.
 - (b) For multi-tenant buildings permitted as a ~~conditional use or~~ conditional ~~zoning~~ district additional wall signs may be permitted by the Board of County Commissioners.
- (7) The allowable sign area shall be determined as follows:

One square foot of sign area for every foot of building length facing a public right-of-way, not to exceed 32 square feet. For parcels zoned CC-3, GC-4, O/RM, I-2, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, NR-CD, and MPD-~~GZCD~~ signage shall not exceed 64 square feet in area for parcels that:

 - (a) Are larger than 60,000 square feet in area, and
 - (b) Contain a structure with more than 100 linear feet of building length facing a public right-of-way, and

(c) Have more than 300 feet of linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

- (8) A changeable copy sign may be utilized as a wall sign.
- (9) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(E) Projecting Signs

- (1) Projecting signs shall be mounted on a building.
- (2) Projecting signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Projecting signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-~~GZCD~~, ASE-~~GZCD~~, REDA-~~GZCD~~-1, NR-CD and all of the Economic Development zoning districts.
- (4) Projecting signs shall adhere to the minimum setback requirements established for all structures within the zoning district in which it is located.
- (5) Only one projecting signs shall be permitted per building facade even in cases of a building located on a corner lot.
- (6) The allowable sign area shall be determined as follows:
 - (a) One square foot of sign area for every foot of building length, facing a public right-of-way, not to exceed 32 square feet in area.
- (7) Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten feet above finished grade.
- (8) Projecting signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (9) Projecting signs shall not be located at the corner of a building except at right angles to the building façade.

(F) Window Signs

- (1) Window signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-~~GZCD~~, ASE-~~GZCD~~, REDA-~~GZCD~~-1, NR-CD and all of the Economic Development zoning districts.
- (2) Window signs shall be limited to a maximum of 30% of the total window area where the sign is to be located.
- (3) Window signs may be utilized for advertising specials or sales within the business, or displaying the name and other pertinent business information associated with the principal use.
- (4) Signs may be etched, painted or otherwise attached to be made a permanent addition to the pane of glass.

(G) Awning Signs

- (1) Awning signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-~~GZCD~~, ASE-~~GZCD~~, REDA-~~GZCD~~-1, NR-CD and all of the Economic Development zoning districts. See Section 6.12.14(E) for additional standards for Awning Signs located in Economic Development Districts.
- (2) Awning Signs shall be located above the main entrance to a nonresidential land use and shall contain the name of the use.

- (iii) The sign may be either a ground or pole sign,
- (iv) Freestanding identification signs shall be set back a minimum of ten feet from all property lines, and
- (v) Illumination of freestanding identification signs shall be permitted in accordance with the provisions of this Ordinance,

(b) Wall Signs

- (i) Shall either be mounted or painted on a building.
- (ii) All wall signs shall be offset a minimum of five feet from the corner of the building face on which it is mounted.
- (iii) Wall signs shall not protrude more ~~that than~~ 12 inches from the side of building on which it is mounted.
- (iv) Only one wall sign shall be permitted per building except as follows:
 - a. In cases where a building is located on a corner lot, a second wall sign may be erected on the building wall facing the second street right-of-way subject to the requirements of this Ordinance.
 - b. If a building façade faces athletic fields or other similar recreational areas on the property, a second wall sign, up to 32 square feet in area, may be erected facing these facilities, not to exceed the allowable sign area as calculated herein,
 - c. Under no circumstances may more than one wall sign be located on the same building façade.
- (v) The maximum sign area shall be determined as follows:
 - a. One square foot of wall sign area for every linear foot of building length along a right-of-way or facing an athletic field or similar recreational use, not to exceed 32 square feet in area.
- (vi) A changeable copy sign can be utilized as a wall sign.
- (vii) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (viii) The sign may be internally illuminated or have external illumination installed consistent with the provisions of this Ordinance.

(c) Informational Signs

- (i) Shall be allowed in an effort to provide information concerning individual recreational amenities available on the property and are limited to those signs necessary to identify the name of a specific recreational facility, amenity, or use.
- (ii) Signs shall be no larger than 20 square feet in area.
- (iii) The sign shall contain information identifying the recreational amenity.
- (iv) The number of signs shall be directly proportional to the number of individual recreational amenities present on the site.

(3) Deviations from these standards may be allowed as approved on a case by case basis.

(F) Total Nutrient Removal Rates

Total nutrient removal rates of SCMs, as well as SCMs in a series, will be calculated pursuant to the approved accounting tool.

6.14.8 Peak Runoff Volume

(A) Standards for Falls Lake Watershed

(1) For all new development, there shall be no net increase in peak flow leaving the site from the predevelopment conditions for the 1 year, 24 hour storm.

(B) Standards for Jordan Lake Watershed

(1) For all new development there shall be no net increase greater than 10% in peak flow leaving the site from the predevelopment conditions consistent with 15 A NCAC 02H.1002 (44) and the NCDEQ Stormwater Design Manual..

(C) Calculating Peak Runoff Volume

(1) The following are acceptable methodologies for computing the pre- and post-development conditions for the 1 year, 24 hour storm:

- (a) Rational Method,
- (b) Peak Discharge Method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55),
- (c) Alternative methods must be approved by the County.

(2) The same method must be used for both the pre- and post- development conditions.

6.14.9 Stormwater Management Plan

(A) Required Approval

The Erosion Control Officer shall not issue any permits for new development on any land within Orange County subject to the provisions of this Section, unless and until a Stormwater Management Plan has been reviewed and approved in accordance with Section 2.21.1 of this Ordinance.

(B) Compliance with Requirements

Any person engaged in new development activities as defined by this Section who fails to file a plan in accordance with this Ordinance, or who conducts any new development except in accordance with provisions of an approved Stormwater Management plan shall be deemed in violation of this Ordinance.

(C) Enforceable Restriction

Approval of the Stormwater Management plan shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved Stormwater Management plan.

6.14.10 Operation and Maintenance of Stormwater Control Measures (SCMs)

(A) Posting of Financial Security¹³⁸

¹³⁸ Staff is noting here that amendments to this section are necessary to conform with SL 2019-79. A proposed amendment package will be forthcoming soon

stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Erosion Control Officer shall inspect and approve the completed improvements.

(5) Annual Maintenance Inspection Fee

- (a) The Fee for the first year shall be paid before:
 - (i) The release of any Final Certificate of Occupancy for Non-Residential Properties.
 - (ii) The release of the construction bond for Residential or Non-Residential Properties.
- (b) The fee shall be based upon the current Orange County Planning Fee Schedule, and shall be paid to Orange County following each annual inspection.
- (c) Failure to pay the Annual Maintenance Inspection Fee shall be deemed a violation of this Ordinance.

6.14.11 Amendments to Approved Plans and Specifications

(A) Minor Amendments to Plans and Specifications

- (1) Amendments to the plans and specifications of the SCM and/or the operation and maintenance plan or manual may be approved by the Erosion Control Officer, provided that the changes do not involve a change in the size or location of the structure.
- (2) Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted for review by the Erosion Control Officer.
- (3) Erosion Control Officer Review
 - (a) If the Erosion Control Officer approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Erosion Control Officer.
 - (b) If the Erosion Control Officer disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
 - (c) The Erosion Control Officer shall report any such revisions to the Board of County Commissioners at the next available regular-business¹³⁹ meeting.

(B) Major Amendments to Plans and Specifications

- (1) Amendments to the plans and specifications of the SCM and/or the operation and maintenance plan or manual which involve a change in the size or location of the structure may be approved by the Board of County Commissioners after receiving a recommendation from the Erosion Control Officer.
- (2) Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Erosion Control Officer.

(C) Revision of Plans Found to be Inadequate

If the County finds that the operations and maintenance plan or manual is inadequate for any reason, the owning entity shall be notified of any required changes and shall prepare

¹³⁹ Conforming to updated term for BOCC meetings.

- (4) Permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner.
- (B) The intent of the regulations and standards included in this Section is to provide a mechanism for full disclosure of anticipated impacts of developments as herein defined and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot.
- (C) Specifically, the intent of the regulations and standards included in this Section is to require the preparation and evaluation of environmental impact documents for projects that either require certain state permits, or require a local land use permit for development within environmentally sensitive areas, as provided in Section 6.16.3 of this Ordinance.

6.16.2 Exemptions

The following projects and uses are exempt from the Environmental Assessment (EA) and Environmental Impact Statement (EIS) requirements set forth herein and no environmental documentation is required:

- (A) Any project involving a total area of two acres or less.
- (B) Routine repairs and housekeeping projects.
- (C) Routine grounds maintenance and landscaping.
- (D) Bonafide farming operations, not including sludge disposal.
- (E) Single-family residential development, except those reviewed as MPD-CZa Conditional District.
- (F) Any project located outside of the Orange County Planning Jurisdiction, including Transition Areas subject to development regulations of any Town within Orange County.

6.16.3 Environmental Assessment

(A) Applicability

Environmental Assessment is required for non-exempt projects that:

- (1) Qualify as a small or large generator of hazardous waste as defined by the North Carolina Department of Health and Human Services (Hazardous Waste Branch of Solid Waste Management Section); and/or
- (2) Involves as an integral part of the operation of a commercial or industrial activity more than 10,000 gallons per day of water usage, exclusive of domestic water (25 gpd per employee), and water used for climate control (air conditioning and heating); and/or
- (3) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential or attached residential development; and/or
- (4) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential components of residential development (golf courses, recreation facilities, and the like); and/or
- (5) Require any of the following Environmental permits:
 - (a) A Mining Permit pursuant to the NC Mining Act.
 - (b) A State NPDES (National Pollutant Discharge Elimination System) Permit, as administered by the NC Division of Water Quality.
 - (c) A Non-Discharge Permit for a land application waste disposal system.

6.17.2 Applicability

- (A) Except as provided herein, a traffic impact study shall be required for all special use permits, subdivisions, ~~CZ-Conditional District~~ applications, and site plans that meet the following criteria:
 - (1) Special Use Permit: Estimated traffic generated by the permit exceeds 800 trips/day.
 - (2) Subdivision: Contains 80 or more dwelling units or the estimated traffic generated by the subdivision exceeds 800 trips/day.
 - (3) ~~CZ-Conditional District~~ Application: Estimated traffic generated by the development exceeds 800 trips/day.
 - (4) Site Plan: Estimated traffic generated by the development exceeds 800 trips/day.
- (B) Orange County may require any special use permit, subdivision, ~~CZ-Conditional District~~ application, or site plan application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one is required, the County will notify the applicant of the reason for the requirement.
- (C) If the project is reviewed as a ~~Conditional Use District or~~ MPD-~~CZCD~~, only one traffic impact study is required for ~~special-use permit or~~ Master Plan approval unless revisions are proposed that would increase traffic or change access.

6.17.3 Exemptions

- (A) Special use permits, subdivisions with 80 or more dwelling units, or site plans that will generate traffic in excess of 800 trips/day may be exempted from the requirements to prepare and submit a traffic impact study in accordance with the following:
 - (1) If a traffic impact study has previously been prepared for this particular project or development and there is to be no change in land use or density that would increase travel and no change in access to the external street system, or
 - (2) Material is submitted to demonstrate that traffic created by the proposed development or subdivision, when added to existing traffic, will not result in a need for transportation improvements.
- (B) The Planning Director shall review material submitted in support of an exemption and will determine from that material whether or not to grant the exemption.
- (C) If an exemption is granted, documentation of the exemption will be submitted as part of the staff recommendation.

6.17.4 Scoping Meeting

- (A) Prior to the preparation of the traffic impact study, a scoping meeting shall be held, including the planning staff, the applicant, and the preparer of the study.
- (B) The discussion at this meeting should set the study parameters, including the following:
 - (1) Study area,
 - (2) Planned and committed roadway improvements (by NCDOT or others),
 - (3) Road links and intersections to be analyzed,
 - (4) Preliminary traffic distribution,
 - (5) Other planned or approved developments to be considered,
 - (6) Traffic growth rate,
 - (7) Available data,

- (1) The total traffic demand that will result from construction of the proposed development shall be calculated. This demand shall consist of the combination of the existing traffic generated by the proposed development, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed development is completed.
 - (2) If staging of the proposed development is anticipated, calculations for each stage of completion shall be made.
 - (3) This analysis shall be performed for average weekday traffic, the peak highway hour(s) and if appropriate, peak development generated hour(s) for all roadways and major intersections in the study area.
 - (4) Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.
 - (5) All access points and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.
- (F) Conclusions and Recommended Improvements**
- (1) Levels of service for all roadways and signalized intersections serving 10% or more of peak hour project traffic shall be reported.
 - (2) All roadways and/or signalized intersections showing a level of service below D in urban or developed areas or below C in rural areas shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements:
 - (a) Internal circulation design,
 - (b) Site access location and design,
 - (c) External roadway and intersection design and improvements,
 - (d) Traffic signal installation and operation, including signal timing, and
 - (e) Transit service improvements.
 - (3) All physical roadway improvements shall be shown in sketches.

6.17.6 Submission and Implementation

The traffic impact study will be submitted to the Orange County Planning Department within the applicable time frame indicated herein and reviewed as part of the development review process. Recommendations will be incorporated into the approval process as indicated herein.

(A) Special Use Permit

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the application for special use permit.

(2) Implementation

- (a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.
- (b) The ~~Board of County Commissioners or~~ Board of Adjustment, ~~as appropriate,~~ shall consider the impact study and the analysis of the impact study before the application is approved or denied.

- (c) The ~~Board of County Commissioners or~~ Board of Adjustment, ~~as appropriate,~~ may decide that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for special use permit approval and may make these improvements conditions of approval, may require modifications in the use, or may deny the permit.

~~(B) Subdivision Review~~

~~(1) Time of Submission~~

- ~~(a) The sketch plan should be sufficiently detailed to allow the Planning Department to assess the need for a traffic impact study.~~
- ~~(b) The traffic impact study shall be submitted to the Planning Department with and as part of, the preliminary plan application for subdivision approval.~~

~~(2) Implementation~~

- ~~(a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision.~~
- ~~(b) The Planning Department and Planning Board may recommend and the Board of County Commissioners may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval.~~
- ~~(c) If the Board of County Commissioners concludes that additional improvements are necessary, the applicant shall have the opportunity to resubmit alternative improvement designs for approval.~~

(C) **CZ-Conditional District Application**

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the CZ-Conditional District application.

(2) Implementation

- (a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed development.
- (b) The Planning Department and Planning Board may recommend and the Board of County Commissioners may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval.
- (c) If the Board of County Commissioners concludes that additional improvements are necessary, the applicant shall have the opportunity to resubmit alternative improvement designs for approval.

(D) Site Plan Approval

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the site plan.

(2) Implementation

- (E) A 50% density bonus may be approved if at least 20% of the units are to be occupied by families earning less than 50% of median income and the remaining 80% of units are occupied by families earning less than 80% of median income. This bonus shall not apply to lands which have been donated to Orange County in exchange for a density bonus pursuant to Section 6.18.3(D) above.

6.18.4 Contract for Sale of Single-Family Residences

- (A) Approval of the ~~Special Use Permit~~Conditional District, site plan, ~~CZ application~~, or preliminary plat shall not occur until there is a executed contract between the property owner and Orange County, which shall also be binding on future owners of the reserved lots.
- ~~(B) The contract shall be administered by HCD, and shall include the following provisions:
 - (1) All sales and re-sales shall be approved by HCD to assure ownership by qualifying buyers in accordance with the following eligibility criteria.
 - (a) Family income, as defined in Article 10 of this Ordinance, at the time of purchase shall not exceed the limits set forth in Section 6.18.3. Qualifying buyers may have up to \$10,000 in net assets, as defined in Article 10 of this Ordinance, at the time of purchase.
 - (b) At least one member of a qualifying household must have lived or worked in Orange County for the past 12 months.
 - (2) The contract shall apply to each of the reserved lots, and shall continue to affect a particular lot for a minimum period of 15 years after the initial sale of that lot.
 - (3) There shall be no occupancy of the unit prior to its sale to a qualifying buyer.
 - (4) The contract shall include a timeline by which construction and sale of the reserved units will be accomplished.
 - (5) The resale price of any reserved housing unit shall not, at any time during the life of the contract, exceed the maximum amount affordable to the purchasing household.
 - (6) The maximum sale or resale price shall be determined by HCD, calculated by using HUD modeling for housing affordability. HUD modeling takes into consideration assumptions such as interest rates, percentage of annual income allowed for housing, and amount of down payment.
 - (7) In the event that the financial status of the buyer significantly improves prior to the expiration of the contract period, the buyer may lease the unit, provided that the lessee and the lease are approved by HCD. HCD shall use the standards set forth in Section 6.18.5 to determine whether or not to approve the lease. In addition, the term of the lease shall be for a minimum period of two years.
 - (8) Violation of any of the terms of the contract required by this Ordinance may constitute grounds for revocation of the ~~Special Use Permit and rezoning of the land development approval~~, as provided in this Ordinance.~~

6.18.5 Contract for Rental of Duplex or Multi-Family Units

- (A) Approval of the ~~Special Use Permit~~Conditional District, site plan, ~~CZ application~~, or Preliminary Plat shall not occur until there is a contract between the property owner or developer and Orange County, which shall also be binding on future owners of the development.
- (B) The contract shall be administered by HCD, and shall include the following provisions:

- (1) All rental applications shall be approved by (HCD) to assure-ensure occupancy by qualifying households in accordance with the following eligibility criteria.
 - (a) Family income, as defined in Article 10 of this Ordinance, at the time of rental shall not exceed the limits set forth in Section 6.18.3. Qualifying renters may have up to \$5,000 in net assets, as defined in Article 10 of this Ordinance, at the time of initial rental.
 - (b) At least one member of a qualifying household must have lived or worked in Orange County for the past 12 months.
 - (c) Families whose income increases above the eligibility requirements may continue to occupy the rental unit, unless otherwise required through terms of the rental agreement between the lessor and lessee.
- (2) Every change in occupancy during the 15 year term of the contract shall be approved by HCD to assure continued compliance with eligibility criteria.
- (3) Maximum Allowable Rent
 - (a) The maximum rent allowed shall be computed by multiplying the applicable percentage of median income by the value of median income at the time of the transaction, then multiplying the resulting value by the maximum percentage of income spent for housing, as recommended by the mortgage banking industry.
 - (b) The value for median income used in calculating maximum allowable rent shall be adjusted to reflect the maximum family size appropriate for the number of bedrooms, as determined by HCD.

6.18.6 Disclosure of Contract Terms to Potential Home Buyers

- (A) Staff from the Planning Department and the Department of Housing and Community Development shall meet with the prospective buyer prior to the purchase to assure that all terms of the contract are fully understood. Explanation of the terms of the contract shall include the following implication:
 - (1) Building permits for the improvements to the structure may be obtained if the owner wishes to remodel or construct an addition, or construct accessory structures. However, there is no assurance that the investment will be regained if the unit is sold prior to the expiration of the contract due to the requirement that it be purchased by a moderate income household.
- (B) Home ownership counseling shall be made available to first time buyers to provide information on such topics as insurance and maintenance. The counseling shall be provided by the Department of Housing and Community Development.

6.18.7 Conveyance of Property to Orange County

- (A) Land donated to Orange County pursuant to Section 6.18.3(D) to enable a developer to obtain a density bonus shall be donated in trust for the purpose of the development of affordable housing.
- (B) An agreement between the developer and Orange County and the instruments of conveyance shall insure this trust as determined by the County Attorney.

SECTION 6.19: ADEQUATE PUBLIC FACILITIES: SCHOOLS

6.19.1 Purpose

The purpose of this Section is to ensure that, to the maximum extent practical, approval of new residential development will become effective only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

Adequate Public School Facilities (CAPS) for the project has been issued by the School District.

- (B) A CAPS shall not be required for a ~~general use conventional or conditional district rezoning or special use rezoning~~ or for a master land use plan. However, even if a rezoning or master plan is approved, a CAPS will nevertheless be required before any of the permits or approvals identified in subsection (A) of this section shall become effective, and the rezoning of the property or approval of a master plan provides no indication as to whether the CAPS will be issued. The application for rezoning or master plan approval shall contain a statement to this effect.
- (C) A CAPS must be obtained from the School District. The School District will issue or deny a CAPS in accordance with the provisions of the MOUs.
- (D) A CAPS attaches to the land in the same way that development permission attaches to the land. A CAPS may be transferred along with other interests in the property to which such CAPS is issued, but may not be severed or transferred separately.

6.19.6 Expiration of Certificates of Adequate Public School Facilities

A CAPS issued in connection with approval of a site plan, special use permit, a major subdivision preliminary plat or a minor subdivision final plat shall expire automatically upon the expiration of such permit approval.

6.19.7 Exemption From CAPS

- (A) In recognition of the fact that some new development will have a negligible impact on school capacity, a CAPS shall not be required for the following:
 - (1) Residential developments restricted by law and/or covenant for a period of at least 30 years to housing for the elderly and/or adult care living and/or adult special needs;
 - (2) Residential developments restricted for a period of at least 30 years to dormitory housing for university students.
- (B) If the use of a development restricted as provided herein changes, then before a permit authorizing such change of use becomes effective, a CAPS must be issued just as if the development were being constructed initially.

6.19.8 Previously Approved Projects and Projects Pending Approval

- (A) Except as otherwise provided herein, the provisions of this Section shall only apply to applications for approval of site plans, special use permits, major subdivision preliminary plats or minor subdivision final plats that are submitted for approval after the effective date of this Section.
- (B) The provisions of this Section shall not apply to amendments to site plans, special use permits, major subdivision preliminary plats or minor subdivision final plats issued prior to the effective date of this Section so long as the approvals have not expired and the proposed amendments do not increase the number of dwelling units authorized within the development by more than 5% or five dwelling units, whichever is less.
- (C) Special Exceptions
 - (1) The Board of County Commissioners shall issue a special exception to the CAPS requirement to an applicant whose application for approval of a site plan, special use permit, a major subdivision preliminary plat or a minor subdivision final plat covers property within a planned unit development or master plan project that was approved prior to the effective date of this Section, if the Board of County Commissioners finds, after an evidentiary hearing, that the applicant has:

- ~~(3) The following provisions shall apply to all development within such areas:~~
- ~~(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses, performed according to standard engineering practice, that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator before issuance of floodplain development permit.~~
 - ~~(b) If FEMA has approved a Conditional Letter of Map Revision (CLOMR), then a Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.~~
 - ~~(c) No manufactured homes shall be permitted.~~

(D) Subdivisions, ~~Manufactured~~¹⁴⁰ Home Parks, and Major Developments

All subdivisions, ~~manufactured~~ home parks, and major development proposals located within SFHAs shall:

- ~~(1) Be consistent with the need to minimize flood damage.~~
- ~~(2) Have public utilities and facilities such as sewer, gas, electric, cable, and water systems located and constructed to minimize flood damage.~~
- ~~(3) Have adequate drainage provided to reduce exposure to flood hazards.~~
- ~~(4) Have provided all Base Flood Elevation (BFE) data adopted by reference per Section 1.1.3 of this Ordinance.~~

(E) Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his/her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this Ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this Ordinance.

(F) Enforcement

The provisions of the SFHA shall be enforced in accordance with the requirements contained within Section 9.7 of this Ordinance.

¹⁴⁰ The use type was changed to "Home Parks" when amendments were made in 2018 to allow recreational vehicles as temporary uses.

- (b) 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.

7.2.3 Major Subdivisions

- (A) A major subdivision is any subdivision 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) **Standard Major Subdivision, Standard**
All subdivisions not classified as an Exempt Subdivision; Minor Subdivision; Major Subdivision, ~~Conditional District (R-CD or NR-CD) Class A Special Use; or Major Subdivision, Conditional Use.~~
 - (2) ~~Major Subdivision, Class A Special Use, Rural Designated~~
~~A tract of land in a Rural Designated area on the Growth Management System map that is proposed for a subdivision of 21-40 lots.~~
 - (3) ~~Major Subdivision, Class A Special Use, Urban Designated~~
~~A tract of land in an Urban Designated area on the Growth Management System map that is proposed for a subdivision of 21-79 lots.~~
 - (4) ~~Major Subdivision, Conditional Use, Rural Designated~~
~~A tract of land in a Rural Designated area on the Growth Management System map that is proposed for a subdivision of 41 or more lots.~~
 - (5) ~~Major Subdivision, Conditional Use, Urban Designated~~
~~A tract of land in an Urban Designated area on the Growth Management System map that is proposed for a subdivision of 80 or more lots.~~
 - (2) **Major Subdivision, Conditional District (R-CD or NR-CD)**¹⁴¹
A tract of land that is proposed for subdivision into 21 or more lots.
- (B) For the purpose of determining whether a subdivision is a Major Subdivision, ~~Class A Special Use (Rural Designated or Urban Designated) Standard~~, or a Major Subdivision, Conditional ~~Use~~ District ~~(Rural Designated or Urban Designated)~~, 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

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

- (A) Each phase contains at least five lots, unless depicted on a phasing plan approved by the Board of County Commissioners as part of the preliminary subdivision 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

¹⁴¹ Rather than having multiple "levels" of subdivisions, use of the proposed conditional districts simplifies the subdivision review/approval process by having any subdivision of 21 or more lots be approved as a conditional district. 21 or more lots is the existing cut-off for not being considered a "standard" major subdivision.

- (B) In all cases, the ~~Recreation and Parks Advisory~~Parks and Recreation¹⁴² Council shall review and make recommendations to the Planning Board and Board of County Commissioners on the provision or dedication of recreation and/or open space areas.
- (C) This public Recreational Facilities requirement is in addition to any requirements for privately held passive or active Common Open Space areas.

7.11.2 Area Requirements

- (A) At least 1/57 of an acre shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located within a Special Flood Hazard Area and/or is characterized by steep slopes (15% or greater), then at least 1/20 of an acre of such land shall be dedicated for each dwelling unit.
- (B) If the application of the provisions of Article 3 (Required Minimum Recreation Space Ratio, as shown on the table of each zoning district) and Section 6.3 (Land Use Intensity System) of this Ordinance results in a greater amount of land, then the difference between the application of the standards above and those of the referenced Articles shall be established as private recreation for the use of the residents of the development.
- (C) The total land area dedicated as part of a nonresidential subdivision shall be determined by an analysis of the site, the use(s) to be located thereon and the designation of recreation and/or open space sites as shown on the adopted Comprehensive Plan.
 - (1) The site analysis shall be prepared by the subdivider and shall identify in written and graphic form those areas characterized by:
 - (a) Steep slopes (15% or greater),
 - (b) Special flood hazard areas and wetlands,
 - (c) Rock outcroppings,
 - (d) Mature woodlands (trees of 18 inches or greater in diameter),
 - (e) Existing structures and cemeteries, and
 - (f) Lakes, ponds, rivers and other water resources.
 - (2) A written and graphic description shall also be submitted by the subdivider which identifies:
 - (a) The proposed use of each lot in the subdivision,
 - (b) The approximate amount of building and parking coverage for each lot, and
 - (c) The approximate number of employees associated with each use.
 - (3) In no case shall the total land area be less than that required by application of the provisions of Article 3 (Required Minimum Pedestrian/Landscape Ratio, as shown on the Table of each zoning district) and Section 6.3 (Land Use Intensity System) of this Ordinance.

7.11.3 Site Suitability

- (A) Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as for play areas, tennis courts, multi-purpose courts, picnic areas, ball fields, and other similar recreation uses.
- (B) Active recreation areas shall be located on land that is relatively flat (0 to 7-1/2% slopes), free of wetlands and/or flood plains, free of easements for public utility

¹⁴² Update to current name,

transmission lines, and is otherwise capable of accommodating active recreation uses.

(C) Land provided or dedicated for low impact recreation and open space purposes shall be of a character, slope, and location suitable for use for walking, jogging, reading and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands, and water resources.

(D) In all cases, active and low impact recreation sites as well as open space areas designated in the adopted Comprehensive Plan shall be incorporated into the design of the subdivision.

(E) Criteria for evaluating the suitability of proposed recreation areas shall include but not be limited to the following:

(1) **Location**

(a) Land dedicated for recreation purposes shall be located so as to serve the needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located.

(b) As approved by DEAPR, the Orange County Parks and Recreation Board Council, and BOCC, land dedicated for public recreation purposes shall also maintain logical access to other private Common Open Space areas.

(c) Recreation areas shall be located so as to provide, insofar as possible, reasonable accessibility to all residents of the subdivision and residents living in the immediate neighborhood.

(d) Recreation areas shall be located where more land more suited for recreational purposes due to shape, level slopes and/or dry soil conditions is present.

(e) Where proposed park sites are shown in the adopted Comprehensive Plan, and a subdivision contains a portion of the park site, then the developer may be required to locate the recreation area in accordance with the park site as shown thereon.

(2) **Unity**

(a) Land dedicated for recreation purposes shall be a single parcel except where it is determined that two or more parcels are suited to the needs of a particular subdivision.

(b) The Planning Department and/or Planning Board may recommend, and the Board of County Commissioners may require, the dedication of a connecting path in addition to the land required in Section 7.11.2 above.

(i) Where a connecting path is necessary, a path right-of-way of up to 50 feet in width may be required, but in no case shall the path right-of-way be less than 30 feet in width.

(3) **Accessibility**

(a) Land dedicated for recreational purposes shall have at least 50 feet of frontage on at least one street within the subdivision.

(b) Where a recreation area is not accessible due to lot arrangement, the Planning Department and/or Planning Board may recommend, and the Board of County Commissioners may require, the dedication of connecting paths which link the recreation area with other streets within the subdivision (see figure below).

TABLE 7.11.4.D: SITE IMPROVEMENTS				
AGE GROUP	FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION
Senior Citizens	Shuffleboard	570 sq. ft.	10'x52' with 2.5' clearance at both ends 2' clearance on both sides	Long axis north-south
Senior Citizens	Horseshoes	240 sq. ft.	6' square pitchers box Steel stakes 1" diameter, 14" above ground, spaced 40' apart	Long axis north-south
Senior Citizens	Croquet Court	1,800 sq. ft.	25'x55' playing area with 2.5" clearance on all sides	Long axis north-south
Families Adults Senior Citizens	Park Bench Picnic Tables Grills Trash Receptacles	One picnic table per 50 residents with 50 sq. ft. of land per table	Minimum table dimensions – 36"W x 72"L x 30"H Tables, benches, and other similar facilities securely anchored to ground	None other than provision of shading for picnic tables and benches
Families Adults Senior Citizens	Picnic Shelter Structure	One open shelter per 60 residents	Minimum shelter dimensions – 20'x30' with minimum of ten picnic tables and accompanying benches located therein and securely anchored to ground Fireplace shall be installed at one end	None

(E) Parking shall be constructed in accordance with the Standards contained in Section 6.9 of this Ordinance.

7.11.5 Method of Provision or Dedication

(A) Public Recreation Area

- (1) Land dedicated for public recreation area as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government.
- (2) Determination of the appropriate unit of local government shall be made by the Board of County Commissioners, upon recommendation from the ~~Recreation and Parks Advisory~~ Parks and Recreation Council and the Planning Board.
- (3) Acceptance of the dedication may be one in trust if deemed appropriate by the Board of County Commissioners.

(B) Private Recreation Area

- (1) Land provided for private recreation purposes must be conveyed to the trustees provided in an indenture establishing an association of homeowners.

- (ii) Composition
- Sites chosen for Secondary Open Space Areas must have one or more of the following characteristics or uses:
- a. Woodlands
Including forestland for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of:
 - i. LANDSAT satellite data collected and analyzed under the Albemarle-Pamlico Estuarine Study;
 - ii. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery;
 - iii. A required environmental assessment or environmental impact statement; and/or
 - iv. An independent site study conducted by a trained botanist and/or forester.
 - b. Farmland
 - i. Prime agricultural land as identified by the U.S.D.A. Soil Conservation Service in "Important Farmlands: Orange County, N.C." and which is in active use for the production of crops and/or the raising of livestock is particularly encouraged.
 - ii. Farmland also includes space on individual lots used for gardens, ponds, horse paddocks and barns, and similar uses.
 - c. Slopes of 15% to 25%
Slopes that require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.
 - d. Other Historic and/or Archaeological Sites
As identified from the same sources as for Primary Open Space Area sites (see 7.12.3(C)(1)(~~e~~)(~~v~~)(~~e~~)¹⁴³ above).
 - e. Public and/or Private Recreation Areas and Facilities Including:
 - i. "Active recreation areas" such as public recreation areas, including district and community parks as identified in the master recreation and parks plan; and private recreation facilities, including golf courses, playing fields, playgrounds, swimming pools and courts for tennis, basketball, volleyball and similar sports.

¹⁴³ Correct reference.

(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.

(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 7.14.13.2(A)(3).¹⁴⁴

(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.

¹⁴⁴ [Correct reference.](#)

- (1) A density increase is permitted where more than 33% of the total land area in the Flexible Development is set aside as protected open space. The amount of the density increase shall be based on the following standard:
 - (a) For each additional acre of protected open space provided in the Flexible Development, one additional building lot or dwelling unit is permitted.
- (2) In lieu of providing additional open space in the Flexible Development, the applicant may purchase in fee simple or less than fee (e.g., development rights) land separate from the Flexible Development which is comprised of Primary and/or Secondary Open Space Areas as defined in Section ~~7.13.3~~7.12.4(C)¹⁴⁵. The amount of the density increase shall be based on the following standards:
 - (a) For each five acres of Primary Open Space Area preserved off-site, one additional building lot or dwelling unit is permitted.
 - (b) For each two acres of Secondary Open Space Area preserved off-site in areas which require a two-acre minimum lot size, one additional building lot or dwelling unit is permitted.
 - (c) For each one acre of Secondary Open Space Area preserved off-site in areas which require a 40,000 square foot minimum lot size, one additional building lot or dwelling unit is permitted.
- (3) Land purchased in fee may be dedicated to Orange County. For land purchased in less than fee, a conservation easement dedicated to Orange County shall be recorded which restricts the development potential of the land.
- (4) Location of Open Space Bonus Units
Density increases to encourage additional open space are limited to Flexible Developments proposed in the following locations:
 - (a) Within Transition Areas as designated in the Land Use Element of the Comprehensive Plan. Within such areas, the maximum permitted density is 2.5 dwelling units per acre unless the applicant obtains approval of a zoning district classification which permits a higher density.
 - (b) Outside of Transition Areas but within an area designated for service by a utility provider as part of an adopted long-range water and/or sewer extension plan. Within such areas, the maximum permitted density is 1.3 dwelling units per acre.
 - (c) Outside of Transition Areas but within 3/4 of a mile of an interstate corridor or a major thoroughfare designated as a high occupancy vehicle (HOV)/busway route as part of an adopted regional transit plan. Within such areas, the maximum permitted density is 2.5 dwelling units per acre.
 - (d) Outside of Transition Areas but within 1/2 mile of a transit station designated as part of an adopted regional transit plan. Within such areas, the maximum permitted density is five dwelling units per acre.

Within these locations, public water and sewer service may be extended, provided the applicant can demonstrate that such service is necessary to serve the density increases achieved through the use of the bonus option(s) described above.

7.12.11 Additional Submittal Requirements

In addition to the requirements outlined in Article 2 regarding Major Subdivision Preliminary Plats or Minor Subdivision Final Plats, applications must:

¹⁴⁵ Correct reference.

- (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 7.1413¹⁴⁶.3.

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.

¹⁴⁶ [Correct reference.](#)

- (10) When it appears from the developer’s plans or otherwise that the non-conforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the Planning Director shall not allow the non-conforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that non-conforming project.

SECTION 8.4: NON-CONFORMING USES INCOMPATIBLE WITH PERMITTED USES

It is the intent of this Ordinance that non-conforming uses shall be considered to be incompatible with the Permitted Uses within the zoning districts. Such non-conforming uses shall not be enlarged or extended in any respect.

SECTION 8.5: NON-CONFORMING SIGNS

8.5.1 Timeframe for Abatement

It is the intent of this Ordinance to regulate signs and to provide for the removal of signs that are non-conforming according to the standards set forth in Section 6.12. For signs in existence on the date of adoption of this Unified Development Ordinance (April 5, 2011):

- (A) Within one year of notification by the Planning Director, each sign which does not comply with the provisions of Section 6.2.10 shall either be altered in such a way as to bring it into compliance or removed.
- (B) Within five years of notification by the Planning Director, all other signs not in compliance with other provisions of 6.12 shall either be so altered as to bring them into compliance or be removed by the owner of the property.

SECTION 8.6: SPECIAL PERMIT USES

Any land use that:

- (A) Was in existence prior to adoption of zoning regulations and would require the issuance of a Special Use Permit under terms of this Ordinance, or
- (B) Is made non-conforming due to an amendment of this Ordinance changing the review and approval criteria of said land use from permitted to either a Class A or B Special Use.

Shall be deemed a conforming use of property within the confines of this Ordinance, subject to the following limitation: Any enlargement, replacement or modification of such a use shall require submittal, review, and approval of a Special Use Permit application as though it were a new use.

SECTION 8.7: NON-CONFORMING LOTS

- (A) Lot(s) created in conformity with the standards existing and enforced by the County at the time of its creation shall be allowed to be developed in accordance with the provisions detailed herein.
- (B) Lots made non-conforming through a rezoning of property shall be allowed to be developed in accordance with the provisions detailed herein.
- (C) A one-family detached dwelling and customary accessory structures may be erected, occupied and used on a separate non-conforming lot of record in accord with other requirements applying in the zoning district in which the lot is located.
- (D) Lots created in violation of the review and approval procedures detailed herein shall not be recognized or permitted to be developed.

- (D) Any tenant or occupant of a property who has control over, or responsibility for, the use or development of the property.
- (E) Any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance.

9.3.2 Charges and Entities

- (A) A violation may be charged against more than one violator.
- (B) For the purpose of this Article, the term "person" includes but is not limited to any individual, group of individuals, or any corporation, partnership, association, company, or business, trust, joint venture, or other legal entity.

SECTION 9.4: ADMINISTRATION OF PERFORMANCE STANDARDS

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no sophisticated equipment to those requiring great technical competence and complete equipment for precise measurement. It is the intent of this Ordinance that:

- (A) Where determinations can be made by the Planning Director, using equipment normally available or obtainable without extraordinary expense. Such determinations shall be so made before notice of violation is issued.
- (B) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

SECTION 9.5: ENFORCEMENT PROCEDURE

9.5.1 Responsibility for Enforcement

The Planning Director shall enforce this Ordinance and the remedies authorized herein and shall have the authority to settle any violations that involve the payment of money to the governing body.

9.5.2 Inspections and Investigations

- (A) A program of inspections and investigations to determine compliance with this Ordinance and orders, plans, permits, certificates, and authorizations issued under this Ordinance, is hereby authorized.
- (B) Upon receipt of a complaint or other information suggesting a violation of this Ordinance, the Planning Director shall investigate the situation and determine whether a violation exists in accordance with the provisions of this Ordinance.

9.5.3 Initial Notice of Violation

- (A) On determining that a violation exists, the Planning Director shall, whenever possible, make contact with the violator either in person or via telephone to discuss the violation and review the necessary steps to correct the violation.
- (B) The Planning Director shall give the responsible person(s) and the landowner, if the landowner is not the responsible person(s)¹⁴⁷, written notice of the violation, either in person, or by certified or registered mail, return receipt by personal delivery, electronic delivery, or first class mail requested. ~~A copy of the notice shall also be~~

¹⁴⁷ New requirement in NCGS 160D-404 and conforming language to new requirements.

~~sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.—The Planning Director shall certify that the notice was provided.~~

- ~~(1) The notice shall:

 - ~~(a) Describe the nature of the violation and its location,~~
 - ~~(b) State the actions necessary to correct the violation,~~
 - ~~(c) Specify a reasonable time period in which the violation must be corrected,~~
 - ~~(d) State the remedies and penalties authorized herein that the Planning Director may pursue if the violation is not corrected within the specified time limit,~~
 - ~~(e) Invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected, and~~
 - ~~(f) Contain a statement indicating that the decision referenced within the notice can be appealed to the Orange County Board of Adjustment as detailed within this Ordinance. This statement shall include language indicating that the appeal must be filled within 30 days from the date of the initial notice and shall provide the deadline for the submittal of the appeal application.~~~~

9.5.4 Appeals

- ~~(A) Any person aggrieved by the Planning Director’s determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section 2.27 of this Ordinance, including payment of the appropriate fee.~~
- ~~(B) Except as provided in Section 2.27, an appeal generally stays all further actions, including any accumulation of fines,¹⁴⁸ to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal.~~
- ~~(C) Civil Penalty Citations subsequent to the initial notice of violation may not be appealed to the Board of Adjustment.~~
- ~~(D) As detailed within Sections 2.12 and 2.27, the Board of Adjustment shall hear the appeal and may affirm, modify, or revoke the Planning Director’s determination of a violation.~~
- ~~(E) If there is no appeal, the Planning Director’s determination of the nature and degree of the violation are final.~~

9.5.5 Timeline for Abatement

~~The time allotted to abate an identified violation shall be at the sole discretion of the Planning Director and shall be based upon what is deemed a reasonable amount of time to abate the identified violation. The following standards shall apply”~~

- ~~(A) Within 30 days of receipt of an initial notice of violation, correction order, or Stop Work Order, the owner of the property on which the violation occurs may submit to the Planning Director a written request for extension of the specified time limit for correction of the violation.~~

¹⁴⁸ Update to conform to new language in NCGS 160A-388.

SECTION 9.6: PENALTIES, REMEDIES, AND ENFORCEMENT POWERS

9.6.1 In General

- (A) The Planning Director may pursue one or more of the remedies and penalties described herein or otherwise authorized by common law or statute to prevent, correct, or abate a violation of this Ordinance.
- (B) Use of one of the authorized remedies and penalties does not preclude the use of any other authorized remedies or penalties, nor does it relieve any party to the imposition of one remedy or penalty from imposition of any other authorized remedies or penalties.

9.6.2 Permit Revocation

- (A) In accord with the provisions of this Ordinance, the Planning Director, upon a written determination, may revoke any permit, certificate, or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.
 - (A)(1) Revocation of any permit or authorization shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing.¹⁴⁹
- (B) Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.

9.6.3 Permit Denial or Conditioning

- (A) As long as a violation of this Ordinance remains uncorrected, the Planning Director may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.
- (B) The Planning Director may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

9.6.4 Injunctive and Abatement Relief in Superior Court

- (A) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.
- (B) The Planning Director shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be recovered by a lien on the property in the nature of a mechanic's or materialman's lien.

9.6.5 Criminal Penalties

- (A) Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than a maximum of \$500.00, imprisonment of up to 30 days, or both, for each violation, as provided in NCGS Section 14-4.
- (B) The Planning Director may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.

¹⁴⁹ New requirement in NCGS 160D-403(f).

9.6.6 Stop Work Order

- (A) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Planning Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.
- (B) Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.
- (C) The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section 2.27 of this Ordinance.

9.6.7 Civil Penalty

- (A) The Planning Director may impose one or more civil penalties and issue one or more Civil Penalty Citations for a violation as provided in this subsection. If the violator does not pay the penalty, the Planning Director may collect it in a court through a civil action in the nature of a debt.

(B) Notice

The Planning Director shall give the responsible person(s) and the landowner, if the landowner is not the responsible person(s), written notice of the civil penalty citation, either by personal delivery, electronic delivery, or first class mail in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing, provided that a notice of civil penalty citation is posted in a conspicuous place on the premises affected. The notice shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be ten days from the date of the notice, and the possibility of civil and/or criminal enforcement. The Planning Director shall certify that the notice was provided.¹⁵⁰

(C) Penalty Amount

The Planning Director may impose a penalty of \$500.00 per day of violation.

- (1) For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the final notice of violation, correction order, Stop Work Order, or the receipt of the Civil Penalty Citation itself in the case of emergency enforcement, shall constitute a separate violation that subjects the violator to additional civil penalties.

(D) Settlement of Claims

The Planning Director is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may

¹⁵⁰ Conforming language to new requirements.

ARTICLE 10: DEFINITIONS

SECTION 10.1: DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herein defined and interpreted. The order of priority for defining and interpreting terms and words shall be: 1) as defined here in this Article, 2) as defined within the text of this Ordinance, 3) as defined in NCGS Chapter 160D, and 4) as defined by a dictionary or common usage. Those terms and words defined in this Article are as follows:

AASHTO

American Association of State Highway and Transportation Officials.

Accessory Structure

A structure that is located on the same lot as a principal structure and houses an accessory use.

Accessory Use

An activity that may or may not be listed in the Permitted Use Table, which is conducted in conjunction with a permitted principal use, but constitutes only an incidental or insubstantial part of the total activity that takes place on the lot and is customary and ancillary to the established principal use of property. Accessory uses shall comply with all setback requirements for the district in which the use is located. For example, an in-ground swimming pool is required to meet all applicable setbacks including any required fencing around the physical pool, the concrete walkway around the pool, and any pump or utilities associated with the operation of the facility.

Addition

In the context of an existing building or structure, the term means an extension or increase in the floor area or height.

Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore

A bookstore:

- (a) Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this article; or
- (b) Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Cabaret

A nightclub, bar, restaurant, theater, concert hall, auditorium or similar commercial establishment that for at least ten percent of its business hours in any day features:

- (a) Persons who expose a Specified Anatomical Area; or
- (b) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or

Built-Upon Area

That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts) etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Building Wall

Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) are not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

Camp

A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreational¹⁵¹ vehicles. A camp may be owned by a profit or not-for-profit corporation.

Canal

See "Ditch."

Canopy, Service Station

A structure made of metal, aluminum, or other material intended to be free standing or affixed to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Center in a Residence

Use type located within a residence offering temporary care to clients, including children, adolescents, and adults, for no more than eight hours in a 24 hour period.

Cessation of Use

For purpose of this Ordinance the term shall mean the vacancy, discontinuation, or abandonment of the use of a structure or parcel of property. A use shall not be considered ceased if the use is being marketed for sale or other forms of conveyance and documentation of such activities is provided.

Channel

A natural water-carrying trough eroded vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

Channel, Effluent

A discernable, confined, and discrete conveyance which is used for transporting treated wastewater to a receiving stream or other body of water.

Chemical storage facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Care

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- a) Arrangements operated in the home of any child receiving care if all the children in care are related to each other or no more than two additional children are in care;

¹⁵¹ Correct language to how it's used/defined in the UDO.

- b) Recreational programs operated for less than four consecutive months in a year;
- c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- d) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- e) Public schools;
- f) Non-public schools described in Part 2 of Article 39 of Chapter 115C of the North Carolina Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined under Child Care Facility for less than six and one-half hours per day either on or off the school site;
- g) Bible schools conducted during vacation periods;
- h) Care provided by facilities licensed under Chapter 110, Article 7 of the North Carolina General Statutes;
- i) Cooperative arrangements among parents to provide care for their children as a convenience rather than for employment, and
- j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

Care Facility

Use type offering temporary care to clients, including children, adolescents, and adults, for no more than eight hours in a 24 hour period. Care can be offered regardless of the time of day and whether or not operated for profit. Term includes child care centers, and any other child care arrangement not excluded by General Statute 110-86(2), that provides child care.

- a) A child care center is an arrangement where, at any one time, there are three or more pre-school children or nine or more school-aged children receiving child care.
- b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but fewer than nine children, receive child care.

Chemical Manufacturing and Processing – Pharmaceutical and Medicine

A land use involved with the transformation of organic and inorganic raw materials by various processes for the formulation of pharmaceutical and medical products for eventual distribution and sale off-site.

Chemical Manufacturing and Processing – Other than Pharmaceutical and Medicine

A land use involved with the transformation of organic and inorganic raw materials by various processes for the formulation of non-pharmaceutical and non-medical products including the creation of base chemicals, dyes, gasses, resins, etc.

Club or Lodge

An assembly land use, operated by a non-profit group, for members and guests.

Cluster Development

A subdivision in which building lots are grouped together through a transfer of allowable density within the subdivided tract. Cluster development permits more efficient development by creating lots with gross land areas smaller than those required for conventional lot-by-lot development, yet maintains application of normal lot density standards to the subdivided tract as a whole by requiring that land area saved by lot size reductions be reserved as permanent open space and/or recreation space.

Cold Storage Facility

A facility used to warehouse perishable foods and products prior to transport.

Commercial-Industrial Transition Activity Node Land

Land designated in the Comprehensive Plan as being near major transportation routes that and which could be provided with public water and wastewater services and which is appropriate for retail and other

commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.¹⁵²

Commercial Transition Activity Node Land

Land designated in the Comprehensive Plan as being¹⁵³ focused on designated road intersections within either a 10- or 20-year Transition Area that is appropriate for retail and other commercial uses.

Common Area

A portion of a development not attributed to an individual lot or owner that is designed for the common usage of the subdivision or development. These areas include Common Open Spaces, entry features, subdivision facilities, mail kiosks, sidewalks, parking lots, and walkways. Construction and maintenance of such areas is the responsibility of the homeowner'/property owners' association.

Common Open Space

Privately held land area set aside, dedicated, owned, and maintained for common use, access, and enjoyment of multiple owners. This type of open space is held within a defined lot or a defined easement area. It may be either restricted to the owners via homeowner'/property owners' association (HOA/POA), or open to others as specified by the association.

- **Primary Open Space**

These areas have sensitive environmental features and/or significant cultural resource areas, which may make them legally or practically unbuildable. These areas are reserved for passive uses (e.g., forests, pastures, meadows) and low impact active uses (e.g., trails, natural observation).

- **Secondary Open Space**

Secondary Open Space Areas have fewer restrictions with regard to location, allow more flexibility to improve overall open space design, and have more active uses (e.g., community gardens, playgrounds).

- **Active Open Space**

A subset or category of open space that defines the type and/or intensity of its use. Active areas are typically built areas and most often contain equipment and/or infrastructure. They are also frequently used by the residents. Examples include: trails, community gardens, and recreation fields, plays areas, pocket parks, and ball courts.

- **Passive Open Space**

A subset or category of open space that defines the type and/or intensity of its use. Passive areas are typically undisturbed, conserved areas that have little to no direct physical human interaction within that portion of the open space.

- **Utility Open Space**

A subset or category of open space that defines the type and/or intensity of its use. Utility areas are typically open but contain public and/or private utilities and services. Examples include utility lines or easements (e.g., water, sewer, gas, power), septic drain fields, and repair areas. Additional recreation use of these areas is typically limited based on the type of utility requirements that are in place.

Community Center

An assembly land use operated by a non-profit group, offering social, recreational, or educational activities as a non-commercial activity.

Community Farmers' Market

¹⁵² Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

¹⁵³ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

An enclosed or open-air facility for the retail sale of locally produced vegetables, flowers, meats, commodities, plants, crafts, etc. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Composting Operation

A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This does not include backyard composting bins serving individual families.

Comprehensive Plan

An internally consistent and compatible statement of policies for the long term, physical development of that portion of Orange County under County jurisdiction, consisting of a statement of development policies and maps and text setting forth objectives, principles, standards and plan proposals for physical development.

The Comprehensive Plan also consists of adopted area plans which focus on a portion of the County such as a township, a watershed or an interstate highway interchange. Technical information and/or task force reports prepared as part of a plan element or an area plan and incorporated as part of the appendix of or as a supplement are also considered part of the Comprehensive Plan.

Concentrating Solar Thermal (CST) Devices

Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Also known as Concentrated Solar Thermal (CST).

Concrete Processing, Preparation, and Distribution

A land use primarily engaged in the following:

- (a) Manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements;
- (b) Batch or mixing plants;
- (c) Manufacturing of concrete pipe, brick, and block; or
- (d) Manufacturing other concrete products.

Conditional Districts

~~A zoning technique authorized by N.C.G.S. 153A-342 which allows for the imposition of mutually agreed upon individualized development conditions as part of the legislative rezoning process. The Conditional Use District and Conditional Zoning Districts are subsets of the term Conditional Districts. Land may be placed in a conditional district only upon petition of all of the owners of the land to be included; said petition must be approved following the procedures set forth in Section 2.9 of this Ordinance.~~

Conditional Use District (CUD)

~~A floating zoning district that has no permitted uses. Applications for a CUD must link the CUD to a general use zoning district and conform with all applicable development regulations for the corresponding general use zoning district. CUDs require approval of both a rezoning application and Class A Special Use Permit; see Sections 2.9.1 and 3.8.~~

Conditional Zoning District (CZD)

~~A specific floating zoning district with specific permitted uses, as detailed within this Ordinance, and as authorized by NCGS 160D-703. The imposition of mutually agreed upon individualized development conditions is allowed as part of the legislative rezoning process.~~

Controlled Access Highway

A state or city highway, or section thereof, especially designed for through traffic and over, from, or to which highway owners or occupants of abutting property, or others, shall have only controlled right of easement of access. For the purposes of this Ordinance, Controlled Access Highway shall be Interstate 85, Interstate 40, and any area located within the Major Transportation Corridor (MTC) overlay district.

General Use Conventional Zoning District¹⁵⁴

The various zoning districts contained in Article 3 of this Ordinance that are not Conditional Districts. Conditions cannot be applied to ~~general use conventional zoning~~ districts.

Converted Paper Product Manufacturing, Assembly, and Processing

Land uses involved with the converting of paper or paperboard into finished products. Use does not involve the actual manufacturing of paper or paperboard material on-site.

Cooperative Farm Partner

A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Cooperative Farm Stand

An open-air facility for the retail sale of produce, agricultural products, and/ or plants produced on-site and from not more than 4 other cooperative farm partners.

Country Store

An enclosed market not exceeding 1500 square feet in size for the retail sales of a variety of merchandise, which must include locally produced products. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

County

Orange County Government.

Custodial Care

A form of care that is primarily for the purpose of assisting a person in the activities of daily living or in meeting personal rather than medical needs, which is not intended to provide specific therapy as the result of an illness or injury and does not constitute skilled care. The term shall refer to personal care that does not require the continuing attention or supervision of trained, medical, or paramedical personnel.

Cutoff Fixture

An outdoor lighting fixture shielded or constructed in such a manner that no more 2.5% of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Day Care

Any child care arrangement under which a child less than 13 years of age receives care away from his own home by persons other than his parents, grandparents, aunts, uncles, brothers and sisters who are not minors, guardians or full time custodians.

Day Care Facility

Any day care center or child care arrangement that provides day care for more than five children, not including the operator's school age children, under the age of 13, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, and those operating fewer than four hours per day that provide care for more children per adult care giver than would be permitted in an AA State licensed center, regardless of the time of day and regardless of whether the same children attend regularly.

The following facilities are not included:

- a) Public schools;
- b) Non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age;
- c) Summer camps having children in full-time residence;
- d) Bible schools conducted for no more than three weeks during vacation periods; and

¹⁵⁴ The standard term has been changed in NCGS 160D-703.

- e) Cooperative arrangements among parents who care only for their own children in an arrangement as a matter of convenience rather than to enable any participating parent to be employed.

Dedication

A gift, by the owner, of land for a specified purpose, or purposes. Because a transfer of property is entailed, dedication must be made by written instrument and is completed with an acceptance.

Designated Public Sewer Service Area

An area located within Orange County's Primary Service Area in the Water and Sewer Management, Planning, and Boundary Agreement, that is currently served by public sewer or is expected to be served by public sewer in the near-term (e.g., 18 months; demonstrated by issuance of an advertisement for bid, or similar device, for construction of public sewer facilities).

Detention Pond

A engineered stormwater control consisting of a pond constructed and maintained in accordance with Appendix A of this Ordinance, which allows for pollutants to settle and provides for the gradual release of the impounded water. The detention pond is the Best Management Practice which must be used within protected watersheds when engineered stormwater controls are required. (See also, Best Management Practices and Engineered Stormwater Controls)

Development

Any constructed change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Also includes any land-disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development Activity

In the context of property encumbered by Special Flood Hazard Area this term includes any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including but not limited to: fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Development, Existing

In the context of Stormwater provisions of this Ordinance for projects that do not require a State permit, shall be defined as those projects that are built, or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of Orange County's Water Supply Watershed Protection Ordinance, or such earlier time that other Orange County ordinances shall specify, based on at least one of the following criteria:

- a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid Orange County approval to proceed with the project, or
- b) Having an outstanding building permit in compliance with G.S. ~~153A-344.1160D-102~~ or G.S. ~~160A-385.1160D-108~~, or
- c) Having an approved site specific vesting plan or multi-phase development plan in compliance with G.S. ~~153A-344.1160D-102~~ or G.S. ~~160A-385.1160D-108~~.

For projects that require a State permit, such as landfills, NPDES wastewater discharges, land application of residuals, and road construction activities, existing development shall be defined as those projects that are built or those projects for which a State permit was issued prior to August 3, 1992.

Development Intensity Definitions

(See Non-residential Land Area, Non-residential Floor Area, Residential Floor Area, Floor Area Ratio, Open Space, Open Space Ratio, Livability Space, Livability Space Ratio, Recreation Space, Recreation Space Ratio, Pedestrian/Landscaped Space, Pedestrian/Landscaped Space Ratio.)

Development, Multi-phase¹⁵⁵

~~In the context of vested rights, a multi-phase development is a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase, and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval. Note that "master development plan" is not the same as the master plan required as part of an MPD-CZ (Master Plan Development) application. In this context is not the same as the master plan required as part of an MPD-CZ (Master Plan Development) proposal/approval.~~

Digital Flood Insurance Rate Map (DFIRM)

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Direct Light

Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Discharge

The addition of any human-induced effluent either directly or indirectly to state surface waters.

Discharge, Domestic Wastewater

Sewage, unprocessed industrial wastewater, other domestic wastewater, or any combination of these items. Domestic wastewater includes, but is not limited to, liquid waste generated by domestic water using fixtures and appliances, from any residence, place of business, or place of public assembly, even if it contains no sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges, and wastewater from restaurants.

Discharge, Industrial

The discharge of industrial process treated wastewater or wastewater other than sewage. Stormwater shall not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater. Industrial discharge includes:

- a) Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- b) Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants; or
- c) Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Disposal

The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Disposal, Waste

The use of waters for disposal of sewage, industrial waste or other waste after approved treatment.

Ditch

A constructed channel, other than a modified natural stream constructed for drainage purposes, that is typically dug through inter-stream divided areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

Dwelling, Multi-Family

¹⁵⁵ Definition added due to new vesting rights in 160D. Definition is from the statutory definition.

A building or lot containing three or more dwelling units.

Dwelling, Single Family

A detached building containing one dwelling unit.

Dwelling, Two Family

A detached building containing two dwelling units (duplex).

Dwelling Unit

~~A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities. Units otherwise meeting this definition but occupied by transients on a rental or lease basis for periods of less than one week shall be construed to be lodging units. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.¹⁵⁶~~

Mobile Homes and modular units are to be considered dwelling units under this definition.

EA

An Environmental Assessment.

EA, Completed

An Environmental Assessment that has been accepted by the Orange County Planning Department as technically acceptable for purposes of this Ordinance.

EIS

An Environmental Impact Statement.

EIS, Completed

An Environmental Impact Statement that has been accepted by the Orange County Planning Department as technically acceptable for the purpose of being transmitted to the State Clearinghouse or for being reviewed for adequacy by the Orange County Planning Department.

Easement

A grant of rights by a property owner to another individual, group or governmental unit to make limited use of a portion of real property for a specified purpose.

Eating and Drinking Establishments

Land uses providing for the consumption of food and/or drink to its clientele on or off site,

Economic Development Activity Node

Land in Transition ~~areas~~ Areas of the County, as designated in the Comprehensive Plan,¹⁵⁷ which has been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. Flex space typically includes one-story buildings designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses; e.g., warehouse, showroom, manufacturing assembly or similar operations.

Efficiency Apartment

An additional dwelling unit accessory to a single family residence meeting the development criteria outlined within this Ordinance.

Elevated Building

¹⁵⁶ Definition from the NC Building Code, to which local ordinances are now required to conform.

¹⁵⁷ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

A non-basement building, which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns with openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls by allowing entry and exit of floodwaters and the unimpeded movement of floodwaters.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineered (or Structural) Stormwater Controls

A structural Best Management Practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals. (See also Best Management Practices and Detention Pond) (Unless otherwise specified, "BMP", when used in this Ordinance, refers to structural BMPs.)

Environmental Document

An EA, EIS, or FONSI, or all of them.

Environmentally Sensitive Areas

Land which is subject to special natural environmental conditions such as flooding that present significant constraints to built development.

Equestrian Center

A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, rodeos, general horse/mule shows, and similar equestrian disciplines. Events may be larger scale, such as horse shows expected to generate more than 80 traffic trips per day, and may be held more frequently than once per month. A commercial stable may be included on the site.

Evidentiary Hearing

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision.¹⁵⁸

Existing Construction

Structures for which, the "start of construction" commenced before March 16, 1981. This term may also be referred to as "existing structures."

Existing manufactured home park or manufactured home subdivision

A manufactured home park or subdivision for which, for flood damage prevention purposes, the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) completed before March 16, 1981.

Extraction of Earth Products

The process of removal of natural deposits of mineral ores, soils or other solids, liquid or gaseous matter from their original location. It does not include any processing of such material, beyond incidental mechanical consolidation or sorting to facilitate transportation to the site of use or location of further processing.

¹⁵⁸ A definition for Evidentiary Hearing was added to 160D-102 to differentiate quasi-judicial proceedings from the former term of "public hearing" which may be considered misleading since a person must have legal standing, as defined in statutes to participate in a quasi-judicial proceeding and have their testimony considered as a basis of a quasi-judicial decision.

Financial Services

Land uses providing economic and financial services to a clientele,

Financially Responsible Person

In regards to soil erosion and sedimentation control provisions, and party or entity who has financial or operation control over a land-disturbing activity and/or the landowner or party/entity in possession or control of the land who had directly or indirectly allowed a land-disturbing activity or had benefited from such activity.

Fixture

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flexible Development

A subdivision in which greater flexibility and design creativity is encouraged and allowed to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might otherwise be lost through conventional development approaches. At ~~least~~¹⁵⁹ one-third (33%) of the land within a Flexible Development subdivision must be set aside as open space which may be preserved through:

- a) An "estate lot" option where all land is subdivided into lots four acres or greater in size, building lot area including setbacks are established on 50% of each lot, and the land area outside such area is preserved as open space provided that front and side yard setback areas shall not be counted toward meeting the minimum open space requirement except as specified by provisions of Section ~~8-13-47.12.5(A)~~¹⁶⁰; or
- b) A "conservation-cluster" option where lot sizes are reduced and the land saved through such reductions is preserved as open space on separate lots owned and maintained through a homeowners association, a non-profit land conservancy or unit of state or local government; or
- c) A "village" or modified cluster option where dwelling units are clustered around a village green and supporting shops, and the village is surrounded by open space; or
- d) Some combination of the above.

Floating Zoning District; Floating Zone

A zoning district that is defined in the text of the Ordinance but which is applied or mapped only upon the approval of a rezoning application/petition.

Flood and Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program (NFIP).

¹⁵⁹ Correct misspelling.

¹⁶⁰ Correct section reference.

Frontage, Tenant

Each lineal foot, or major portion thereof, measured along the main entry of a tenant space within a non-residential complex.

Full Cutoff Fixture

See Outdoor Lighting, Full Cutoff Fixture.

Functionally Dependent Facility

A facility, which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking, or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Garden Center

Retail sales operation providing lawn and garden supplies and small equipment rental primarily for home landscaping. Typical products include, but not limited to, decorative stone, garden ornaments, decorative pots, container plant stock, and bagged or bulk sand, mulch and topsoil. Seasonal sales such as Christmas trees, pumpkins and flowers are permitted in the outdoor display area.

General Use Zoning District

~~The various zoning districts contained in Article 3 of this Ordinance that are not Conditional Districts. Conditions cannot be applied to general use zoning districts.¹⁶¹~~

Glare

Light emitting from a luminaire, solar panel, glass, or similar reflective surface with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.

Golf Course

A tract of land designed and laid out for the game of golf. Golf courses include, but are not limited to courses open to the general public for a daily user fee, private courses available to members and their guests, courses proposed as single, independent uses, as well as those planned as an accessory use which is part of a residential or recreational development.

A golf course development may also include the following accessory uses and building typically associated with such a facility: club house; restaurant/snack bar; barroom; prop shop; billiards; table tennis, spa/health club; racquetball, hand ball, and tennis courts; swimming pool; locker rooms; and real estate sales office.

Goods, Incidental

Retail goods for sale in a manner customary and subordinate to the provision of a service, eg. Beautician selling hair products.

Gross Floor Area

The area within the perimeter of the outside walls of a building as measured from the exterior face of the exterior walls or from the centerlines of walls separating two buildings, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features.

Group Care Facility

A facility licensed by the appropriate State agency providing room and board for seven to 15 unrelated individuals, excluding staff, who as a result of age, illness, handicap or some specialized program require personalized services or a supervised living arrangement in order to assure their safety and comfort

Group Development

¹⁶¹ ~~The term has been changed to "Conventional Zoning District" and it has been relocated to appropriate alphabetized placement.~~

~~Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended).~~

Holiday Decoration

~~Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.~~

Home Occupation, Major

An accessory business use which is owned and operated by the resident of the property, located on a single parcel of land at least five acres in size in the AR and R-1 zoning districts, and is clearly incidental and subordinate to the principal residential use of the property. Major home occupations, which do not meet the standards of a minor home occupation, shall accommodate for larger scale accessory business uses by allowing for an increase in square footage, number of onsite employees, students, customers, clients, and annual events with an approved ~~Class B~~ Special Use Permit.

Home Occupation, Minor

An accessory business use, which is owned or operated by the resident of residentially-zoned property, and is clearly incidental and subordinate to the principal residential use of the property.

Home Park

A parcel of land under single ownership which has been planned and improved in compliance with Sections 3.8 and 5.5.4 for the placement of mobile homes/manufactured homes and Temporary Residential Units for use during the duration of the lease. The term includes mobile home parks developed under previous permitting requirements.

Home Park Space

A parcel of land occupied or intended to be occupied by one and only one Mobile Home or Temporary Residential Unit and for the exclusive use of the occupants of said dwellings.

Immediate Neighborhood

A subdivision or area of the county which distinguishes it from other subdivisions or areas by virtue of its location within the service area of a park site or sites as shown on the adopted "Recreation Service Area Boundaries Map" on file in the Planning Department.

Impervious Surface

A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures that cover the land.

Infiltration

The absorption of stormwater run-off into the ground. Infiltration allows for pollutants to be filtered from the water prior to its reaching the groundwater table, preventing the deposit of the pollutants directly into drinking water supplies.

Institutional Use

A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, university, or government owned or operated building, structure, or land used for public purpose.

Interested Person-Party¹⁶²

For purposes of quasi-judicial evidentiary hearings an interested person-party is one who has standing as that term is defined by applicable North Carolina statutory and case law.

Junk Yard

¹⁶² Conforming term to its use in both the UDO and statutes.

An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, wrecked, used or dismantled products and articles, such as machinery, vehicles, appliances and the like.

Junked or Wrecked Motor Vehicles

Motor Vehicles which do not display a current license plate or a current registration sticker and which either: (a) are partially dismantled or wrecked, or (b) cannot be self-propelled or moved in the manner in which originally intended to move.

Kennel (Class II)

An establishment involving animals of any species, excluding domesticated livestock, engaged in any of the following:

- a) The owning or keeping, for any purpose, of 20 or more animals
- b) The selling and/or training of guard dogs or security dogs
- c) The keeping of more than five animals at any given time for the purpose of breeding, boarding, or rehabilitation.

The operator of a Kennel (Class II) shall be allowed to reside on the property to ensure the continuous care of the animals kept on-site.

Lamp

See Outdoor Lighting, Lamp.

Land Area Measurement Definitions

(See Lot Line, Lot Line Front, Lot Line Rear, Lot Line Side, Open Side, Open Space Front, Open Space Rear)

Land-Disturbing Activity

Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

Landfill

A site within which is deposited solid waste material, including trash, construction debris, stumps, branches and limbs, garbage and industrial waste.

Landfill, Discharging

A landfill facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. Discharging landfills require a National Pollution System (NPDES) Permit from the North Carolina Division of Water Quality.

Land Use Intensity Definitions

(See Non-residential Land Area, Non-residential Floor Area, Residential Floor Area, Floor Area Ratio, Open Space, Open Space Ratio, Livability Space, Livability Space Ratio, Floor Area Ratio, Open Space, Open Space Ratio, Recreation Space, Recreation Space Ratio, Pedestrian/Landscaped Space, Pedestrian/Landscaped Space Ratio.)

Land Use Permit

A zoning permit, subdivision approval, building permit, site plan, or special use permit, ~~or conditional use permit.~~

Land Use Plan

A set of documents and maps that categorize existing patterns of land development and set guidelines for the desirable intensity, density, quantity, type, location and timing of future development based upon the

Livability Space

Livability space is part of total open space appropriately improved and located as outdoor living space for residents and for aesthetic appeal. Such spaces include lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency action.

Livability Space Ratio

Livability space ratio is the minimum square footage of non-vehicular outdoor space required for each square foot of land area in residential development. It is open space used for people, planting and visual appeal and does not include vehicular parking and access areas.

Lodgings

Living quarters which do not contain independent kitchen facilities, provided, however, that dwelling units occupied by transients on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

Lodging Unit

A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where two or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased or occupied, either individually or in combination, each room shall be construed as a lodging unit.

Logo

An established identifying symbol or mark associated with a business or business entity.

Lot

Land bounded by lines established for the purpose of property division. The term includes water areas included in the property so enclosed. As used in this Ordinance, unless the context indicates otherwise, the term refers to a zoning lot. (See Lot, Zoning).

Lot Definitions¹⁶³

(See Lot, Lot Zoning, Lot Non-Conforming, Lot Non-Legal for Zoning Purposes, Lot Area Net, Lot Area Gross, Lot Building Area Of, Gross Land Area of PD-H Districts, Setback, Lot Regular, Lot Irregular, Residential Land Area).

Lot, Flag

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot.

Lot Area, Gross

Where gross lot area is used as a basis for computation of maximum allowable floor area through application of floor area ratios, such gross area shall be computed as net area, defined below, plus half the width of adjoining permanent open space such as streets, parks, water areas and the lake (but not areas on buildable lots) up to the maximum specified for the district. Where such space adjoins lots on two adjacent sides, the area thus added shall include the area required to complete the gap otherwise left at the intersection, as indicated in the diagram below:

¹⁶³ Staff is suggesting deleting this "definition" which directs users to other definitions, some of which no longer exist.

Maintain

General servicing and upkeep to keep an object in a safe, operable, and attractive condition.

Major Development Project

Includes, but is not limited to, shopping centers, Conditional ~~Use-District~~ projects, and industrial and commercial projects, but does not include any projects of less than two contiguous acres in extent.

Major Intersection

Any intersection where traffic generated by a development proposal will have a significant impact on the operation of the intersection.

Manufactured Home

A dwelling unit, transportable in one or more sections that:

- a) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings;
- b) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis,
- c) Exceeds 40 feet in length and eight feet in width,
- d) The manufacturer voluntarily files certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established, and
- e) Is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

Manufactured home park or subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing Assembly, Processing, and Distribution Use

An establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts into a final product can also be considered part of this category. This term encompasses two different categories of land uses, namely: Manufacturing, Assembly, Processing, and Distribution Uses – Food and Manufacturing, Assembly, Processing, and Distribution Uses – Other.

Market Value

The building value, excluding the land, (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. An independent certified appraisal can establish a market value using: replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

Massage

The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, applied by hand, arm, foot or mechanical device.

Massage Business

Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios and massage parlors.

Massage, Business Of

The massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

Massage, Profession Of

See "massage, business of".

Massage Practitioner

Any person engaged in the business or profession of massage.

Meat Processing Facility, Community

A smaller scale facility where livestock or wildlife is slaughtered, processed, and packaged for personal consumption and/or wholesale or retail sale. The livestock must be raised on the subject farm and from 1 to 4 other cooperative farm partners.

Meat Processing Facility, Regional

A larger scale facility where livestock is slaughtered, processed, and prepared for distribution for wholesale or retail sale.

Medical Uses

See "Health Services."

Metal Fabrication Shop

A facility that is engaged in the shaping of metal and similar materials for wholesale or retail sale.

Microbrewery, production only

A facility that produces less than 15,000 barrels per year of craft malt beverages for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Microbrewery with Minor Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning-district or special use permit approval.

Microbrewery with Major Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning-district or special use permit approval.

Mobile Home

A dwelling unit that:

- a) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building for One- and Two-Family Dwellings;
- b) Is composed of one or more components, each of which is substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis for placement on a temporary or semi-permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- c) Exceeds eight feet in body width and 32 feet in body length.
- d) Is certified by the Secretary of the Department of Housing and Urban Development as meeting applicable standards.

Mobile home shall also mean a double-wide mobile home and shall be considered synonymous with the term manufactured home.

Mobile Home, Accessory

A subordinate structure, the use of which is customarily incidental to the permitted use of the principal buildings. Accessory uses include, but are not limited to:

- a) Storage unit,
- b) Office, and
- c) Classroom facility.

The mobile home, as an accessory structure, must not create non-conforming yards or setbacks. The installation of a mobile home, as an accessory structure, is exempt from the requirements set forth herein. Skirting is required, and the mobile home must be connected to the required utilities, which include the plumbing, heating, air conditioning and electrical systems contained therein, provided the unit is not

Phase of Grading

One of two types of grading: rough or fine.

Photovoltaic (PV)

Technology that converts light directly into electricity.

Place of Worship

An assembly land use primarily providing meeting areas for the support of religious activities, services, and study. The term includes, but it's not limited to: church, temple, mosque, and synagogue.

Portable Building

A building not intended for residential use consisting of one or more modules constructed off the ultimate site of use and transported to that site.

Post-FIRM

Development for which construction started on or after March 16, 1981.

Pre-FIRM

Development for which construction started before March 16, 1981.

Premises

A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as a unit of real estate.

Principally Above Ground Structure

A structure whereby at least 51% of the actual cash value of the structure is located above ground.

Principal Structure

Any building or other structure occupied or used for the purpose of conducting the principal use of the property.

Principal Use

A use which falls under one of the categories listed in the Table of Permitted Uses, which is the primary and chief purpose for which a lot is used.

Professional Services

Establishments that specialize in performing professional, scientific, and technical activities for others. Examples include, but are not limited to, the following: accountants, architects, attorneys, dentists, doctors, engineers, real estate agents, and veterinarians.

Public Body

Any government or governmental agency of the Orange County, the State of North Carolina, or the United States of America.

Public Hearing

A hearing opened at any ~~regular~~ meeting of ~~either~~ the Board of County Commissioners to solicit public comment on a proposed legislative decision or the Board of Adjustments.¹⁶⁴

Public Interest Area

¹⁶⁴ The term "evidentiary hearing" is now used for quasi-judicial matters, which are proposed to be heard only by the Board of Adjustment. Statutes now use the term "legislative hearing" for the former term "public hearing" but staff is not suggesting the term "public hearing" be replaced in the UDO because of the potential confusion it would cause among the public. The term "regular" is no longer used for BOCC meetings due to statutory definitions.

- f) Any commercial or other non-residential space.

Residential Land Area

All portions of a parcel or tract of land intended to support residential development of any classification (i.e. single-family, multi-family, etc), including accessory uses, and all land necessary to comply with the provisions of this Ordinance. With respect to subdivisions and Conditional District projects, this term shall be construed as including streets located entirely within the residential portion(s) of the development, common open space, lands accepted for dedication for public purposes, and accessory and commercial uses when developed as part of a mixed use development project.

Residential Use

A use of property characterized by the use of a structure(s) for habitation by an individual, family, or group of unrelated individuals.

Resources Management Plan

A document and map, submitted as a part of a Major Subdivision, ~~Class A Special Use Permit application or a Major Subdivision, Conditional District Atlas Amendment with SUP~~ Conditional District application, that sets forth, in detail, the location of and the proposed methods for:

- a) Protection of natural resources (i.e. habitat maintenance, existing vegetation, and mitigation of environmentally sensitive areas),
- b) Ownership and maintenance of open spaces (common open space, proposed conservation easements, and landscape buffers)
- c) Provision of services (solid waste management to include recycling, storm water management (temporary and permanent), irrigation systems to include the source of water,
- d) The handling of land clearing debris.

Retail Use

An establishment focused on selling goods or merchandise to the general public for personal or household consumption and the rendering of services incidental to the sale of merchandise. Sale of goods or merchandise can be completed either by direct on-site purchase or through the receipt of a request/order of an item that is mailed or picked up by the purchaser. Term includes the rental of durable/convenience goods, merchandise, and equipment.

Retreat Center

An assembly land use operated as a commercial activity.¹⁶⁵

Retrofitting

Measures, such as flood proofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riding Stable

An establishment for boarding, breeding, training or raising of horses, ponies, mules, and/or donkeys for a fee; and/or rental of horses, ponies, mules, and/or donkeys for riding, driving, and/or instruction. Exercise rings shall be considered accessory uses to a commercial stable. Smaller scale events, such as horse shows expected to generate less than 80 traffic trips per day, may be held no more often than once per month. The operator of a commercial stable may reside on the property to ensure the continuous care of animals kept on the site.

Riparian Area

An area that is adjacent to a body of water.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

¹⁶⁵ Correct punctuation.

Road

See "Street."

Rooming House

A host occupied dwelling unit where individual rooms are rented out for occupancy for weekly or longer periods. Individual rooms do not contain kitchen or cooking facilities for occupant use.

Rural Buffer¹⁶⁶

~~Land Designated lands in the Comprehensive Plan that are adjacent to an urban or transition area that is rural in character and which should remain rural and not require urban services. These lands are also designated in the Joint Planning Agreement between Orange County and the Towns of Carrboro and Chapel Hill.~~

Rural Community Activity Node Land¹⁶⁷

Land designated in the Comprehensive Plan that is focused on designated road intersections which serve as a nodal crossroads for the surrounding rural community and is an appropriate location for any of the following: church, fire station, small post office, school, or other similar institutional uses and one or more commercial uses.

Rural Designated

Property that is not located in Urban Designated areas as defined in these definitions.

Rural Heritage Museum

A facility which stores and exhibits objects of historical, agricultural, and/or cultural interest for the purpose of educating the public about the rural heritage of Orange County and surrounding areas.

Rural Industrial Activity Node¹⁶⁸

Land designated in the Comprehensive Plan that is focused on designated road intersections which serves as a nodal crossroads for the surrounding rural community and is an appropriate location for small-scale industrial uses which do not require urban type services.

Rural Neighborhood Activity Node¹⁶⁹

Land designated in the Comprehensive Plan that is focused on designated road intersections within a Rural or Agricultural Residential area that is appropriate for small-scale commercial uses.

Rural Residential Land¹⁷⁰

Land designated in the Comprehensive Plan that is in the rural areas of the County that is an appropriate location for low intensity and low density residential development which are not dependent on urban services.

Rural Special Event

A temporary or seasonal commercial activity that occurs on a bona fide farm and which is expected to attract more than 20 people at any given time.

Salvage yard

¹⁶⁶ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan ~~and JPA.~~

¹⁶⁷ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

¹⁶⁸ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

¹⁶⁹ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

¹⁷⁰ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

A sign that does not meet the requirements of this Ordinance and which has not received legal non-conforming status and which does not have permit authorization, if required, under the terms of previous ordinances.

Sign, Illuminated

A sign illuminated in any manner by an artificial light source.

Sign, Indirectly Illuminated

A sign that is lighted by a light source not seen directly.

Sign, Inflatable

A sign that is inflated to take on a specific shape or figure that is utilized to attract attention to a business event or location, special event, or parcel of property for commercial purposes. Inflatable signs are commonly utilized to announce special sales or events. ~~As per the Orange County Sign Ordinance, Inflatable Signs shall be prohibited throughout the County. Any individual erecting an inflatable sign shall be subject to an immediate notice of violation and be required to remove the sign within the time it would normally take to deflate the sign.¹⁷¹~~

- Examples of inflatable signs include:



Sign, Internally Illuminated

A sign whose light source is concealed or contained within the sign itself, and which becomes visible in darkness by shining through a translucent surface.

Sign, Landmark

A sign advertising that a specific structure or site is considered historically significant and is listed in the National Register of Historic Places, U.S. Department of Interior, or designated by local ordinance in accordance with guidelines issued by the U. S. Department of Interior.



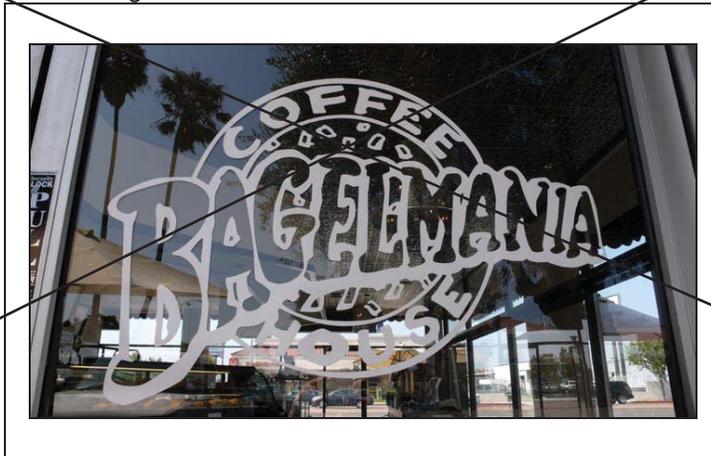
Sign Maintenance

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

¹⁷¹ This is not correct. Inflatable signs are allowed, per Section 6.12.11(D)(5).

stenciling of the name of a non-residential establishment and may include hours of operation, phone numbers, and other pertinent information associated with the non-residential land use.

- An example of a window sign includes:



Site Specific ~~Development Vesting~~¹⁷² Plan

A plan approved by the Orange County Board of Commissioners ~~in accordance with the Class A Special Use Permit process and~~ which describes, with reasonable certainty, the type and intensity of use for a specific parcel or parcels of property located within the County's zoning jurisdiction. A Site Specific ~~Development Vesting~~ Plan shall be deemed approved upon the effective date of the Board of Commissioners' action.

Site Plans, ~~Special Use Permits, Conditional Use Districts,~~ Conditional ~~Zoning~~ Districts, and Preliminary Subdivision Plats may be approved as Site Specific ~~Development Vesting~~ Plans in accordance with the provisions of this Ordinance. Site Specific ~~Development Vesting~~ Plans are required only where an applicant wishes to vest his property rights for a period longer than that otherwise permitted by this Ordinance, ~~in accordance with NCGS 160D-108.~~

Solar Array – Accessory Use

Include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Solar Array – Large Facility

A solar facility located on a developed or undeveloped parcel of property producing more than 20 but less than 100 kilowatts of power that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, with the purpose of supplying power to existing land use(s) as well as the wholesale or retail sale of generated electricity

Solar Array – Public Utility

A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, producing more than 100 kilowatts of power with the primary purpose of wholesale or retail sales of generated electricity.

Solid Waste Disposal Facility

Any facility involved in the disposal of any hazardous or non-hazardous refuses or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities.

¹⁷² ~~This term was changed in NCGS 160D-108.~~

Solid Waste Disposal Site

Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

Special Event

A commercial activity, attracting at least 20 people at any given time, that does not involve permanent structures. Examples of special events are craft shows, small festivals, concerts, medical or veterinary clinics, and sites operated by businesses engaged in hosting outdoor social events such as picnics or receptions sponsored by a restaurant or caterer.

Activities which are not included in this definition include:

- a) Events of a personal or non-profit, nature such as family reunions and church activities;
- b) Farm-related or rural events such as horse shows, 4-H events and auctions; and
- c) Fund-raising events for non-profit organizations.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in Section 1.1.3 of this Ordinance, as defined by the base flood elevation.

Special-Purpose Unit of Government

Any special district or public authority.

Special Use

A use which would not be appropriate generally throughout the zoning district or without special study, but which, if controlled as to number, area, location or relation to neighborhood, would be appropriate. Such uses which are listed as Special Uses in the Permitted Use Table, Section 5.2, may be installed and operated only after approval by ~~the Board of Commissioners or by~~ the Board of Adjustment, ~~as appropriate~~, subject to the general and specific standards.

Specified Anatomical Areas

- (a) Less than completely and opaquely covered human: (i) genitals, pubic region, (ii) buttocks, or (iii) breast below a point immediately above the top of the areola; or
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy; or
- (c) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or breasts.

Starch, Vegetable Fats, and Oils Manufacturing

Establishments primarily engaged in creating a finished oil based product by:

- (a) Wet milling corn and vegetables;
- (b) Crushing oilseeds and tree nuts;
- (c) Refining and/or blending vegetable oils;
- (d) Manufacturing shortening and margarine; or
- (e) Blending purchased animal fats with vegetable fats.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

State Agency

Every department, agency, institution, public authority, board, commission, bureau, division, council, member of Council of State, or officer of the State government of the State of North Carolina.

State Clearinghouse

The clearinghouse agency established by the North Carolina Department of Administration under the North Carolina Environmental Policy Act.

State Mandate

The minimum Rules adopted by the Environmental Management Commission for application to North Carolina's water supply watersheds, as required by the Water Supply Watershed Protection Act. The purpose of the Act, as stated in its opening paragraph, is "... to protect and enhance the quality of the State's surface water supplies by establishing a cooperative program of water supply protection to be administered by local governments consistent with statewide management requirements established by the Environmental Management Commission (EMC)." (See related definition "Water supply watershed").

Stockyard / Livestock Market

A facility where livestock are kept temporarily awaiting purchase and/or transport; such facilities may include enclosed pavilions, grandstands, paddocks, and stalls.

Storage of Goods

A land use where secured space, indoors or outdoors, is rented to tenants for the safeguarding and/or keeping of general merchandise, refrigerated goods, and other personal items on a short or long term basis.¹⁷³

Stormwater Collection System

Any conduit, pipe, channel, curb, or gutter for the primary purpose of transporting (not treating) run-off. A stormwater collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provisions of 15A NCAC 2H 1003(c)(1).

Stormwater Control Measure (SCM)

A structural or non-structural management-based practice used singularly or in combination to reduce non-point source pollution to receiving waters in order to achieve water quality protection and water quantity limitation goals. (See also, Detention Pond and Engineered Stormwater Controls). The term takes the place of what was originally referred to, and defined as a 'Best Management Practice' or 'BMP'.

Stream

A body of concentrated flowing water in a natural low area or natural channel on the land surface.¹⁷⁴

Stream Buffer

An area of land adjacent to a stream or a FEMA-identified floodplain, whichever is greater, which, except as permitted within this Ordinance, must remain undisturbed in its natural state. Streams are identified by any of the following means:

- a) Shown as solid blue lines or as broken blue lines on the USGS Quadrangle maps,
- b) Shown as a water feature in the Orange County Soil Survey, or

¹⁷³ Correct punctuation.

¹⁷⁴ Add punctuation.

Structure

~~Any walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is built or constructed principally above ground, constructed or erected to a height of 30 inches or more, including but not limited to load bearing walls, columns, beams or girders. Any building used or intended for supporting or sheltering any use or occupancy.¹⁷⁵~~

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 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 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.
- d) 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.

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:

- a) Create more than five lots for conventional design options, or more than 12 lots for flexible development, including the residual acreage, from any one tract of land in any 24 month period;
- b) Dedicate or improve any new public street other than widening an existing public street;
- c) Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;
- d) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots; and
- e) 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

¹⁷⁵ This is the definition from the NC Building Code, to which local regulations are now required to conform.

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

A combination of footers, piers, caps, and shims that will, when properly installed, support the mobile home. Masonry walls may be installed as a cosmetic feature.

Taxidermy

The practice of preparing and preserving the skins of animals and of stuffing and mounting them in lifelike form.

Telecommunication Facilities, Accessory Use

A use incidental to, subordinate to, and subservient to the principal use of the property. As defined in this section an accessory use is a secondary use.

Telecommunication Facilities, Antenna

A system of electrical conductor communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Telecommunication Facilities, Applicant

Any wireless service provider or wireless support structure owner submitting an application for a wireless facility.

Telecommunication Facilities, Application

A formal request, containing all necessary and required documentation, submitted to Orange County to construct or modify a wireless support structure or a wireless facility.

Telecommunication Facilities, Base Station

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

Telecommunication Facilities, Building Code

The most recently adopted or amended edition of the North Carolina State Building Code.

Telecommunication Facilities, Building permit

An official Orange County administrative authorization to begin construction consistent with the provisions of N.C.G.S. [453A-357-160D-403](#).

Telecommunication Facilities, Collocation

The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

structures that can be used as a support structure for antennas or the functional equivalent of such. If further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

Temporary Custodial Care Unit

A transportable residential structure facilitating a caregiver's provision of short or long term care for a mentally or physically impaired person that is primarily assembled offsite, has no more than 1,000 gross square feet, and complies with applicable standards of the North Carolina State Building Code and/or Department of Housing and Urban Development (HUD). Temporary custodial care units shall not be installed on a permanent foundation and shall be classified as an accessory use to a single family detached dwelling unit. Includes mobile homes and temporary health care structures.

Temporary Residential Mobile Home

A mobile home, intended for residential use for a limited period of time, for purposes of providing temporary residential space during the installation of a replacement mobile home or construction of a stick-built or modular residential unit on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home is not attached to a permanent or semi-permanent foundation.

Temporary Residential Unit

A residential unit occupied for no more than 180 days and connected to temporary utility services. The term includes recreational vehicles, travel trailers, recreational park trailers, FEMA trailers, etc.

Temporary Use Building

A building, not intended for residential use, consisting of one or more modules constructed off the ultimate site of use. The building is also not attached to a permanent or semi-permanent foundation.

Ten-Year Transition Land¹⁷⁶

Land designated in the Comprehensive Plan as being located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities and/or intensities and could be provided with public utilities and services within the first 10-year phase of the Comprehensive Plan update or where such utilities and services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.

Textile Mills

Land uses involved with the transformation of a basic fiber, natural or synthetic, into a final product which is further manufacturing-manufactured into usable items off-site.

Theater

A building or outdoor area in which performances are performed-performed or shown. The term does not include structures primarily constructed to support the holding and/or staging of sporting events where outdoor performances may be held as an accessory use.

Traffic Generation: Low

Uses which generate an average of less than 200 vehicle trips per day.

Traffic Generation: Medium

Uses which generate an average of between 200 and 800 vehicle trips per day.

¹⁷⁶ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

Traffic Generation: High

Uses which generate an average of more than 800 vehicle trips per day.

Transmission Lines

- a) For lines carrying electrical energy, transmission lines are those which carry 45,000 volts or more.
- b) For lines which carry liquids or gases, transmission lines are those operating or designed to operate at pressures of one hundred pounds per square inch or greater.

Travel Trailer

A structure that is:

- a) Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
- b) Designed for temporary use as sleeping quarters, but that does not meet the definition of a manufactured home.

Tree, DBH

Diameter at breast height of a tree, which is measured at 4.5 feet above ground surface level.

Tree, Critical Root Zone

The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone is approximately one foot of radial distance for every inch of tree's DBH, with a minimum of eight feet.

Tree, High Value

A tree that meets or exceeds the following standards: for pine species, 14" DBH or greater, or 18" or greater stump diameter, and for hardwood or wetland species, 16" DBH or greater, or 24" or greater stump diameter.

Trip Generation Rates

The total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

Twenty-Year Transition Land¹⁷⁷

Land designated in the Comprehensive Plan as being located in areas that are in the process of changing from rural to urban, that are suitable for urban-type densities and should be provided with public utilities and services within the second 10-year phase of the Comprehensive Plan.

Upward

In the context of outdoor lighting, the projection of light above the horizontal plane.

Urban Designated

Land that is located within a Transition Area as identified in the Land Use Element of the Comprehensive Plan and also within a Primary Service Area as defined by the Water and Sewer Management Planning and the Boundary Agreement and Map adopted December 3, 2001 and as either may be amended from time to time.

Utility Lines and Line Equipment

The local distribution system of public utilities and community systems which include electricity, telephone, water, sewage disposal, and cable television. These systems are for local distribution of services and are not intended to be used for transmission or as trunk lines for utilities. Distribution systems for electrical system shall not exceed 45,000 volts; the distribution system for liquids or gases are those operating at pressure of less than 100 pounds per square inch.

¹⁷⁷ Staff is suggesting that it be more clear that this type of designation comes from the Comprehensive Plan.

Variance

A relaxation of the literal terms of this Ordinance where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this Ordinance; establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

Variance, Minor, State Watershed Management

A variance from the minimum statewide water supply watershed protection rules that results in a relaxation by a factor of up to 10% of any management requirement under the low density requirement.

Variance, Major, State Watershed Management

A variance from the statewide water supply watershed regulations that results in the relaxation by a factor greater than 10% of any management requirement under the low density option or the relaxation of any management requirement that applies to a development project requiring construction of a BMP.

Vehicle Trip

A vehicle trip occurs when one vehicle travels from a point of origin to a point of destination.

Vested Right

The right to undertake and complete the development of a property under the terms and conditions of an approved Site Specific ~~Development-Vesting~~ Plan, provided, however, failure to abide by such terms and conditions shall result in a forfeiture of vested rights. The vested right is attached to and runs with the applicable property and may be exercised by successors to the original landowner.

The period during which a vested right is in ~~affect-effect~~ may be extended by amendments or modifications to the Site Specific ~~Development-Vesting~~ Plan. An application for an amendment or modification to an approved Site Specific ~~Development-Vesting~~ Plan shall be treated as a new application.

Once established, a vested right supersedes any zoning action which would affect ~~with~~ the type and intensity of use approved in the Site Specific ~~Development-Vesting~~ Plan, EXCEPT:

- a) Upon written consent of the landowner;
- b) Upon findings, after a public hearing, that if the development were to proceed, natural or man-made hazards would pose a serious threat to the public health, safety and welfare;
- c) To the extent that the landowner is compensated for costs and expenses other than loss of property value;
- d) Upon findings, after a public hearing, that the applicant or his/her representative(s) intentionally supplied inaccurate or misleading information which led to the approval of the project; or
- e) Upon findings, after a public hearing, that a change in a State or Federal law or regulation precludes development of the project as approved.

Vesting of rights does not preclude the application of overlay zoning districts which impose additional regulations, provided that the regulations are applicable to all property subject to this Ordinance, and the allowable type and intensity of use is not affected.

The vested right terminates at the end of the approved vesting period for buildings and uses for which building permits have not been issued. Building permits do not expire during the approved vesting period.

Veterinary Clinic

A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals not involving overnight care.

Veterinary Hospital

A facility staffed by at least one licensed veterinarian for the specialized treatment of large and/or small animals, which may involve overnight care.

Violation

The failure of a structure, use or development to be fully compliant or is inconsistent with any provision of this Ordinance. A structure or other development without the elevation certificate, other certifications, or

other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Volume/Capacity Analysis

The procedures used to compare the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures are described in the 1965 Highway Capacity Manual, Highway Research Board Special Report 87.

Walls, Primary

Walls containing primary windows and/or main exterior entrances to individual living quarters when directly facing the primary wall or other living quarters.

Walls, Secondary

Walls containing only secondary, or secondary and tertiary, windows.

Walls, Tertiary

Windowless walls or walls containing only tertiary windows.

Wastewater Treatment Facility

A system of wastewater collection, treatment, and disposal in single or multiple components, including ground absorption systems, non-discharge systems, and systems that discharge effluent to the surface waters, and any other system as may be permitted by the Orange County Health Department or the State of North Carolina. (ref. NCGS Article 11, Chapter 130A)

Waterbody, Perennial

A natural or constructed basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries, and oceans. For the purpose of stormwater provision of this Ordinance, the waterbody must be part of a natural drainageway (i.e. connected by surface flow to a stream).

Water-Dependent Structure

Any structure for which the use requires access to or proximity to or ~~siting~~-siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

Water Feature

A prominent aspect or characteristic of a geographic area that exhibits verifiable evidence of a presence of water in the soil. Examples of water features include, but are not limited to, perennial and intermittent streams, lakes, ponds, reservoirs, springs, artesian wells, irrigation wells, marshes or swamps, wetlands, and natural drainage ditches (non-ephemeral).

Water surface elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Supply, Public

A water supply system that serves a city or town located partly or entirely within Orange County that has a population in excess of 2,500.

Water Supply Watershed (or Protected Watershed)

Land that drains to existing reservoirs which are public water supplies or potential reservoir sites or stream intakes which have been designated for protection. All such lands have been classified by the Environmental Management Commission as WS-II, WS-III or WS-IV watersheds and require protection in accordance with the State Mandate. (See definition for "State Mandate").

Water Supply Watershed Critical Area, County Designated

The land area within one-half mile of the normal pool elevation (or designated elevation) of an existing Class II water supply reservoir, or the ridgeline of the watershed, whichever is less; and the land area within one-half mile of the normal pool elevation (or designated elevation) of a proposed water supply reservoir designated for protection, or the ridgeline of the watershed, whichever is less; and the area within one-half mile of streams flowing into Class I reservoirs, as designated for protection within this Ordinance.

Water Supply Watershed Critical Area, State Required

The land area within one-half mile of the normal pool elevation of water supply reservoirs in which an intake is located (i.e., Class I reservoirs), or the ridgeline of the watershed, whichever is less.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Definition taken from EPA regulations at 40 CFR Section 230.3(t) and COE Regulations at 33 CFR Section 328.3(b), as of July 2nd, 2002)

Wholesale Trade

A land use involved, without transformation or alteration of the product, with the sale of merchandise to clientele in bulk.

Windows, Primary

Principal windows in habitable rooms except bedrooms and kitchens.

Windows, Secondary

Windows of habitable rooms other than primary windows.

Windows, Tertiary

Windows other than for habitable rooms.

Winery, production only

A facility utilized for making wines for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Winery with Minor Events

A facility utilized for making wines for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning-district or special use permit approval.

Winery with Major Events

A facility utilized for making wines for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning-district or special use permit approval.

Yard Space, Front

The required open space extending the full width of the lot and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot line.

The following pages contain proposed amendments to
Orange County's 2030 Comprehensive Plan



Appendix F: Land Use and Zoning Matrix

Appendix F. Relationships Between Land Use Classifications and Zoning Districts

Per the Orange County Unified Development Ordinance, zoning districts are applied to Land Use classifications and overlays in accordance with this appendix. A matrix is provided at the end of this appendix that links the zoning districts to the land use classifications and overlays listed.

TRANSITION LAND USE CLASSIFICATIONS

CHAPEL HILL AND CARRBORO TRANSITION

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

10-Year Transition

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses, and Zoning Overlay Districts.

20-Year Transition

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses.

COMMERCIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/RM (Office/Research and Manufacturing).

COMMERCIAL INDUSTRIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed. The applied zoning districts include: I-1 (Light Industrial); I-2 (Medium Industrial); I-3 (Heavy Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3



Appendix F: Land Use and Zoning Matrix

(Community Commercial); GC-4 (General Commercial); and O/RM (Office/Research and Manufacturing).

ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE

Identifies areas along major transportation corridors that may be in proximity to 10-Year or 20-Year Transition areas of the County which have been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning districts are EDB-1 (Economic Development Buckhorn Lower Intensity), EDB-2 (Economic Development Buckhorn Higher Intensity), EDE-1 (Economic Development Eno Lower Intensity), EDE-2 (Economic Development Eno Higher Intensity), EDH-1 (Economic Development Hillsborough Linear Office), EDH-2 (Economic Development Hillsborough Limited Office), EDH-3 (Economic Development Hillsborough Limited Office with Residential), EDH-4 (Economic Development Hillsborough Office), and EDH-5 (Economic Development Hillsborough Office/Flex).

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER

Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL

Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R-1 (Rural Residential).

AGRICULTURAL RESIDENTIAL

Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

RURAL COMMUNITY ACTIVITY NODE

Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL NEIGHBORHOOD ACTIVITY NODE

Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL INDUSTRIAL ACTIVITY NODE

Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I-1 (Light Industrial).

OVERLAYS

PUBLIC INTEREST AREA

These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).



Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Overlays		ZONING DISTRICTS																									
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	O/RM	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	ASE- CZ CD	MPD- CZ CD	HP- CZ CD	R- CD	NR- CD	
Transition	Chapel Hill Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement-																									
	Carrboro Transition	Contact appropriate Municipality for applicable Zoning Standards																									
	10-Year Transition			◆	◆	◆	◆														◆			◆	◆	◆	◆
	20-Year Transition			◆	◆	◆	◆														◆			◆	◆	◆	◆
	Commercial Transition Activity Node							◆	◆	◆	◆		◆								◆		◆	◆			◆
	Commercial-Industrial Transition Activity							◆	◆	◆	◆		◆	◆	◆	◆					◆		◆	◆			◆
	Economic Development Transition Activity Node																	◆		◆			◆			◆	
Rural	Rural Buffer	◆																				◆		◆	◆	◆	
	Rural Residential			◆																		◆		◆	◆	◆	
	Agricultural Residential		◆																◆			◆		◆	◆	◆	
	Rural Community Activity Node						◆	◆														◆	◆		◆	◆	
	Rural Neighborhood Activity Node						◆	◆														◆			◆	◆	
	Rural Industrial Activity Node												◆									◆			◆	◆	
Overlay	Public Interest Area																				◆						

Amended 02-13-17

APPROVED 11/8/2012; AMENDED 11/5/2015, 11/14/17

Attachment 3

PLANNING BOARD POLICIES AND PROCEDURES

SECTION I: SCOPE

A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Planning Board.
2. The Orange County Board of Commissioners may appoint an advisory board whose duty is to serve in an advisory capacity to Orange County Board of Commissioners.

B. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. The Orange County Advisory Board Policy serves as the underlying policy document to which the Planning Board, in addition to this policy and procedure document, is subject. The Orange County Advisory Board Policy is attached hereto as "Exhibit A".
3. In the event that there is a conflict between the Orange County Advisory Board Policy and this Policies and Procedures document this Policies and Procedures document shall control.

C. Charge

1. The charge of the Planning Board is contained in Section 1.6.3 of the Orange County Unified Development Ordinance.

The purpose for which the Planning Board was formed: to serve in an advisory capacity to the Orange County Board of Commissioners in regards to planning, zoning, and subdivision matters, as provided in Section 1.6.3 of the Orange County Unified Development Ordinance.

SECTION II: GOALS AND OBJECTIVES

A. Goals

1. The Planning Board shall carry out the duties contained in Section 1.6.3 of the Orange County Unified Development Ordinance to the best of its ability.

B. Objectives

1. Acting under the directives of the Board of County Commissioners and

APPROVED 11/8/2012; AMENDED 11/5/2015, 11/14/17

with County staff, the Planning Board shall pursue the duties contained in Section 1.6.3 of the Orange County Unified Development Ordinance.

SECTION III: MEMBERSHIP

A. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.

B. Composition

1. Planning Board composition is detailed in Section 1.6.1 of the Orange County Unified Development Ordinance. Additional membership requirements are listed in said Section of the UDO.
2. The Planning Board does not have alternate members.
- ~~2-3.~~ Appointments to the Planning Board made to fill vacancies shall be for the unexpired term, if there are less than two years remaining in the unexpired term, and shall not be counted as a term in determining eligibility for reappointment.¹

C. Oath of Office

1. All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by NCGS-153A-26.²

~~C~~D. Chair, Vice Chair, and Secretary

1. The Planning Board shall elect by majority vote a Chair and Vice Chair from among its members at the regular meeting in January of each year.
2. Chair and Vice Chair terms of office shall correspond to the requirements of the Orange County Advisory Board Policy.

¹ This is an existing provision in Section 1.6.2, a section which is being deleted due to redundancy with the General Advisory Board Policy and the Planning Board Policies and Procedures, coupled with long-standing procedure for the Planning Board (specifically, the clarification "if there are less than two years remaining in the unexpired term"). This is the only existing rule in Section 1.6.2 that is not covered in the General Advisory Board Policy. Continued administration of this Board-specific procedure ensures that the existing intent of having terms expire in a staggered manner continues; this can be important in ensuring that experienced members do not leave the Board en masse due to term expiration dates.

² NCGS 160D-309 has added an oath of office requirement for Planning Boards.

APPROVED 11/8/2012; AMENDED 11/5/2015, 11/14/17

3. The Secretary of the Planning Board shall be the Planning Director or his/her designee.
4. The Chair and Secretary shall ensure that each Planning Board member is presented with a copy of the Planning Board's charge, scope of authority, membership responsibilities, and code of conduct when the Planning Board member is appointed to the Planning Board.
5. If requested by the Board of County Commissioners Chair, the Planning Board Chair, or Vice Chair in the Chair's absence, shall attend public hearings and Board of County Commissioners meetings at which a decision is scheduled for items on which the Planning Board has made a recommendation.

SECTION IV. MEETINGS

A. Staffing

1. The Planning Director shall perform the duties set forth in Section 1.6.4 of the Orange County Unified Development Ordinance.

B. Agendas

1. Items for agendas shall be approved by the Planning Board Chair and staff.
2. The designated staff will develop and distribute to each member an agenda listing the matters to be considered at upcoming advisory board meetings. The regular meeting agenda and materials shall be distributed at least seven (7) calendar days before the regular meeting

C. Date, Time, and Location of Regular Meetings

1. Regular Meetings of the Planning Board shall be held on the first Wednesday of each month. The start time and location of the meeting shall be included on the agenda and shall typically be 7:00 p.m. at the Orange County West Campus Office Building located at 131 West Margaret Lane, Hillsborough. The Planning Board Chair, in consultation with staff, shall have the authority to change the start time and location of a regular meeting to meet any special circumstances, provided the information is included on the distributed agenda.

D. Notice of Meetings

1. Notice of regular Planning Board meetings and agendas shall be made available to all members and interested parties, and to any person who requests such notice, at least seven (7) days in advance of the meeting by e-mail and by posting on the Orange County government website.

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- ~~2. Notice of public hearings shall conform to the notice requirements of Section 2.3.6 and/or 2.8.7, as applicable, of the Orange County Unified Development Ordinance.~~
- ~~3. Agenda materials for public hearings shall be distributed to Planning Board members and posted on the Orange County government website for interested parties a minimum of ten (10) calendar days prior to the public hearing.~~³

E. Public Hearings

1. Planning Board members shall be encouraged to attend public hearings held by the Board of County Commissioners for items the Planning Board has reviewed.

F. Neighborhood Information Meetings

1. Planning Board members shall be encouraged to attend Neighborhood Information Meetings (NIMs) ~~for Class A Special Use Permits and Conditional Zoning Districts that are required in Article 2 of the Unified Development Ordinance.~~ At-Large members and members representing the Township in which a particular development project is proposed are specifically encouraged to attend the NIM.
2. Planning Department staff shall keep Planning Board members informed of upcoming ~~Class A Special Use Permit and Conditional Zoning District required~~ -NIMs via e-mailed messages. Said e-mail messages shall be sent to Planning Board members on the same date, or shortly after, the notifications are mailed to adjacent property owners.

SECTION V. ORIENTATION

A. Attendance

1. Each member shall attend an orientation presented by the Orange County Staff to familiarize the advisory board members with the operation of County government, the Planning Department rules, and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within six weeks of his or her appointment and participate in at least one meeting with the staff.

SECTION VI. BY-LAWS

³ These sections are no longer relevant and should have been removed when the public hearing process was revised in 2017. Prior to 2017, the Planning Board and Planning staff prepared the "joint public hearing" agenda materials. The review process was changed in 2017 to have the Planning Board review items before the formal BOCC public hearing.

APPROVED 11/8/2012; AMENDED 11/5/2015, 11/14/17

A. By-Laws

1. Any Bylaws adopted by the Planning Board are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document.
2. Should the Planning Board determine modifications to policies and procedures are necessary the Planning Board may petition the Board of County Commissioners for such modifications.

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MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
APRIL 7, 2021
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.
Members of the Planning Board, staff and public participated remotely)

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Susan Hunter, Chapel Hill Township Representative; Lamar Proctor, Cheeks Township Representative; Randy Marshall, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Whitney Watson, At-Large Representative; Charity Kirk, At-Large Representative

MEMBERS ABSENT: Gio Mollinedo, At-Large Representative, Kim Piracci, Eno Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Support

OTHERS PRESENT: Fiona Johann, Beth Bronson

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL
Chair David Blankfard called the meeting to order.

AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – “160D” LEGISLATION – To make a recommendation to the Board of County Commissioners on UDO text amendments related to State legislation that is referred to as 160D (a reference to the statute section). The amendments are also require changes to Appendix F of the Comprehensive Plan and to the Planning Board Rules of Procedure. This item is scheduled for BOCC public hearing on May 4, 2021.

Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz reminded the Board that the item was reviewed at the March 3, ORC meeting and at the conclusion of that meeting the Board decided they did not need to see the presentation again. She reviewed the recommendations for the Planning Board to consider.

Charity Kirk: I have a question about how you notify people; a half a page ad in a newspaper seems potentially ineffective in this day of people not having newspapers subscriptions. I was wondering if you could talk about why that was chosen.

Perdita Holtz: We are not necessarily, choosing to do this. Currently, before 160D and for many years, statutes allowed for local governments to place a half page ad in a paper for large scale amendments. Orange County never adopted that provision. We have always done mailed notifications. However, our County Attorney's office feels that we need to include the option in the UDO so that we are in conformance with the State regulations that allow local governments to do this. We don't really anticipate that something like that would be used unless it's for a project that already had a public participation component leading up to amendments so that people would be informed, they would already know that something was going on.

Lamar Proctor: In terms of that notice, are these things put on the Orange County website? The notice in the newspaper ad or the signage that appears next to parcels where there's a zoning amendment or letters, do those reference back to the website. I have the same kind of concern that Charity has. I've looked at 160D and I know that it's an option for the 50 parcels or greater that you can do that with the newspaper. I guess the legislature thinks that people still get newspapers. I was wondering in terms of informational purposes whether we put that kind of stuff on the website.

Perdita Holtz: The Planning Department has a section on the website called Current Interest Projects where we put projects that are currently being considered, not only for rezonings but also for Special Use Permits and things like Major

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57 Subdivisions. When the notification letters go out, information is included in the letters on accessing the website to learn
58 more. Sometimes depending on the scope of the project, things go out in the weekly email that our Public Information
59 Officer does or depending on the scope of the project, he might also post something on Facebook.

60
61 Lamar Proctor: In terms of the days of notice, it's not more than 25 days and not less than 10. My concern is why can't
62 we just do 25? I've seen several examples of a 10 day notice for letters or whatever it is, it gets mailed on a Friday, postal
63 service has issues, people get it on a Thursday and then it references a meeting on a Monday or Tuesday. If they take a
64 long weekend then it's sorry, they don't know. I've seen examples in our community where people find out about things in
65 passing amongst neighbors and interested parties by a hair's breadth. So was there any talk or consideration of making it
66 the maximum that you are allowed, 25 days, to give people proper notice.

67
68 Perdita Holtz: We do almost always send out notices well in advance of 10 days. I think the County Attorney's office would
69 have a concern about saying we will do 25 days because statutes allow you to do 10 and they feel that our UDO should
70 conform to the language in the statutes. I also want to point out that Orange County sends out notices for the Planning
71 Board meeting which is not required by statutes, we send out meetings to property owners within 1000 feet of a parcel and
72 statutes require only abutting property owners be notified so Orange County already goes far beyond what statutes require
73 for notice. There would also be concerns about saying we are going to do 25 when we normally send them out about 15
74 days in advance because of the way our cycles work. There might be instances where an applicant is still trying to get
75 some things worked out and to hold up the notice because they were a day late from 25 days, as you suggest, would add
76 another month to the process.

77
78 Lamar Proctor: Personally, I'm looking at this as a community member, I would love to see it be at least 15 days. I think
79 the general language is notice shall be posted or mailed a minimum of 10 days prior. It's kind of permissive language,
80 meaning you can do it more. There were other notices, weren't there for 15 days?

81
82 Perdita Holtz: Yes, you can do it more than 10 days but it can't be more than 25 days in advance. Yes, I believe there
83 was one either for the Comp Plan or SUPs that required 15 days. We are now standardizing it all to be in conformance
84 with State statutes.

85
86 Lamar Proctor: I understand the conformity and I think the uniformity within our own UDO is to notice so you don't have to
87 say, it's 15 for this and 17 for that, 12 for that. That's ridiculous. My position is that I would like the minimum to be greater
88 than 10 days because I think there are instances where people don't get proper notice because of the timing of things.
89 That's one thought I had. My other concern was the exclusions being removed on page 158, I don't understand the history
90 of those exclusions. When I read about a non-residential Conditional Use District that is really a blank slate, other than
91 some limitations within the Rural Buffer, that combined with removing exclusions, makes me think that there could be a
92 Conditional District approved for a crematorium in somebody's backyard or something that clearly fell within the exclusions
93 previously and is now going to be game on for anything, anywhere other than what's specifically excluded in the NR-CD
94 list.

95
96 Perdita Holtz: I understand the concern but there's also another piece to the puzzle which is Appendix F of the
97 Comprehensive Plan that shows which land use classifications that NR-CD can be applied to. That is found on the very
98 last page of the amendment packet, page 348. NR-CD would be allowed for consideration in all of the land use
99 classifications because currently the Conditional Use District also is allowed for consideration in all those classifications. I
100 understand that it is correct that you could now apply for these uses where previously, you could not. When Conditional
101 Use Districts were set up, at least in the '90s if not earlier, the people who set them up said we don't want these uses to be
102 considered.

103
104 Lamar Proctor: When I read this and I think about worst-case scenario, I see a 10-day notice requirement for a zoning
105 change with an NR-CD or Conditional District that allows anything. Anything is on the table unless it's in the Rural Buffer.
106 If there are a few landowners that are abutting or its homeowners that aren't concentrated around a parcel, they miss it
107 and they are out of luck.

108
109 Perdita Holtz: Conditional Districts, as they are now called, require a Neighborhood Information Meeting so there are
110 multiple steps that happen before notices for a Planning Board meeting or a Public Hearing ever goes out. For instance,
111 on page 68 there are the requirements for a Neighborhood Information Meeting for Conditional Districts. Notices for

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112 Neighborhood Information Meetings are sent out 14 days prior and it is a 1,000 feet requirement and a sign is also
 113 required to be posted on the property.

114
 115 Lamar Proctor: My concern is notice, there are plenty of spots where notice gets sent but they seem to be shrinking under
 116 these amendments. Is there a mechanism when there is an application for a zoning amendment that would include an
 117 informational meeting in front of the County Commissioners prior to the Planning Board considering it? It feels like these
 118 applications go out and come through the Planning Board and then we get surprised or even they get surprised at what is
 119 being put in front of them. Is there any mechanism that could be initiated or put in place where there is an application and
 120 then there is an informational session with the Board of Commissioners at a Public Hearing that says this is a zoning
 121 change that's being applied for, the process has starting and we're letting you know this is coming and we are following the
 122 process next where the Commissioners are put on notice and the public is put on notice. I feel like things kind of popped
 123 up and then interested parties hear about them by word of mouth and I want to make sure the public is getting the proper
 124 notice. Most people don't get newspapers anymore so those are some of my concerns regarding notice.

125
 126 Michael Harvey: When an application is submitted, staff has five business days to determine sufficiency. Once it's
 127 sufficient and formally accepted, that's when our internal clock for the UDO starts. There is an internal review by Planning
 128 Department staff and other County staff through our Development Advisory Committee (DAC), we then schedule the
 129 Neighborhood Information Meeting. With Conditional District applications, the Neighborhood Information Meeting is
 130 required to occur in a set timeframe before Public Hearing. Notices of the Neighborhood Information Meeting are sent to
 131 property owners within 1,000 feet. The notices have to be sent 14 days prior to the date of the Neighborhood Information
 132 Meeting and we post signs on the property. After the Neighborhood Information Meeting it then goes to the Planning
 133 Board and there is a separate mailing required for Conditional District applications before the Planning Board, not required
 134 by State law but something the County is going to continue to do. After the Planning Board, there is a Public Hearing with
 135 a separate advertising component. There are three public meetings, Neighborhood Information Meeting, Planning Board
 136 meeting and Public Hearing with three separate advertisements for each application. As for an initial public review, at last
 137 night's meeting, there was a petition submitted by a County Commissioner to study whether or not we need to amend the
 138 Unified Development Ordinance to create a concept plan meeting where a conditional application would be reviewed by
 139 the County Commissioners before a Neighborhood Information Meeting is scheduled to offer comments to the applicant.
 140 That is in an infant stage in terms that we haven't been given formal direction by the BOCC to investigate that process but
 141 it is something that is being discussed. It was looked at several years ago but we were not authorized to submit the formal
 142 procedure to amend the UDO to include it but it is something the BOCC is tinkering with having us look at again.

143
 144 Craig Benedict: It did come up last night and it will be referred to BOCC Chair/ Vice-Chair to be discussed and will include
 145 the County Manager/Deputy Manager and myself on what modifications could be necessary to have such a process. The
 146 reason it wasn't followed through with before was in the interest to have as much technical input on an application to offer
 147 to the applicant before someone looks at an application that might not be fully vetted. It may be part of our process that
 148 after all the various departments, NCDOT, Emergency Services, Fire, everybody makes their comments, and we let
 149 everybody know that we are looking at the aspects of an application. Then maybe there's another opportunity for the
 150 public to see it sooner rather than later. It might not – they thought having an un-vetted project by all those different
 151 internal agencies would make it look like the work was not being done.

152
 153 Lamar Proctor: Board of Adjustment is appealed to Superior Court and does not go before the County Commissioners?

154
 155 Perdita Holtz: Correct.

156
 157 Lamar Proctor: The minimum 10 days and the removal of the exclusions is a huge deal and I question that. It seems to
 158 be something that is part of the history of our UDO and now it's wide open and those exclusions are removed. Those are
 159 my concerns.

160
 161 Perdita Holtz: Maybe it would help you to know, all of these uses are allowed somewhere already they just weren't going
 162 to be allowed as a Conditional Use District but they are allowed in certain Zoning Districts if you look in the Table of
 163 Permitted Uses. It's not like these uses were not allowed anywhere, all of these use types occur in the Table of Permitted
 164 Uses as allowed somewhere.

165
 166 Lamar Proctor: For some specific zoning, all of it is allowed?

167

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168 Perdita Holtz: Correct. These were not prohibited Countywide uses.

169

170 Lamar Proctor: I saw on Special Use Permits, the Planning Director is allowed to modify those by, there's a list, for minor
171 changes and I think that's under 2.7.14; how many times can an applicant come back for a minor modification like that?

172

173 Perdita Holtz: There isn't a limit to how many times they can come back but I will say, it's exceedingly rare.

174

175 Craig Benedict: In my 22 years, less than five times. It is exceedingly rare because our SUP conditions that are approved
176 are very finite and specific to the project.

177

178 Lamar Proctor: Asking directly about the 10 days, could we just make it 15 days? Is that crazy?

179

180 Perdita Holtz: The Planning Board could vote to recommend that it be 15 days and it could go to the Board of County
181 Commissioners as the Planning Board's recommendation.

182

183 Lamar Proctor: The exclusions used to apply to Conditional Districts and the new UDO would remove that exclusion list,
184 correct?

185

186 Perdita Holtz: It used to apply to Conditional Use Districts which no longer are allowed to be a zoning mechanism in North
187 Carolina. The whole construct of Conditional Use Districts is gone.

188

189 Lamar Proctor: Under 1.6.2 that whole section was stricken and I think the footnote says it's in policy documents, does
190 taking that out of the UDO change it in substantive way?

191

192 Perdita Holtz: No, unless you consider that changing it would currently require a UDO text amendment whereas changing
193 it in the future would only require an amendment to the Planning Board Rules of Procedures.

194

195 Craig Benedict: When the UDO was developed there was no separate policy mechanism for the advisory boards and over
196 the last 10 years the Commissioners and Attorneys' Office have put together policies for each of the advisory boards.

197

198 Lamar Proctor: Who can make the Planning Board amendments? If it's just a policy?

199

200 Perdita Holtz: It could start with staff, the Planning Board, or BOCC but the BOCC has to approve it.

201

202 Lamar Proctor: I would love to see that 10 days become 15 days, that's a motion by me. Instead of a uniform 10 days
203 make it a uniform 15 days.

204

205 **MOTION BY** Lamar Proctor to require 15 days instead of 10 days for mailings. Seconded by Alexandra Allman.

206

207 Lamar Proctor Yes

208 Charity Kirk No

209 Adam Beeman: No

210 Carrie Fletcher No

211 Whitney Watson No

212 Randy Marshall: No

213 Susan Hunter: No

214 Alexandra Allman Yes

215 Melissa Poole: No

216 David Blankfard: No

217 **MOTION FAILED 8 – 2**

218

219 Whitney Watson: I want to go back to the notice question, especially any kind of posted signage, while the UDO had
220 plenty of places where it's very prescriptive, I'd like to add one more. Signage that's posted in a yard or the right-of-way
221 needs to meet standards for legibility and readability just like we expect billboards to be able to be read when someone is
222 driving by at 35 mph. There are a number that pop up around that western side of Orange County that I just can't read. If

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223 that could somehow be specified. I'm sure the DOT folks could tell you how big the letters need to be to be seen at various
224 speed limits.

225
226 Perdita Holtz: If I could address that, the County does attempt to put a lot of information on those signs. I don't know if
227 you have seen other places in North Carolina where you'll see an 8 ½ x 11 yellow sign that just has a Z on it, which means
228 zoning, and it has the phone number for the planning department. That is how a lot of places advertise that something is
229 happening on the property. We could go to something like that. Having a sign with all the information that we attempt to
230 put on it could result in a 4 ft. by 8 ft. sign and staff puts those up and staff does it in a County vehicle or personal vehicle
231 and that would be pretty big to fit into those vehicles. If there is a general feeling that the sign needs to be larger, we
232 would need to take a look how much we actually try to put on the sign and whether we should try to emulate the Z signs
233 that so many other places use.

234
235 Craig Benedict: Maybe with a website address and a phone number and then with the big Z. That is what people are
236 using now for information gathering.

237
238 Adam Beeman: Maybe not even a bigger sign but taller poles to stand it on so it isn't so low to the ground. That may help
239 visibility.

240
241 Whitney Watson: I would be in favor of less information that is more readable and getting it up higher would be great.

242
243 Lamar Proctor: I agree with Whitney and I think this dovetails into my initial question about putting stuff on the website. I
244 think it gives better notice to people to have a big Z and say look there's something going on, go here and you can read
245 about it. You're trying to put as much information as you can and I think the big point of the sign is to put people on notice
246 that something is going on. They are not going to get the details from their car but they will get the notice if it's a larger Z
247 than if it's a small sign that could be easily be confused with a work permit or something.

248
249 Perdita Holtz: Understood, the current way it came to be is because people complained that there wasn't enough
250 information on the sign and they had to go somewhere else.

251
252 David Blankford: Can you also put the date of whatever is going to happen, like on April 10, 2021 and then people will
253 know something is happening that day and go find out what it is.

254
255 Michael Harvey: Just to remind the Planning Board that there are statutory minimum requirements you have to post the
256 date, time, location and nature of a public hearing. The problem is getting all that on a sign that the Department of
257 Transportation won't rip down. In the 16 or so years I've been here, we have attempted numerous different sign options
258 and as Craig and Perdita can attest, we've had several sign taken by the North Carolina Department of Transportation
259 over the years. We even had signs removed as part of the Efland Station project because the Department of
260 Transportation said they were too high or were too large and violated their sign policy. We have multiple avenues for
261 information being provided to local residents on the numerous projects that are reviewed by both the Planning Board and
262 the County Commissioners. We've been tasked with studying the issue again and we will do so. I'm not sure we can
263 come up with accommodations that will address everybody's concerns.

264
265 Carrie Fletcher: Since we have a lot of new members, can we go back to having the pre-meeting training sessions to help
266 get people more information on the conditional, non-conditional and some of the new terminology. Those kind of pre-
267 meeting instructional programs for people to learn some of the idiosyncrasies of the Planning Board.

268
269 Perdita Holtz: Yes, what I did was a series of training sessions which I was planning to start again since we do have new
270 members. That's something that I'll look at doing, as soon as the 160D amendments are adopted. I want be able to give
271 the correct information.

272
273 **MOTION** by Whitney Watson to recommend approval of the Statement of Consistency, the UDO Amendments and the
274 Amendments to the Planning Board Rules of Procedure. as proposed by Planning Staff to forward to the Board of County
275 Commissioners for review and consideration. Seconded by Randy Marshall.

276
277 Lamar Proctor Yes
278 Charity Kirk Yes

DRAFT

- 279 Adam Beeman: Yes
- 280 Carrie Fletcher Yes
- 281 Whitney Watson Yes
- 282 Randy Marshall: Yes
- 283 Susan Hunter: Yes
- 284 Melissa Poole: Yes
- 285 Alexandra Allman Yes
- 286 David Blankfard: Yes
- 287 **MOTION PASSED UNANIMOUSLY**
- 288
- 289

**STATEMENT OF APPROVAL AND CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated amendments to the Unified Development Ordinance (UDO) in response to a complete reorganization of North Carolina's planning and development regulation statutes into new chapter 160D (Local Planning and Development Regulation) of the North Carolina General Statutes.

The Planning Board hereby recommends approval of the proposed text amendment and finds:

- a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning board review and comment – Plan consistency* and 160D-605(a) *Governing board statement – Plan consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

1. The amendment is consistent with applicable plans because it supports the following:

- Land Use Goal 6 of the 2030 Comprehensive Plan – A land use planning process that is transparent, fair, open, efficient, and responsive.

These amendments are consistent with this goal and objective by conforming the UDO to state statutes while also maintaining the intent of existing regulations.

- c. The amendment is reasonable and in the public interest because it:
 1. Ensures legal sufficiency by conforming the County's land development regulations to State of North Carolina General Statutes.

The Planning Board hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.



David Blankfard, Chair

04.12.2021

Date



TOWN OF CARRBORO
NORTH CAROLINA
WWW.TOWNOFCARRBORO.ORG

MEMORANDUM

TO: Perdita Holts, Planning Systems Coordinator

FROM: Patricia McGuire, Planning Director
Tina Moon, Planning Administrator

DATE: March 29, 2021

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments Required for Compliance with N.C.G.S. 160D

Thank for you the opportunity to read through the County's proposed amendments to conform with N.C.G.S. Chapter 160D. The language in the new provisions is clear and understandable, and it represents a lot of work from the Planning Department and the Attorney's Office.

Following our discussion the other day, we've reviewed the proposed amendments again paying close attention to the differences between the earlier materials and the final version dated February 26th, 2021. We've noted the proposal to establish two new conditional districts, R-CD and NR-CD, that would be applicable in the Rural Buffer as well as the removal of conditional use districts as a zoning mechanism. We find no inconsistency with the adopted Joint Planning Area Land Use Plan.

As you finalize your materials, we've noted a couple of questions/comments below for your consideration. If you have any questions or need additional information, please let us know.

- It's our understanding that 160D changes the standards associated with security bonds. We see you've noted these new standards in 6.14.10 for stormwater control measures but not for some of the other standards that are bonded such as landscaping (6.8.10).
- There is a reference to architectural concept plans, under Section 6.7, Additional Standards for the MPD-CZD-CD and MPD-RB-CD districts. There is a note that excludes single-family residential subdivisions from the requirement but not two-family homes. Will this become voluntary for both types of housing?

Attachment 6

"160D" UDO Amendments

May 4, 2021

Presented by: Perdita Holtz, AICP

Planner III

Outline

2

- Overview
- Information on Decision Types
- Revisions that Modify Current Orange County Practices
 - Including uses that are currently reviewed via one of two Special Use Permit processes
- Revisions to Comprehensive Plan
- Revisions to Rules of Procedure for Planning Board and Board of Adjustment
- Notes for Future Review/Study
- Recommendations

General Overview

3

- NC General Assembly adopted legislation in July 2019 that entailed the complete reorganization and modernization of the state's planning and development regulation statutes.
- Previously, planning and land development regulations were in Chapter 153A, Article 18 (for counties) and Chapter 160A, Article 19 (for cities).
 - Now standardized - same regulations for counties and cities, unless a specific difference is noted.
 - Previously scattered rules related to land use regulation also consolidated.
 - Codified in new Chapter 160D
- All local governments in NC must comply with the new legislation.
 - Originally, all local governments had to adopt revised codes by January 1, 2021.
 - Due to COVID the deadline date was extended to July 1, 2021.

UDO Amendments

4

- Over 300 pages of the UDO have revisions.
 - Includes some corrections that are “housekeeping” in nature rather than directly related to 160D. (Spelling/grammar and Section reference corrections)
 - Proposed revisions are footnoted as necessary, as staff always does to better explain the reasons for revisions.
 - The large majority of proposed revisions are not modifiable since they must be adopted because of the State legislation.
- Limited number of revisions that modify current practices used by Orange County.

Information on Decision Types

5

• Legislative

(Governing Board - BOCC)

- Adopt, Amend, or Appeal an Ordinance
 - Unified Development Ordinance text amendments)
 - Zoning Map (both conventional and conditional districts)
- Public Hearing
 - General public opinion allowed
 - Decision makers make determination based on what they think is best for the County/all residents
 - Can talk about matters outside of hearing

• Quasi-Judicial

(Board of Adjustment)

- Special Use Permits
- Variances
- Appeals from administrative decisions
- Evidentiary Hearing
 - Sworn testimony
 - Competent, material, and substantial evidence
 - Hearsay cannot be basis of decision
 - testimony by experts necessary and limits on who has standing to participate
 - General public opinion is not sought
 - Decision makers apply standards that are already set
 - No contact outside of hearing - impartiality is critical

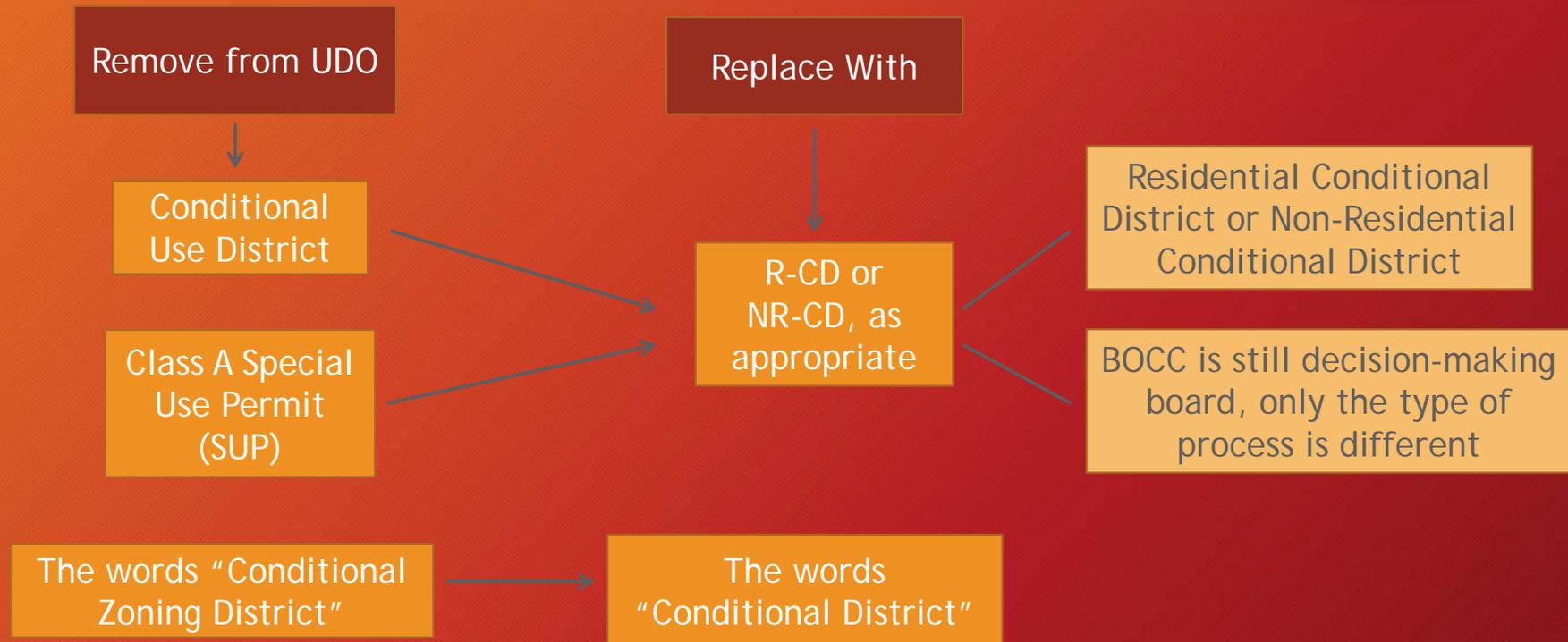
• Administrative

(Staff)

- Implementation, administration, or enforcement of development regulations
 - Application of objective standards found in regulations (UDO)
 - Can include minor, defined modifications
 - No exercise of discretion - must apply standards

Summary of Revisions that Modify Current Practices

6



Revisions that Modify Current Practices

7

- Eliminating the option for a “Conditional Use District” (CUD) from the UDO.
 - CUD applications are reviewed using a mixture of legislative and quasi-judicial processes, which can result in much confusion.
 - Eliminating this type of process was one of the impetuses for the 160D re-write.
 - In the '00s, the NC Legislature amended the statutes to allow for “Conditional Zoning Districts” (now called “conditional districts” in 160D) which, arguably, negated the need for CUDs.
 - Orange County has not processed a CUD in over a decade.

Revisions that Modify Current Practices (cont.)

8

- Having only one class of Special Use Permit (SUP) and having SUPs heard and decided upon only by the Board of Adjustment (BOA).
 - Currently have Class A SUP (decided by BOCC) and Class B SUP (decided by BOA)
 - The BOA is best suited to conduct quasi-judicial matters.
 - Current Class A SUP uses would be reviewed through the “conditional district” process, a *legislative* process as opposed to *quasi-judicial* process.
 - As a note, having the BOA be the only conductor of quasi-judicial matters is not strictly required by the 160D amendments; however, it is a best-practice throughout North Carolina, especially since conditional districts have been an option since the '00s, and is recommended by the County Attorney's office.
- In keeping with statutes and the restriction on general public participation in SUP cases (persons must have “standing” to participate), SUP applications would continue to require posting of sign and mailed notices but a legal ad would no longer be run.
 - Mailing would still be 1,000 feet even though statutes require only “abutting” (touching) property owners be notified.

Current Class A SUP Uses that will change to conditional district review process (continued decision authority by BOCC)

9

Cold Storage Facility	Golf Course
Composting Operation	Airports, General Aviation, Heliports, S.T.O.L. [Short Take Off and Landing aircraft]
Equestrian Center	Junkyard/Salvage Yard
Meat Processing Facility, Regional	Telecommunication Tower 200-feet and higher
Schools: Preparatory	Public Utility Stations & Sub-station, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants
Schools: Universities, Colleges	Solar Array - Public Utility
Extraction of Earth Products	Landfills

Current Class B SUP Uses - Review by Board of Adjustment (to remain SUP uses)

10

Stables, Commercial	Cemetery
Care Facility	Kennel, Class II
Microbrewery (Production Only)	Taxidermy (in AR district)
Winery (Production Only)	Telecommunication Tower (Over 75 feet to less than 200 feet in height)
Veterinary Clinics (in AR district)	Elevated Water Storage Tanks
Camp (in some districts)	Electric, Gas, and Liquid Fuel Transmission Lines
Golf Driving and Practice Ranges (in AR district)	Solar Array - Large Facility
Recreational Facility (in some districts)	Community Center (in some districts)
Group Care Facility	Museum
Group Home	Retreat Center (in some districts)

Current Class A SUP Use that will change to Special Use Permit (BOA review/decision) OR conditional district review process (BOCC review/decision)

11

- Short Term Rental, Large - Host Occupied
 - Provides more than three guestrooms for up to one week of rental or lease.
 - Host-occupied nature of use does not seem to warrant discontinuation of an SUP option in AR & R-1 districts (which would be reviewed by BOA).
 - Added option to review via a conditional district (which is the case for many uses).

Revisions that Modify Current Practices (cont.)

12

- Two new “Conditional Districts” are proposed to be added to the UDO to replace both the CUD and Class A SUP process.
 - R-CD for residential projects and NR-CD for non-residential projects.
- Elimination of the CUD results in a reorganization (and simplification) of how major subdivisions are defined in Article 7 and the review process used.
 - Currently: 5 categories of major subdivisions
 - Over 20 lots requires Class A SUP or Conditional Use District, depending on number of lots and urban/rural designation
 - Proposed: 2 categories of major subdivisions
 - Over 20 lots requires one of the new conditional districts
- Amendments endeavored to keep existing approval boards and existing processes in place to the greatest extent feasible while conforming to statutory requirements and best practices.

Revisions that Modify Current Practices (cont.)

13

- Some proposed revisions are to allow for practices that have long been allowed by State Statutes but were never incorporated into Orange County practices.
 - The ability to elect to use an alternative to mailed notifications for large-scale map amendments (Comprehensive Plan & Zoning Atlas)
 - Minimum ½ page newspaper ad.
 - Property owners with mailing addresses outside the area of the newspaper's general circulation would still be sent mailed notifications.
 - Large scale: more than 50 properties owned by at least 50 different property owners.
- County Attorney's office desires to conform Orange County's regulations to State statute requirements/allowances.

Revisions that Modify Current Practices (cont.)

14

- Automatic amendment to the Future Land Use Map of the Comprehensive Plan if a Zoning Atlas amendment is adopted and the action is deemed inconsistent with the adopted Comprehensive Plan.
 - In other words, a separate process cannot be required if the governing board (BOCC) adopts a rezoning that's contrary to the Future Land Use Map.
 - New statutory requirement

Revisions to Comprehensive Plan (Appendix F)

15

- Necessary revisions to the “Land Use and Zoning Matrix” to add the two new conditional districts.

Revisions to Rules of Procedure Documents

16

- Revisions to Planning Board and Board of Adjustment Rules of Procedure (ROP) also necessary
 - Tenure and membership expectations are currently in Sections 1.6.2 (for Planning Board) and 1.8.2 (Board of Adjustment)
 - Staff recommends that these issues reside solely in the Advisory Board Policy and the Board-specific Rules of Procedure.
- Planning Board has recommended approval to its revised ROP.
- Board of Adjustment (BOA) began review of the revisions to its Rules of Procedure at its April 12, 2021 meeting and will continue review at a subsequent meeting.
 - As a quasi-judicial board, the BOA has amendment authority over its ROP.

Noted for future review/study

17

- Review the various Ratios in the zoning district charts in Article 3 and the accompanying standards in Article 6 (6.2 and 6.3).
 - Many are likely obsolete, given other requirements in the UDO and only add complexity to the regulations.
- Amendments related to performance bonds are necessary due to SL2019-79. (Noted in Section 6.14.10 of UDO) - to be completed soon.

Additional Note for Future Consideration

18

- Statutes now require that, if a local government exercises zoning authority, the local government also must have an adopted Comprehensive Plan that is “reasonably maintained.”
 - Timeframe for updates not mandated
 - In a 160D training session School of Government staff offered that a fast growing community may need to update every 5-10 years, a moderate growth community every 10-15 years, and a slow growing community could possibly go longer.
 - General planning practice (nationwide) is to update every 10 years, usually commencing with the release of Census data.
- A recent Information Item memo on affordable housing issues written by the staff attorney to the BOCC included recommendations to update the County’s Comprehensive Plan and subsequently create and adopt a “modern” UDO.

Planning Board and Planning Director Recommendations

19

- Planning Board unanimously voted to approve all of the amendments at its April 4, 2021 meeting.
 - UDO and Comprehensive Plan text.
 - Planning Board Rules of Procedure document.
- Planning Director has recommended approval of all of the amendments.

Recommendation for Tonight

20

1. Conduct the public hearing and accept the Planning Board recommendation and staff/public comment(s).
2. Close the public hearing.
3. Authorize the acceptance of written comment(s) via e-mail to the Board or by delivery to the Planning Department's office until 9:00 a.m. on Thursday, May 6, 2021 (addresses in abstract).
4. Schedule a vote to approve the:
 - a. Statement of Consistency (Attachment 1),
 - b. UDO and Comprehensive Plan Amendments (Attachment 2), and
 - c. Amendments to the Rules of Procedure for the Planning Board and Board of Adjustment (Attachment 3)at the Board's May 18, 2021 business meeting. No additional public comments shall be received on this item at the May 18, 2021 business meeting.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 5-c

SUBJECT: Public Hearing on Renaming Braxton Bragg Court to Hydrangea Court

DEPARTMENT: Tax Administration

ATTACHMENT(S):

- Petition to Rename a Public Road Known as Braxton Bragg Court to Hydrangea Court
- Map of the Road to be Renamed
- Response from NCDOT
- DRAFT Resolution

INFORMATION CONTACT:

Nancy Freeman, Tax Administrator and Address Administrator, (919) 245-2726

PURPOSE: To conduct a public hearing on a petition to rename Braxton Bragg Court (State Road 2212) to Hydrangea Court (see attached "Petition to Rename a Public Road Known as Braxton Bragg Court to Hydrangea Court" and "Map of the Road to be Renamed").

BACKGROUND: North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County. The County may not change the name given a road by the North Carolina Board of Transportation unless the Board of Transportation agrees.

The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County" (the "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance § 6-34(b)(2)(b) allows property owners to request to rename a public road for personal reasons. In order to do so, the property owners must provide a petition including the existing road name, the proposed road name, the reason why the person(s) are requesting the name change, and the signatures of seventy-five percent (75%) of those persons owning property addressed on the road in question. The proposed road name must conform to the requirements of Addressing Ordinance § 6-34(b) and the name change may only be approved after a public hearing is held on the matter as provided in Addressing Ordinance § 6-36 and the Board of County Commissioners have approved the petition for a road name change.

Property owners have provided a petition requesting a road name change of Braxton Bragg Court (State Road 2212) to Hydrangea Court. There are four parcels on Braxton Bragg Court, each with different owners. Three of the four parcel owners have provided signatures agreeing to the proposed renaming. Therefore, the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on the road in question. The fourth property owner did not respond to the request for signatures. (see attached "Petition" and "Map")

The Address Administrator contacted the North Carolina Department of Transportation (NCDOT) and determined that State Board of Transportation approval is required to rename this road in accordance with GS §153A-239.1 (see attached "Response from NCDOT")

As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and posted at the following locations:

- Orange County Courthouse
- Piedmont Feed & Garden Center on Hwy 54
- At the intersection of Braxton Bragg Court and Wade Hampton Road

GS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and to any city within five miles of the road.

Ordinance § 6-34(b)(2)(b)(iii) requires the Petitioners to pay to Orange County the cost of purchasing new signs and erecting them prior to the name change becoming effective.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) conduct the public hearing;
- 2) close the public hearing;
- 3) Authorize the acceptance of written comment(s) via e-mail to the Board at ocboecc@orangecountync.gov or by delivery to the Tax Administration office at Gateway Center Building, 228 South Churton Street, Suite 200, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday, May 6, 2021; and
- 4) Schedule a vote to approve the Resolution regarding the Petition and authorize the Address Administrator to submit the Resolution to the North Carolina Board of Transportation for approval at the Board's May 18, 2021 Business meeting. **No additional public comments shall be received on this item at the May 18, 2021 Business meeting.**

March 30, 2021

Margaret Jones, GIS Technician III
 Orange County Tax Administration- Land Records GIS Division
 228 S. Churton Suite 200
 PO 8181
 Hillsborough NC 27278

Dear Ms. Jones:

Attached please find, per request, the signed statement of homeowners on Braxton Bragg Court stating their reason for wanting to change the name of the street to Hydrangea Court. These are the same homeowners who submitted the original petition in January of 2021.

Owner Name	Property Address	PIN
GEORGE EDWARDS	1204 BRAXTON BRAGG CT	9873558615
MARY MALONEY	1203 BRAXTON BRAGG CT	9873556587
TIMOTHY & LESLIE DYESS	1202 BRAXTON BRAGG CT	9873557773

If you have any questions, you may contact our committee at wildwoodrenamingcommittee@gmail.com or reach out to our representative, Natalie Ziembra at (970) 310-4369 or natalieziembra@yahoo.com.

Best,

Wildwood Renaming Committee

As homeowners on Braxton Bragg Court, we do not feel that the life of Mr. Bragg reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Hydrangea.

Signed:

George E. Edwards
Name

3-13
Date

Name

Date

PIN: 987355 8615

As homeowners on Braxton Bragg Court, we do not feel that the life of Mr. Bragg reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Hydrangea.

Signed:

Mary [Signature]

Name

3/14/21

Date

Mary Maloney

Name

3/14/21

Date

PIN: 9873556587

As homeowners on Braxton Bragg Court, we do not feel that the life of Mr. Bragg reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Hydrangea.

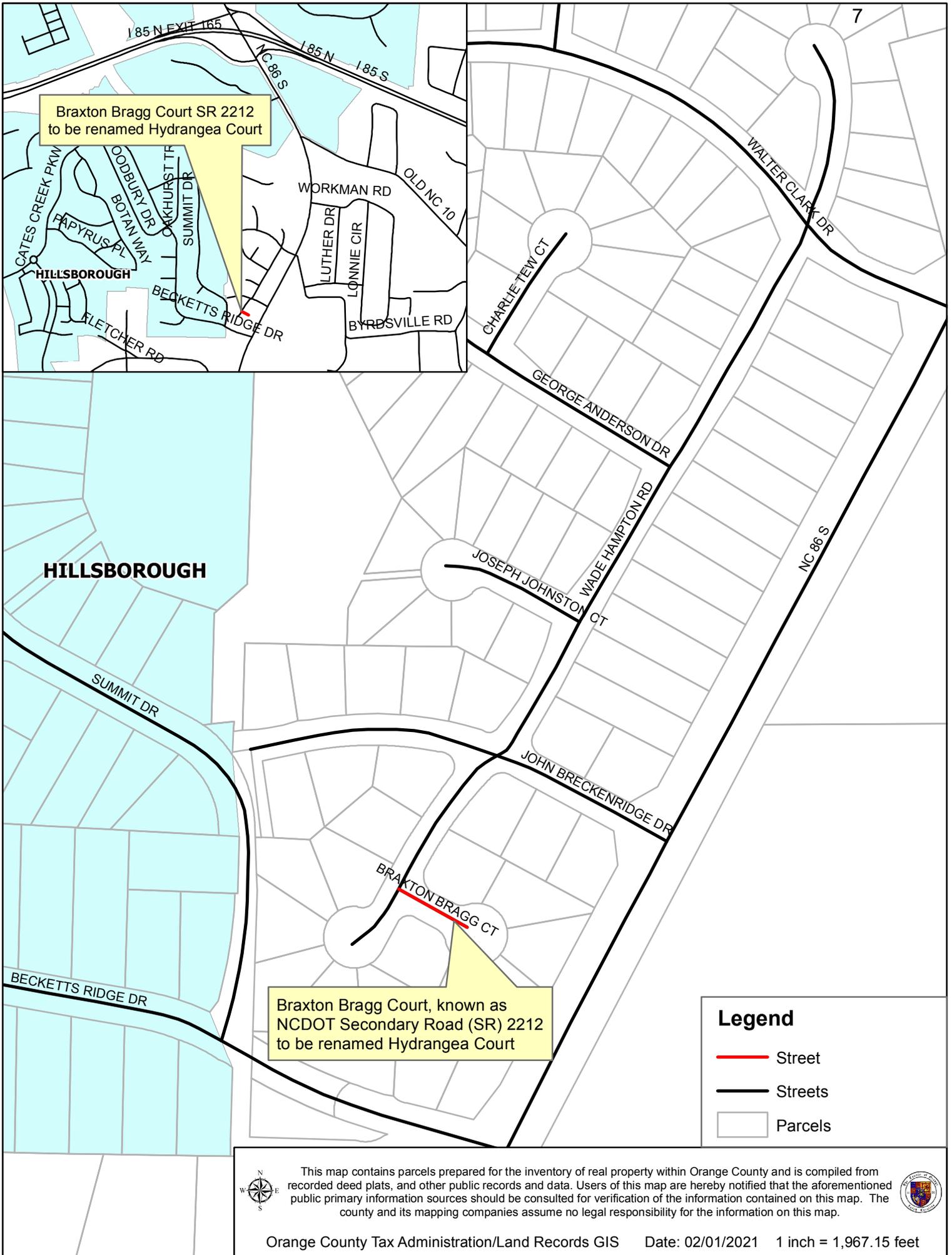
Signed:

Leslie Dye
Name

3/16/2021
Date

June Miller
Name

3/16/2021
Date
PIN 9873557773



Braxton Bragg Court SR 2212
to be renamed Hydrangea Court

HILLSBOROUGH

Braxton Bragg Court, known as
NCDOT Secondary Road (SR) 2212
to be renamed Hydrangea Court

Legend

- Street
- Streets
- ▭ Parcels



This map contains parcels prepared for the inventory of real property within Orange County and is compiled from recorded deed plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.



From: Edwards, Charles N [mailto:cnedwards@ncdot.gov]
Sent: Tuesday, October 20, 2020 4:35 PM
To: Michael Burton
Cc: Britney Pendleton; Margaret Jones
Subject: RE: [External] RE: Wildwood subdivision request to rename roads

Apologies for my delay in responding. There are two scenarios for this depending upon the intent of the renaming. (1) Naming for the purpose of assigning addresses (typical green street name signs) or (2) renaming for the specific purpose of honoring a person or group. (special honorary signage) . Happy to discuss further.

Scenario 1 Renaming for Addressing Purposes

Please refer to NCGS 153A-239.1 authorizing counties to name or rename any road in unincorporated areas. N.C. Board of Transportation (BOT) approval is required if the BOT ever took action to name the road. By virtue of the BOT action to approve the petition for addition of the subdivision streets to the State system on March 15, 1988, the BOT did take action to name the roads. Therefore BOT approval is needed for the renaming. Your BOCC should follow all requirements of NCGS 153A-239.1 and send me a resolution requesting BOT approval of the proposed new names.

Scenario 2 Renaming for Honorary Purposes:

This also requires BOT approval. The following information is needed.

- Background information of honorary nominee
- Description of segment(s) requested to be named
- Resolutions of endorsement and request from all local govt. bodies associated with or affected by the request.
- Verification of strong public support

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-239.1.pdf

C. N. Edwards Jr., PE (Chuck)

District Engineer
 North Carolina Department of Transportation
 Division of Highways
 Division 7, District 1

336 570 6833
cnedwards@ncdot.gov

115 East Crescent Square Drive
 P. O. Box 766
 Graham, NC 27253



From: Michael Burton <mburton@orangecountync.gov>
Sent: Tuesday, October 20, 2020 8:20 AM
To: Edwards, Charles N <cnedwards@ncdot.gov>
Cc: Britney Pendleton <brpendleton@orangecountync.gov>; Margaret Jones <mjones@orangecountync.gov>
Subject: [External] RE: Wildwood subdivision request to rename roads

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Good Morning Chuck,

Our resident are finalizing their decisions on new road names for this subdivision and we have not received a reply from you in regards to NCDOT's stance on this renaming request.

Respectfully,

Michael

Michael A. Burton, Sr. CMS

Land Records/GIS Division Manager
Tax Office/Land Records/GIS Division
228 S Churton St. Ste 240
P O Box 8181
Hillsborough, NC 27278-8181
mburton@orangecountync.gov
office (919) 245-2502
fax (919) 644-3015



From: Margaret Jones <mjones@orangecountync.gov>

Sent: Friday, September 18, 2020 11:10 AM

To: Chuck Edwards Contact <cnedwards@ncdot.gov>

Cc: Britney Pendleton <brpendleton@orangecountync.gov>; Michael Burton <mburton@orangecountync.gov>

Subject: Wildwood subdivision request to rename roads

We received an email from a resident in Wildwood subdivision requesting information on renaming their 9 streets. Attached above is a list of the streets and a map showing the location of the subdivision.

Land Records would like to confirm with you that the streets in the subdivision can be renamed.

Please let me know if you need more information, or have any questions.

Thanks!

Margaret Jones, GIS Technician III
919-245-2287
Orange County *Tax Administration- Land Records GIS Division*
228 S. Churton Suite 200 / PO 8181 / Hillsborough NC 27278

**RESOLUTION APPROVING PETITION TO RENAME A PUBLIC ROAD
KNOWN AS BRAXTON BRAGG COURT TO HYDRANGEA COURT**

WHEREAS, North Carolina General Statute § 153A-239.1 grants a county the authority to rename any road within a county as provided by the statute and pursuant to a procedure established by Ordinance; and

WHEREAS, the Orange County Board of Commissioners on December 13, 2011 adopted an Ordinance entitled “An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County” (“the Addressing Ordinance”) establishing, among other things, a procedure for renaming roads in Orange County; and

WHEREAS, the Board of County Commissioners in adopting the Addressing Ordinance authorize property owners to have the name of a public and private roads changed for personal reasons pursuant to the procedure established by Ordinance Sec. 6-34(b)(2); and

WHEREAS, that property owners on Braxton Bragg Court have provided a petition requesting a road name change of Braxton Bragg Court (State Road 2212) to Hydrangea Court; and

WHEREAS, that the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on Braxton Bragg Court; and

WHEREAS, that the proposed road name of Hydrangea Court conforms to the requirements of the Addressing Ordinance; and

WHEREAS, that the North Carolina Board of Transportation (BOT) took action to name the road when it approved a petition for the addition of the subdivision streets to the State system on March 15, 1988, and therefore BOT approval is required to rename the road; and

WHEREAS, the Board of County Commissioners has at least ten days prior to the public hearing being held on the renaming the road, has caused notice of the time, place and subject matter of the hearing to be prominently posted at the courthouse, in at least two public places in the township where the road is located, and published notice of such hearing in a newspaper of general circulation published in the County; and

WHEREAS, a public hearing was held on the matter.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of County Commissioners approves the Petition to rename **BRAXTON BRAGG COURT**, known as NCDOT Secondary Road (SR) 2212, which is attached and hereby incorporated into this document, to **HYDRANGEA COURT**, upon approval of the road name change by the North Carolina Board of Transportation; and

BE IT FURTHER RESOLVED, upon approval of the renaming of Braxton Bragg Court to Hydrangea Court by the North Carolina Board of Transportation, the Address Administrator shall cause notice of this action to be given to the local postmaster with jurisdiction over this road, to the Board of Transportation, and to any city or town within five miles of the road.

Adopted by the Orange County Board of County Commissioners this the ___ day of _____,
20____.

By:

Attest:

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 5-d

SUBJECT: Public Hearing on Renaming Joseph Johnston Court to Water Oak Court

DEPARTMENT: Tax Administration

ATTACHMENT(S):

- Petition to Rename a Public Road Known as Joseph Johnston Court to Water Oak Court
- Map of the Road to be Renamed
- Response from NCDOT
- DRAFT Resolution

INFORMATION CONTACT:

Nancy Freeman, Tax Administrator and
Address Administrator, (919) 245-2726

PURPOSE: To conduct a public hearing on a petition to rename Joseph Johnston Court (State Road 2210) to Water Oak Court (see attached “Petition to Rename a Public Road Known as Joseph Johnston Court to Water Oak Court” and “Map of the Road to be Renamed”).

BACKGROUND: North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County. The County may not change the name given a road by the North Carolina Board of Transportation unless the Board of Transportation agrees.

The Orange County Board of Commissioners adopted an Ordinance entitled “An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County” (the “Addressing Ordinance”) on December 13, 2011. The Addressing Ordinance § 6-34(b)(2)(b) allows property owners to request to rename a public road for personal reasons. In order to do so, the property owners must provide a petition including the existing road name, the proposed road name, the reason why the person(s) are requesting the name change, and the signatures of seventy-five percent (75%) of those persons owning property addressed on the road in question. The proposed road name must conform to the requirements of Addressing Ordinance § 6-34(b) and the name change may only be approved after a public hearing is held on the matter as provided in Addressing Ordinance § 6-36 and the Board of County Commissioners have approved the petition for a road name change.

Property owners have provided a petition requesting a road name change of Joseph Johnston Court (State Road 2210) to Water Oak Court. There are eight parcels on Joseph Johnston Court, each with different owners. Six of the eight parcel owners have provided signatures agreeing to the proposed renaming. Therefore, the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on the road in question. The remaining property owners did not respond to the request for signatures. (see attached "Petition" and "Map")

The Address Administrator contacted the North Carolina Department of Transportation (NCDOT) and determined that State Board of Transportation approval is required to rename this road in accordance with GS §153A-239.1 (see attached "Response from NCDOT")

As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and posted at the following locations:

- Orange County Courthouse
- Piedmont Feed & Garden Center on Hwy 54
- At the intersection of Joseph Johnson Court and Wade Hampton Road

GS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and to any city within five miles of the road.

Ordinance § 6-34(b)(2)(b)(iii) requires the Petitioners to pay to Orange County the cost of purchasing new signs and erecting them prior to the name change becoming effective.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) conduct the public hearing;
- 2) close the public hearing;
- 3) Authorize the acceptance of written comment(s) via e-mail to the Board at ocboecc@orangecountync.gov or by delivery to the Tax Administration office at Gateway Center Building, 228 South Churton Street, Suite 200, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday, May 6, 2021; and
- 4) Schedule a vote to approve the Resolution regarding the Petition and authorize the Address Administrator to submit the Resolution to the North Carolina Board of Transportation for approval at the Board's May 18, 2021 Business meeting. **No additional public comments shall be received on this item at the May 18, 2021 Business meeting.**

March 30, 2021

Margaret Jones, GIS Technician III
 Orange County Tax Administration- Land Records GIS Division
 228 S. Churton Suite 200
 PO 8181
 Hillsborough NC 27278

Dear Ms. Jones:

Attached please find, per request, the signed statement of homeowners on Joseph Johnston Court stating their reason for wanting to change the name of the street to Water Oak Court. These are the same homeowners who submitted the original petition in January of 2021.

Owner Name	Property Address	PIN
ANA RUBIO	1106 JOSEPH JOHNSTON CT	9873567375
HOPPER FAMILY VENTURES LLC	1107 JOSEPH JOHNSTON CT	9873567128
SHAKTI & MAMOJ TRIPATHY (New owners as of Sept. 2020)	1101 JOSEPH JOHNSTON CT	9873565250
REBECCA GATES	1100 JOSEPH JOHNSTON CT	9873565380
TIMOTHY & LESLIE DYESS	1103 JOSEPH JOHNSTON CT	9873566117
WILLIAM & VIVIAN OLSEN	1108 JOSEPH JOHNSTON CT	9873568322

If you have any questions, you may contact our committee at wildwoodrenamingcommittee@gmail.com or reach out to our representative, Natalie Ziemba at (970) 310-4369 or natalieziemba@yahoo.com

Best,

Wildwood Renaming Committee

As homeowners on Joseph Johnston Court, we do not feel that the life of Mr. Johnston reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Water Oak.

Signed:

Ana Rubio

Name

3/14/21

Date

PIN: 9873567375

Name

Date

As homeowners on Joseph Johnston Court, we do not feel that the life of Mr. Johnston reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Water Oak.

Signed:

MANOJ KUMAR TRIPATHY 03/15/2021
Name MKT Date

Shakti 03/15/2021
Name Date

PIN: 9873565250

As homeowners on Joseph Johnston Court, we do not feel that the life of Mr. Johnston reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Water Oak.

Signed:

John C. Peltier Cates 3-15-21

Name

Date

Name

Date

PIN: 987356 5380

As homeowners on Joseph Johnston Court, we do not feel that the life of Mr. Johnston reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Water Oak.

Signed:



Name

3/16/2021
Date



Name

3/16/2021
Date
PIN 9873560117

As homeowners on Joseph Johnston Court, we do not feel that the life of Mr. Johnston reflects the values of our community. We do not wish to erase our history, but we would prefer not to honor a man who chose to fight against our country. As members of the Wildwood neighborhood, we would like our new name to be a native plant of North Carolina, the Water Oak.

Signed:

Vivian M. Olsen

Name

March 16, 2021

Date

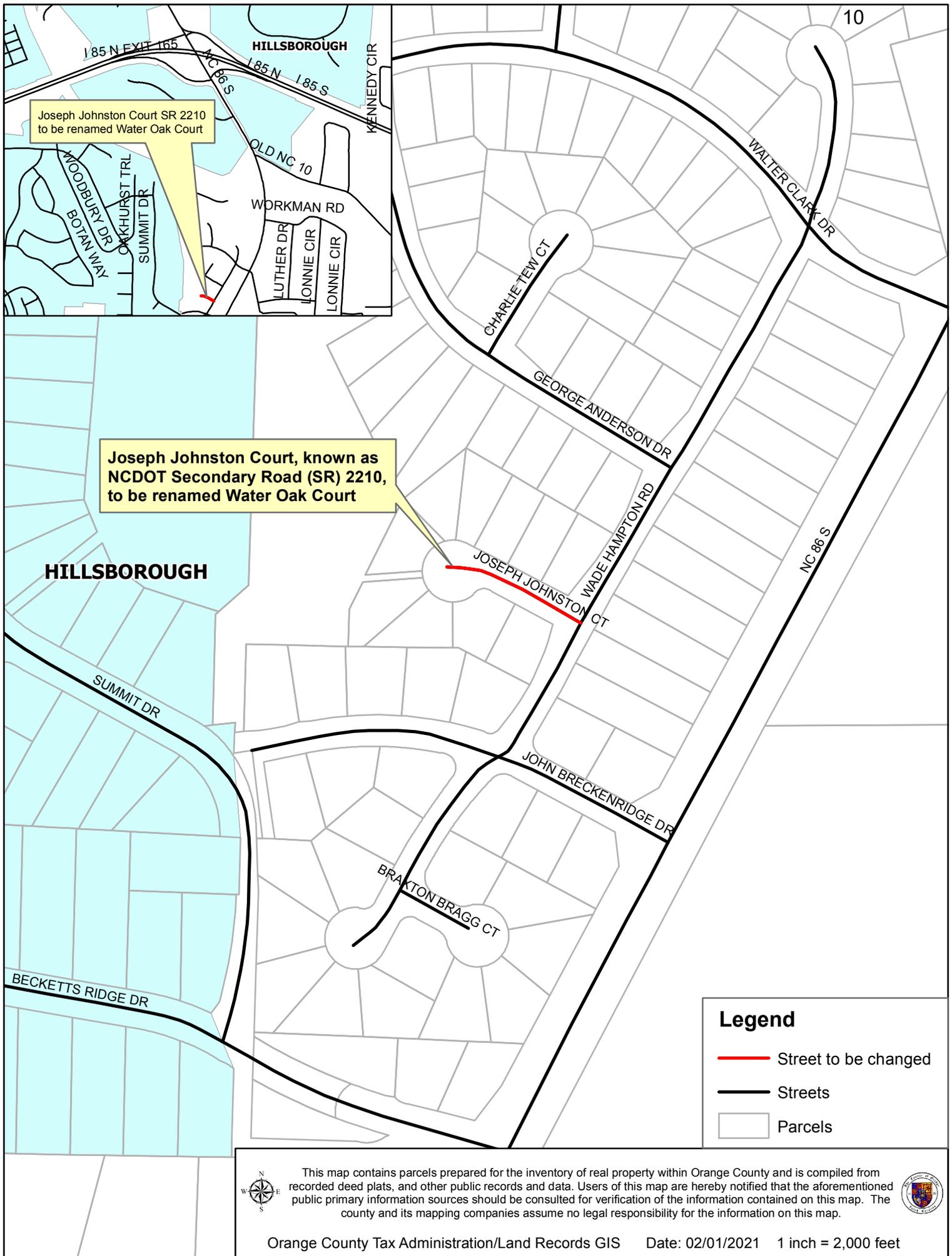
William C. Ok

Name

March 16, 2021

Date

PIN 9873568322



Joseph Johnston Court SR 2210
to be renamed Water Oak Court

Joseph Johnston Court, known as
NCDOT Secondary Road (SR) 2210,
to be renamed Water Oak Court

Legend

- Street to be changed
- Streets
- ▭ Parcels



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Sent: Tuesday, October 20, 2020 4:35 PM
To: Michael Burton
Cc: Britney Pendleton; Margaret Jones
Subject: RE: [External] RE: Wildwood subdivision request to rename roads

Apologies for my delay in responding. There are two scenarios for this depending upon the intent of the renaming. (1) Naming for the purpose of assigning addresses (typical green street name signs) or (2) renaming for the specific purpose of honoring a person or group. (special honorary signage) . Happy to discuss further.

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Scenario 2 Renaming for Honorary Purposes:

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- Verification of strong public support

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-239.1.pdf

C. N. Edwards Jr., PE (Chuck)

District Engineer
 North Carolina Department of Transportation
 Division of Highways
 Division 7, District 1

336 570 6833
cnedwards@ncdot.gov

115 East Crescent Square Drive
 P. O. Box 766
 Graham, NC 27253



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Subject: [External] RE: Wildwood subdivision request to rename roads

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Good Morning Chuck,

Our resident are finalizing their decisions on new road names for this subdivision and we have not received a reply from you in regards to NCDOT's stance on this renaming request.

Respectfully,

Michael

Michael A. Burton, Sr. CMS

Land Records/GIS Division Manager
Tax Office/Land Records/GIS Division
228 S Churton St. Ste 240
P O Box 8181
Hillsborough, NC 27278-8181
mburton@orangecountync.gov
office (919) 245-2502
fax (919) 644-3015



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Sent: Friday, September 18, 2020 11:10 AM

To: Chuck Edwards Contact <cnedwards@ncdot.gov>

Cc: Britney Pendleton <brpendleton@orangecountync.gov>; Michael Burton <mburton@orangecountync.gov>

Subject: Wildwood subdivision request to rename roads

We received an email from a resident in Wildwood subdivision requesting information on renaming their 9 streets. Attached above is a list of the streets and a map showing the location of the subdivision.

Land Records would like to confirm with you that the streets in the subdivision can be renamed.

Please let me know if you need more information, or have any questions.

Thanks!

Margaret Jones, GIS Technician III

919-245-2287

Orange County *Tax Administration- Land Records GIS Division*

228 S. Churton Suite 200 / PO 8181 / Hillsborough NC 27278

**RESOLUTION APPROVING PETITION TO RENAME A PUBLIC ROAD
KNOWN AS JOSEPH JOHNSTON COURT TO WATER OAK COURT**

WHEREAS, North Carolina General Statute § 153A-239.1 grants a county the authority to rename any road within a county as provided by the statute and pursuant to a procedure established by Ordinance; and

WHEREAS, the Orange County Board of Commissioners on December 13, 2011 adopted an Ordinance entitled “An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County” (“the Addressing Ordinance”) establishing, among other things, a procedure for renaming roads in Orange County; and

WHEREAS, the Board of County Commissioners in adopting the Addressing Ordinance authorize property owners to have the name of a public and private roads changed for personal reasons pursuant to the procedure established by Ordinance Sec. 6-34(b)(2); and

WHEREAS, that property owners on Joseph Johnston Court have provided a petition requesting a road name change of Joseph Johnston Court (State Road 2210) to Water Oak Court for personal reasons; and

WHEREAS, that the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on Joseph Johnston Court; and

WHEREAS, that the proposed road name of Water Oak Court conforms to the requirements of the Addressing Ordinance; and

WHEREAS, that the North Carolina Board of Transportation (BOT) took action to name the road when it approved a petition for the addition of the subdivision streets to the State system on March 15, 1988, and therefore BOT approval is required to rename the road; and

WHEREAS, the Board of County Commissioners has at least ten days prior to the public hearing being held on the renaming the road, has caused notice of the time, place and subject matter of the hearing to be prominently posted at the courthouse, in at least two public places in the township where the road is located, and published notice of such hearing in a newspaper of general circulation published in the County; and

WHEREAS, a public hearing was held on the matter.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of County Commissioners approves the Petition to rename **JOSEPH JOHNSTON COURT**, known as NCDOT Secondary Road (SR) 2210, which is attached and hereby incorporated into this document, to **WATER OAK COURT**, upon approval of the road name change by the North Carolina Board of Transportation; and

BE IT FURTHER RESOLVED, upon approval of the renaming of Joseph Johnston Court to Water Oak Court by the North Carolina Board of Transportation, the Address Administrator shall cause notice of this action to be given to the local postmaster with jurisdiction over this road, to the Board of Transportation, and to any city or town within five miles of the road.

Adopted by the Orange County Board of County Commissioners this the ____ day of _____,
20____.

By:

Attest:

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 5-e

SUBJECT: Public Hearing on Renaming Service Road SR1223 to Diversity Drive

DEPARTMENT: Tax Administration

ATTACHMENT(S):

- Renaming a Public Road Known as Service Road SR1223 to Diversity Drive - Attachment A

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator
and Address Administrator, (919) 245-2735

PURPOSE: To conduct a public hearing on the renaming of Service Road SR1223 to Diversity Drive (see attached "Renaming of a Public Road Known as Service Road SR1223 to Diversity Drive - Attachment A").

BACKGROUND: North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The Public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County.

The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County" (the "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance allows the Addressing Administrator to rename a road according to § 6-34(b)(2)(a) which provides,

"Road names may be changed by the Address Administrator when the road name is a duplicate of another road name within a designated postal area or within Orange County and interferes with the accurate dispatch of emergency service or postal delivery. In addition, a road name may be changed when one road has two commonly used names or where portions of what appears to be the same road has two or more names."

The Addressing Administrator is considering a road name change of Service Road SR1223 to Diversity Drive (see attached "Renaming of a Public Road Known as Service Road SR1223 to Diversity Drive - Attachment A"). Orange County Emergency Services has requested that Service

Road SR1223 be renamed to Diversity Drive as to avoid the inaccurate dispatch of emergency vehicles.

As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and posted at the following locations:

- Orange County Courthouse
- Piedmont Feed & Garden Center on Hwy 54
- Intersection of Service Road and Old NC 86

GS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and to any city within five miles of the road.

FINANCIAL IMPACT: The expected financial impact for this item is the cost of a replacement road name sign to be installed on the newly named Diversity Drive. Estimate for the cost of the sign is \$300 and will be paid from Department of Environment, Agriculture, Parks and Recreation's budget.

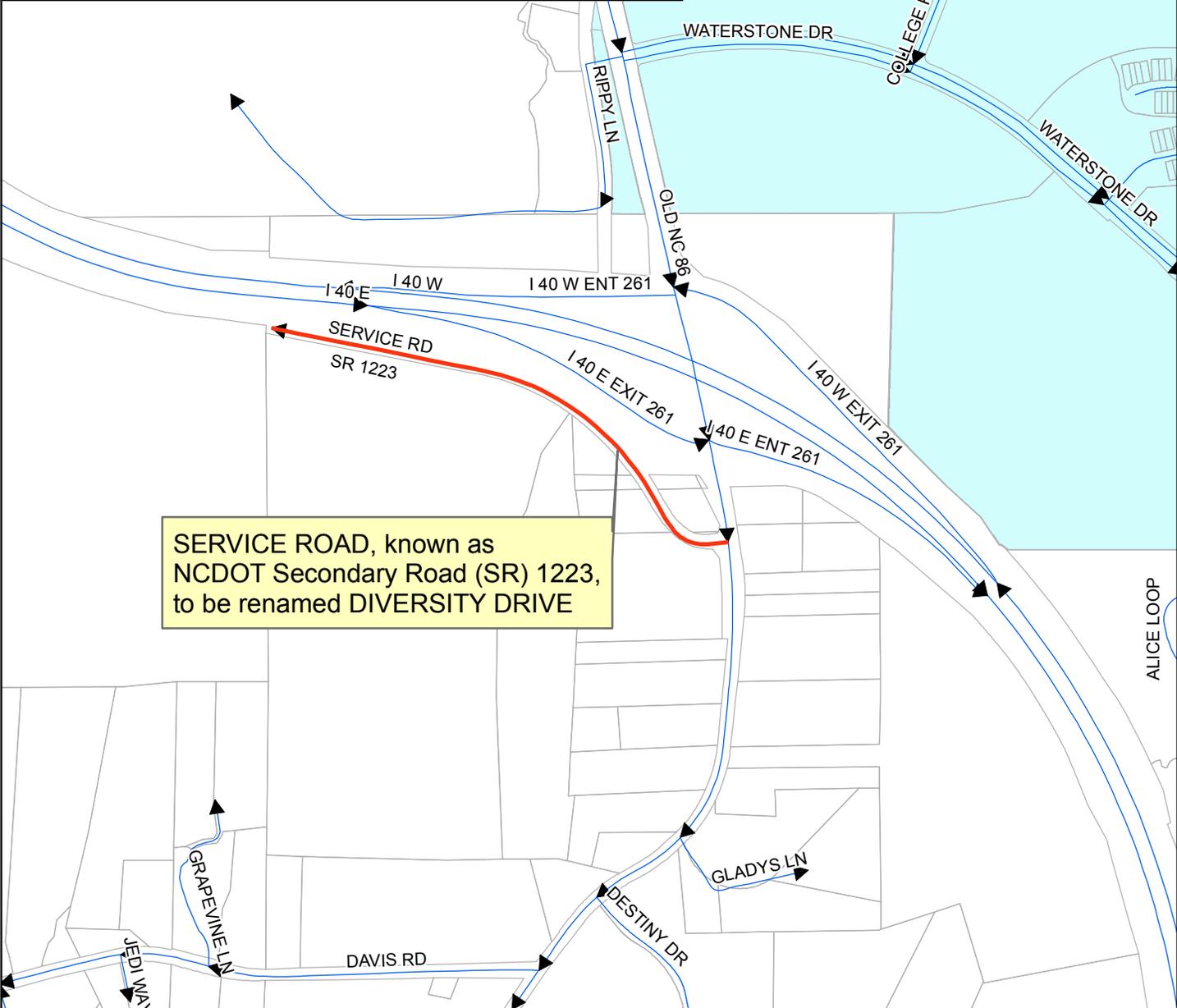
SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) conduct the public hearing;
- 2) close the public hearing;
- 3) Authorize the acceptance of written comment(s) via e-mail to the Board at ocboecc@orangecountync.gov or by delivery to the Tax Administration office at Gateway Center Building, 228 South Churton Street, Suite 200, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday, May 6, 2021.

No further Board action will be necessary as the Addressing Ordinance delegates authority to rename the road to the Address Administrator after a public hearing is held.



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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 6-a**

SUBJECT: Authorization to Proceed with New Orange County Arts Commission Office and Arts Space and Associated Lease Agreement with Hedgehog Holdings

DEPARTMENT: Orange County Arts Commission

ATTACHMENT(S):
Eno River Arts Mill Project Outline

INFORMATION CONTACT:
Katie Murray, 919-245-2335

PURPOSE: To receive information on the proposed Eno Arts Mill Project and approve the Orange County Arts Commission (OCAC) and staff to move forward by authorizing the Manager to sign a lease agreement with Hedgehog Holdings for Suite 17 at the Eno River Mill in Hillsborough.

BACKGROUND: To address the identified needs of the arts community, the OCAC received BOCC approval in October 2019 to enter into a lease agreement with Hedgehog Holdings, a family-run, historic preservation development firm based in Raleigh and owner of the Eno River Mill in Hillsborough. The partnership allowed the OCAC to offer eleven studio workspaces for local artists. The spaces opened in February 2020, and proved successful and profitable in the first year, exceeding projections even despite the pandemic.

In July 2020, the OCAC entered into “Phase 2” of the original plan and began renting Suite 29, a large, open space for classes, exhibits, and events. Suite 29 is connected to the current OCAC office. Due to the inability to host gatherings, the space was instead rented by three large-format artists. In early 2021, two front-facing office suites (17 A&B) very close to the artist studios became available. At the same time, owners of the Eno Mill were approached by a tenant interested in renting Suite 29 and the OCAC office.

Hedgehog Holdings has offered 17 A&B to the OCAC at the extremely generous rate of \$1 per square foot. The space, which is just under 7,000 square feet and ideally situated in an easily accessible location, will allow the OCAC to expand its offerings to the community in ways that will fundamentally change the arts landscape of Orange County and provide real solutions to the identified challenges facing the arts. Suite 17 will offer class space, exhibits and event space, a welcoming office for the OCAC, and affordably-priced offices for local cultural organizations.

FINANCIAL IMPACT: Conservative budget projections predict Suite 17 will be self-sustaining and profitable, continuing to support additional accessible programs and space. An initial upfit expense of \$70,000 will be needed to install additional doors and a small kitchenette. The OCAC has incorporated this cost, as well six-months operating expense, into a larger proposal requesting allocation of American Rescue Plan funding to the arts industry. Hedgehog Holdings has offered to pay for any upfit expense in excess of \$70,000 as well as the expense of paint,

ceiling repair, and improved lighting. Hedgehog Holdings has also offered to pay for the cost to move the OCAC from the current office and Suite 29 into Suite 17.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

1. Approve the proposed occupancy of Suite 17 and authorize the County Manager to sign a lease agreement with Hedgehog Holdings for up to five years consistent with the rent schedule outlined in the attached project outline. This authorization is contingent on approval by the County Attorney; and
2. Authorize the County Manager to sign sub-lease agreements with local cultural organizations and/or artists according to the sub-lease rate schedule detailed in the attached project outline, pending review by the County Attorney.

ENO RIVER ARTS MILL

BACKGROUND

In 2016, the OCAC began to examine the challenges facing the creative community of Orange County. Data was gathered through listening sessions, surveys, and meetings. The top three needs according to our research were:

1. **A strong Local Arts Agency.** The OCAC, the Designated County Partner with the NC Arts Council, has significantly strengthened its role as the primary arts agency for Orange County over the last several years.
2. **Space.** A lack of space for artists to thrive is the primary factor impacting the county's creative community. A healthy arts ecosystem offers artists the opportunity to affordably live, as well as work, learn, and create. It also offers residents the opportunity to experience the arts not only as observers, but participants.
3. **Access.** Despite the wealth of human services offered in Orange County, the arts are primarily available to residents with the financial means to pay. They should be integrated into all aspects of the community, but this is only possible with increased space.

To begin to address these concerns, the OCAC received BOCC approval in October, 2019, to enter into a lease agreement with Hedgehog Holdings, a family-run, historic preservation development firm based in Raleigh and owner of the Eno River Mill in Hillsborough. The new partnership allowed the OCAC to offer eleven studio workspaces for local artists. The Eno Mill Artist Studios opened in February 2020, and proved successful and profitable in its first year, exceeding projections even despite the pandemic.

Last summer, the OCAC entered into "Phase 2" of the original plan and began renting Suite 29, a large, open space originally intended for classes, exhibits, and events. Suite 29 is connected to the OCAC office. Due to the inability to host gatherings, the space was instead rented by three large-format artists. In early 2021, two front-facing office suites (17A&B) very close to the artist studios became available; during the same time, owners of the Eno Mill were approached by a tenant interested in renting Suite 29 and the OCAC office.

ENO ARTS MILL MULTIPURPOSE ARTS SPACE

Hedgehog Holdings has offered 17A&B to the OCAC at the extremely generous rate of \$1 per square foot. The space, which is just under 7,000 square feet and ideally situated in an easily accessible location, will allow the OCAC to expand its offerings to the community in ways that will fundamentally change the arts landscape of Orange County and provide real solutions to the identified challenges facing the arts.

- A large **class space** will allow regular arts classes for the community, a long-time need for the Hillsborough area. This will allow the OCAC to generate revenue in two ways by hosting our own classes and by renting out the room to organizations and artists wishing to hold their own art classes.
- A large **exhibits and events space** will allow Eno Mill artists, as well as other local artists, high-quality gallery space to display and sell their work. The space can also be used for small events and gatherings, offering the OCAC another opportunity to generate revenue through rentals of the room.
- A **welcoming office** with a front-facing door. Unlike the current OCAC office whose interior location is difficult to find, the new office will be a bright and centrally located welcoming point for visitors. The space will offer storage, a spacious conference room (currently lacking) as well as an additional room for small classes.
- Six **affordably priced studios or offices** for local artists and organizations. These spaces come at a time when some local organizations have lost space; the prospect of finding new space at this rate is nearly impossible. For other organizations, these spaces will allow them to expand their footprint to Hillsborough and/or share space.

with other creative organizations. The OCAC is currently discussing monthly rental options and shared class/event space with the following community organizations:

- Art Therapy Institute
- Bull City Music School
- Chamber Orchestra of the Triangle
- Hillsborough Arts Council
- Music Maker Relief Foundation
- NC Mosaics
- Occaneechi Tribe
- Orange County Artists Guild

In the event that local organizations do not occupy all six spaces, they will be offered to local artists as additional studio space or explored for additional OCAC programs such as the membership-based community dark room

Potential Economic Impact:

- Class participants, parents of children participating in youth programs, event attendees and artists will regularly visit the mill, creating a built-in customer base for nearby restaurants and shops.
- The presence of artists and creative space will continue to grow the property value of ERM, and therefore tax revenue for the county. Following restoration work at ERM, property tax grew from \$26,800 in 2015 to \$52,600 in 2018.

Financial Impact:

Conservative budget projections predict Suite 17 will be self-sustaining and profitable, continuing to support additional accessible programs and space. An initial upfit expense of \$70,000 will be needed to install additional doors and a small kitchenette. The OCAC has incorporated this cost, as well six-months operating expense, into a larger proposal requesting allocation of American Rescue Plan funding to the arts industry. Hedgehog Holdings has offered to pay for any upfit expense in excess of \$70,000 as well as the expense of paint, ceiling repair, and improved lighting. Hedgehog Holdings has also offered to pay for the cost to move the OCAC from the current office and Suite 29 into Suite 17.

Five-year budget forecast:

ENO MILL 17 A&B Annual Budget						YEAR ONE NOTES
REVENUE	Year 1	Year 2	Year 3	Year 4	Year 5	
CLASS REVENUE						
Large Room	\$33,600.00	\$35,280.00	\$37,044.00	\$38,896.20	\$40,841.01	1 class per week, 3 hours / \$35 pp / 20 pp
TOTAL CLASS REVENUE	\$33,600.00	\$35,280.00	\$37,044.00	\$38,896.20	\$40,841.01	
GALLERY REVENUE						
Work sold	\$60,000.00	\$63,000.00	\$66,150.00	\$69,457.50	\$72,930.38	Gross
Donations	\$1,200.00	\$1,260.00	\$1,323.00	\$1,389.15	\$1,458.61	\$100/mnth
TOTAL GALLERY REVENUE	\$61,200.00	\$64,260.00	\$67,473.00	\$70,846.65	\$74,388.98	
Rent Revenue (arts organizations or artist studios)						
Large Classroom Rentals	\$21,600.00	\$22,680.00	\$23,814.00	\$25,004.70	\$26,254.94	2 per week / \$75 per hour x 3
Small Classroom Rentals	\$8,640.00	\$9,072.00	\$9,525.60	\$10,001.88	\$10,501.97	3 class per week / \$30 per hour for 2 hours
Gallery/Event Rentals	\$9,600.00	\$10,080.00	\$10,584.00	\$11,113.20	\$11,668.86	2 per month @ \$100/hour for 4 hours
Space A	\$7,800.00	\$8,190.00	\$8,599.50	\$9,029.48	\$9,480.95	Interested tenants: Art Therapy Institute Chamber Orchestra of the Triangle Bull City Music School Orange County Artists Guild NC Mosaics Occaneechee Tribe Several individual artists
Space B	\$7,800.00	\$8,190.00	\$8,599.50	\$9,029.48	\$9,480.95	
Space C	\$7,200.00	\$7,560.00	\$7,938.00	\$8,334.90	\$8,751.65	
Space D	\$6,600.00	\$6,930.00	\$7,276.50	\$7,640.33	\$8,022.34	
Space E	\$6,600.00	\$6,930.00	\$7,276.50	\$7,640.33	\$8,022.34	
Space F	\$6,600.00	\$6,930.00	\$7,276.50	\$7,640.33	\$8,022.34	
TOTAL RENT REVENUE	\$82,440.00	\$86,562.00	\$90,890.10	\$95,434.61	\$100,206.34	
GROSS REVENUE	\$177,240.00	\$186,102.00	\$195,407.10	\$205,177.46	\$215,436.33	

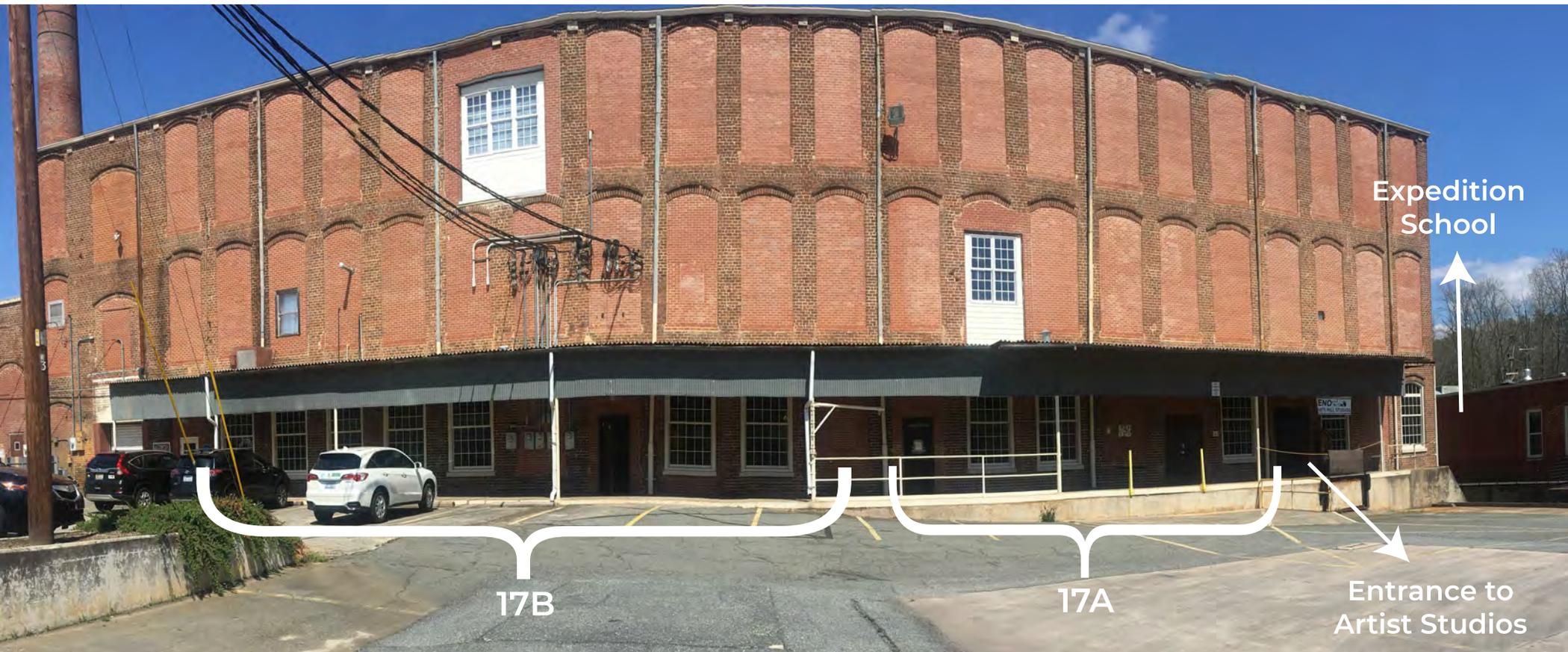
EXPENSE							
CLASS EXPENSE							
	Supplies	\$2,400.00	\$2,520.00	\$2,646.00	\$2,778.30	\$2,917.22	
	Staff	\$2,160.00	\$2,268.00	\$2,381.40	\$2,500.47	\$2,625.49	9 hours/mnth @ \$15/hr
	Teacher fee	\$16,800.00	\$17,640.00	\$18,522.00	\$19,448.10	\$20,420.51	50% of gross - large class only
TOTAL CLASS EXPENSE		\$21,360.00	\$22,428.00	\$23,549.40	\$24,726.87	\$25,963.21	
GALLERY EXPENSE							
	Artist payments for work sold	\$42,000.00	\$44,100.00	\$46,305.00	\$48,620.25	\$51,051.26	70% of gross
	Supplies	\$2,400.00	\$2,520.00	\$2,646.00	\$2,778.30	\$2,917.22	Refreshments, general supplies
TOTAL GALLERY EXPENSE		\$44,400.00	\$46,620.00	\$48,951.00	\$51,398.55	\$53,968.48	
OUTSIDE RENTAL EXPENSE							
	Staff	\$6,480.00	\$6,804.00	\$7,144.20	\$7,501.41	\$7,876.48	9 hours/wk @\$15 hour
TOTAL OUTSIDE RENTAL EXPENSE		\$6,480.00	\$6,804.00	\$7,144.20	\$7,501.41	\$7,876.48	
OCCUPANCY EXPENSE							
	RENT	\$84,000.00	\$86,100.00	\$88,252.50	\$90,458.81	\$92,720.28	
	Utilities	\$6,000.00	\$6,300.00	\$6,615.00	\$6,945.75	\$7,293.04	
TOTAL OCCUPANCY EXPENSE		\$90,000.00	\$92,400.00	\$94,867.50	\$97,404.56	\$100,013.32	
TOTAL EXPENSE		\$162,240.00	\$168,252.00	\$174,512.10	\$181,031.39	\$187,821.49	
MONTHLY NET REVENUE		\$15,000.00	\$17,850.00	\$20,895.00	\$24,146.06	\$27,614.84	

ENO ARTS MILL: OTHER PROJECTS

Suite 17 is part of an overall plan to activate the Eno Mill through community arts programs. The OCAC is currently working on additional programs that would take place at the Eno Mill:

- A new, accessible **children's theater company** that would offer high-quality theater education to youth ages 8-18 regardless on socio-economic status. The project would incorporate transportation from Orange County Title 1 schools and a sliding-scale tuition structure.
- A **community ceramics studio**, in partnership with the Hillsborough Arts Council.
- A membership-based **community dark room**, offering work and teaching space for local photographers.
- **Rehearsal space** for two local orchestra companies: Chamber Orchestra of the Triangle who is currently in need of new office and rehearsal space, and Bull City Music School who plans to launch a youth orchestra this fall.
- **The Shop Spaces:** three large, sub terrain workshop spaces ideal for heavy machinery work such as woodworking and metalsmithing.

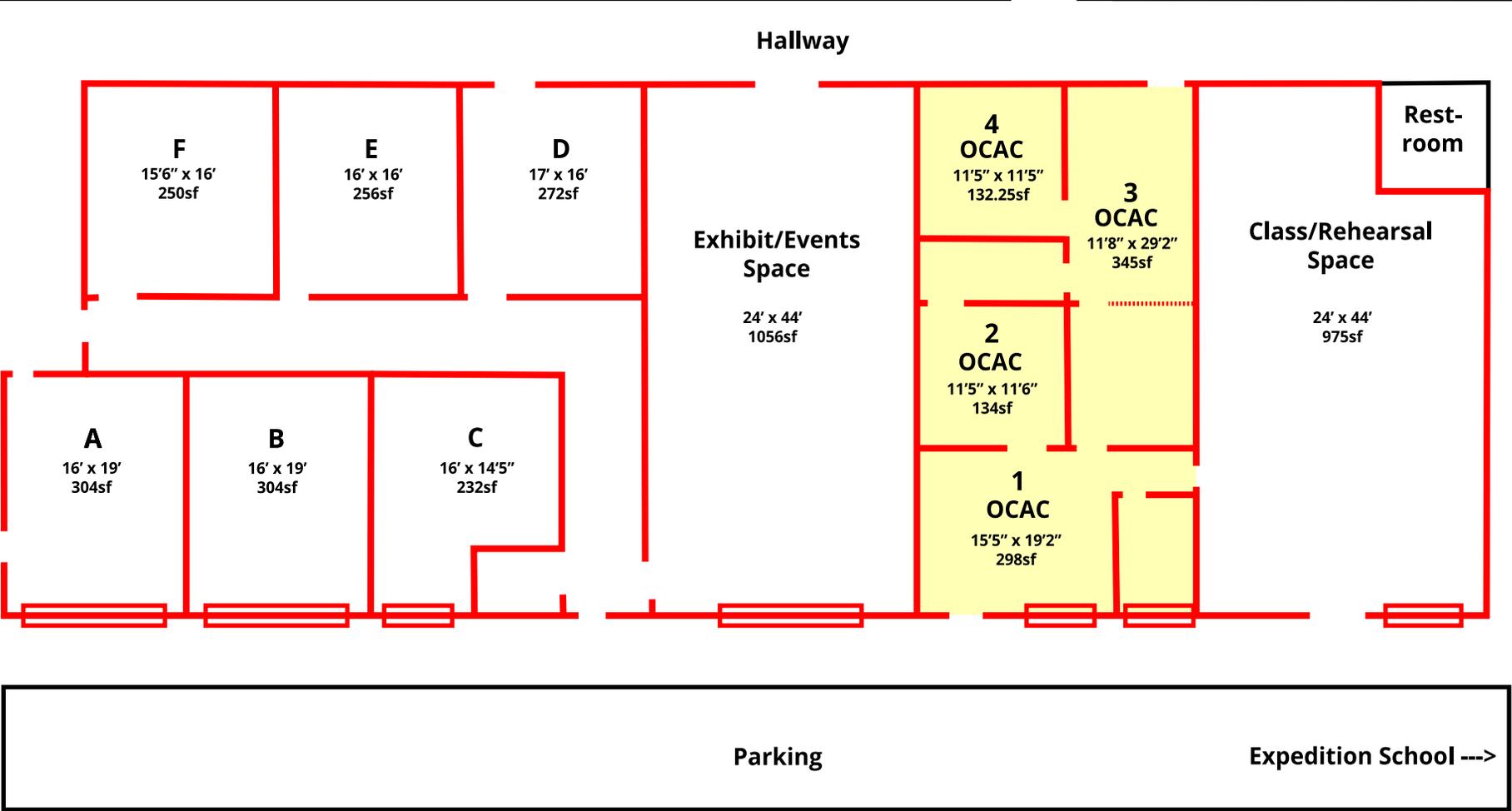
ENO ARTS MILL
Multi-use Arts Space
Suites 17 A&B



**Eno Mill
Suites 17 A&B
437 Dimmocks Mill Rd.
Hillsborough**

Eno Mill Artist Studios

7



KEY

- Space A: Arts organization or artist studio space
- Space B: Arts organization or artist studio space
- Space C: Arts organization or artist studio space
- Space D: Arts organization or artist studio space
- Space E: Arts organization or artist studio space
- Space F: Arts organization or artist studio space
- Events/Exhibit Space
- Class/Rehearsal Space

Rent

- \$650/month
- \$650/month
- \$600/month
- \$550/month
- \$550/month
- \$550/month
- \$100/hour
- \$75/hour

- OCAC 1: Reception area/lobby
- OCAC 2: Director's office
- OCAC 3: Board room
- OCAC 4: Small class space

Unlabeled spaces: Storage

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 8-a**

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Laura Jensen, Clerk to the Board, 919-
245-2130

PURPOSE: To correct and/or approve the draft minutes as submitted by the Clerk to the Board as listed below.

BACKGROUND: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachment 1: April 6, 2021	Virtual Business Meeting
Attachment 2: April 13, 2021	Virtual Budget-CIP Work Session
Attachment 3: April 19, 2021	Virtual Legislative Breakfast

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board approve minutes as presented or as amended.

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
APRIL 6, 2021
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, April 6, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Mark Dorosin, Sally Greene, Commissioner McKee (arrived at 8:00 pm)

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Price called the meeting to order at 7:00 p.m.

A roll call was called; all members were present except for Commissioner McKee

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Tuesday, April 6, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

1. Additions or Changes to the Agenda

A motion was made by Commissioner Hamilton, seconded by Commissioner Greene, to add a closed session at the end of the meeting, pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board."

"Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board."

Roll call ensued

VOTE: UNANIMOUS

1 Chair Price dispensed with reading the public charge.
2

3 **Public Charge:** The Board of Commissioners pledges its respect to all present. The Board asks
4 those attending this meeting to conduct themselves in a respectful, courteous manner toward
5 each other, county staff and the commissioners. At any time should a member of the Board or
6 the public fail to observe this charge, the Chair will take steps to restore order and decorum.
7 Should it become impossible to restore order and continue the meeting, the Chair will recess
8 the meeting until such time that a genuine commitment to this public charge is observed. The
9 BOCC asks that all electronic devices such as cell phones, pagers, and computers should
10 please be turned off or set to silent/vibrate. Please be kind to everyone.
11

12 **Arts Moment** – No Arts Moment was available for this meeting.
13

14 **2. Public Comments (Limited to One Hour)** 15

16 **a. Matters not on the Printed Agenda**

17 Robb Levinsky said he wanted to speak on the land use planning process and Buckhorn
18 area plan. He said there has not been much public engagement, and this plan will effect the
19 County for generations to come. He said it would have significant impact on those who deserve
20 input. He said his concern goes beyond the scope of the plan, and residents live here because
21 they value the rural residential character of the County. He said rural buffers should be
22 developed between Mebane and Efland. He said industrial development projects are like a
23 cancer, ruining everything in their path. He said nothing in the plan sets appropriate limitations,
24 and Orange County does not want to be the next Newark, New Jersey. He urged the Board to
25 please choose wisely.

26 Catherine Matthews read the following statement:

27 Hello County Commissioners. I'm back. First let me thank you for your World Water Day
28 proclamation and then let me thank Commissioner Greene for attending our World Water Day
29 Celebration in Efland. I wish more of you could have attended this event to learn about our
30 efforts to preserve clean water and undisturbed land in Orange County. I'm here tonight to ask
31 you how you intend to respond to our President's climate agenda.
32

33 One of Biden's goals is to conserve nearly a third of US land and ocean waters by 2030. Biden's
34 proposal, known broadly as 30 by 30, is to preserve 30% of our lands and 30% of our ocean
35 waters by 2030 (9 short years away). Currently, only 12 percent of the country's land and 26
36 percent of its oceans are protected.
37

38 While Biden's goal is laudable, I think we need to look at our past in North Carolina to see how
39 this national goal might be enacted. Twenty years ago the General Assembly and Gov. Hunt
40 declared that North Carolina should add 1 million more acres of protected land as parks,
41 forests, natural areas, farmlands, etc. before the end of 2010. In 2020, 10 years later, North
42 Carolina finally attained that goal.
43

44 North Carolina's population continues to grow along with greater land development pressures
45 for conversion of private farmlands and forests to intensive development. With the kind of
46 demands on limited water supplies, consequences of a changing climate, diminished food
47 production, need for outdoor recreational opportunities, 11% is simply not enough!
48 The bottom-line, of course, is "what is enough?" What percentage would guarantee not only our
49 survival, but the biodiversity of planet Earth. E. O. Wilson, a preeminent biologist at Duke
50 University, said that we must conserve 50%. Wilson makes his argument clear in a 2016 book,
51 called Half-Earth.

1 As a member of a Voice for Efland/Orange I am holding each of you responsible for behaving in
2 an ecologically sane manner. While we collectively stopped Buc-ees, another massive
3 development crept in. While we do not expect to deconstruct Medline, we do expect Medline to
4 work with the North Carolina Wildlife Federation to protect what remain of the acres not covered
5 in concrete.
6

7 We are opposed to the development in the Buckhorn Area Plan. You must decide is it 30% or
8 50% of Orange County lands that will be preserved. Thank you.
9

10 Fiona Johann read the following statement:

11 Hello, I'm Fiona Johann and I've been an orange county resident for 20 years. I want to start by
12 thanking our BOCC and staff for meeting with the Mebane City Council in reference to the
13 Buckhorn Area Plan in March. I am excited to see what kind of strategic planning will come from
14 these two groups joining together to work on this important topic.
15

16 In regards to the Buckhorn Area Plan I want to focus a bit on Gravelly Middle School. Gravelly
17 Middle School serves Mebane residents who also live in Orange county, which is geographically
18 half of Mebane. Gravelly Middle school currently serves 485 6-8 graders. Those middle
19 schooler's are already surrounded on two sides by Medline and the highway. The Buckhorn
20 Area Plan proposes surrounding the school and soccer fields by even more industrial builds.
21 Every other middle school in Orange County is surrounded by residential housing, other schools
22 and nature. What message are we sending to our middle schoolers and their parents by
23 surrounding their school by industrial development? What will that do to their mental and
24 physical health?
25

26 We know that children benefit from being surrounded by nature. This isn't news to anyone, in
27 fact in 2003 Nancy Wells an environmental psychologist and Gary Evans an environmental and
28 developmental psychologist co-published the following findings, "In a rural setting, levels of
29 nearby nature moderate the impact of stressful life events on the psychological well-being of
30 children. Specifically, the impact of life stress was lower among children with high levels of
31 nearby nature than among those with little nearby nature." (Wells, Evans, 2003) How can we
32 know something and have it proven by science and still decide that industrial builds near a
33 school are the good option?
34

35 Not only am I concerned for the children's mental health but also their physical health. The
36 traffic on west Ten will turn to primarily 18 wheelers coming from Medline and the approved Al
37 Neyer distribution center. Isn't that enough risk? Do we really need to add more 18 wheelers to
38 the area and trust that it will just "work out?" There is the risk of accidents but let us not forget
39 the emissions that will come from these vehicles as they break, park, idel and start in an area
40 so close to the school. Children participate in sports on the middle school complex and soccer
41 fields, are we really okay with putting them in a situation of breathing in even more diesel fumes
42 while breathing heavily for extended periods of time? At least now there are a lot of trees in the
43 area to help absorb emissions, what happens when we cut down our nature provided filters to
44 create even more air, sound and water pollution?
45

46 You all know I have multiple problems with the Buckhorn Area plan, but today I am focusing on
47 the children that live here. We are hurting their futures in more way than one by extending the
48 industrial development area. They will lose nature around their school, in the area they live and
49 also be more prone to long term mental and physical health problems if you continue to expand
50 economic development districts into a historically rural residential and agricultural area. Let us
51 live up to the expectations of our community and do better.

1 While on the topic of schools and working with Mebane I would like to mention that Mebane city
2 has 300 new family homes in progress and are most likely to approve another 400 all on the
3 Orange County side of the city. I would like to confirm that the school board and commissioners
4 are aware of all these new developments that will affect Cheeks Elem and Gravelly middle.
5 Mebane City said they invited Orange County officials to these conversations but no one has
6 attended. I wanted to make sure you all of aware of this growth that will directly affect Orange
7 County Schools.

8 Lib Hutchby said she is a grandparent of 5, and has promised her grandchildren to
9 protect the water, air, and soil. She thanked the Board of County Commissioners (BOCC) for its
10 world water day proclamation. She said water does not just fall from the sky and it does not
11 originate in plastic water bottles. She said humans are dependent on water to survive, just as
12 they are dependent on oxygen. She said the Haw River is polluted with polyfluoroalkyl
13 substances (PFAS), the "forever chemical". She said water across the nation contains harmful
14 things, like arsenic and lead. She PFAS has such tight bonds that are almost indestructible, and
15 are very dangerous. She asked if Orange County has tested its water for PFAS, and if the
16 BOCC has a plan to protect the water in Seven Mile Creek. She asked if the BOCC will choose
17 to protect water forever, or protect forever chemicals.

18 Andrea Riley read the following statement:

19 I've been wondering how Orange County citizens and the Orange County Board of
20 Commissioners are going to be able to conserve our land and water resources for future
21 generations – resources that are among Orange County's greatest assets, and that, once paved
22 over or polluted, can be reclaimed only at great cost and with immense difficulty. I'm also
23 wondering if the Commissioners are aware that there is now a contract on what was to be Buc-
24 ee's land, and if they know what is planned for this land. And, are you also aware that significant
25 portions of two of the areas being considered for development in the Buckhorn Area Plan are a
26 part of the Critically Protected Watershed surrounding Seven Mile Creek?
27

28 Will there be so much impervious ground cover in these developments that it produces water
29 runoff and pollution of Seven Mile Creek, the Eno River, and the headwaters of the Neuse
30 River, contaminating the drinking water of Hillsborough, Raleigh, and communities further
31 downstream? And will it inhibit the recharge of the groundwater necessary to sustain Orange
32 County wells and provide enough water during predicted droughts? Will the plants and animals
33 dependent upon the Seven Mile Creek ecosystem survive?
34

35 Shouldn't all land in a Critically Protected Watershed and upstream from Seven Mile Creek be
36 conserved and given a zoning designation that protects it from environmental degradation,
37 rather than be zoned for industrial development? And shouldn't Orange County begin to require
38 permeable ground cover for all new developments in order to protect our water resources and
39 land?
40

41 The Board of County Commissioners needs to demand strict adherence by any future
42 developments to the requirements established in our Comprehensive Land Use Plan, the UDO,
43 the Efland/Mebane Small Area Plan, and the Water and Sewer Management, Planning and
44 Boundary Agreement (or, WASMPBA). These plans are rapidly becoming outdated, however,
45 and have yet to be aligned with the plans of the Mebane Planning Department and Mebane City
46 Council.
47

48 Orange County needs to create a binding Joint Land Use Plan with Mebane, and also invite the
49 inclusion of that town into the Orange County WASMPBA, in order to realize that plan's stated
50 goals for all of Orange County, namely:

- 1 1. To provide a comprehensive, County-wide system of service areas for future utility
- 2 development;
- 3 2. To complement growth management objectives, land use plans and annexation plans in
- 4 existing agreements;
- 5 3. To resolve in advance and preclude future conflicts about future service and annexation
- 6 areas;
- 7 4. To provide for predictable long-range water and sewer capital improvement planning and
- 8 financing; and
- 9 5. To provide for limitations on water and sewer service in certain (buffer) areas.

10 In order to counter the rapidly advancing environmental threats and increasing commercial
11 pressures from the neighboring town of Mebane, Orange County needs to act NOW – in
12 conjunction with Mebane - to protect the land and water resources it has – both for its citizens'
13 present well-being, and for future generations. Thank you.

14
15 John Dempsey read the following statement:

16 The North Carolina Natural Heritage Program recently compiled 2 lists of plants, insects and
17 animals living in the Sevenmile Creek watershed that they identify as Significantly Rare, of
18 Special Concern, Threatened or Endangered. One of the lists covers the Buckhorn Area Plan's
19 Growth Areas 'C' and 'D' and identifies 10 species that meet this criteria. In addition to the
20 species cited there are also four Natural Communities identified as Rare. An example of a Rare
21 Natural Community is the Sevenmile Creek Sugar Maple Bottom. It consists of a large stand of
22 southern sugar maple, hackberry and swamp chestnut oak; and includes a variety of herbs
23 growing in its understory.

24
25 Their second list covers Growth Area 'E'. It names 16 species as Significantly Rare, of Special
26 Concern, Threatened or Endangered and identifies 8 Rare Natural Communities. The North
27 Carolina Natural Heritage Program's list is not definitive and they advise people to check with
28 other agencies, such as the US Fish and Wildlife Service, for species not included in their
29 survey that may also be considered threatened or endangered. In this case the Neuse River
30 Waterdog is not included on the North Carolina Natural Heritage Program's lists. However the
31 US Fish & Wildlife Service includes areas C, D and E within its range and has proposed to
32 Congress that it be classified as an Endangered Species.

33
34 It is also of note that the North Carolina Resources Commission published a conservation plan
35 for five rare aquatic species in the Neuse and Tar-Pamlico Rivers just this past December. It
36 calls for "Establishing and maintaining working relationships between governing bodies (federal,
37 state, and local), universities, private landowners, private companies, and conservation
38 organizations" in order to protect these species from extinction.

39
40 This is not the first time that a critical watershed has been crossed by an Interstate Highway.
41 When a highway does cross a watershed then you get a corridor that suddenly has increased
42 economic market value and market interest. Those market forces that determine value for
43 economic purposes do not factor for the environmental costs of development. That is the task of
44 local government with zoning jurisdiction. What is the value of Sevenmile Creek? What dollar
45 amount can be placed on a system as rich and as beneficial to Orange County as Sevenmile
46 Creek? It is the upper reach of our watershed, recently studied as a viable potential municipal
47 water reservoir. Considering the projected future growth in our part of Orange County and the
48 beneficial environmental resource that it is, then we should follow the North Carolina Resources
49 Commission's lead and protect Sevenmile Creek with appropriate zoning restrictions while
50 working towards long term protections for this priceless resource. Thank you

1 Tim Spruill read the following statement:

2 Hello, I am Tim Spruill and have lived in Orange County in Efland for more than 20 years. I am
3 concerned about the disappearance of the rural countryside in Orange County east of Mebane
4 and the degradation of Sevenmile Creek, which will receive drainage from the proposed
5 development by Mebane. This all results in a lower quality of life for those who prefer and value
6 rural areas, good water quality, and good biodiversity.

7
8 In 2019, new rules were passed by the State Legislature governing development in critical and
9 protected watersheds (and are shown in the table that I sent in my letter). The County
10 governments that have land use authority within designated water supply watersheds shall
11 adopt and enforce ordinances and watershed maps that meet or exceed the requirements of the
12 law to protect water supply watersheds.

13
14 My concern is that the planned development will negatively impact Seven Mile Creek, a High
15 Quality Water that also contributes a major portion of water to Hillsborough's public water supply
16 (it empties directly into Lake Ben Johnston) and provides habitat for a multitude of invertebrate
17 and vertebrate species, several of which are considered threatened or endangered. Large areas
18 of impervious surfaces in the form of building roofs and parking areas will ultimately cause an
19 increase in biological impairment of the receiving streams, a decrease in water quality, an
20 increase in flow magnitude, and an increase in sediment loads, effectively creating a lifeless
21 and ugly urban stream as urbanization increases. I am concerned that existing laws concerning
22 allowable buildouts with impervious surfaces are too high-up to 24% for Critical Watersheds and
23 up to 30% for Balance of Watershed (which is a Protected Watershed in Sevenmile Creek
24 between Buckhorn Road and Efland/Hillsborough) will cause severe water quality and biological
25 degradation of Sevenmile Creek and significant degradation of Hillsborough's water supply from
26 Lake Ben Johnston. Research over the past 20-30 years has shown much lower impervious
27 surface percentages cause significant water quality and biological degradation- only 10%
28 impervious coverage in a watershed can cause significant (25% or more) biological community
29 degradation according to a 2012 USGS study. There are several other studies that offer similar
30 conclusions.

31
32 It is the responsibility of Orange County and Mebane to enforce existing State Laws at a
33 minimum, and to consider and hopefully adopt, stricter rules governing critical (6 % maximum
34 impervious) and protected (12% maximum impervious) watersheds to preserve the character of
35 the rural environment between Mebane and Efland/Hillsborough, as well as to limit any
36 development to north of West 10 Road only, to ensure protection of the water quality of
37 Sevenmile Creek and Hillsborough's water supply. Thank you.

38
39 **b. Matters on the Printed Agenda**

40 (These matters will be considered when the Board addresses that item on the agenda below.)

41
42 **3. Announcements, Petitions and Comments by Board Members**

43 Commissioner Fowler petitioned the Board to declare May Mental Health Awareness
44 month.

45 Commissioner Hamilton said she had no comments.

46 Commissioner Greene petitioned the Board to start planning legislative agenda items
47 earlier in the year, so that the Board may provide input to the legislative delegation earlier in the
48 process.

49 Commissioner Greene petitioned the Board to add a component to its development
50 review: a concept review. She said she would like this to be added before a development
51 proposal goes to the Planning board. She said this addition would avoid the situation where

1 proposals go to the Planning board and others before it comes to the Orange County Board of
 2 Commissioners. She said this would apply when rezoning is requested. She said the purpose
 3 would be to engage the Commissioners at the beginning of the process, instead of the end, so
 4 that the public has an idea of what the proposal is about.

5 Commissioner Dorosin suggested that the BOCC members on the legislative agenda
 6 committee should be removed from the December discussion of boards, and rather decided
 7 earlier in the year, such as September.

8 Commissioner Dorosin asked if there is an update about his request for the next steps
 9 on Buckhorn Area Plan. He said he would like to see the response accelerated. He said he
 10 appreciates the civic engagement residents have shown regarding the Buckhorn Area Plan. He
 11 said he would like the plan to very clearly state when opportunities for citizen and resident
 12 engagement will be available. He also mentioned Orange County's strong history of
 13 environmental protections, and said he would like for more context to be provided to the public.

14 Commissioner Bedford said she had no comments.

15 Chair Price said she met with a group of people from Medline, as well as Commissioner
 16 Bedford, the County Manager, Durham Tech staff, and Economic Development staff to discuss
 17 economic impacts in the community and employment opportunities. She said Medline is eager
 18 to be an active and good neighbor.

19 Chair Price said she attended the Quarterly meeting with NCDOT, which included
 20 Hillsborough Mayor Jen Weaver and Planning Director. She said regional transportation was
 21 discussed, specifically support of the Hillsborough train station. She said negotiations will be
 22 needed to allow trains to actually stop at the train station.

23 Chair Price said American Rescue Plan funds will come around May 10, with the other
 24 half about a year later. She said Orange County may be eligible for \$20-29 million, and she is in
 25 discussion with other local government entities about possible economic development projects
 26 that could be pursued.

27 Chair Price referred to the Buckhorn Area Plan, and said there is a proposal that the
 28 Mebane City Council will voting on tomorrow to allow 409 residential units on the Orange
 29 County side, which will impact the schools. She suggested the Board continue to set up
 30 ongoing meetings with Mebane. She said this is one example of continued development, as
 31 well as the need to work out the Buckhorn Area Plan. She said she and other Commissioners
 32 reviewed new State statutes on how the Planning Board will conduct business and how to
 33 approach community participation in regards to Buckhorn Area Plan. She suggested the BOCC
 34 look at areas A and B, as well as the whole picture to determine the low hanging fruit. She said
 35 it is important to engage the community as much as possible.

36 Commissioner Dorosin said he requested last week that the schools provide information
 37 on what they have done with normal operating funds that were not expended, due to Covid. He
 38 said since he made that request, it has become clear that there will be a great deal of federal
 39 funding coming to schools, and he would also like to know how the schools plan to spend those
 40 funds. He said he would like any update on these funds at the joint meeting with the schools
 41 later this month.

43 **4. Proclamations/ Resolutions/ Special Presentations**

45 **a. Resolution for the Re-naming the New Orange County Environmental 46 Proclamation Recognizing Judicial District 15-B District Court Judge Beverly A. 47 Scarlett Upon Her Retirement**

49 The Board considered voting to approve a proclamation recognizing Judicial District 15-
 50 B District Court Judge Beverly A. Scarlett upon her retirement.

BACKGROUND:

Beverly A. Scarlett was appointed as a Judge for Judicial District 15-B of the North Carolina District Court System in 2007, becoming the first Woman of Color to serve the district in this capacity. Judge Scarlett was subsequently elected to the same position by the voters of Orange and Chatham counties in 2012, 2016 and 2020.

Judge Scarlett has served the residents of Orange and Chatham counties tirelessly and with distinction as a District Court Judge, and has announced her plans to retire. The attached proclamation recognizes and expresses sincere gratitude to Judge Beverly A. Scarlett for her exemplary service, and congratulates Judge Scarlett on her retirement.

Chair Price introduced the item.

Commissioner Greene thanked Judge Scarlett for being an inspiration to her during her time as an assistant prosecutor on the drug treatment and family courts with Judge Buckner, and congratulated her on her career.

Latarndra Strong recounted the first time she met Judge Scarlett through their children, who were friends. She said, at that time, she did not know that Judge Scarlett was a judge, but she was a firm parent with high expectations. She said she has learned a lot from Judge Scarlett. She said Judge Scarlett loves this community, and it is evident in her stories and her decades of services. She said she hopes Judge Scarlett is blessed in her retirement, and thanked her for her service.

Empress Roi recounted when she met Judge Scarlett during a custody trial. She said her attorney pressed for her case to be heard by Judge Scarlett, who, after careful deliberation, restored her custody rights. She said the decision changed her children's trajectory. She said she is happy to have an opportunity to express her thanks and respect to Judge Scarlett upon her retirement.

Chair Price said Judge Scarlett has become a true friend, and the roots of the Scarlett family go deep and wide in Orange County.

Chair Price read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION
RECOGNIZING JUDGE BEVERLY A. SCARLETT**

WHEREAS, Beverly A. Scarlett was born in rural Orange County into a family with deep and extensive roots in the county; and

WHEREAS, in 1983, Scarlett received her undergraduate degree from Saint Augustine's College, and later enrolled in North Carolina Central University School Law where she earned her Doctor of Jurisprudence in 1993; and

WHEREAS, Scarlett became the first Woman of Color from Orange County to have a solo private law practice in Hillsborough; and

WHEREAS, Scarlett became the first Woman of Color to work in the Prosecutorial District 18 as an Assistant District Attorney; and

WHEREAS, in 2007, former Governor Mike Easley appointed Scarlett to serve as Judge for Judicial District 15-B of the North Carolina District Court System, which includes Orange County and Chatham County, and thus became the first Woman of Color to serve in this capacity in the district; and

1
2 WHEREAS, Judge Scarlett subsequently was elected as Judge for Judicial District 15-B in
3 2012, 2016 and 2020, consistently running without opposition; and
4

5 WHEREAS, as many Women of Color, Judge Scarlett has had to fight against sexism and
6 racism during her careers; and
7

8 WHEREAS, throughout her career, Judge Scarlett has remained a staunch advocate for the
9 rights of children, women and families, and has promoted accountability and community safety
10 to assure safe homes for child well-being and development;
11

12 NOW THEREFORE BE IT PROCLAIMED that the Orange County Board of County
13 Commissioners, on behalf of the people of Orange County, hereby recognizes and expresses
14 sincere gratitude to Judge Beverly A. Scarlett for her exemplary service to Orange County, for
15 breaking barriers and challenging systems, and for her numerous contributions for the
16 betterment and advancement of her community; and
17

18 BE IT FURTHER PROCLAIMED that the Orange County Board of County Commissioners, on
19 behalf of the people of Orange County, congratulates Judge Beverly A. Scarlett on her
20 retirement, and hopes that her life journey hence forward will abound in excitement and joy.
21

22 This the 6th day of April, 2021.
23
24

25 _____
26 Renee Price, Chair
27 Orange County Board of Commissioners

28 A motion was made by Chair Price, seconded by Commissioner Dorosin, to approve and
29 authorize the Chair to sign the proclamation.
30

31 **Roll call ensued**
32

33 **VOTE: UNANIMOUS**
34

35 Judge Scarlett said she was emotional thinking of her family members who went through
36 difficult circumstances to survive, and on whose shoulders she stands. She said it has been an
37 honor to serve in every capacity. She said she loved her job as a judge, and made decisions
38 that she felt were in the best interests of her community. She said she has a sisterly bond with
39 Latarndra Strong. She recounted meeting a person in the courtroom for whom she used to
40 clean toilets. She read a passage written by Langston Hughes. She said she loves her
41 community.
42

43 Commissioner Hamilton thanked Judge Scarlett for her service, and for demonstrating a
44 model of perseverance.
45

46 **b. Proclamation Recognizing Thom Freeman-Stuart**

47 The Board considered voting to approve a proclamation recognizing and expressing
48 gratitude to retired Orange County Assistant Deputy Clerk Thom Freeman-Stuart.
49

50 Commissioner Bedford read the resolution:
51

1 **BACKGROUND:**

2 After almost 15 years of dedicated service to Orange County, Thom Freeman-Stuart retired on
3 March 31, 2021.

4
5 Following a career in the private sector, Thom Freeman-Stuart joined Animal Services in 2003
6 as an Office Assistant. He then became an Accounting Technician with the Department of
7 Social Services in 2008. Mr. Freeman-Stuart joined the Board of County Commissioners' office
8 as an Assistant to the Clerk in 2013 and was reclassified to an Assistant Deputy Clerk in 2017.

9
10 Mr. Freeman-Stuart managed the advisory boards and commissions process, by recruiting
11 volunteers, maintaining records, ensuring appointments were made in a timely manner, and
12 acting as the liaison between the Board of County Commissioners and the advisory boards and
13 commissions. Mr. Freeman-Stuart also oversaw the day to day financial matters of the Board of
14 County Commissioners' office, and assisted in developing and monitoring the budget each fiscal
15 year. Additionally, he served as the lead person for arranging special functions in the county,
16 including advisory board volunteer and employee recognition events.

17
18 **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**
19 **PROCLAMATION RECOGNIZING AND EXPRESSING GRATITUDE TO**
20 **THOM FREEMAN-STUART,**
21 **RETIRING ASSISTANT DEPUTY CLERK**

22
23 WHEREAS, Thom Freeman-Stuart started working with Orange County in 2006 as an Office
24 Assistant with Animal Services; and

25
26 WHEREAS, Thom earned a promotion to Accounting Technician with the Department of Social
27 Services in 2008; and

28
29 WHEREAS, Thom transferred to the Board of County Commissioners; Office as an Assistant to
30 the Clerk in 2013 and was later reclassified to Assistant Deputy Clerk in 2017; and

31
32 WHEREAS, during his time in the Board of County Commissioners' Office, Thom did an
33 exceptional job maintaining and improving the advisory boards and commissions process, as
34 well as managing the budget and finances for the office; and

35
36 WHEREAS, Thom provided excellent service to both internal and external customers, and was
37 always available to lend a hand; and

38
39 WHEREAS, Thom is regarded by his coworkers as a wonderful colleague and friend whose
40 kindness and good humor will be missed; and

41
42 WHEREAS, Thom retired from Orange County on March 31, 2021 after almost
43 15 years in service to the County and its residents;

44
45 NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby
46 recognize and express deep appreciation and respect for the services rendered by Thom
47 Freeman-Stuart to the Orange County community, and wish him well in his retirement.

48
49 This the 6th day of April, 2021.
50
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Renee Price, Chair
Orange County Board of Commissioners

A motion was made by Commissioner Bedford, seconded by Commissioner Hamilton, to approve and authorize the Chair to sign the proclamation recognizing and expressing appreciation to Thom Freeman-Stuart for his service to the people of Orange County and wishing him well in his retirement.

Roll call ensued

VOTE: UNANIMOUS

Laura Jensen expressed her thanks to Thom Freeman-Stuart for helping her get established in this new role.

Commissioner Dorosin said Thom Freeman-Stuart did a great job, and always did it with grace, enthusiasm and a positive attitude

Commissioner Bedford said she knows Thom Freeman-Stuart will not miss the late night meetings, and she could not keep all of the advisory boards and commission information straight without him.

Chair Price said Thom Freeman-Stuart always worked with a smile, and did his job with ease, a sense of humor and a sense of calm. She thanked him for all of his work.

Thom Freeman-Stuart said he was overwhelmed with his item coming after Judge Scarlett, whom he respects. He said government work fell into his lap thanks to former Animal Services director Bob Marotto. He said he is confident in the new Clerk and her staff. He said after moving to Hillsborough, he and his husband were able to get married in front of the old Orange County courthouse, and many of the employees from Orange County came to the wedding. He said he never thought that would happen in his lifetime. He said he is grateful to have had the opportunity to work at the County.

Commissioner McKee joined the meeting at 8:00 p.m.

c. Fair Housing Month Proclamation

The Board considered voting to approve a proclamation designating April 2021 as Fair Housing Month in Orange County, North Carolina.

Annette Moore, Human Rights and Relations Director, introduced the item and discussed how the different resolutions the board passes fit together. She highlighted information from the background described in the agenda:

BACKGROUND:

The month of April is National Fair Housing Month. April 2021 will mark the 53rd anniversary of the enactment of the Federal Fair Housing Act of 1968 and the 27th anniversary Fair Housing portion of the Orange County Civil Rights Ordinance. These laws grant every person a right to live where they choose, free from discrimination on the basis of race, color, national origin, sex, religion, familial status, or disability. The Orange County Civil Rights Ordinance, established in 1987, adds additional protection from discrimination based on age and veterans status.

The United States Department of Housing and Urban Development has chosen "Fair Housing: More Than Just Words" as the 2021 Fair Housing Month theme. The chosen theme addresses the idea that ending discrimination in housing is more than providing equal housing

1 opportunities for all. Housing can also be a tool to erase economic and education inequalities
2 and help dismantle systemic racism.

3
4 In the 1930s, the federal Government Federal Housing Administration ("FHA") was part of the
5 New Deal, whose job was to guarantee Americans' loans so they could buy a home in
6 subdivisions and suburbs across the United States. FHA made homeownership possible for
7 millions of average Americans by ensuring long-term, low monthly paying mortgages. However,
8 the FHA required deed restrictions that prevented Blacks from purchasing these homes. This
9 housing boom was bolstered by the Serviceman's Readjustment Act of 1944 ("G.I. Bill") that
10 provided \$95 billion into expanding a range of benefits for returning World War II Veterans.
11 Benefits included helping 16 million veterans receive low-cost mortgages, low-interest loans to
12 start a business or a farm, getting one year of unemployment compensation, and receiving
13 education expenses to attend high school, college, or vocational school. Veterans
14 Administration Mortgages guaranteed mortgages for nearly five million new homes for veterans.
15 Between 1946 and 1947, VA mortgages alone accounted for 40% of the homes purchased
16 during that year. Residential ownership became the critical foundation to economic
17 empowerment in the United States. The G.I. Bill was championed as improving returning
18 veterans' economic prospects, promising each soldier the status of the "unforgotten man."
19

20 Ira Katznelson in, *When Affirmative Action Was White: The Untold Story of Racial Inequality in*
21 *the Twentieth-Century America*, contends that the New Deal and Harry Truman's Fair Deal
22 Programs discriminated and contributed to the widening gap between Black and White
23 Americans. Katznelson says the G.I. Bill "was deliberately designed to accommodate Jim
24 Crow." He argues that President Franklin Roosevelt, to gain legislative support for the G.I. Bill,
25 made compromises with Southern legislators that allowed the G.I. Bill to be drafted in a
26 discriminatory manner. As a result, the G.I. Bill, while race-neutral, disproportionately impact
27 black veterans because the legislation as written allowed the program to be in the hands of
28 state and local officials who could interpret guidelines in a racially discriminatory manner, thus
29 excluding Black veterans from receiving benefits.
30

31 A study conducted by the Research Division of Veterans Administration in 1950 demonstrated
32 that between September 1940 and August 1945, returning Black veterans participated almost at
33 the same levels as their white counterparts in G.I. Bill programs. However, they did not benefit
34 in the same way. White local officials, businessmen, bankers, and college administrators were
35 in charge of local programs that disenfranchised programs Black veterans. Depending on
36 locality, Blacks veterans were denied housing and business loans, admission to white-only
37 colleges and universities, unemployment benefits, and excluded from job training programs and
38 career opportunities. It didn't take long after the G.I. Bill's passage for reports of the obstacles
39 Black veterans faced in obtaining benefits to come to light, from securing loans to being
40 discharged without a hearing and given "less than honorable" ratings so Black veterans wouldn't
41 be eligible for benefits. The disparate impact was apparent even in the North, where in New
42 York and Northern New Jersey, less than 100 out of 67,000 G.I. Bill VA Mortgages were
43 provided to Black veterans.
44

45 Because of these past discriminatory practices, this year, the Department of Human Rights and
46 Relations highlights the protected class of "Veterans" during Fair Housing Month and throughout
47 this next year. The County honors all veterans' service and the missed opportunities of those
48 who served and did not receive the full benefit of what the Country promised them for their
49 service. This month the Department will host a Webinar with the Equal Employment
50 Opportunity Commission ("EEOC") regarding discrimination issues faced by Veterans in
51 Housing and the Workplace, "Hot Topics for Veterans: COVID & Beyond."

1
2 Wednesday, April 21, 2021 Veterans Housing and Employment
3 Hot Topics COVID & Beyond 1:00pm - 4:00pm
4

5 Later in this Spring, the Department will co-host a "Veterans Stand Down" with State and
6 Federal partners, including the EEOC, the Department of Social Services, the N.C Department
7 of Military and Veterans Affairs, and the U.S. Department of Veterans Affairs to provide
8 additional resources to Veterans in Orange County. More information about these events can
9 be found at
10 http://www.orangecountync.gov/departments/human_rights_and_relations/index.php.
11

12 Annette Moore read statistics about veterans in Orange County, who make up 4.6% of
13 the population. She said 90% are male, 72% are white, 23% are black, 48% are under the age
14 of 65, 3.9% live below the poverty level, 20% have a disability, and 58% of veterans between
15 the ages of 18 and 64 participate in the labor market.

16 Annette Moore described the events her department will hold for veterans during the
17 month of April, regarding housing and employment opportunities.

18 Commissioner Dorosin thanked Annette Moore for her presentation of the background
19 information, as it is important context for people to know. He said the Fair Housing Act was the
20 one civil rights act that imposed an obligation to create diverse, inclusive, and integrated
21 neighborhoods. He thanked Annette Moore for the work her department does.

22 Chair Price expressed thanks for bringing the item forward and showing the continuing
23 necessity of efforts regarding fair housing.

24 Annette Moore read the resolution:
25

26 **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**
27 **PROCLAMATION**
28 **FAIR HOUSING MONTH**
29

30 WHEREAS, April 11, 2021 marks the 53rd anniversary of Title VIII of the Civil Rights Act of
31 1968 (formally known as the Fair Housing Act) and the 38th anniversary of the North Carolina
32 Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex, religion,
33 national origin, disability and familial status; and
34

35 WHEREAS, the Orange County Board of Commissioners enacted the Orange County Civil
36 Rights Ordinance on June 6, 1994, which affords to the residents of Orange County the
37 protections guaranteed by the Fair Housing Act and additionally encompasses the protected
38 classes of Veteran Status and Age; and
39

40 WHEREAS, Orange County and the U. S. Department of Housing and Urban Development as
41 well as concerned residents and the housing industry are working to make fair housing
42 opportunities possible for everyone by encouraging others to abide by the letter and the spirit of
43 fair housing laws; and
44

45 WHEREAS, the U.S. Department of Housing and Urban Development annually declares the
46 month of April as National Fair Housing Month, designating Fair Housing: More Than Just
47 Words as the national theme and ideal for 2021; and
48

49 WHEREAS, despite the protections afforded by the Orange County Civil Rights Ordinance and
50 the Fair Housing Act, illegal housing discrimination still occurs in our nation and within our
51 County; and

1
2 WHEREAS, by supporting and promoting fair housing and equal opportunity, we are
3 contributing to the strength of our County, State and Nation.
4

5 NOW, THEREFORE, we, the Board of County Commissioners of Orange County North
6 Carolina, do proclaim April 2021 as FAIR HOUSING MONTH and commend this observance to
7 all Orange County residents.
8

9 This the 6th day of April, 2021.
10
11

12
13 _____
14 Renee Price, Chair
15 Orange County Board of Commissioners

16 A motion was made by Commissioner Dorosin, seconded by Commissioner Fowler, to
17 approve the proclamation and authorize the Chair to sign.
18

19 **Roll call ensued**
20

21 **VOTE: UNANIMOUS**
22

23 **d. Presentation by Carolina Common Enterprise on the Resident-owned Community**
24 **Model for Manufactured Home Communities**
25

26 The Board received a presentation on Carolina Common Enterprise’s implementation of
27 the resident-owned community model for manufactured home communities (MHCs).
28

29 Emila Sutton, Housing Director, introduced the item and the speakers.
30

31 **BACKGROUND:**

32 Manufactured homes are an important piece of the affordable housing continuum. The per
33 square foot cost of producing a manufactured home is less than half the cost of constructing a
34 comparable stick-built, single-family detached home, making manufactured housing one of the
35 most affordable options available to both renters and homeowners. Orange County has
36 approximately 100 manufactured home communities collectively containing more than 2,000
37 lots. Due to the high value of land in the County and the potential for large profit margins, many
38 developers are interested in buying and redeveloping manufactured home communities for
39 other uses, placing residents in danger of displacement and housing insecurity. As such,
40 developing an actionable manufactured housing strategy for the County is a priority.
41

42 Carolina Common Enterprise (CCE) is a tax-exempt nonprofit cooperative development center
43 that provides training and technical assistance to cooperatives in North Carolina, including start-
44 up and growing cooperatives, and businesses converting to a cooperative enterprise. Operating
45 as ROCarolinas, CCE is also the North Carolina network affiliate of ROC USA, a New
46 Hampshire-based nonprofit that establishes resident-owned communities (ROCs) –
47 manufactured home communities that are owned by a cooperative of resident homeowners
48 rather than an outside landlord. In a ROC, residents buy a share in a cooperative that owns the
49 entire community rather than each resident renting or owning an individual lot. To date the ROC
50 USA Network has converted 268 MHCs to resident ownership in 20 states. CCE facilitated the
51 first such North Carolina conversion last year in Randolph County.

1
2 CCE will present information on its implementation of the ROC USA development model and
3 the potential of this model as a solution for increasing affordability and stability in manufactured
4 home communities.
5

6 Thomas Beckett, Carolina Common Enterprise Executive Director, introduced the topic,
7 and made the following PowerPoint presentation:

Manufactured Housing
Cooperatives - Potential For
Orange County



For Orange County Board of County Commissioners
6 April 2021

Carolina Common Enterprise/ ROCarolinas Thomas Beckett, Executive Director Teia Evans, Associate Director	ROC USA Network Mary O'Hara, Director
--	--



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Cooperative Development Center

- Training and technical assistance for cooperative businesses to create long term systemic change in North Carolina's economy.
- Legal services for co-ops.
- 501(c)(3) tax-exempt, founded 2012.
- Primary funding is USDA Rural Cooperative Development Grant.
- "Helping People Help Themselves" – cooperatives give people greater control over their own economic circumstances.
- First Resident-Owned Cooperative in 2020: **Oak Meadows** in Asheboro. Certified Technical Assistance Provider in ROC USA Network.



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14

Mary O'Hara, ROC USA Director, presented the following slides:



1984 – 2008

- 1 state – New Hampshire
- Limited equity cooperative model
- 88 Resident Owned Communities, 5,000 Member-owners
- 20% of all MHCs (now over 30%)



2008 – current

- 18 states
- Standardized limited equity cooperative model
- 267 Resident Owned Communities – 18,100 Member-owners
- 12 certified Tech. Assistance Affiliates
- More than \$280 million in financing provided



ROC USA is 501c3 non-profit LLC with 3 non-profit Members and 1 Member – the ROC Association – that is an association of the ROCs we serve.

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ROC USA
Resident Owned Communities
BETTER TOGETHER

Core Services

1. **Find viable for-sale opportunities for homeowners:**
 - a. Extensive market development to identify viable for-sale communities
 - b. Industry friendly brand
 - c. Focus on commercial market time-frames
2. **Expert Assistance:**
 - a. Development of the co-op and facilitation of the purchase process
 - b. Post-purchase training, coaching and technical assistance
 - c. In-person and online training and networking opportunities for ROC leaders
3. **Community Financing:**
 - a. Forgivable due diligence financing
 - b. Acquisition financing
 - c. Improvement financing
 - d. Leverage other lenders and grantors

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Thomas Beckett resumed the presentation:

ROC USA
Resident Owned Communities
BETTER TOGETHER

In short:

- Only work with landlords willing to sell.
- Work with resident homeowners after landlord agrees:
 - Feasibility & due diligence to examine costs/benefits so homeowners can make an informed choice.
 - Training & Skill-building for long-term stability after closing.
- ROC USA Capital 110% LTV financing for purchase and expected capital improvements.
- Ten-year contract between ROC Carolinas and Resident Owned Cooperative for ongoing training and guidance.

ROC CAROLINAS

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www.rocusa.org



Orange County

Manufactured Home Communities within the County

- 81 Manufactured Home Communities (~1810 homes)
- 32 with more than 25 lots (~1390 homes)
- 1 owned by national investor (~215 homes)
- 4 within Town of Chapel Hill (~162 homes)

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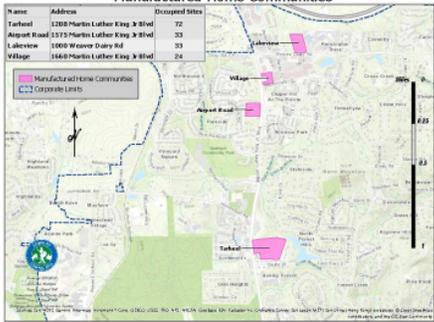
www.rocusa.org



Town of Chapel Hill

Manufactured Home Communities

Name	Address	Occupied Sites
Talbot	2288 Martin Luther King, Jr Blvd	12
Airport Road	1575 Martin Luther King, Jr Blvd	33
Lakeview	1800 Weaver Dairy Rd	33
Village	1648 Martin Luther King, Jr Blvd	24



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Thomas Beckett said ROC USA has been in talks with the Town of Chapel Hill to determine how its model could help the four manufactured home communities in northern Chapel Hill. He resumed the PowerPoint presentation:

www.rocusa.org




“People are no longer tenants, they’re owners — and that makes them feel good. The security is the very, very best part.”



JEAN STEWART
Midden Village Cooperative, Olympia, Wash.

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11



Contact Information

www.commonenterprise.coop www.ROCUSA.org

919-246-9929
Durham, North Carolina

Mary O'Hara
mary@rocusa.org

Thomas Beckett

thomas@commonenterprise.coop

Teia Evans

teia@commonenterprise.coop



1
2
3 Commissioner Fowler thanked the presenters. She said there are big pressures on
4 mobile home communities in Chapel Hill. She asked if clarification could be provided on how
5 the program would help communities in Chapel Hill.

6 Thomas Beckett said the program can help communities by creating opportunities for
7 financing so they can purchase their properties, and remove them from the speculative market.
8 He said properties with a high asset value have a high purchase price. He said the program
9 can help with financing, but a higher price makes the rent unaffordable for residents. He said in
10 these types of situations, the program looks for alternative financing to reduce the costs of the
11 loan for residents.

12 Mary O'Hara said meeting the purchase price of a high asset value can make it difficult
13 for residents, so the program seeks financial assistance from community groups or local
14 governments. She said, in some cases, government funding can lower the interest rate, which
15 makes it more affordable for residents.

16 Chair Price said she spoke this morning with the local Mayors, and it was suggested that
17 the Orange County Affordable Housing Collaborative be enlarged by adding a member from
18 each jurisdiction, and including non-profit organizations that work with housing. She said the
19 collaborative could research programs like ROC USA and Carolina Common Enterprise. She
20 said the Board of County Commissioners (BOCC) could expand the charge of the Affordable
21 Housing Collaborative.

22 Commissioner Dorosin said local government can aid in financing, and asked if there are
23 other ways local government could be involved. He noted previous ideas for assisting residents
24 in mobile home parks. He said he is not sure adding so many members to the Affordable
25 Housing Collaborative would be useful, since any decisions would have to come back to the
26 local governing boards for approval.

27 Commissioner Dorosin asked if there are criteria for choosing mobile home parks to
28 assist through programs like ROC USA.

29 Mary O'Hara said every affiliate has targeted areas, but also review areas that come up
30 for sale. She said the affiliates tend to target bigger areas and developments. She said
31 investors look for areas where rents are lower, as there is a greater ability to increase rent. She
32 said infrastructure funding and financing are critical, since some developments have
33 maintenance issues. She said the public sector can also provide incentives to the community
34 owners to sell to the residents, and some have used zoning to address alternative use issues.

35 Commissioner McKee asked if this was exclusive to owner-occupied or renter-occupied
36 homes. He asked if the increase in rents can be identified, as many residents are already living
37 on little funds.

38 Mary O'Hara said ROC typically looks for owner-occupied homes, as they are more
39 suited for set up a resident cooperative. She said if more than 25% of the homes are rented, it

1 is more difficult to be successful. She said she does not have an average amount of rent
2 increases, and it depends greatly on what the market rents are, how far below market value the
3 rents currently are. She said if an investor buys a property, the rents typically increase to
4 market value as quickly as possible. She said residents have raised their rents anywhere from
5 \$5-\$180 increase to purchase the community, and it really depends on the market. She said a
6 \$30-\$40 increase is probably most typical.

7 Commissioner McKee agreed with the idea of asking the HOME Collaborative to
8 research the ideas further.

9 Commissioner Greene asked Thomas Beckett to speak on limited equity cooperative
10 housing and what it means over time.

11 Thomas Beckett said limited equity housing is a term used to distinguish it from market
12 rate housing. He said in cooperative housing residents own the asset. He said in New York
13 City the model is market rate, and each resident owns a share in the cooperative, and the
14 cooperative owns the building and they all share in maintaining the building. He said the pricing
15 is comparable to market rates in the city, because the membership if a full equity ownership in
16 the value of the underlying property. He said the limited equity housing came about in New
17 York as well, due to many abandoned properties with squatters. She said the membership does
18 not participate in the equity of the building, but rather in maintaining and governing it. He said
19 ROC USA is a limited equity model, where the cooperative corporation is a non-profit, and there
20 are no owners in the equity. He said members of a ROC pay a modest membership fee, and
21 each receives a vote for the Board of Directors and major issues of the community. He said
22 members are buying into a long-term stable rent situation, and the residents have the
23 opportunity to turn any cash flow into a reinvestment into the community. He said the home is
24 classified as a motor vehicle, which are generally considered depreciating assets. He said in a
25 resident owned community, the rents are stabilized, and generally become a higher valued
26 community, which creates equity. He said using a nonprofit as the vehicle takes the land off of
27 the speculative market, and no longer allows an investor to come in and turn it into condos.

28 Chair Price suggested, given the late hour that this topic be researched further by a
29 committee.

30 Commissioner Greene said she supports taking this to a committee for further research
31 and discussion. She said this idea is so valuable, as this is a market driven situation. She said
32 if a landlord wishes to sell, ROC USA begins the process. She said if this model is adopted, it
33 does not create a lot of work for a committee, and the Affordable Housing Collaborative does
34 not need to have its charge changed in order to cover.

35 Chair Price said she supports letting the Affordable Housing Collaborative move forward
36 with researching the item, and would like to increase the membership on the committee to
37 increase the diversity of the group. She said she would like to expand the number of voices on
38 the committee, including representation from people who live in the mobile home communities.

39 Commissioner Greene said the collaborative will bring information back to the full boards
40 for further discussion, and she does not want to slow things down.

41 Chair Price said she is not trying to slow things down, but rather wants to move them
42 along. She said she would like the BOCC to vote to pursue this.

43 Commissioner Greene said she would like for the Board to decide if this is a model that
44 in which the County wants to participate.

45 Chair Price said she thought the existing Affordable Housing Collaborative should
46 research the model. She said the only suggestion she and the mayors of the municipalities had
47 was to increase the diversity of the collaborative

48 Commissioner Greene clarified the suggestion of expanding the number of people on
49 the collaborative. She said, as elected officials, the existing representatives represent the
50 voters of Chapel Hill, the County and the Towns.

1 Commissioner Fowler said the suggestion of a separate committee was to bring in other
2 voices from residents in mobile home communities. She said her thought was to keep the same
3 committee (the Affordable Housing Collaborative), but to bring in other perspectives.

4 Chair Price said the suggestion was to also increase the voices of people of color and
5 those that would be affected by development in mobile home community. She said if the Board
6 agrees to pursue the model, the Affordable Housing Collaborative could begin researching and
7 discussing how to move forward.

8 Commissioner Bedford supported partnering with the municipalities to move forward with
9 implementing the ROC USA model in Orange County. She referred to Chair Price's
10 suggestions earlier in the meeting for next steps.

11
12 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
13 add four members to the Orange County Affordable Housing Collaborative and to move forward
14 with implementing the ROC USA model.

15
16 Commissioner McKee said the item was put on the agenda as a discussion item, and he
17 was not sure what the Board would be voting on.

18 Chair Price clarified the motion.

19 Commissioner McKee said he felt this was not the appropriate time to vote on the item,
20 since it was only to be a presentation.

21 Commissioner Dorosin said he had all of the information he needed to vote on the
22 motion.

23
24 **Roll call ensued.**

25
26 **VOTE: Ayes, 6 (Commissioner McKee abstained from voting)**

27
28 Chair Price said she would work with Emila Sutton to move forward on the item as
29 quickly as possible.

30 Chair Price thanked the presenters from ROC USA.

31 Chair Price suggested taking a 3-minute break.

32 Commissioner Dorosin asked if there is anything that could be moved off of the agenda
33 to a future date in the essence of time.

34 Commissioner Bedford said future agendas are packed through the end of the fiscal
35 year.

36
37 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to
38 recess the meeting for 3 minutes.

39
40 Roll call ensued

41
42 **VOTE: Ayes, 6; Nays, 1 (Commissioner Dorosin)**

43
44 **MOTION PASSES**

45
46 **RECONVENE THE MEETING**

47
48 Commissioner Bedford was not yet present, but due to a quorum of Board members
49 being present, Chair Price reconvened the meeting at 9:14 p.m.

50
51 All members were present except for Commissioner Bedford.

1
2 The agenda was reviewed to see if anything could be moved.
3 Bonnie Hammersley suggested alternatives for the CIP presentation. She said the
4 Greene Tract item needs to be voted upon, and suggested that the revaluation item could be
5 moved to a future meeting.

6 Commissioner Dorosin requested that the CIP presentation take place.
7 The Board decided to table the revaluation item (item 7) to a future meeting.
8

9 **e. Presentation by of Manager’s Recommended FY 2021-26 Capital Investment Plan**
10 **(CIP)**

11 The Board received a presentation of the Manager’s Recommended FY 2021-26 Capital
12 Investment Plan to the Board of County Commissioners.
13

14 **BACKGROUND:**

15 Each year, the County produces a Capital Investment Plan (CIP) that establishes a budget
16 planning guide related to capital needs for the County as well as Schools. The current CIP
17 consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities,
18 needs, and available resources. Approval of the CIP commits the County to the first year
19 funding only of the capital projects; all other years are used as a planning tool and serves as a
20 financial plan.

21 Travis Myren made the following PowerPoint presentation:
22

23

FY2021-26 Recommended Capital Investment Plan

- Change from FY2020-25 Adopted Plan

Fiscal Year	FY2020-25 Adopted	FY2021-26 Recommended	Total by Year
FY2021-22	\$ 72,141,056	\$ 54,055,167	\$ (18,085,889)
FY2022-23	\$ 47,843,860	\$ 61,074,164	\$ 13,230,304
FY2023-24	\$ 21,487,049	\$ 28,940,476	\$ 7,473,427
FY2024-25	\$ 19,828,316	\$ 22,232,637	\$ 2,404,321
TOTAL	\$ 161,780,281	\$ 166,302,444	\$ 5,022,163

- Net increase of \$5.0 million over four years
 - FY2021-22 increase in Waterstone EMS Substation for stormwater - \$450,000
 - FY2021-22 new EMS Substation location study - \$250,000
 - FY2021-22 net increase in borrowing for 203 S. Greensboro - \$275,000
 - FY2021-22 new remediation project for Emergency Services building - \$685,000
 - FY2023-24 new EMS substation at request of Chapel Hill Fire - \$3 million

24
25

FY2021-26 Recommended Capital Investment Plan

- Major Education Projects

- Supplemental Deferred Maintenance

- \$30 million over three (3) years ~ Now four (4) Years
 - Apply to Deferred Maintenance and Life & Safety Improvements
 - Allocated by Average Daily Membership in FY2020-21 (CHCCS 59.99%; OCS 40.01%)

Fiscal Year	Chapel Hill-Carrboro City Schools	Orange County Schools	Total by Year
FY2020-21	\$1,800,000	\$4,150,000	\$5,950,000
FY2021-22		\$3,600,000	\$3,600,000
FY2022-23	\$10,000,000	\$4,253,000	\$14,253,000
FY2023-24	\$6,197,000		\$6,197,000
TOTAL	\$17,997,000	\$12,003,000	\$30,000,000



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Travis Myren said Chapel Hill/Carrboro City Schools will take a year hiatus in FY22 from deferred maintenance. He resumed the PowerPoint presentation:

FY2021-26 Recommended Capital Investment Plan

- Major Education Projects

- Final 2016 General Obligation Bond Draw - \$13.3 million

- CHCCS - \$1,922,000 for Chapel Hill High School
 - OCS - \$11,386,000 for mechanical systems at six (6) Schools and roof replacements at two (2) schools.

- Orange County Campus – DTCC - \$3 million

- Needs assessment and programming recommendations – May 2021
 - Site work Guaranteed Maximum Price (GMP) in FY2021-22
 - Construction budgeted in FY22-23 for \$22.5 million



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FY2021-26 Recommended Capital Investment Plan

Major County Projects

- EMS Substation at Waterstone - \$2.45 million
 - Land donated by Town of Hillsborough from Waterstone Development Agreement
 - Co-location with Orange Rural Fire Department
 - Shared costs for site work, mechanical systems, common areas
 - Total County Share - \$3.4 million

- 203 South Greensboro Project - \$8.7 million
 - Southern Branch Library
 - Permanent Skills Development Center
 - Cost increase of \$1.8 million offset to net \$275,000 in new borrowing
 - Guaranteed Maximum Price – October 2021
 - Opening – Early 2023



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FY2021-26 Recommended Capital Investment Plan

Capital Investment Plan by the Numbers

- Total Recommended Capital Expenditures - \$54.1 million
 - County Capital - \$18.6 million
 - Proprietary Funds - \$4.9 million
 - School Capital - \$30.6 million

- Increase from FY2020-21 - \$20.2 million
 - \$8.7 million for 203 South Greensboro Project moved into Year 1
 - Last General Obligation School Bond Draw
 - CHCCS - \$1.9 million
 - OCS - \$11.3 million

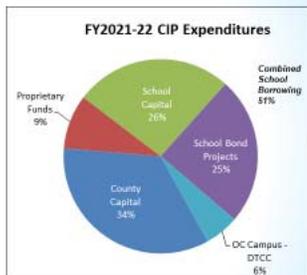
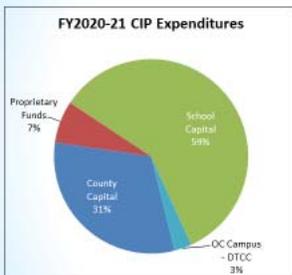
- Debt Service Increase - \$6,773,325



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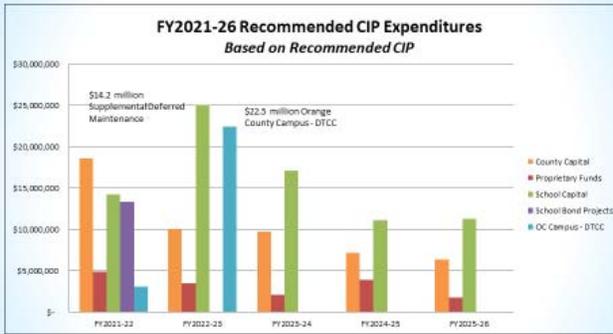
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FY2021-26 Recommended Capital Investment Plan



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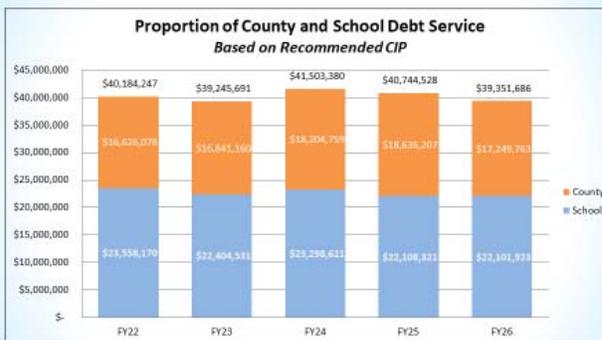
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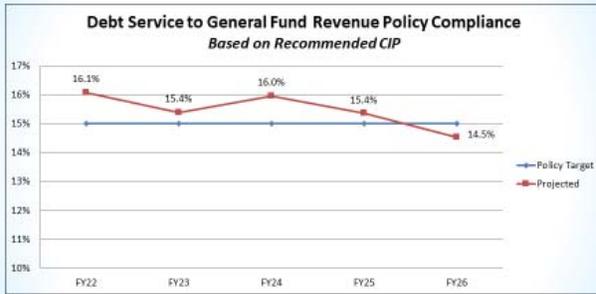
FY2021-26 Recommended Capital Investment Plan



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FY2021-26 Recommended Capital Investment Plan



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FY2021-26 Recommended Capital Investment Plan

Fiscal Year	FY2020-21 Approved CIP	FY2021-22 Recommended CIP
FY2021-22	4.81 cents	4.22 cents
FY2022-23		
FY2023-24	0.67 cents	
FY2024-25		
TOTAL	5.48 cents	4.22 cents

- Value of a penny increased by 8.5% to \$2,146,587 vs. 2% growth assumption due to revaluation
- Total debt service stabilized during five year period
 - Average of \$40.2 million annually
 - Use of debt service reserve to accommodate small changes



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FY2021-26 Recommended Capital Investment Plan

- Schedule for Consideration
 - Introduction of the Capital Investment Plan – April 6
 - Work Session on Capital Investment Plan – April 13
 - Further Consideration through Budget Work Sessions
 - Approval of the Operating and Capital Budget – June 15



13

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8 Commissioner Dorosin asked if clarification could be provided on the deferred
9 maintenance by Chapel Hill/Carrboro City Schools (CHCCS).

10 Travis Myren said it was only for supplemental deferred maintenance.

1 Commissioner Dorosin said he thought the reduction in FY21-22 would have been
2 smaller.

3 Travis Myren said in 2021-22, Orange County Schools is requesting its share of the
4 deferred maintenance, and will have exhausted its funds by the later years. He said OCS is
5 taking its funds earlier than CHCCS. He said the share of supplemental deferred maintenance
6 is requested in FY23 by CHCCS.

7 Travis Myren clarified that each school system will use their supplemental deferred
8 maintenance shares, but on different schedules.

9
10 **5. Public Hearings**

11 **a. Future Land Use Map (FLUM) and Zoning Atlas Amendment – Richardson (MA20-
12 0006)**

13
14 The Board held a public hearing, received the Planning Board/staff recommendation and public
15 comments, closed the public hearing, and considered action on applicant initiated
16 amendment(s) to the Comprehensive Plan Future Land Use Map (FLUM) and Zoning Atlas for a
17 parcel within the Hillsborough Township of Orange County.

18
19 **BACKGROUND:** The basic facts concerning this application (Attachment 1) are as follows:

20 Applicant: Ms. Gary Carleen Richardson
21 PO Box 4186
22 Burlington, NC 27215

23 Parcel Information: A. **Parcel and Size:** PIN 9873-54-6387. An approximately 2.72
24 acre parcel.

25 B. **Township:** Hillsborough.

26 C. **Current Zoning:** Rural Residential (R-1) and Stoney Creek
27 Basin Overlay District (Higher Intensity Development Area).

28 *STAFF COMMENT:* The parcel is not located within a
29 Watershed Protection Overlay District.

30 D. **Requested Zoning:** General Commercial (GC-4).

31 *STAFF COMMENT:* Action to approve this request will not
32 affect the parcel's location within the Stoney Creek Basin
33 Overlay District.

34 The potential rezoning of the parcel to GC-4 is not
35 inconsistent with the purpose and intent of this Overlay
36 District.

37 E. **Current Future Land Use Map (FLUM) Designation:** Rural
38 Residential land use category. Please refer to the maps
39 contained in Attachment 2 for more information.

40 *STAFF COMMENT:* Applicant has requested the FLUM
41 designation for the property become Commercial Industrial
42 Transition Activity Node (CITAN), which is necessary to
43 approve the rezoning request.

44 As detailed in Attachment 2, the parcel to the north is
45 located within the CITAN while property to the west, across

1 NC Highway 86, is located within the Economic
2 Development Activity Node, as detailed on the FLUM.

3 Parcel(s) to the south and east are located within the Rural
4 Residential land use category.

5 F. **Growth Management System Designation:** Rural
6 Designated.

7 G. **Existing Conditions/Physical Features:** The parcel is
8 currently undeveloped and heavily wooded with varying
9 topography.

10 H. **Roads:** The parcel has approximately 360 ft. of frontage along
11 NC Highway 86 to the west.

12 I. **Water and Sewer:** Development of the property will rely on
13 individual well and septic systems. The Property is not in an
14 area served by public water/sewer.

15 Surrounding Land Uses: **North:** 4 acre parcel zoned General Commercial (GC-4)
16 supporting a self-storage business;
17 **South:** An undeveloped 2.7 acre parcel zoned Rural
18 Residential (R-1);
19 **West:** NC Highway 86, parcels ranging in size from 2.6 to 30
20 acres in area zoned Economic Development
21 Hillsborough Limited Officer (EHD-2). The 30 acre
22 parcel is developed and utilized to support a single-
23 family residential land use; and
24 **East:** An approximately 235 acre parcel zoned Rural
25 Residential (R-1) owned by Duke University School of
26 Forestry.

27 Development Process, Schedule, and Action: The typical cadence for the review of a General
28 Use Rezoning and Zoning Atlas amendment is:

- 29 • **FIRST ACTION** – Submission of a General Use Rezoning application with required
30 supporting documents by the property owner.

31 *STAFF COMMENT:* Ms. Richardson provided required document(s) on
32 November 6, 2020, supplemented in January of 2021 with additional
33 information providing support for the requested change in the FLUM
34 designation.

- 35 • **SECOND ACTION** – The Planning Board reviews the application at a regular
36 meeting and makes a recommendation to the BOCC.

37 *STAFF COMMENT:* The Planning Board reviewed this item at its March 3, 2021
38 regular meeting where members voted unanimously to recommend denial of the
39 request(s).

- 40 • **THIRD ACTION** – The BOCC receives the Planning Board recommendation and
41 makes a decision at a previously advertised public hearing.

42 *STAFF COMMENT:* Scheduled for April 6, 2021.

1 Consistent with State legislation regarding virtual/remote meetings, there is a 24-
 2 hour waiting period required before a decision becomes effective. The purpose of
 3 the 24-hour waiting period is to allow for submission of written comments.

4 General Use Rezoning: Zoning promotes development of land uses that can co-exist in
 5 proximity to one another consistent with the promotion of the public health, safety, and general
 6 welfare. Regulations establish opportunities/constraints associated with land development in an
 7 attempt to ensure one person's 'reasonable use' of property does not affect another person's
 8 ability to make reasonable use of their property.
 9

10 This request involves a property owner seeking to change the zoning designation of their
 11 property from a residential general use zoning district (R-1) to a district allowing for the
 12 development of non-residential land uses (GC-4). In acting on this request, the County is
 13 unable to impose conditions and the applicant is not required to define what type of
 14 development (i.e. permitted use category) is anticipated. If rezoned, all land uses permitted
 15 within the GC-4 general use zoning district are suitable for development on the property once
 16 compliance with applicable regulations is demonstrated.
 17

18 General Use Rezoning applications are processed in a legislative manner (i.e., does not require
 19 sworn testimony or evidence) and decisions are based on the BOCC's determination the
 20 request is consistent with the purpose and intent of the Comprehensive Plan.
 21

22 Proposal: Applicant requests the general use zoning designation of the property become GC-4
 23 arguing:

24 *... changing this (property's) zoning to General Commercial (GC-4) will be more*
 25 *in line with the Character of the area. There is a shopping center approximately*
 26 *one mile down the road that includes a Walmart, Home Depot, and various*
 27 *other chain stores and fast food restaurants. On the other side of the road from*
 28 *the shopping center is a newly built Sheetz, which also has space to have*
 29 *another tenet beside them.*

30 The request also involves changing the future land use designation for the property from Rural
 31 Residential to Commercial Industrial Transition Activity Node (CITAN).

32 *STAFF COMMENT:* This change is necessary to approve the rezoning request.

33 The applicant argues current development trends along NC Highway 86, as well as existing land
 34 use designations on parcels to the north and west, support changing the designation of the
 35 subject property to CITAN.

36 Other pertinent information concerning the property is as follows:

- 37 • Comprehensive Plan: The subject parcel is currently located within the Rural
 38 Residential land use category.

39 Per Appendix F, "*Relationships Between Land Use Categories and Zoning Districts*
 40 *Matrix*" of the adopted Orange County Comprehensive Plan, GC-4 is not an allowable
 41 general use zoning category for property located within a Rural Residential land use
 42 category.

43 The GC-4 general use zoning district is permitted within the Commercial-Industrial
 44 Transition Activity Node (CITAN).

1 Per Appendix G *Land Use Classification and Overlay Locational Criteria* of the
 2 Comprehensive Plan, CITAN is located in areas meeting specific criteria including, but
 3 not limited to:

- 4 ○ Areas currently, or could be reasonably and efficiently, served by centralized
 5 public services and utilities;
- 6 ○ Located at the intersection of arterial and/or collector highways or in proximity to
 7 other major transportation networks;
- 8 ○ In areas near major transportation routes that could be provided with public water
 9 and wastewater services, which are appropriate for non-residential and higher
 10 density residential uses.

11 As detailed by staff (Attachment 5), the subject parcel is not located in an area currently
 12 or planned to be served by public utilities (i.e. water and/or sewer).

13 In order for the property to have access to public utilities, the Town of
 14 Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan
 15 and Water and Sewer Management, Planning and Boundary Agreement (WASMPBA)
 16 would need modification first.

17 For more information on the definition of CITAN, and to review the allowed zoning
 18 designations permitted within same, the Comprehensive Plan is accessible at:

19 <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

- 20 • Future Land Use Map (FLUM) Designation: The FLUM can be accessed at:
 21 [http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF)
 22 [PDF](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF).
- 23 • Growth Management System Map Designation: The property is Rural Designated.
 24 STAFF COMMENT: The Growth Management System Map is a tool utilized by
 25 staff to identify permit review thresholds for residential (i.e., subdivision) projects.
- 26 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land
 27 Use Plan: COCA is a joint land use document defining locations of 'future land use
 28 categories' to achieve desired and coordinated pattern(s) of development.
 29 Implementation of the COCA Land Use Plan is achieved through consistency with the
 30 County's Comprehensive Plan Future Land Use Map, application of County zoning, and
 31 a coordinated approach to rezoning.

32 The subject parcel is outside of the Town's Urban Service area.

33 Consistent with COCA, the Town may not extend utilities outside the service area. The
 34 applicant approached the Town in 2012 about moving the Urban Service boundary to
 35 include this parcel. In recommending approval of COCA, Hillsborough's planning board
 36 supported the concept of amending the boundary but did not take action to do so. COCA
 37 can be accessed at:

38 [https://www.orangecountync.gov/DocumentCenter/View/14011/Central-Orange-](https://www.orangecountync.gov/DocumentCenter/View/14011/Central-Orange-Coordinated-Area-COCA-Land-Use-Plan-PDF)
 39 [Coordinated-Area-COCA-Land-Use-Plan-PDF](https://www.orangecountync.gov/DocumentCenter/View/14011/Central-Orange-Coordinated-Area-COCA-Land-Use-Plan-PDF).

40 Please refer to the map in Attachment 3 for more information. As previously indicated,
 41 COCA modifications are necessary to extend the Urban Service Area allowing the
 42 property to qualify for utility service.

- 1 • Water and Sewer Management, Planning and Boundary Agreement (WASMPBA):
 2 Property is located within the Town of Hillsborough Long-term Interest Area. Public
 3 utilities (i.e. water and sewer) are available only if the property owner seeks voluntary
 4 annexation into the Town and the WASMPBA Primary Service Area boundary is
 5 amended to include the parcel. The WASMPBA agreement can be accessed at:
 6 [http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)
 7 [Management-Planning-and-Boundary-Agreement-PDF.](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)
- 8 • Environmental Assessment (EA): Per Section 6.16.2 (A) of the UDO, the application is
 9 exempt from the Environmental Assessment (EA) requirement. Once a formal
 10 development proposal (i.e. site plan) is submitted, it will be evaluated for compliance
 11 with the provisions of the UDO. Please note, an environmental assessment application
 12 is typically required only for projects exceeding two acres of proposed land disturbance.

13 Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to:
 14 'cause an analysis to be made of the application' and provide analysis to the reviewing body. In
 15 analyzing this request, the Planning Director offers the following:

- 16 1. The application is complete in accordance with the requirements of Section 2.8.3 of the
 17 UDO;
- 18 2. The Rural Residential land use category is defined within the adopted Comprehensive
 19 Plan as:

20 *Land in the rural areas of the County which is appropriate for low*
 21 *intensity and low-density residential development and which would not*
 22 *be dependent on urban services during the plan period.*

- 23 3. The Commercial Industrial Transition Activity Node (CITAN) is defined within the
 24 adopted Comprehensive Plan as:

25 *Land near major transportation routes that could be provided with public*
 26 *water and wastewater services and is appropriate for retail and other*
 27 *commercial uses; manufacturing and other industrial uses; office and*
 28 *limited (not to exceed 25% of any Node) higher density residential uses.*

- 29 4. The property is not eligible for service by public water and wastewater services based
 30 on:
- 31 a. The Town of Hillsborough/Orange County Central Orange Coordinated Area
 32 (COCA) Land Use Plan; and
- 33 b. The Water and Sewer Management, Planning and Boundary Agreement
 34 (WASMPBA).

35 As a result, extension of CITAN is not viable at this time as the parcel is ineligible for
 36 public water and wastewater services;

- 37 5. The request, while potentially representing a logical extension of the CITAN land use
 38 category along NC Highway 86 as well as the GC-4 general use zoning district, is
 39 inconsistent with applicable planning document(s) are detailed herein;
- 40 6. Existing agreement(s) between the County and the Town of Hillsborough do not identify
 41 this property as being suitable for high intensity residential and/or non-residential
 42 development. These agreements would have to be modified to allow the request to
 43 receive a favorable recommendation.

1 Public Notifications: In accordance with Section 2.8.7 of the UDO, notices were mailed via first
 2 class mail to property owners within 1,000 ft. of the subject parcel providing the date/time of the
 3 BOCC public hearing where the proposal is to be reviewed on March 18, 2021, 19 days before
 4 the meeting. Staff also posted the subject parcel with a sign indicating the date/time of the
 5 public hearing on March 22, 2021, 15 days before the meeting. For more information, please
 6 refer to Attachment 7.

7
 8 Planning Board Recommendation: The Planning Board reviewed this request at its March 3,
 9 2021 regular meeting where the following comments were made:

- 10 • A Board member asked if another future land use designation that would be appropriate
 11 for the property. There was discussion on the merits of extending the Economic
 12 Development Transition Activity Node, west of the property across NC Highway 86, as
 13 an alternative to CITAN.

14 STAFF COMMENT: According to the Comprehensive Plan, the GC-4 general
 15 use zoning district is only permitted within the:

- 16 ➤ Commercial Transition Activity Node, and
- 17 ➤ Commercial Industrial Transition Activity Node (CITAN).

18 Based on surrounding land use designations, and the applicant's wishes, CITAN
 19 was the only option.

20 Unfortunately, the area is not suitable for non-residential zoning/development
 21 based on existing agreement(s) between the Town and County. Until these
 22 agreement(s) are modified, neither CITAN or Economic Development Transition
 23 Activity Node could be extended onto the subject property.

- 24 • Board members acknowledged receipt of two emails from adjacent property owners
 25 requesting the application be denied due to anticipated traffic impact(s) from non-
 26 residential development and extension of 'urban development intensities' into what they
 27 perceived to be a 'rural' area of the county.
- 28 • The applicant did not speak at the Planning Board meeting.

29 After discussing the request, and reviewing staff's recommendation, Board members voted
 30 **unanimously** to recommend **denial** of the Statement of Consistency (Attachment 8) and the
 31 proposed Zoning Atlas Amendment (Attachment 9). Excerpts of the minutes from the meeting,
 32 as well as the Board's signed statement of consistency, are included in Attachment 6.

33
 34 Agenda materials from the meeting can be viewed at:

35 <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

36
 37 Planning Director's Recommendation: The Planning Director recommends the request be
 38 **denied** due to the following:

- 39 a. Extension of the Commercial Industrial Transition Activity Node (CITAN) is not viable at
 40 this time as the property cannot be provided with *public water and wastewater services*;
- 41 b. The requested rezoning (i.e. R-1 to GC-4) cannot be approved without the extension of
 42 CITAN;
- 43 c. The requested rezoning is inconsistent with the current policies of the adopted County
 44 Comprehensive Plan, the Town of Hillsborough/Orange County Central Orange

1 Coordinated Area (COCA) Land Use Plan and the Water and Sewer Management,
2 Planning and Boundary Agreement (WASMPBA);

3 d. Existing agreement(s) between the County and the Town of Hillsborough do not identify
4 this property as being suitable for high intensity residential and/or non-residential
5 development.

6 If amendment(s) to COCA and WASMPBA occur, specifically making the subject parcel suitable
7 for service by public utilities, staff could make an affirmative recommendation on requested
8 future land use map and rezoning amendments. These amendments would have to occur
9 before such a recommendation could be made.

10
11 Effect of Denial or Withdrawal: In the event the rezoning application is denied or withdrawn, it
12 should be noted that Section 2.2.8 of the UDO states that no application for the same or similar
13 amendment, affecting the same property or portion thereof, may be submitted for a period of
14 one year. The one year period begins on the date of denial or withdrawal.

15
16 Michael Harvey, Current Planning and Zoning Supervisor, made the following
17 presentation:

18

19

20

REQUEST:

Page 3

- Change Future Land Use Map (FLUM) designation:
 - FROM:** Rural Residential
 - TO:** Commercial Industrial Transition Activity Node (CITAN)
- Rezone property:
 - FROM:** Rural Residential (R-1); Stoney Creek Basin Overlay District (Higher Intensity Development Area)
 - TO:** General Commercial (GC-4); Stoney Creek Basin Overlay District (Higher Intensity Development Area)

Applicant suggests request will bring property more in line with the character of the area, is consistent with existing development trends on NC Highway 86, and represents logical expansion of existing commercial development/zoning along the highway.



1
2



PROPERTY

Page 4

- PIN 9873546387;
- Approximately 2.7 acres in area;
- Currently zoned R-1
- Undeveloped – heavily wooded with varying topography;
- Approximately 350 ft. of frontage along NC Highway 86.



3
4

ROLES:

Page 5

- Staff:
 - Determine application completeness;
 - Determine consistency with Comprehensive Plan, UDO, and other planning documents/agreements;
 - Complete analysis and make a recommendation.
- Planning Board:
 - Hear from applicant, staff, and the general public;
 - Review/discuss analysis and recommendation(s);
 - Recommend approval or denial to the BOCC.
- BOCC:
 - Schedule/hold public hearing to receive application;
 - Hear from applicant, staff, and the general public;
 - Review/discuss staff and Planning Board's analysis and recommendation(s);
 - Close the public hearing;
 - Approve or deny the request.

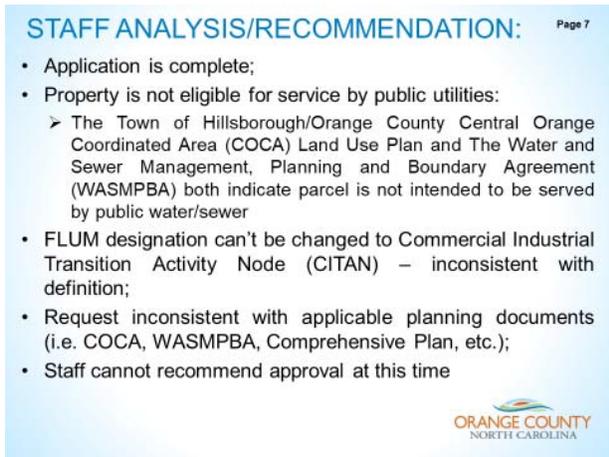


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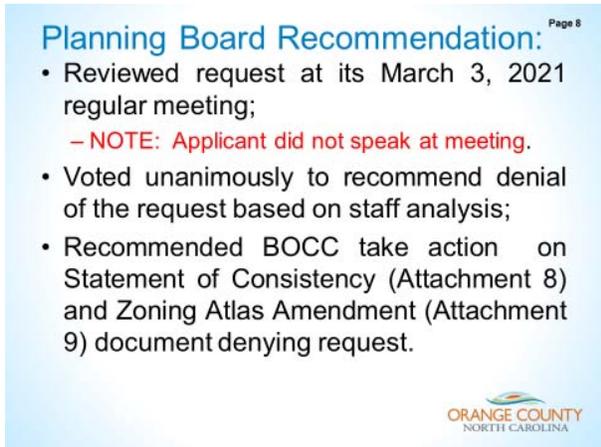


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The Applicant was not in attendance, and Michael Harvey resumed the PowerPoint presentation:



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BOCC Action:

Page 9

Manager recommends the Board:

1. Receive request and conduct the public hearing receiving the Planning Board recommendation, staff, and public comments;
2. Close the public hearing and authorize acceptance of written comment(s) until 9:00 a.m. on Thursday April 8, 2021;
3. Schedule action on the Statement of Consistency (Attachment 8) and Zoning Atlas Amendment (Attachment 9), as recommended by Staff, at the Board's April 20, 2021 business meeting

For more information or questions on this proposal:

Michael Harvey, Current Planning Supervisor
mharvey@orangecountync.gov or (919) 245-2597



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A motion was made by Commissioner McKee, seconded by Commissioner Dorosin, to open the public hearing.

Roll call ensued

VOTE: UNANIMOUS

PUBLIC COMMENTS:

None

A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to close the public hearing and asked to accept the planning board's recommendation.

Commissioner Dorosin said he had some questions.
Commissioner McKee withdrew his motion.

A motion was made by Commissioner McKee, seconded by Commissioner Dorosin, to close the public hearing.

Roll call ensued

VOTE: UNANIMOUS

Commissioner Dorosin asked a question about the process of reviewing and voting on proposals. He said the Planning Board has recommended denial, as the property cannot be connected to water and sewer. He asked if, given that, there is a reason why this project is coming before the BOCC at all.

Michael Harvey said an applicant has paid an application review fee, despite the Planning Board's recommendation of denial, and the Board of Commissioners must follow through with the process. He said the Applicant was notified of the public hearing, but is not in attendance.

Michael Harvey said due to the definition of CITAN in the comprehensive plan (page 6 of the abstract), the parcel cannot be provided utility services based on current planning documents. He said the Planning Department suggested the Applicant approach the Town of Hillsborough for a modification of agreements to allow for water and sewer to be available to the parcel, but the applicant did not do so.

1 Commissioner Dorosin said it is odd that someone could request rezoning for uses that
2 would be impossible, but that the Planning department still has to go through the whole process.

3 Michael Harvey said yes. He said the Applicant requested that the process continue,
4 despite staff explaining that it would not be recommended for approval.

5 Michael Harvey said the Applicant felt she could make a reasonable argument for
6 approval. He said he and the Planning Director did not disagree with her that this request
7 represents a logical extension of the commercial/industrial node. He said the problem is that
8 the extension cannot happen without other things happening first. He said the Planning
9 department encouraged the Applicant to go through the other steps first, as did the Town of
10 Hillsborough Assistant Town Manager.

11 Commissioner Dorosin said looking at the parcel, and what is around it and being near
12 to Highway 86, the application makes some sense. He asked if there should be flexibility in how
13 the lines are drawn. He said it seems to be a poor use of infrastructure resources to have lines
14 run along parcels that are suited to economic development. He said infrastructure on one side
15 of a thoroughfare, but not on the other, is not a good use of resources. He said he would like to
16 work with other jurisdictions to adjust parcels and lines such as these. He said water and sewer
17 is not far away from this parcel.

18 Commissioner Fowler said staff is saying the Applicant should have gone to
19 Hillsborough first to request water and sewer.

20 Commissioner Dorosin said the procedure would require the adjustment of boundaries,
21 which would require action from the BOCC.

22 Michael Harvey said that water and sewer infrastructure would have required annexation
23 by Hillsborough.

24 Commissioner McKee thanked Commissioner Dorosin for his excellent comments.

25 Commissioner Hamilton said the overall discussion is interesting and important, but the
26 Board is only addressing one application at this meeting. She said further discussion should
27 take place at a later time.

28 Chair Price clarified the motion that needed to take place.

29
30 A motion was made by Commissioner Hamilton, seconded by Commissioner McKee, to
31 receive the request, and authorize the acceptance of written comments via e-mail to the Board
32 at ocbocc@orangecountync.gov or by delivery to the Planning Department's office at 131 West
33 Margaret Lane, 2nd floor, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday April
34 8, 2021; and to schedule a vote to take action on the Statement of Consistency (Attachment 8),
35 and the Zoning Atlas Amendment (Attachment 9) at the Board's April 20, 2021 Business
36 meeting as recommended by the Planning Board and Planning Director.

37
38 **Roll call ensued**

39
40 **VOTE UNANIMOUS**

41
42 Chair Price requested that future zoning items include more context of the parcel being
43 presented. She also said rezoning signs are too small and need to be larger for people to easily
44 read.

45
46 **6. Regular Agenda**

47
48 **a. Interlocal Agreement Regarding the Current and Future Use of the Jointly Owned**
49 **Greene Tract**

1 The Board considered voting to approve an Interlocal Agreement between Orange
2 County, the Town of Chapel Hill, and the Town of Carrboro regarding the current and future use
3 of the jointly owned Greene Tract.

4
5 **BACKGROUND:**

6 The Greene Tract is a 164 acre parcel of which 104 acres is jointly owned by Orange
7 County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve).
8 The parcel is located east of the Rogers Road community within the Town of Chapel Hill's ETJ
9 (Extra-Territorial Jurisdiction) – see vicinity map in [Attachment 4](#). In May 2017, a joint staff work
10 group began to examine the preservation and development potential of the Greene Tract. This
11 process included specific elements and goals including, but not limited to:

- 12 • incorporate a future elementary school and park site,
- 13 • preserve valuable environmental features and corridors,
- 14 • protect historical and cultural resources,
- 15 • encourage cost effective infrastructure, and
- 16 • identify areas for future development.

17
18 In addition, the Managers, Mayors, and Chair (MMC) recommended staff examine the
19 reconfiguration of the joint owned and County owned tracts.

20
21 **Greene Tract Resolution for a Path Forward**

22 In January 2020, the Towns and County adopted the 2020 Greene Tract resolution. Not only did
23 this resolution identify land use acreages for the Greene Tract and initiate an environmental
24 assessment, but it also initiated the drafting of an Interlocal Agreement between the three
25 jurisdictions. This document would provide a decision-making process for the three jurisdictions
26 to agree to.

27
28 **Managers, Mayors, and Chair (MMC) Meetings**

29 On February 14, 2020, the Managers, Mayors, and Chairs (MMC) met to review the draft
30 Greene Tract Interlocal Agreement (ILA). At that meeting, the group completed a thorough
31 reading of the document and proposed revisions. Following this meeting, the Orange County
32 Attorney edited the document, based on comments received, and provided the revised ILA to
33 the MMC.

34
35 On February 26, 2021, the MMC reviewed and discussed the revised draft of the ILA. Due to
36 concerns with Section 5, Disputes, revisions were made to the document. At that meeting, the
37 MMC decided to move forward with presenting the ILA to their respective Boards in April.

38
39 **Greene Tract Interlocal Agreement**

40 The attached Interlocal Agreement (“Agreement”), contained in [Attachment 1](#), related to the
41 Greene Tract is intended to begin the process of resolving longstanding issues related to the
42 property that began with the adoption of the 1999 Agreement for Solid Waste Management by
43 and between the Towns of Carrboro and Chapel Hill and Orange County. The Greene Tract
44 was addressed briefly in the 1999 agreement primarily in requiring the parties to determine the
45 ultimate uses of the property. The process to make the determination of uses was initiated
46 several times over the years, but was never completed.

47
48 The key aspects of the Agreement include the following:

- 49 ▪ An initial two-year term followed by five five-year terms;
- 50 ▪ Termination of the Agreement by either mutual agreement of all parties or by any single
51 party upon 60 days' written notice to the other parties;

- 1 ▪ Requiring that the parties act jointly in selecting professional services, entering
2 development agreements, engaging in public outreach, receiving public input, assigning
3 the Mayors, Chair, and Managers to form a working group to negotiate ultimate uses of
4 the Greene Tract before submitting their recommendations to the governing boards of
5 the parties, and reaching final determinations of the ultimate uses of the property within
6 18 months of execution of the Agreement;
- 7 ▪ Agreeing that the initial intent of the parties is for the property to include mixed use and
8 affordable housing, a school site with a public recreation component, a joint preserve
9 area, and connectivity (pedestrian, vehicular, utility, transportation);
- 10 ▪ Providing a dispute resolution process that requires good faith participation by the
11 parties and includes initial negotiation by the working group followed by mediation if
12 necessary;
- 13 ▪ Providing a means by which the parties may partition their ownership interests and
14 dispose of the property if agreement cannot be reached on the ultimate uses of the
15 property.

16
17 The Interlocal Agreement is planned for adoption consideration at the April 6, 2021 Carrboro
18 Town Council meeting and the April 7, 2021 Chapel Hill Town Council meeting. Any
19 amendments to the Interlocal Agreement by the Town of Chapel Hill or the Town of Carrboro
20 would prompt a return to the BOCC for consideration.

21 **Greene Tract Update**

22 Additional information on the Greene Tract, including next steps following the adoption of the
23 Interlocal Agreement, is contained in Attachment 3. Staff will not present the update at the
24 BOCC meeting, but will be available to address any questions.

25
26
27 John Roberts reviewed the background information, and the terms of the interlocal
28 agreement. He said the Town of Carrboro approved the interlocal agreement with the following
29 change: deleted last sentence in mediation paragraph (page 8) and replaced with “an
30 agreement will be binding contingent upon approval by each of the governing bodies.”

31 Commissioner Greene clarified that in 2g, the words “final approval” means after a lot of
32 discussion by all of the boards.

33 John Roberts said yes.

34 Commissioner Fowler asked if there could be clarification about connecting natural
35 areas.

36 Craig Benedict, Planning Director, said the County’s property will be reshaped to create
37 connections to 24 acres of preserved property. He said the County’s share of that preserved
38 area is 60 acres.

39 Commissioner Fowler asked if further clarification could be provided.

40 Craig Benedict said there will be a total of 82-84 acres of preservation. He said there
41 are 164 acres total, with 104 that are jointly owned and 60 acres of County owned. He said the
42 County’s 60 acres may be reshaped to take the best environmental lands. He said some of the
43 original 60 acres may be developed, while other better parts of environmental lands will be
44 added to create a newly shaped 60 acres.

45 Commissioner Dorosin asked if clarification could be provided on the time frame for
46 future developments.

47 John Roberts said there will likely be an 18-month process in reviews, depending on
48 public engagement.

49 Commissioner Dorosin clarified that it will require unanimity between all of the
50 jurisdictions, including mediation.

1 John Roberts said yes, there will need to be unanimous agreement between all of the
2 jurisdictions.

3 Commissioner Dorosin asked if the parties cannot come to agreement, could the County
4 request that its share be bought out by the other parties.

5 John Roberts said that is an option, as well as a judicial partition of the tract.

6 Commissioner Dorosin asked if the property is in the Chapel Hill extraterritorial
7 jurisdiction (ETJ).

8 Craig Benedict said yes.

9 Commissioner Dorosin said ultimately Chapel Hill controls the review process for any
10 developments.

11 John Roberts said yes. He said there is the possibility that it could be withdrawn from
12 the ETJ, but that would be an extreme situation, and take about 2 years.

13 Commissioner Dorosin said he is concerned that development of the Greene Tract will
14 continue to be delayed, and that the County has a more expansive vision of affordable housing
15 than other jurisdictions.

16 Chair Price said the pandemic interrupted public engagement with the community on the
17 property.

18 Commissioner Dorosin said he appreciates the work the group has done, but he would
19 prefer a tighter timeline than 18 months.

20 Chair Price said the timeline could be tightened.

21 Commissioner Hamilton asked if clarification could be provided of what a judicial
22 partition means.

23 John Roberts said it would require going to the court system to divide the property.

24 Commissioner Hamilton said she supports the agreement and it does show progress.
25 She said the current board has intent and vision for the property, but the property being vacant
26 is supporting environmental goals. She said there are some benefits to leaving it undeveloped.
27 She encouraged the Board to focus on the present, and move forward to the benefit of the
28 community, the environment and economic development.

29
30 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to
31 approve the interlocal agreement with the change as approved by the Town of Carrboro and
32 authorized the Chair to sign.

33
34 Commissioner Dorosin clarified that he does not want to short circuit the process, or not
35 have public input, but the tract has been in discussion for 20 years, and there is already
36 opposition to any development. He said he is concerned about further delays.

37
38 **Roll call ensued**

39
40 **VOTE: Ayes, 6 (Commissioner Bedford, Commissioner Fowler, Commissioner Greene,**
41 **Commissioner Hamilton, Commissioner McKee, Chair Price); Nays, 1 (Commissioner**
42 **Dorosin)**

43
44 **MOTION PASSES**

45
46 **b. Follow-up on Orange County's Proposed 2021 Legislative Agenda**

47 The Board will:

- 48 1) review and discuss an updated Draft 2021 legislative package in follow-up to the Board
49 of Commissioners' discussion of the Legislative Issues Work Group's recommended
50 package at the March 16, 2021 Business meeting;

- 1 2) consider approval of updated Draft 2021 Orange County Legislative Priority Issues
 2 document for submittal to the County's legislative delegation; and
 3 3) consider approval of the Orange County 2021 Legislative Interests document (which also
 4 includes the Priority Issues) to also be shared with Orange County's legislative delegation.
 5

6 **BACKGROUND:**

7 The 2021 North Carolina General Assembly session convened on January 27, 2021. The
 8 Board of Commissioners has historically appointed a Legislative Issues Work Group (LIWG) to
 9 work with staff to develop a proposed legislative package for the County. Based on the work of
 10 the LIWG, the BOCC has then reviewed and approved packages of legislative items to present
 11 to Orange County's legislative delegation.
 12

13 Commissioners Renee Price and Amy Fowler are serving on the 2021 LIWG and worked with
 14 staff on the proposed 2021 legislative package, which consisted of the two documents, in
 15 preparation for the Board's April 19, 2021 Legislative Breakfast meeting with Orange County's
 16 legislative delegation.
 17

18 The LIWG identified twenty-two (22) Legislative Priorities, acknowledging that the full Board of
 19 Commissioners may want to consider modifying the list, exchange one item for another item,
 20 other potential revisions, etc. The LIWG also recommended that the County express its
 21 positions on other topics with a draft Other Orange County 2021 Legislative Interests document.
 22

23 The Board of Commissioners discussed and considered the Legislative Priorities and the Other
 24 Orange County 2021 Legislative Interests documents at the Board's March 16, 2021 Business
 25 meeting. As part of the discussion, the Board provided feedback to staff on additions, revisions
 26 and repackaging of the materials.
 27

28 The updated Draft documents are provided as Attachment 1 and 2 for Board discussion and
 29 consideration for approval as amended.
 30

31 Greg Wilder, Manager's Office, reviewed the item.

32 Commissioner Dorosin proposed adding the protection of civil rights of transgender
 33 persons, and the opposition of any laws that limits civil rights or any targeting for discrimination.
 34 He cited two bills in the General Assembly HB358 and SB514, which target transgender
 35 residents.

36 Commissioner Greene thanked Greg Wilder for the reformatting.

37 Chair Price asked if Commissioner Dorosin's request would mean including seven
 38 priority issues.

39 Commissioner Dorosin said yes.

40 Greg Wilder said clarified the wording for the item.
 41

42 A motion was made by Commissioner Dorosin, seconded by Commissioner Greene, to
 43 approve the legislative agenda, with the addition of a seventh priority, as described.
 44

45 **Roll call ensued.**
 46

47 **VOTE UNANIMOUS**

48
 49 Greg Wilder suggested this item be added after #31 in the entire list, and #7 on the front
 50 page.

51 The Board agreed by consensus.

1 Greg Wilder said the packet will be sent to the legislative delegation.
2

3 **7. Reports**
4

5 **a. 2021 Orange County Revaluation Results**
6

7 This item was tabled to a future meeting.
8

9 **8. Consent Agenda**

- 10 • Removal of Any Items from Consent Agenda
- 11 **None**
- 12
- 13
- 14 • Approval of Remaining Consent Agenda
- 15

16 A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to
17 approve the consent agenda.
18

19 **Roll call ensued.**

20
21 **VOTE: UNANMIOUS**
22
23

24 **a. Minutes**

25 The Board approved the draft minutes for the March 2 and 9, 2021 Board of County
26 Commissioners meetings.

27 **b. Motor Vehicle Property Tax Releases/Refunds**

28 The Board adopted of a resolution, which is incorporated by reference, to release motor vehicle
29 property tax values for nine taxpayers with a total of nine bills that will result in a reduction of
30 revenue

31 **c. Property Tax Releases/Refunds**

32 The Board adopted a resolution, which is incorporated by reference, to release property tax
33 values for eleven taxpayers with a total of eleven bills that will result in a reduction of revenue.

34 **d. Resolution Authorizing Exchange of Property for the Sheriff's Office**

35 The Board approved a resolution, which is incorporated by reference, authorizing the exchange
36 of surplus ammunition for credit from AmChar Wholesale, Inc.

37 **e. Change in BOCC Meeting Schedule for 2021**

38 The Board considered approval of changes to the Board of Commissioners' meeting calendar
39 for 2021.

40 **f. Fiscal Year 2020-21 Budget Amendment #10**

41 The Board considered voting to approve budget and capital project ordinance amendments for
42 fiscal year 2020-21 for the Health Department; Emergency Services; BOCC/Clerk's Office;
43 Orange County Southern Branch Library Capital Project Ordinance; Coronavirus Relief Funding;
44 Library Services; Department of Social Services; and the Arts Commission.

45 **g. Merritt Mill Apartments Development Updates**

46 The Board received an update on changes to the Merritt Mill developments being financed in
47 part with Affordable Housing Bonds Funds and considered authorizing the developments to
48 move forward as detailed.

49 **h. Compliance Plans for CDBG-CV Grant**

1 The Board approved four plans required by the NC Department of Commerce as part of Orange
2 County's Community Development Block Grant – Coronavirus (CDBG-CV) award.

3 **i. Approval of the Continuity of Services Plan to Guide Realignment from Cardinal**
4 **Innovations Healthcare to Alliance Health**

5 The Board considered voting to approve the Local Management Entity/Managed Care
6 Organization (LME/MCO) Continuity of Services Plan to guide the process of disengaging from
7 Cardinal Innovations Healthcare and realigning with Alliance Health to administer Medicaid and
8 uninsured behavioral health and intellectual/developmental disability services for Orange
9 County residents that are insured by Medicaid or are uninsured.

10
11 **9. County Manager's Report**

12 None.

13
14 **10. County Attorney's Report**

15 John Roberts said the Senate filed 160 additional bills to be considered by the General
16 Assembly, and the House still has 2 weeks for additional bills. He said he will provide an
17 overview of these additions.

18
19 **11. *Appointments**

20 There were no appointments.

21
22 **13. Closed Session**

23
24 "Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board
25 in order to preserve the attorney-client privilege between the attorney and the Board."

26
27 A motion was made by Commissioner Dorosin, seconded by Commissioner McKee, to
28 go into closed session at 10:23 p.m.

29
30 **Roll call ensued**

31
32 **VOTE: UNANIMOUS**

33
34
35 **RECONVENE INTO REGULAR SESSION**

36
37 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to
38 reconvene into regular session at 10:44 p.m.

39
40 **Roll call ensued**

41
42 **VOTE: UNANIMOUS**

43
44 **14. Adjournment**

45
46 A motion was made by Commissioner McKee and seconded by Commissioner Fowler to
47 adjourn the meeting at 10:44 p.m.

48
49 **Roll call ensued**

50

1 **VOTE: UNANIMOUS**

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Renee Price, Chair

6

7

8 Laura Jensen

9 Clerk to the Board

10

11 Submitted for approval by Laura Jensen, Clerk to the Board.

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUDGET-CIP WORK SESSION
April 13, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Budget-CIP Work Session on Tuesday, April 13, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Mark Dorosin, Sally Greene, Earl McKee (arrived at 7:42 p.m.)

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Price called the Board of County Commissioners meeting to order at 7:00 p.m.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Budget-CIP Work Session on April 13, 2021 utilizing Zoom. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

A roll call of the County Commissioners was called; all members were present except Commissioner McKee.

Chair Price said the board will review and discuss the Manager's Recommended Fiscal Years 2021-2026 Capital Investment Plan (CIP) and provide further direction to staff. She said the Deputy County Manager, Travis Myren is going to give the presentation. Chair Price said Travis Myren would give breaks in between the information for Commissioners to ask questions.

Travis Myren said the process was informal and encouraged the Board of County Commissioners (BOCC) to ask questions during the presentation.

1. Discussion of Manager's Recommended FY 2021-26 Capital Investment Plan (CIP)

Travis Myren introduced the information below:

BACKGROUND: Each year, the County produces a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

Capital Investment Plan – Overview

1 The FY 2021-26 CIP includes County Projects, School Projects, and Proprietary Projects. The
 2 School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and
 3 Durham Technical Community College – Orange County Campus projects. The Proprietary
 4 Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects. The
 5 CIP has been prepared anticipating moderate economic growth of approximately 2% in property
 6 tax growth over the next five years, and 4% sales tax growth. Many of the projects in the CIP
 7 will rely on debt financing to fund the projects. Tonight’s discussion will focus on County and
 8 Proprietary CIP projects. Note: Page numbers are referenced below as they appear in the CIP
 9 document. See Attachment A for the Overall 1 CIP Summary (page 20), County CIP Projects
 10 Summary (page 30), and the Proprietary CIP Summaries (page 23). Discussion of the Schools
 11 CIP projects is scheduled for the April 27, 2021 Work Session. Orange County Campus -
 12 Durham Technical Community College new academic building project will also be discussed at
 13 the April 27, 2021 meeting. Discussion will also be directed tonight to the Debt Service and Debt
 14 Capacity – General Fund (page 169), the Water and Sewer Debt Service requirements paid with
 15 Article 46 Quarter Cent Sales Tax proceeds (page 170), and Debt Service requirements for
 16 Solid Waste (page 171) and Sportsplex (page 172).

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Travis Myren made the following PowerPoint presentation:



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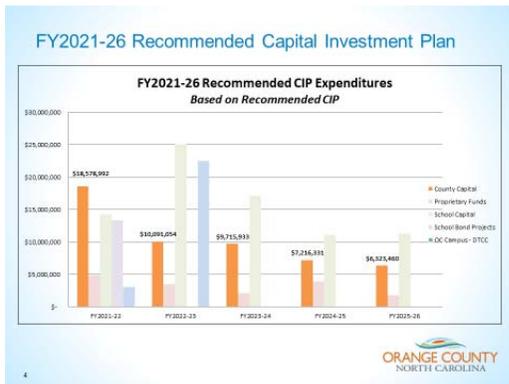


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Travis Myren said the board actually appropriates the first year of the plan, but will hear the full plan. He resumed the PowerPoint presentation:



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5 Travis Myren said the \$8.7 million is appropriated in FY 2021-22 for the 203 South
6 Greensboro Project, which is higher this year than following years.

7 Commissioner Dorosin said he was thinking about the introductory presentation on this
8 topic from last week and thinking about the operating budget. He said he is hoping there are
9 some opportunities to save some costs, if possible, and reduce any tax increase. He asked if
10 any savings could come from the CIP budget, or if the tax rate increase is only dependent on
11 the operating budget.

12 Travis Myren said the debt service that will be due in the operating budget is predicated
13 on prior year borrowing. He said if the board is focusing on the tax rate, it should look for
14 reductions in the operating budget. He said during the operating budget discussions, there has
15 been real consideration of how to thoughtfully recommend federal money to help pay for some
16 COVID-related expenses and therefore mitigate property tax increase.

17 Commissioner Dorosin said he appreciates staff has that on their mind. He clarified if
18 any changes are made to the CIP, it would be realized in future years in savings of debt service,
19 but not on the current debt service.

20 Travis Myren said Commissioner Dorosin was correct. He resumed the PowerPoint
21 presentation:

FY2021-22 Recommended County Projects

- Climate Change Mitigation Projects - \$536,645 (p. 31)
 - Established in FY2019-20
 - Dedicated quarter cent of property tax annually
 - Funds transferred from the General Fund into Capital Project to preserve unspent funding from prior year
 - Next funding cycle begins in early May



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Travis Myren said the Department Directors are present in order to answer any questions he is unable to. He said the slides show the recommended appropriations.

Travis Myren said the \$536,645 on this slide represents the quarter cent on the new revalued tax base.

Chair Price referred to page 10 of the CIP, which states “funds that are unspent at end of fiscal year are preserved in the fund instead of being absorbed back into the county’s undesignated fund balance”. She asked if staff knows how much remains now, when it would be used, and what are the plans for the money that is unspent.

Travis Myren said the goal is to spend it down every year, and he believes there is a balance.

Gary Donaldson, Chief Financial Officer, said there is around \$900,000.

Paul Laughton, Deputy Financial Services Director, said the balance is related to the timing of the payment of these. He said the first year has been earmarked for approved projects, and the rest of the money is also ear marked. He said it looks like there is a large balance, but both of those years have dedicated projects towards those funds.

Travis Myren said the awards have been made, but the checks have not been cut.

Chair Price clarified that in July, it would essentially be zeroed out.

Paul Laughton said yes, and added that the account would then show the \$536,645 that would be allocated for new projects.

Travis Myren resumed the PowerPoint presentation:

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FY2021-22 Recommended County Projects

- LED Lightbulb Campaign – First Year Project FY19-20
 - PORCH lightbulb Distribution



- \$19,300 grant
- 6,200 bulbs distributed
- Distribution Partners
 - PORCH
 - Rogers Eubanks Neighborhood Center
 - Refugee Support Center



FY2021-22 Recommended County Projects

- Cane-Creek-Solar Site – FY20-21
 - Largest solar installation that OWASA has planned.
 - Grant funding supplements budget shortfall to begin Summer 2021



- \$75,000 grant
- 352 Kw solar installation
- Grant served as part of down payment on \$845,000 total project



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FY2021-22 Recommended County Projects

- Solar on Habitat Homes – FY20-21
 - To begin Summer 2021



- \$95,000 grant
- Serves 10 homes
- Leveraged over \$70,000 in equipment and monetary donations
- \$26,280 savings per household over the useful life of the system



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FY2021-22 Recommended County Projects

- Facility Safety & Accessibility - \$368,200 (p. 33)
 - Central Recreation Wheelchair Lift Replacement - \$150,000
 - Installed in 1990
 - Not currently operational



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Travis Myren said this project would install a new lift that would make the center ADA accessible. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Facility Safety & Accessibility - \$368,200 (p. 33)
 - Accessibility Projects
 - Countywide accessibility projects - \$25,000
 - Safety Projects
 - Cedar Grove Community Center security cameras - \$10,500
 - Southern Human Services security cameras - \$5,000
 - Security fence at Emergency Services - \$34,500
 - Dry fire suppression for Register of Deeds - \$100,000
 - Orange County Transportation Services fire alarm system upgrade - \$43,200



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Travis Myren said the fence is for security around the empty parking lot behind the Emergency Services building.

Travis Myren said there are sensitive documents at the Register of Deeds that are not scanned or available electronically, so a wet fire suppression system for the building does not work for those types of precious documents.

Commissioner Fowler asked if efforts are being made to scan the documents in Register of Deeds that have not been scanned.

Travis Myren said the documents that can be scanned will be, but some documents are old and are in unscannable formats. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Heating Ventilation and Cooling Projects - \$540,000 (p. 36)
 - Whitted HVAC System Replacement – \$350,000
 - Serves 63,000 square feet of office, medical, and dental suites
 - System is 17 years old




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Travis Myren said there was planning and design money in current fiscal year, so this is the follow up equipment purchase and installation money. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Heating Ventilation and Cooling Projects - \$540,000 (p. 36)
 - Humidity Impact Study - \$25,000
 - Recommend upgrades and replacements to address humidity
 - Eno Parking Deck Equipment Room - \$15,000
 - HVAC Major Component Replacement – \$150,000
 - Replace motors, compressors to extend useful life of equipment



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1 Commissioner Greene asked which building this HVAC system is serving if it is located
2 in the parking deck.

3 Travis Myren said this was IT and electrical equipment in a closet within the parking
4 deck. He resumed the PowerPoint presentation:
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8 Commissioner Hamilton asked why the remediation is not more aggressive with fixing
9 the issue and making it safe, given it is classified as a high hazard dam.

10 Craig Benedict, Planning Director, said engineers were hired last year to evaluate the
11 system. He said the work is being done as fast as it can, based on their assessment. He said
12 the evaluation showed the need for important improvements that must be made immediately,
13 and bids will go out July 1, 2021 to make these improvements using money from this budget.

14 Commissioner Hamilton asked if the repairs could not be made more quickly because of
15 the engineering.

16 Craig Benedict said there was a certain amount of money allocated for the engineering
17 study, and now there are funds for the work itself in the coming year's budget.

18 Commissioner Hamilton asked if the process is being driven by budget or engineering
19 constraint.

20 Chair Price said she believed the Commissioners looked at this issue last year or the
21 year before, but there was not enough information at the time.

22 Bonnie Hammersley confirmed the Commissioners did hear the information last year,
23 and said the engineer was hired in order to decide what work needed to be done. She said
24 since the engineer completed the evaluation, the next step is to fund the project.

25 Travis Myren asked if Commissioner Hamilton was asking if money was no object, could
26 this be done faster.

27 Commissioner Hamilton said yes.

28 Travis Myren said the answer to that is not by much, because only so much work can be
29 done on the structure at any given time.

30 Craig Benedict said Travis Myren was correct. He said if this is approved, the lake level
31 will be lowered this summer and improvements will begin with the upcoming year's budget.

32 Travis Myren said the limiting factor was that only so much work could be done
33 simultaneously.

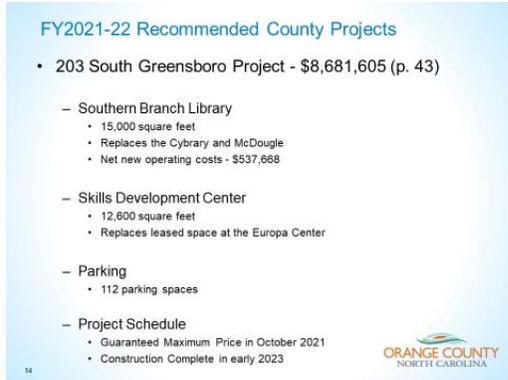
34 Commissioner Hamilton said this project should be a priority, because it is a health and
35 safety issue.

36 Travis Myren said staff will let Commissioners know if it finds a way to accelerate things.

37 Commissioner Dorosin said perhaps there will be some infrastructure money by the time
38 it is ready for the next phase.

39 Craig Benedict said it would be "shovel ready".

40 Travis Myren resumed the PowerPoint presentation:
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3 Chair Price asked if the \$802,000 for equipment and furnishings reflects the reuse of
4 furnishings.

5 Travis Myren said yes, it reflects the amendments the board made a few months ago.

6 Chair Price said she noticed the presentation skipped over page 42 of the CIP, which
7 discussed ADA Modifications at the Old Courthouse in year two. She asked if more detail could
8 be provided.

9 Travis Myren said this is the Old Courthouse. He said he thinks it is repairs to the side of
10 the building.

11 Steve Brantley, Economic Development Director, said the ADA improvements impact the
12 path of travel into the building, and the stone pathways are currently not accessible, so work
13 would be done to make it so.

14 Chair Price said she has been concerned about ADA compliance since she has been on
15 the board, and the sooner the work can be done, the better and she would like to see it done
16 sooner rather than later. She said if there is more needed from an engineering study that is
17 fine, but she would like to see all of the county buildings become ADA accessible as soon as
18 possible.

19 Commissioner Hamilton said it is a health and safety and accessibility issue, and asked
20 if \$40,000 can be pulled from another project. She said this is an area that should be
21 prioritized.

22 Bonnie Hammersley said there is an amendment process if the board would like to make
23 change to the recommended budget, and the board will vote on the amendments before they
24 adopt the budget.

25 Commissioner Bedford recalled this project was removed from the recommended budget
26 in order to do the Durham Tech building. She said she would agree with adding it back in if
27 money could be found.

28 Travis Myren reiterated the amendment process, but also encouraged commissioners to
29 let he or Bonnie Hammersley know if they wanted to make changes. He resumed the
30 PowerPoint presentation:

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FY2021-22 Recommended Projects

- 203 South Greensboro Project - \$8,681,605 (p. 43)
 - Project amended in March 2021
 - Total County budget - \$16,829,105



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FY2021-22 Recommended Projects

- 203 South Greensboro Project - \$8,681,605 (p. 43)



Travis Myren said adjustments were made in the CIP so the net new borrowing associated with the project is \$275,000.

Commissioner Bedford said she was nervous when she first saw the diagram because of the high lawn, but this area is not going to be part of library, and it does have some safety features built in.

Travis Myren said the library would be on the first floor.

Chair Price safety will still be important in this area.

Commissioner Bedford said it does have some safety features.

Travis Myren resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Parking Lot Improvements - \$30,000 (p. 44)
 - Crack filling at multiple facilities - \$15,000
 - Striping and painting at multiple facilities - \$15,000



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FY2021-22 Recommended County Projects

- Phillip Nick Waters Building Remediation - \$685,193 (p. 46)
 - HVAC and sprinkler modifications in warehouse



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Commissioner Greene asked if this building is where the county morgue is located.

Travis Myren said yes, the morgue is located in the back corner and some protective walkways have been put in place so people can walk to and from the morgue. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Phillip Nick Waters Building Remediation - \$685,193 (p. 46)
 - Office building remediation and new HVAC systems completed in FY2020-21 to solve indoor air quality
 - \$3.6 million through budget amendments
 - Warehouse Project
 - Storage of emergency response equipment, ambulance supplies, personnel protective equipment, basic necessity stockpiles
 - Storage has been accommodated in other County owned and rented space
 - Install air handling units to manage heat and humidity
 - Modify sprinkler system to meet code requirements for high bays



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FY2021-22 Recommended County Projects

- Phillip Nick Waters Building Remediation - \$685,193 (p. 46)
 - Project Offsets
 - Cedar Grove Community Center shower - \$114,621
 - Planning funds for Effland Cheeks Community Center expansion - \$100,000
 - Historic Courthouse elevator modernization - \$188,993
 - Total offsets - \$403,614
 - Net new borrowing - \$281,579



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Travis Myren said the Historic Courthouse elevator modernization should have been pushed off anyway to align with other projects at the building.

Commissioner Bedford asked about status of projects at Cedar Grove, and the sewer work, in particular.

Steve Brantley said the project is nearly finished and will be done within the next couple weeks. He said the approach taken will work without replacing the whole system.

Travis Myren said there is a septic system replacement in 2024-2025 if replacing the pipe is insufficient. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Piedmont Food & Agriculture Processing Facility - \$140,000 (p. 47)
 - Install roofing over exterior freezers
 - Funded by Article 46 Sales Tax



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Chair Price asked if details could be provided about the current partnership between the county and PFAP.

Travis Myren said the county is allowing PFAP to use facility and equipment, but there are no current financial terms. He said he just received a draft of a Management Services Agreement back from PFAP staff, but before this there was not a formal agreement. He said the county is responsible for the structure and pays for the associated insurance, while PFAP operates the programs that take place at the facility. He resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Roofing and Building Façade Projects - \$98,700 (p. 49)
 - Annual roof inspections & repairs - \$55,000
 - Planning and design funds for Whitted A (meeting room side of building) - \$23,700
 - Repair funds for Dickson House - \$20,000
 - Shutters and siding



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Travis Myren said the Dickson House serves as the Hillsborough Visitor's Building. Chair Price asked if Town of Hillsborough contributes financially for the maintenance of the Dickson House, since it uses it and its tourism board meets there.

Travis Myren said there is currently no financial relationship with the town.

Commissioner Dorosin asked if there is a lease agreement with the town.

Travis Myren said there is a lease document, but no rent payments are collected.

Commissioner Dorosin recommended revisiting the idea, or think about selling the building to the town.

Chair Price said it is a historic building and she understands the value of it, but if the Historic Hillsborough Alliance and Hillsborough Visitor's Bureau are using it, she would think they would be involved in some respect.

Travis Myren said staff would look into this and try to come up with a proposal that would make sense.

Commissioner McKee arrived at 7:42 p.m.

1 Commissioner Dorosin asked if staff could get information on what the building could be
2 rented or sold for.

3 Chair Price said it is a historically significant building, and was moved to its current
4 location. She said she is not really thinking of selling it, but maybe the town should contribute
5 upkeep and repairs.

6 Commissioner Dorosin agreed.

7 Commissioner Greene said she would not be opposed to exploring the idea of selling the
8 building to Hillsborough, as the town would value it as much as the county does. She said she
9 did not realize it was a county building because the town uses it.

10 Travis Myren said staff would bring back some options. He resumed the PowerPoint
11 presentation:
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FY2021-22 Recommended County Projects

- County Sustainability Projects - \$50,000 (p. 52)
 - Annual funding for sustainability projects in County facilities
 - Whitted window film to reflect heat - \$1,273



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15 Travis Myren said this project is internally focused unlike the grant program, which is
16 externally focused. He resumed the PowerPoint presentation:
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FY2021-22 Recommended County Projects

- County Sustainability Projects - \$50,000 (p. 52)
 - Annual funding for sustainability projects in County facilities
 - LED lighting at Orange Works (DSS Facility) - \$5,240
 - Reduce lighting electricity bills by \$1,700 annually – 3 year payback
 - Leveraged more than \$5,000 in utility incentives which covered 55% of the total project cost.



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20 Commissioner Fowler asked if the county and schools are able to apply for Climate
21 Project grant funds.

22 Travis Myren said the schools still can apply for those funds. He said these funds are
23 focused on non-profits and schools.

24 Commissioner Greene said the Town of Chapel Hill won one of the grants this year.
25 She said the desire was for it to be an external community benefit that would be complementary
26 to what the county is already doing for itself regarding climate mitigation efforts.

27 Travis Myren resumed the PowerPoint presentation:
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FY2021-22 Recommended County Projects

- Vehicle Replacements - \$1,333,341 (p. 53)
 - Public Safety Priorities
 - Animal Services remounted vehicle \$51,500
 - Emergency Services (Ambulance + Admin) \$486,941
 - Sheriff's Office Vehicles \$111,900
 - Total Public Safety \$630,341
 - Transportation
 - Nine (9) OCTS bus replacements (see note) \$560,000
 - 80% of OCPT Vehicles Offset by State/Federal Revenue
 - Total County Investment of \$112,000



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Travis Myren said Commissioner Hamilton asked a question via email earlier about how the maturities of the bonds work. He said on vehicles, and things with short useful lives, maturities are dated to match those useful items. He said borrowing packages are set up so the maturity dates of the loans match the usefulness life of the assets.

Travis Myren said the Sheriff's office gets a lump sum and determines the vehicles that need replacing. He said the age of the patrol fleet was such that almost all of the funds are going to replace squad cars that are regularly on patrol.

Commissioner McKee asked if the size of the buses being replaced could be identified.

Theo Letman, Transit Director, said the buses are 22-26 feet long.

Commissioner McKee asked if these are the busses used for the Circulator route.

Theo Letman said yes.

Chair Price referred to page 12 of the CIP, which says \$40,000 is recommended for further electrification of the fleet. She said this amount will not buy much, and asked if these funds are for a charging station.

Steve Arndt, Asset Management Director, confirmed the money is for electric charging stations.

Commissioner Fowler asked if any of the vehicle replacements would be with electric vehicles.

Theo Letman said the technology has not kept up with the industry to supply transit vehicles with electrification. He said they are trying to get that technology, but it is currently only available for larger vehicles rather than the smaller vehicles they utilize more.

Travis Myren resumed the PowerPoint presentation:

FY2021-22 Recommended County Projects

- Vehicle Replacements - \$1,333,341 (p. 53)
 - Administrative Vehicles
 - AMS Vehicle Replacements (2) \$73,000
 - DEAPR Vehicle Replacement (2) \$70,000
 - Total Administrative \$143,000



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Travis Myren asked if any of these vehicles are electric.

Theo Letman said no, these are crew cab pickup trucks.

1 Commissioner Hamilton asked the price of an electric charging station.
 2 Brennan Bouma, Sustainability Program Coordinator, said the money on a charging
 3 station goes to the installation costs. He said an estimate is around \$10,000 per charging
 4 station. He said the one element also being pursued, partly through a grant, is a lease for one
 5 electric passenger vehicle. He said this vehicle will be available through the car share program
 6 for county staff administrative needs. He said he hopes this will provide staff experience and
 7 comfort with electric vehicles.

8 Travis Myren resumed the PowerPoint presentation:
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FY2021-26 Recommended County Projects

	2021	2022	2023	2024	2025	2026
Animal Services	14,000	14,000	14,000	14,000	14,000	14,000
Community Services	100,000	100,000	100,000	100,000	100,000	100,000
County Office	100,000	100,000	100,000	100,000	100,000	100,000
Departmental Needs	100,000	100,000	100,000	100,000	100,000	100,000
Finance	100,000	100,000	100,000	100,000	100,000	100,000
IT	100,000	100,000	100,000	100,000	100,000	100,000

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 12 Chair Price said some of the vehicles seem older, but with less miles, and newer
 13 vehicles have many more miles. She asked if there is a gauge used to determine the
 14 replacement of Animal Services vehicles.

15 Travis Myren said mileage, age, and maintenance history are factors that go into
 16 replacement recommendations. He said even if a vehicle does not have a lot of mileage, it
 17 could be in the shop a lot.

18 Theo Letman said the equipment requirements on the vehicles may also require it to be
 19 replaced. He said there is an HVAC unit that is mandated on all vehicles that hold animals,
 20 which may require a vehicle replacement on a vehicle with low mileage.

21 Chair Price said there is one vehicle that is 2 years older, and is accumulating a lot more
 22 mileage.

23 Theo Letman said as the vehicles come up in age, he communicates with Departments
 24 about which vehicles need to be replaced soonest.

25 Chair Price said there seems to be inconsistencies.

26 Commissioner Dorosin said some systemization would be good for vehicle replacement.
 27 He said vehicles are made better and last longer now. He said he thinks the county may be
 28 replacing vehicles more aggressively than needed, so it would be worth looking at best
 29 practices.

30 Travis Myren said there are benchmarks and standards staff can provide to the board to
 31 demonstrate how the replacement schedule compares to what best practices might be. He said
 32 this table is a new feature in this year's budget that provides a lot more details than in past
 33 years.

34 Commissioner Bedford asked if there is a similar chart with maintenance schedule for
 35 the buildings in the county. She said this is helpful when determining what to prioritize, and she
 36 would like to see more schedules.

37 Bonnie Hammersley said staff does have replacement schedules for those things, and
 38 she would share them.

39 Travis Myren resumed the PowerPoint presentation:

FY2021-22 Recommended Information Technology and Communications Projects

- Information Technology Governance Council Projects - \$500,000 (p. 56)
 - Funded every other year at \$500,000
 - Scored by interdepartmental work group
 - Intended for functionality and service improvements
 - Computer Assisted Mass Appraisal (CAMA) replacement (Tax)
 - Parcel Identification Number (PIN) replacement (All land records)
 - New electronic bill presentation and processing software (Tax)
 - Call management system replacement (Aging)
 - Contactless service delivery kiosk (Library)
 - Enterprise Geographic Information System (GIS) upgrade (All departments)
 - New GIS system (Environmental Health)
 - Switchboard upgrade (Social Services)



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FY2021-22 Recommended Information Technology and Communications Projects

- Contactless Service Delivery (Library)



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Travis Myren said the kiosk would eliminate the need for interacting with someone when checking out or borrowing a book.

Commissioner McKee asked what would happen to jobs with an increased use of contactless delivery.

Travis Myren said people are still needed behind the scenes, cataloguing and inventorying books. He also said employees are currently doing curbside delivery, so the staff who were stationed at the desks are now doing curbside delivery. He said this allows for workforce flexibility. He said staff is working with Human Resources to determine what staffing will look like when the county buildings reopen to the public, and is thinking about where staff needs to be and where people can best be redeployed.

Commissioner McKee asked how staff would accommodate the public who cannot, or do not want to, use this contactless option.

Travis Myren said there would still be an in person option.

Commissioner Greene said the Chapel Hill library began using a similar system, which allowed the librarians to assist patrons in other ways. She said there is a threat globally to jobs, with increased automation, but she does not believe in this particular case it would result in the loss of jobs.

Commissioner McKee reiterated his concern for residents who cannot, or do not wish to, use this type of system. He said he has gotten calls from residents who are growing more frustrated with the lack of accessibility to assistance in the county.

Commissioner Greene said she would not support the library removing in-person options for people who need it.

Commissioner McKee said he ran into such a problem personally last week, and it is frustrating that county services are not fully available. He said the board needs to be aware that there are a large number of people in the county who do not have the technical ability or do not

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1 want to learn the technical ability to use these checkouts. He said there should be
2 accommodation in service provision.

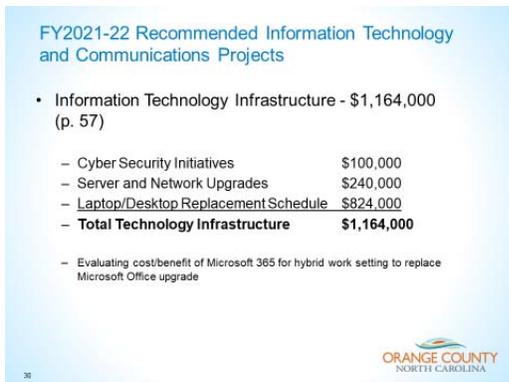
3 Chair Price said there were contactless options a several years ago at the Orange
4 county library, but there was always a person there to help as well. She said librarians are
5 important.

6 Chair Price asked if state and federal money for infrastructure will affect this part of the
7 budget. She asked if the county will be able to use some of this money for network
8 improvement or wireless expansion, as Orange County is trying to extend fiber to rest of the
9 county.

10 Travis Myren said yes, these monies will like be shuffled around, especially with the
11 desktop/lap top replacement schedule. He said desktops are waning, and lap top usage is
12 increasing, as it allows employees to work from home, or on the go. He said if expenditures can
13 be tied back to the pandemic in some way then federal monies can be applied.

14 Chair Price said there are some bills being considered for broadband expansion. She
15 asked if it was passed if some of that money could be used for these efforts and the other
16 money could be allocated elsewhere.

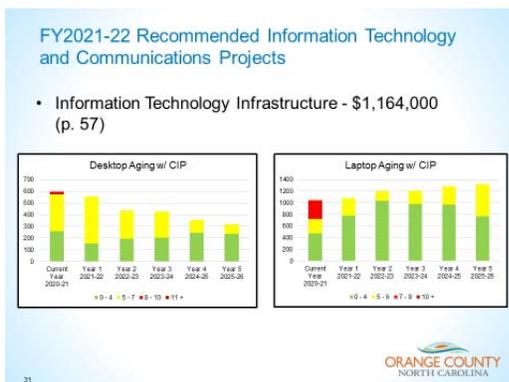
17 Travis Myren said the Broadband Taskforce is currently vetting the potential funding
18 sources associated with Broadband in addition to more money that could be coming to the
19 County. He said this is a good area to look at for potential federal funds. He resumed the
20 PowerPoint presentation:
21



22 Travis Myren explained that Microsoft 365 is a Cloud system, but it requires an annual
23 subscription rather than a larger one-time cost, so staff is comparing costs.

24 Commissioner McKee said he thinks Microsoft 365 works well other than minor normal
25 hiccups.

26 Travis Myren resumed the PowerPoint presentation:
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FY2021-22 Recommended Information Technology and Communications Projects

- Register of Deeds Automation – \$80,000 (p. 48)
 - Multiyear account to finance technology improvements in Register of Deeds Office
 - Prior year funding for replacement of Records Management Software (RMS)



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FY2021-22 Recommended Information Technology and Communications Projects

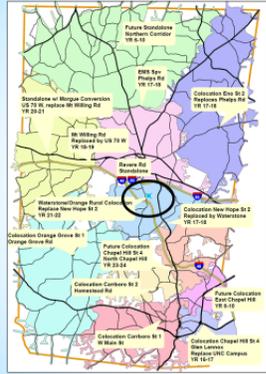
- Communication System Improvements – \$160,308 (p. 58)
 - Multiyear plan to upgrade for Time Division Multiple Access (TDMA) compliance
 - Upgrade required as a user of the Statewide VIPER radio system
 - Future years escalated by five percent (5%) annually based on current market conditions



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Travis Myren said there is a five-year plan to get all of the radios in compliance with this platform. He resumed the PowerPoint presentation:

Emergency Services Substation Long Range Plan



- FY2016-17
 - Colocation with Chapel Hill Fire Department at Glen Lennox
- FY2020-21
 - Standalone station in Buckhorn-Effland area
- FY2021-22
 - Co-location with Orange Rural Fire and at Waterstone
- FY2022-23
 - Design funds for co-location with Chapel Hill Fire
- FY2023-24
 - Construction of co-location with Chapel Hill Fire



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FY2021-22 Recommended Emergency Services Projects

- EMS Substation Project - \$2,700,000 (p. 59)
 - Future substation location study - \$250,000
 - Co-location with Orange Rural Fire Department - \$2,450,000
 - Total County Budget - \$3,400,000
 - Replaces Station #1 on Revere Road



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Travis Myren said the Town of Hillsborough donated the land for the co-location project with Orange Rural Fire Department. He said Orange Rural serves as the Town of Hillsborough’s primary fire response agency.

Chair Price asked if the cost of the land and the project could be identified.

Travis Myren said it will be about a \$6 million project. He said Orange Rural would pick up the other half of the project.

Chair Price asked if the Town of Hillsborough is contributing in addition to the land.

Travis Myren said there may be an area for a police officer to check in, but otherwise there is not really space for Hillsborough staff.

Chair Price asked if the town is contributing financially.

Travis Myren said yes, through taxes from the fire district. He resumed the PowerPoint presentation:

FY2021-22 Recommended Emergency Services Projects

- EMS Substation at Waterstone - \$2,450,000 (p. 59)



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Chair Price asked what the county is getting through the study, and how long it would last.

Travis Myren indicated that Kirby Saunders, Emergency Services Director is doing some research and it would likely be lower in the adopted budget.

Kirby Saunders said the last study was done around 2010 or 2011. He said the county wants to get ahead of the amount of growth that is occurring, and forecast where stations need to be in 10, 15, 20 years, especially when talking about infrastructure projects. He said these projects are costly, and it is important to have them in the right locations.

Chair Price asked if it would be a year-long study.

Kirby Saunders said yes, and said staff is working with the Carrboro and Chapel Hill fire departments to determine locations, as well as all the rural stations and asking how growth will impact those areas.

1 Commissioner McKee said he has been a proponent of co-location since he has been
2 on the board and asked if it is working.

3 Kirby Saunders said it is going great, and the only challenge is co-location in the
4 southern part of the county, due to such rapid growth. He said if it working very well from an
5 operationally perspective.

6 Commissioner McKee said one of the benefits from the last study was the willingness to
7 try co-location again, after some rough water on the first try.

8 Kirby Saunders said they are trying to build in dedicated spaces for EMS and Fire, as it
9 can be challenging when EMS and Fire Service are in the exact same space due to the different
10 rhythms of each group. He said the goal is to have them in the same location, but for each to
11 have separate spaces. He gave credit to fire department partners who have been supportive
12 during colocation efforts.

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14 A motion was made at 8:26 p.m. by Commissioner Dorosin, seconded by Commissioner
15 Greene, to recess the meeting until 8:30 p.m.

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17 Roll call ensued

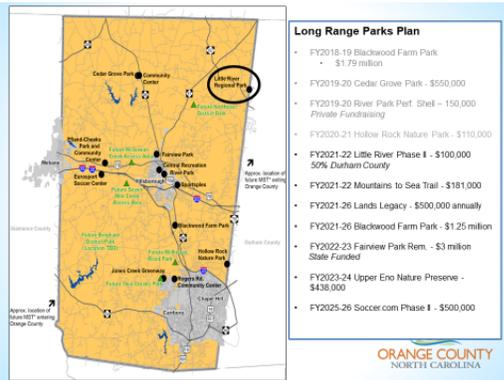
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19 **VOTE: UNANMIOUS**

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21 A motion was made by Commissioner McKee, seconded by Commissioner Greene, to
22 reconvene the meeting at 8:31 p.m.

23
24 Roll call ensued

25
26 **VOTE: UNANMIOUS**

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28 Travis Myren resumed the PowerPoint presentation:



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32 Travis Myren said Blackwood Farm Park is not on this list because it is an electric
33 vehicle project instead of a park improvement project. He resumed the PowerPoint
34 presentation:

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Commissioner Bedford asked if the vehicle was a golf cart. David Stencil, Environment, Agriculture, Parks, and Recreation Director said it is a more elaborate version of a golf cart. He said it has about four to six seats to move people across between locations in a larger facility. Chair Price said the entryway has been reviewed previously, and it has a costly price tag. She asked if this is still the same. David Stencil said yes, and \$2.8 million in funds from years past will be going towards these improvements. Chair Price said she thought the \$300,000 for the farmhouse renovation was put on hold. David Stencil said the house is more in need of remediation than the one at Mill House Road, and, as such, has been prioritized. Travis Myren said funds were moved from Millhouse to Blackwood. He resumed the PowerPoint presentation:



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Chair Price referred to parks and community centers that were skipped over, and asked if staff would provide a report of usage of community centers. She said people do not know they can use the community centers or about the programs happening there. Travis Myren said staff would work with the neighborhood associations and provide more information. Chair Price asked if it is known when the results of the landfill mitigation assessment will be received. David Stencil said staff is providing a status report at the Fairview Community's neighborhood meeting in May. He said he expects to have the state present in September for final recommendations on how to move forward. He said he should be able to provide a status report to the board fairly soon.

1 Chair Price said she also wanted the board to get the report.
2 Travis Myren resumed the PowerPoint presentation:
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6 Chair Price asked if \$100,000 is 50% or if the county would pay \$50,000.
7 Travis Myren said the county will pay \$50,000.

8 Commissioner Fowler asked if half of the park is in each of the counties.

9 David Stencil said there are 255 acres in Durham and 136 acres in Orange, but a lot of
10 the publically accessible areas are on Orange County side. He said there is a 15-year
11 agreement of each entity paying 50%.

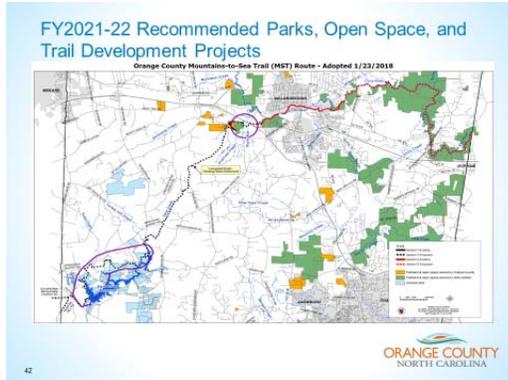
12 Commissioner Hamilton asked if Orange County is doing the contract work since it is in
13 this CIP.

14 Davis Stencil said as part of the interlocal agreement, Durham County does not operate
15 any parks, so Orange County operates the park on behalf of both counties and would be doing
16 any capital improvements.

17 Travis Myren resumed the PowerPoint presentation:
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3 Chair Price asked how much would be allocated toward land acquisition. She recalled
4 several years ago that she heard someone say Orange County would not buy land for the trail,
5 but would assist. She asked how much the county is budgeting for land acquisition for the
6 Mountains to Sea trail through Orange County.

7 David Stencil said for the coming year, \$100,000 of \$181,000 is projected for land
8 acquisition. He said there are four landowners with whom staff is working, to secure trail
9 easements or purchases of land to insure access. He said the state has been supportive of
10 land acquisitions. He said it is possible that the county will receive more than \$35,000 from the
11 state to assist with land acquisitions. He said the county is acquiring land with the help of the
12 state and the Friends of the Mountains to Sea trail, and while some county funds are going to it,
13 there has been just as much from the state, if not more.

14 Chair Price asked if the total amount spent thus far is known, and how much more would
15 be spent on the Mountains to Sea trail.

16 David Stencil said there is existing funding from previous years, and there are a couple
17 of key properties on the map that will require easements. He said it is hard to estimate because
18 it is unclear if landowners will accept an easement, which is cheaper, or require purchase of the
19 land.

20 Chair Price asked if the amount of Orange County funds that have already been spent
21 on land acquisition is known, and if there is a cap for how much will be spent.

22 David Stencil said he would get back to the board with those totals.

23 Commissioner Hamilton said if the board is getting this information about the Mountains
24 to Sea trail, it should look at all the land acquisition that occurs to support the recreational
25 activities of residents. She said it is important to have perspective.

26 David Stencil said the Lands Legacy Program has 3-year action plans, and the next
27 three-year plan will become available in September.

28 Commissioner Fowler asked if the Friends of the Mountains to Sea Trail contribute
29 financially.

30 David Stencil said it is usually in-kind assistance. He said this group has expertise in
31 building trails, and are very helpful in this regard.

32 Travis Myren resumed the PowerPoint presentation:
33

FY2021-22 Recommended Parks, Open Space, and Trail Development Projects

- Upper Neuse River Basin Implementation Strategy - \$175,000 (p. 76)
 - Alternative Implementation Agreement
 - Each jurisdiction agrees to budget and implement projects
 - Examples - created wetland and vegetative stream buffer



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David Stencil said there are a number of menu items that all of the jurisdictions in the Upper Neuse Basin can pull from. He said all of the options will count towards meeting the implementation funding amount for each year.

Commissioner McKee asked if county is still held at the 77% and 40%.

David Stencil said yes, and the UNRBA has been working on a path forward committee, and these rules will be revisited in the coming years, as there is widespread acceptance that the numbers are not doable.

Travis Myren resumed the PowerPoint presentation:

FY2021-22 Recommended Parks, Open Space, and Trail Development Projects

- Park and Recreation Facility Renovations, Repairs, and Safety Improvements - \$180,000 (p. 78)
 - Annual request for ongoing capital improvements
 - Parks facility repairs and replacement
 - Safety improvements
 - Site lighting
 - Landscaping
 - Signage
 - Preventative maintenance



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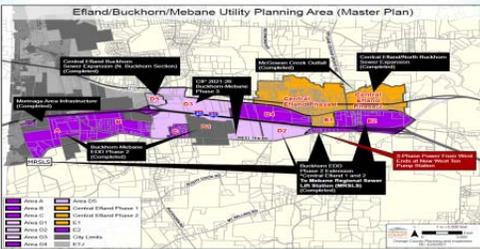
Commissioner Hamilton said this is another area where it would be nice to have a schedule and more details in order to respond to constituents about needed repairs.

David Stencil said such a schedule exists, and he would provide it to the BOCC.

Travis Myren resumed the PowerPoint presentation:

FY2021-22 Recommended Water & Sewer Infrastructure Projects

- Economic Development Water & Sewer Infrastructure - \$1,235,000 (p. 84)
 - Buckhorn Economic Development District



19

1 Travis Myren said this project would take sewer under the interstate to serve the parcels
2 in Growth Area A in the Buckhorn Area Plan. He said the debt service on the project is repaid
3 with article 46 sales tax money.

4 Chair Price asked if clarification could be provided on the districts shown on the map.

5 Travis Myren said Area D3 on this map is Area A in the Buckhorn Area Plan. He said
6 there is also a lift station upgrade shown on the map near Gravelly Hill Middle School.

7 Chair Price asked if the total is \$1.2 million into area D3 on the map.

8 Travis Myren said yes.

9 Commissioner Fowler asked if this is an old map, or if this is something with which
10 people are familiar.

11 Travis Myren said Area A has always been in the Economic Development District (EDD).

12 Commissioner Bedford asked for some history about the sewer in this area.

13 Craig Benedict said the project started with a sewer lift system near Gravelly Hill Middle
14 School that provided a gravity system that went up to the D1 parcel. He said a stub was left out
15 near the interstate to take it up to the D3 area when development required it. He said a few
16 years ago a 16-inch water line was installed under the interstate to serve D3 from D1. He said
17 there is gravity sewer and the sewer lift station in the area, which was not stubbed out until the
18 program was phased. He said this is Phase 3, and is expensive.

19 Chair Price asked if Craig Benedict could explain the residential areas.

20 Craig Benedict said originally the gold areas on the map used to flow 3.5 miles over to
21 Hillsborough causing expensive sewer rates. He said in order to stabilize the rates there, a new
22 engineering program was developed to change the flow from Hillsborough to Mebane, near the
23 E2 parcel super sub regional lift station that can handle the flow of central Efland and the
24 majority of the EDD properties along the way. He said the out-of-town Mebane rates for Efland
25 are lower than that of Hillsborough. He said 1.5 to 2 years ago, all of the sewer, gravity, and lift
26 station assets were transferred from Efland, where it was under the county's cost, to Mebane.
27 He said Mebane maintains these assets.

28 Commissioner Hamilton said she is concerned because the board has not completed the
29 Buckhorn Area Plan study, but she feels it is being discussed as though it has done so. She
30 said this can be confusing for residents who are concerned about the decisions the board is
31 going to make. She said she is unsure what the return on investment has been on the water
32 and sewer in the existing projects, and what is expected in the future. She said there are other
33 things for which the Article 46 sales tax can be used. She asked if more information could be
34 provided on the return before making decisions on further water and sewer in this area.

35 Chair Price said there is little context on what is in each area on the map.

36 Chair Price asked if Buckhorn-Mebane EDD Phase 2 is different plan than the county's
37 Buckhorn EDD. She asked if the arrow pointing to 1 is part of A.

38 Craig Benedict said he would provide that information to the board. He said it was about
39 a two-mile extent of sewer that went all the way from D1 to A, and into Mebane. He said this
40 zone is part of phase 2.

41 Chair Price asked if it was Phase 2 of the Mebane-Buckhorn EDD or the county's
42 Buckhorn EDD.

43 Craig Benedict said the engineering program from Efland to Mebane was called the
44 Buckhorn-Mebane Economic Development Infrastructure plan. He said he will provide more
45 specificity for each of the phases to explain how it all ties together. He said it was done in
46 phases so there was less upfront money.

47 Chair Price asked if the map could be labeled more clearly in order to understand which
48 phases are parts of which plan.

49 Travis Myren said staff can clarify that. He said there would be an abstract coming to
50 the board on April 20, 2021 discussing the next steps for the Buckhorn Area Plan. He said this
51 can be revisited and staff can provide additional detail.

1 Chair Price agreed with Commissioner Hamilton, and asked if it is premature to put in
2 the CIP that the county will spend over \$1 million for construction if there is no plan to which the
3 board has agreed.

4 Travis Myren said he understood, and it was scheduled to move into year 1 so that is
5 why it is here. He said given the uncertainty of the area plan, the board can defer the item.

6 Commissioner McKee said there has been a plan to use half of the bond money for
7 infrastructure in the EDD. He said he may need a refresher on what happened when the board
8 voted to start using that money and dedicate it for sewer and water. He said Morinaga would
9 not be in Orange County if not for this development, which was a promise to the company, and
10 credited Morinaga for the economic development in this area. He asked if staff could provide
11 the commissioners with a brief overview on the return on investment. He asked for time in a
12 work session to look at an overlay presentation beginning with the EDD and adding in the
13 phases when the development happened, so it would be clearer. He said he did not want the
14 board to discuss pulling back from this investment, as failing to go under the interstate strangles
15 area A. He said there was definitely a plan when he first came onto the board, and the county
16 residents voted to move forward on that plan. He said this board may need to review what
17 happened, and the minutes from those meetings.

18 Commissioner Dorosin said Commissioner McKee stated a lot of his points, and agreed
19 there is a plan. He said it is confusing to look at two different maps of the same area between
20 different plans. He said it is important to remember that the plan has always been to provide
21 infrastructure to the area, which is important for any economic development. He said while
22 there are residents with concerns about the type of economic development, they do agree with
23 the idea of economic development there and without the water and sewer it is not possible. He
24 recalled some emerging agreement that area A made the most sense for development, due to
25 its location. He said there is value in making connections when thinking about the value of
26 investment.

27 Commissioner Hamilton agreed it would be helpful to review the history and the plan.
28 She said a plan is a plan, and it still needs to be evaluated if the plan turns out as expected.
29 She said part of the plan is agreeing on the kind of development the board wants to see, and
30 having the community's input so the board does not feel pressure to jump on something that is
31 not aligned with its interests. She said she wants to be cautious, and avoid a situation where
32 the board ends up wasting more time with a proposal that is not in line with the county's values.

33 Commissioner McKee said he does not disagree with Commissioner Hamilton, but
34 wants to remind the board that the return on investment is more than tax dollars. He said that
35 shortly after Morinaga opened, he was at Walmart and overheard a young man talking about
36 getting work at Morinaga, and it being the first job he ever had with benefits, insurance, and a
37 good wage that offered future security. He said if the board is serious about economic justice, it
38 has to talk about the communities that are struggling with low paying jobs and the businesses
39 that are paying \$15 an hour and up.

40 Commissioner Greene agreed the old map is confusing when she has the newer
41 Buckhorn Area Plan map in her head. She agreed with Commissioner McKee and
42 Commissioner Dorosin that there has been a long agreement to put water and sewer in Area A
43 and it needs to be done in order to have conversations with any company that wants to develop
44 there. She said those conversations likely will not happen without the infrastructure, which she
45 believes the community expects at this point.

46 Chair Price agreed there needs to be infrastructure, and was referring to the actual build
47 out. She said the board told residents there would be a community conversation. She said she
48 is not trying to get this eliminated, but just wants to make sure the plan is developing in a way
49 that will give the return on investment the board wants.

50 Bonnie Hammersley said the board can be talked about this on April 20, 2021 and staff
51 will bring a better map when the board discusses the Buckhorn Area Plan.

1 Commissioner McKee reiterated his request for Mylar overlays in sequence, beginning
2 with the original EDD.

3 Bonnie Hammersley said staff can do that.

4 Commissioner Dorosin said the plan is old, but has not been implemented until very
5 recently. He said the board talked about it for a long time, and once the infrastructure was in
6 place Morinaga, Medline, and other places came. He said he wants to take the time to discuss
7 it but wants to prevent unnecessary delay because the county is behind the curve on this and
8 on its economic development plan. He said this needs to be moved forward as effectively as it
9 can.

10 Chair Price said she wanted to do it effectively and efficiently, but could remember when
11 people would say it was perfect for a golf course. She said some projects have been missed
12 because of the lack of infrastructure.

13 Commissioner Dorosin said Steve Brantley talks frequently about projects going to
14 places where the infrastructure is in place, including roads.

15 Chair Price recalled there was a lot of push back, even twelve years, ago about
16 development in this area.

17 Travis Myren resumed the PowerPoint presentation:
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FY2021-22 Recommended Water & Sewer Infrastructure Projects

- Economic Development Water & Sewer Infrastructure - \$1,235,000 (p. 84)
 - Extend sewer service under interstate to 200 acre site with rail access and upgrades lift station to high capacity force main
 - Area A in Buckhorn Area Plan

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FY2021-22 Recommended Water & Sewer Infrastructure Projects

- Economic Development Water & Sewer Infrastructure - \$115,000 (p. 85)
 - Design and easement acquisition for potential future investment area
 - Recommend removal/delay based on Buckhorn Area Plan discussions

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Travis Myren said this is an overall map of where facilities are located in the county. He resumed the PowerPoint presentation:



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10 Commissioner McKee asked if this is located on the north side of Eubanks Rd.
11 Roberts Williams, Solid Waste Management Director, said yes.
12 Travis Myren resumed the PowerPoint presentation:
13

FY2021-22 Recommended Solid Waste Projects Solid Waste

- Solid Waste Projects
 - Recycling Operations - Equipment Replacement (p. 91)
 - Replace Sideloader – \$260,000
 - Replace Front End Loader – \$330,004
 - Replace Road Tractor - \$185,310
 - New F250 Pickup Truck - \$26,000



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3 Chair Price asked if the amount the county receives in fees from residents could be
4 identified, and if that money can be used for this replacement schedule or if it could only be
5 used in operating.

6 Travis Myren said all of these things manifest in debt service, and the program fees help
7 pay the debt service on all of this.

8 Travis Myren said the program fees are the foundation of the Solid Waste finances. He
9 resumed the PowerPoint presentation:

FY2021-22 Recommended Sportsplex Projects

- Sportsplex Projects - \$405,000
 - Parking lot repair - \$75,000 (p. 95)
 - Heating, Ventilation, and Air Conditioning - \$100,000 (p. 95)
 - Door replacements - \$125,000 (p. 95)
 - Kidsplex inflatables and equipment - \$105,000 (p. 98)



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13 Travis Myren said as a result of closures over past year, this is a relatively modest CIP
14 recommendation for the Sportsplex that focuses on things that really need to be repaired or
15 replaced, due to age, or in the case of the parking lot, wash out.

16 Commissioner Bedford asked if the Sportsplex got some of the CARES funding, in order
17 to be safe with opening.

18 Travis Myren said no, the Sportsplex did not receive an allocation.

19 Commissioner Bedford said the Sportsplex has managed to be open at a limited
20 capacity.

21 Travis Myren said yes, and the county provided some personal protective equipment,
22 but that was the extent of the involvement.

23 Chair Price asked if the loss over the past year is known.

24 Travis Myren said staff would bring that information back.

25 Chair Price asked if membership fees cover debt service.

26 Travis Myren said the Sportsplex has been able to support its own debt service for the
27 past couple of years, and hopefully it will continue.

28 Commissioner Bedford referred to page 5, and asked if “Sportsplex funds” refers to the
29 fees people are paying.

1 Travis Myren said yes, those are the generated revenues. He said that would be
 2 differentiated from debt finance.

3 Chair Price said the "Sportsplex funds" has nothing listed for next year, but has \$50,000
 4 in year 2.

5 Travis Myren resumed the PowerPoint presentation:
 6

Planning for Future Significant Capital Projects

- Future Potential Capital Projects
 - Emergency Responder Radio System
 - New cost estimate using VIPER expansion
 - School Facilities
 - Continued investments in current facilities
 - Planning for new school facilities
 - Potential General Obligation bond referendum



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FY2021-26 Recommended Capital Investment Plan

Tax Equivalent Analysis

Fiscal Year	FY2020-21 Approved CIP	FY2021-22 Recommended CIP
FY2021-22	4.81 cents	4.22 cents
FY2022-23		
FY2023-24	0.67 cents	
FY2024-25		
TOTAL	5.48 cents	4.22 cents

- Value of a penny increased by 8.5% to \$2,146,587 vs. 2% growth assumption due to revaluation
- Total debt service stabilized during five year period
 - Average of \$40.2 million annually
 - Use of debt service reserve to accommodate small changes



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13 Commissioner Bedford said with past revaluations, the Commissioners have done a
 14 revenue neutral tax rate. She asked if that is still happening, and said she does not understand
 15 how a penny increases by 8.5% due to revaluation.

16 Travis Myren said there will still be a revenue neutral rate. He said there is a \$7 million
 17 increase in debt service to fill, so the question becomes how many pennies would it take to
 18 solve this problem. He said in order to get to that amount takes \$2,146,587. He said prior to the
 19 revaluation, the number was lower, so it took more pennies to generate the same amount of
 20 money.

1 Commissioner Bedford said she still does not see what revaluation has to do with this.
 2 Travis Myren said the revaluation means a penny is worth more than it was last year.
 3 Bonnie Hammersley said the property values of the entire county went up.
 4 Commissioner Bedford asked if the revenue would be the same since they set a revenue
 5 neutral rate.

6 Bonnie Hammersley said the revenue goes down, because not as much revenue is
 7 needed to meet the tax rate.

8 Commissioner Bedford asked if the tax rate is usually dropped to keep the revenues the
 9 same.

10 Bonnie Hammersley said yes.

11 Commissioner Bedford asked if the county is still on the hook for 4.22 cents.

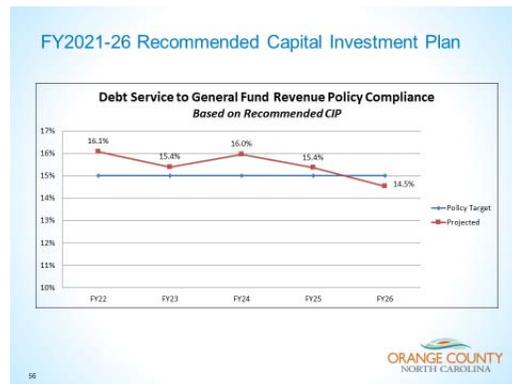
12 Bonnie Hammersley said yes.

13 Commissioner Dorosin said the county starts with a revenue neutral rate but it can still
 14 be increased if it has to be. He said the starting base is changed to be revenue neutral.

15 Chair Price asked if staff is recommending a 4.22 cents increase.

16 Bonnie Hammersley said no, this is just the tax equivalent and staff would talk about this
 17 when the operating budget is discussed.

18 Travis Myren resumed the PowerPoint presentation:
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 22 Commissioner Fowler asked if the board approving this would be allowing the county to
 23 go over its policy.

24 Travis Myren said it is good to have a policy, but the biggest concern is that the elected
 25 body is aware of where the county is with respect to the policy. He said rating agencies
 26 understand there are projects that may cause fluctuations over time, which result in non-
 27 compliance with the policy, but it is with the knowledge of the elected body.

28 Commissioner Fowler asked if this would affect Orange County's ratings.

29 Travis Myren said no and these projections have been in place since the debt model
 30 existed. He said as long the elected body approved that amount, is aware of it, and there are
 31 efforts to come back into compliance in future years.

32 Bonnie Hammersley said the rating agencies are also aware that the county had a \$125
 33 million bond. She said the county did not go over 15% until the bond referendum passed.

34 Commissioner Bedford referred to page 145 of the CIP, the Active Capital Project
 35 Summary. She asked if these are the projects that were approved in the past but are not done
 36 yet. She referred to the affordable housing land banking of \$2 million, and said it would be
 37 helpful to know the balances on these types of items. She said she would like to know when
 38 these projects close out, and if doing so impacts the debt forecast. She said she would like to
 39 know if any have funds have not been spent and are available to be used.

40 Paul Laughton said most projects are ones that have gone out for debt financing, but
 41 some have not, because they are not ready. He said the projects are shown on the page in

1 order to remind the board that they are ongoing projects. He said there is no new funding
2 recommended in the next 10 years.

3 Commissioner Bedford said she would like to know about those that have not yet been
4 borrowed, or the balance that may remain.

5 Paul Laughton said \$293,000 was shifted from the Land Banking to the Affordable
6 Housing in the first part of issuance of \$2.5 million. He said the ones that have not been
7 financed are covered in the debt model.

8 Commissioner Bedford asked if it is anticipated that the county will borrow \$2 million in
9 the next five years.

10 Paul Laughton said yes.

11 Commissioner Bedford said it would be good for the housing group to know how much is
12 still available.

13 Chair Price said she thought the money for the projects was promised in prior funding
14 years and could not be touched.

15 Paul Laughton said it is available because the board did an appropriation towards it, so it
16 is in a separate multi-year capital investment project. He said Housing has done some
17 spending off of this, plus staff used \$293,000 from the first year. He said there are monies still
18 available that can be used when ready. He said staff would go out for financing when a project
19 is ready, or has been done.

20 Bonnie Hammersley said the funds are not used without board approval. She said if it is
21 used for different purposes, the board has to approve it.

22 Chair Price asked if there is less than \$2 million available for land banking.

23 Bonnie Hammersley said there is less.

24 Chair Price said the document should indicate as such.

25 Bonnie Hammersley said staff would work on that.

26 Commissioner Hamilton asked how debt service is affected if the county does not
27 borrow the funds that were budgeted.

28 Paul Laughton said just because it is budgeted, and intended to be financed, the Local
29 Government Commission (LGC) wants bids in hand or construction that has started. He said
30 the LGC wants to have that backup before approving financing of the money. He said the
31 county will not issue debt until bids have gone out or construction has started. He said if the
32 county does incur expenses, it will reimburse itself for those costs when it does the financing.
33 He said it does not hit debt service until it is included in a financing package.

34 Bonnie Hammersley said the debt service is for exactly what has been borrowed.

35 Paul Laughton said the debt models are based on the recommended CIP, and if a
36 project is started in year 3, the debt service will not start until year 4. He said the BOCC reviews
37 the CIP every year, and things get moved around.

38 Travis Myren resumed the PowerPoint presentation:
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2 Travis Myren said the next check-in point will be the joint meeting with the schools. He
3 said there are questions that have come up through the petition process regarding operating
4 and capital projects that may have been affected by federal funding.

5 Bonnie Hammersley reminded the BOCC if there are any amendments to the
6 recommended CIP to send them by email to her and Travis Myren, and they will work with
7 Finance. She said if there are any offsets, which the commissioners want staff to look into
8 taking out, to also let her or Travis Myren know. She said the list of amendments will go online
9 on a daily basis, and all will be able to view what amendments other commissioners are asking
10 for.

11 Commissioner Fowler referred to page 173 of the CIP, and said she thought school and
12 economic development percentage was 50-50. She asked if this had changed.

13 Paul Laughton said nothing has changed with article 40 and 42, and the half cent sales
14 tax has been as General Statute for years. He said this can be used for capital outlay or school
15 debt. He said the Article 46 sales tax was approved by the voters in November 2011, and
16 became effective April 2012. He said board established the 50% for schools and 50% for
17 economic development. He said article 40 and 42 are different than the Article 46 sales tax.

18 Commissioner Fowler said the same page mentions a 60% target for school projects
19 and 40% for county projects. She asked if the county has been sticking to that, and if Durham
20 Tech is included in those school projects or if it is supposed to be K-12.

21 Paul Laughton said it is for school projects, which would be for any education projects,
22 including Durham Tech. He said this would be a 10-year window of trying to stay around the
23 target of 60-40.

24 Commissioner Fowler asked if the county has been staying around that percentage

25 Paul Laughton said yes, or very close to it.

26 Chair Price asked for a brief explanation of the pages after 146.

27 Paul Laughton said these are projects that correspond to page 145, and are ongoing or
28 have not gone out to financing. He said they are active projects that have not been closed out.

29 Chair Price clarified that it does not mean the Link Center will go unaddressed.

30 Paul Laughton said it just means there is no new funding recommended in the CIP for
31 the next five years.

32 Commissioner Bedford said Commissioner Hamilton and Commissioner Fowler may
33 benefit from seeing the format from last year's amendments. She said years ago, the school
34 collaboration discussed the 60/40 split, and there has not been much analysis since then and
35 whether this funding is appropriate. She said at one point county buildings were falling into
36 terrible disrepair and more funds were needed to fix them. She asked if Article 40 was part of
37 the pay as you go for schools.

38 Paul Laughton yes, pay as you go and Article 46 monies have been used. He said in
39 recent years trying to hold to the fund balance at 16% has been challenging.

40 Commissioner Bedford said there was an additional \$3 million for school capital that is
41 expiring this year because of the \$30 million. She said it has taken the schools six years to
42 spend the bond money, and Chapel Hill-Carrboro schools asked for an extension to spend their
43 portion of the \$30 million, so she feels there may not be capacity at the schools to do as much.
44 She said she would like more conversations based on need versus formula, and what people
45 can actually achieve.

46
47 A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford, to
48 adjourn the meeting at 9:58 p.m.

49
50 Roll call ensued

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1 **VOTE: UNANMIOUS**

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Renee Price, Chair

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7 Recorded by Tara May, Deputy Clerk to the Board

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9 Submitted for approval by Laura Jensen, Clerk to the Board.

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL LEGISLATIVE BREAKFAST
April 19, 2021
8:30 a.m.

The Orange County Board of Commissioners met for a virtual breakfast meeting with the Orange County Legislative Delegation on Monday, April 19, 2021 at 8:30 a.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler (arrived at 8:57 a.m.) Sally Greene, Jean Hamilton, and Earl McKee

COUNTY COMMISSIONERS ABSENT: Commissioner Mark Dorosin

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Clerk to the Board Laura Jensen, and Assistant to Manager for Legislative Affairs Greg Wilder (All other staff members will be identified appropriately below)

LEGISLATIVE DELEGATION PRESENT: Representative Verla Insko, Representative Graig Meyer, and Senator Valerie Foushee (arrived at 8:37 a.m.)

Chair Price called the meeting to order at 8:31 a.m.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Legislative Breakfast on April 19, 2021 utilizing Zoom. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

Chair Price said Commissioner Dorosin would be absent from the meeting, and Commissioner Fowler had a schedule conflict and would be in and out of the meeting.

A roll call of the County Commissioners was taken; all members were present, except Commissioners Dorosin and Fowler.

Commissioners introduced themselves during roll call and welcomed the Representatives.

Chair Price invited the Representatives to introduce themselves.

Representative Insko introduced herself as the Representative of House District 56, which covers mostly Chapel Hill and Carrboro in Orange County. She said she used to be a Commissioner, and is familiar with how the Board of County Commissioners works. She said she is on the Health Committee, Health and Human Services Appropriations Committee, Environment, Elections Law, and a couple of other smaller committees that are not meeting. She said she is concentrating on filing bills that will tell voters that Democrats are serious about taking back the majority, the bills that would be passed, and how the State would be different if Democrats were running it.

Representative Meyer introduced himself, and said he represents areas in Orange County that are mostly outside of Chapel Hill and Carrboro, as well as Caswell County. He shared a personal story, saying he recently lamented how little fun there has been in the legislature this year, and his mother told him he should run for County Commissioner as maybe

1 he could get more done. He said they would all see as they went through the agenda what the
2 Commissioners have the power to do and what the State Legislature has the power to do. He
3 said he wished the latter made it easier for the Commissioners to get things done.

4 Chair Price invited staff to introduce themselves.

5
6 *Senator Foushee arrived at 8:37 a.m.*

7
8 Bonnie Hammersley welcomed the Representatives and Senator, and extended thanks
9 for being present today and their service to Orange County.

10 Travis Myren introduced himself, and thanked the Representatives and Senator for their
11 participation in the Broadband Task Force meeting last week.

12 John Roberts introduced himself and welcomed the Representatives and Senator.

13 Laura Jensen introduced herself and welcomed the Representatives and Senator.

14 Tara May, Deputy Clerk to the Board introduced herself.

15 Greg Wilder introduced himself and thanked the Representatives and Senator for their
16 service to Orange County.

17 Senator Valerie Foushee introduced herself, and said she served as a County
18 Commissioner for two terms. She said she serves as the Chair of the Senate Democratic
19 Caucus, and in that role is trying to ensure bills are passed that benefit not only North
20 Carolinians in general, but Orange County residents, in particular. She said she has been
21 assigned to the Education Committee and the Commerce and Insurance Committee, and is part
22 of nine committees. She said she is trying to be a voice for Orange County residents and while
23 it is difficult, she continues to push forward the values and ideals the people want and in many
24 cases need.

25 Jim Northrup, Chief Information Officer, provided contact information in case those on
26 the call have any technical issues.

27 Chair Price said everyone should have received a packet with two lists: one is the list of
28 priorities, and the other is a list of interests the Commissioners have accumulated over the past
29 several years. She said many of the concerns are the same, have updates, or are new issues
30 that have emerged with time. She said there would probably only be enough time this morning
31 to discuss the priorities, and a couple of other discussion topics if the Commissioners chose.
32 She said she will ask each Commissioner to introduce a priority issue and the group can
33 discuss as they go.

34 Commissioner Bedford introduced and read the priority on Mental Health:

35 "Seek legislation to develop and fund a plan to reduce the number of people with mental
36 health issues in county jails as well as ensure that adequate State-funded mental health,
37 developmental disability and substance abuse services and facilities are available at the
38 local level, accessible and affordable to all residents and that sufficient state resources
39 fund service provision costs inclusive of sufficient crisis intervention and treatment, and
40 to structure appropriate county participation in governance."

41 She said this includes everything from Medicaid expansion, Medicaid transformation, MCOs,
42 diversion facilities, the Governor's task force with the Criminal Justice System, schools. She
43 said the pandemic has revealed more need, and said if there is something pending in the
44 legislature the Commissioners would like to know the status.

45 Representative Insko said this is a huge issue. She said the Legislature's biggest
46 problem is that so much money has been cut out of the budget, and there are not many options
47 for money to come in. She said President Biden's plan will send some money that may be able
48 to be used for this. She said mental health is gaining more interest on both sides of the aisle,
49 and knows some Republicans that are looking more closely at mental health issues. She said
50 she has been working closely with some Republicans.

1 Representative Meyer said there has been a good group of advocates working on
2 involuntary commitments, and also the broader intersection of mental health and policing. He
3 said he was been trying to work with them. He said Representative John Autry has drafted four
4 bills at the request of the advocates, and he is shopping those bills to some of the Republican
5 leaders in the House, but as of now there are no Republican co-sponsors on the bills. He said
6 they will be filed this week, and does think it is possible that at least one of them will be a
7 bipartisan bill.

8 Senator Foushee said there is not much to report on the Senate side. She said the
9 Senate's main focus over the last several years has been Medicaid transformation. She said
10 there is not much happening besides what the Representatives shared. She said there may be
11 some intersection between what is done for school children, as it relates to mental health, but
12 she cannot see anything that expands beyond providing the services that are more needed
13 because of the pandemic. She said there has to be some rectifying and ensuring the services
14 needed at that level are appropriated. She reiterated that anything beyond rolling Medicaid
15 transformation has not come up in the Senate.

16 Representative Insko said she believed there would be a bill to increase Innovation
17 Waiver slots. She said she and Representative Hawkins filed a bill to increase it by 1,000 beds.
18 She said a Republican in the House filed a similar bill. She said there is interest on both sides
19 of the aisle.

20 Commissioner Bedford said within the County there is a Behavioral Health Taskforce
21 looking at the specific issue of a crisis diversion facility, as part of needs that were exposed
22 through Criminal Justice Resource Department. She said this group's work is trying to keep
23 people out of jail and out of the criminal justice system. She said other counties have been able
24 to [cut out due to technical issue].

25 Chair Price said several years ago, the National Association of Counties (NACO) was
26 looking into keeping mental health out of jails and prisons. She said several of the
27 Commissioners have been on tours in the State and across the country to facilities where
28 people never see handcuffs or bars and there is a warm hand off to mental health. She said
29 she visited a facility like that in Wake County.

30 Commissioner Hamilton read the priority on Full Funding of the Leandro Remedial
31 Action Plan:

32 "Support equity and racial justice by fully funding the Leandro Remedial Action Plan,
33 which details additional comprehensive, targeted education funding over the next eight
34 years, predominantly to low-wealth and minority communities, in order for the State to
35 come into compliance with its constitutional obligation to provide every student a sound
36 basic education."

37 She said based on her experience serving three terms on the Chapel Hill-Carrboro City
38 School (CHCCS) Board of Education, the state has not been keeping up with funding needs for
39 public education, especially in the low wealth and minority communities. She said teachers
40 need to be paid more, especially with the stresses of teaching online, but even before that there
41 was insufficient funding for teachers, students, and facilities.

42 Representative Insko said every time this issue goes to court it wins, but nothing
43 happens. She said the last ruling was that the state needed to put in \$8 billion a year for eight
44 years. She asked and Commissioners with a law background to share what else they thought
45 could be done. She said Democrats taking the majority would help, but besides that was
46 unsure.

47 Commissioner Greene said this presents a question of separation of powers, and if the
48 legislature or the courts have authority over the other. She said ultimately they need to change
49 the composition of the legislature as Representative Insko said.

50 Representative Meyer said Commissioner Dorosin is one of the litigants in the current
51 case, and he has been coordinating with him on legislation strategy and litigation strategy. He

1 said there was a debate in the House last week on the expansion of school vouchers, and it
2 was used as a strategy to get Republicans on the record mischaracterizing the Constitutional
3 obligation to support sound basic education for every child as it refers to funding private
4 schools, and made the argument that they are trying to achieve the obligation through school
5 vouchers. He said this is all part of a long term strategy of what Commissioner Greene said to
6 show the Legislature is not meeting its obligation, and the Courts should take additional action if
7 and when the legislature does not fully fund it. He said there is a full funding bill being filed and
8 the Governor's budget has been filed and is aggressive on school funding, but it is going to be
9 about what is in the budget negotiations this year, and if the amount recommended meets the
10 court's expectations. He said if it does not, that is why he and other Representatives are trying
11 to work with the litigators to ensure the groundwork is there for them to continue to press the
12 court for action.

13 Senator Foushee said the Senate has been introducing a number of bills that get at
14 funding, and specific aspects of the decision, but getting the bills heard will be no small feat.
15 She said the other thing that hurt was the judge said the court did not mandate what the funding
16 should be because the court cannot do that, but he hoped the legislature would do the right
17 thing and act with a sense of urgency. She said short of changing the leadership by changing
18 the results of the elections, Democrats would not be successful in these efforts.

19 Representative Insko said she believes the Republicans' goal is to transfer public
20 schools to the private sector. She said the per pupil allocation in public schools is \$9,000 and
21 \$8,000 are being put into the vouchers, which is \$1,000 less than what is being spent in public
22 schools. She said there was a lot of talk on the needs of students, not the need of public
23 education. She said the argument is the needs are filled through the private school system
24 rather than the public school system.

25
26 *Commissioner Fowler arrived at 8:57 a.m.*

27
28 Commissioner McKee read the priority on Broadband/Digital Infrastructure:

29 "Support legislation, funding, and other efforts that provide counties with flexibility and
30 opportunities to support options for increasing access to high-speed internet connectivity
31 and expanding digital infrastructure/broadband capability to the un-served and under-
32 served areas of the state. Access to high speed internet connections will reduce
33 disparities, enhance quality of life for all the State's residents, and broaden opportunities
34 in areas such as education, jobs creation, small business development, health care,
35 civic participation, and growth in farm enterprises."

36 He said the lack of infrastructure and connectivity has become a critical issue and a social
37 justice issue. He said he, and many others, fear that over last year we have reached a
38 crossroads where access to broadband is a requirement. He said he is aware there is some
39 funding that is going to be available to the County. He said Orange County has committed to
40 doing this by forming a Broadband Taskforce. He said more needs to be done than just
41 increasing; it needs to be built out.

42 Representative Meyer said he had a great meeting with the Broadband Taskforce
43 recently and the biggest thing the Commissioners should know is there will be a major
44 announcement from Governor Cooper on this this week or next week.

45 Commissioner Greene thanked Representative Meyer for bringing in his Republican
46 colleague from Union County to the Broadband Taskforce meeting.

47 Senator Foushee said there are bills that were promoted by the North Carolina
48 Association of County Commissioners (NCACC). She said she will push forward Senate Bill
49 689, which will expand County Broadband authority so they can use vertical assets, make
50 grants to providers that are willing to provide service in underserved areas. She said Senate Bill
51 582 provides funding for homes to access Broadband when it is available. She said both of

1 those bills are bipartisan bills and hopefully there will be some movement in conjunction with
2 what the Governor is announcing.

3 Commissioner McKee said he is pleased to hear that there is some movement on the
4 previous restrictions that prevented counties' ability to move forward. He said he does not think
5 all restrictions will be lifted, but some adjustments are critical to make it work.

6 Senator Foushee said the one drawback on Senate Bill 689 is the language needs to be
7 changed such that co-ops are held harmless. She said the way the bill is written now, they
8 would lose in terms of having to replace vertical assets as necessary.

9 Chair Price said this has been the number one priority for past several years for the
10 State and National Associations of Counties, particularly in rural areas.

11
12 *Commissioner Fowler left the meeting at 9:03 a.m.*

13
14 Commissioner Greene read the priority on Minimum Wage Increase:

15 "Support legislation to raise the minimum wage to at least \$15 per hour for all, not just
16 employees of the State of North Carolina, to enhance people's economic security,
17 improve access to safe and secure housing, boost the economy with increased
18 spending, decrease dependence on government assistance programs, and improve the
19 lives of families."
20

21 Representative Insko said there are many bills being filed to address this. She said she
22 is interested in getting some information on the change in the low-income group in poverty, and
23 showing that this group is increasing, and the money is continuing to go to the top, and what it is
24 doing to society.

25 Commissioner McKee said he considers this more critical than he did in the past. He
26 said during his 50 years of working life, he never had a job where he received an actual regular
27 paycheck, until three years ago. He said he was shocked to realize it would have been hard to
28 live a normal lifestyle on the paycheck he received, and it was not a minimum wage paycheck.
29 He said it was shocking to see how the majority of other people live. He said he had income,
30 but did not receive it every week, or every other week, or every month. He said it brought home
31 to him the reality of the majority of the people in the County, State, and Country who are living
32 paycheck to paycheck.

33 Commissioner Greene read the priority on Protection of Civil Rights for Transgender
34 Persons:

35 "Oppose any legislation that limits equal rights for transgender persons or otherwise
36 discriminates against them, including in the areas of healthcare and sports."
37

38 Senator Foushee said she would oppose Bills 358, 514, 515.

39 Representative Insko said she was appalled, and said the Republican Party was
40 supposed to be the party of individual liberties.

41
42 *Commissioner Fowler arrived at 9:08 a.m.*

43
44 Chair Price read the priority on Racial Equity in Criminal Justice:

45 "Support the recommendations of the North Carolina Task Force for Racial Equity in
46 Criminal Justice (TREC), and specifically legislation to legalize the possession and use
47 of marijuana and permit licensed businesses to engage in retail sales to adults, and this
48 decriminalization will in turn broaden the agricultural economy and jobs as well as
49 enhance revenue for governments with taxes, licenses, and other associated revenues
50 that can be utilized to address opioid and other drug-related problems and other needs."
51

1 She said the numbers of people who are incarcerated because of possession of marijuana are
2 overwhelmingly Black, Indigenous, and people of color. She said it goes back to 100 years ago
3 when marijuana was decided to be an illegal substance because too many Black and white
4 people were coming together to smoke. She said it is a very unjust system, so Commissioners
5 are putting this forward. She also said there are some farmers that would like to be able to
6 make some money from the crop.

7 Senator Foushee said Senate Bill 646 does all of those things.

8 Representative Meyer said there was a House companion to that bill. He said Chair
9 Price was right about farmers, and he hears more about this in Caswell County than Orange
10 County.

11 Representative Insko said she agrees, and would like to see something like the ABC
12 system for marijuana. She said North Carolina has one of the lowest teen alcoholism rates in
13 the nation and gives credit to ABC system for that, and she wants to be careful about teens and
14 marijuana. She said the State needs the tax money, and she would like to see that money
15 come in.

16 Commissioner Fowler said as a pediatrician she does not support marijuana use, but
17 supports the bill of decriminalizing and legalizing it because of the reasons stated. She said
18 regulation is important because the way some people use marijuana through vaping is
19 incredibly dangerous.

20 Commissioner Fowler read the priority on Flexible Billing for Water and Sewer:

21 "Support legislation allowing local governments and other water and sewer providers to
22 implement flexible billing practices to establish pricing policies, potential waivers and
23 debt forgiveness opportunities to assist impacted customers."

24 She said this issue has become really important with the pandemic.

25 Chair Price said Representative Insko has been working on this issue.

26 Representative Insko said the bill has been filed, and was so popular that everyone
27 wants to be part of it. She said the new bill extends it to all public water agencies, so cities and
28 counties would also have the authority to do this. She said it is a good idea to get grants, but
29 the more popular it gets, the more competition there will be in getting those grants. She said she
30 thinks the bill will pass, and it is ready to be heard in Committee now.

31
32 *Commissioner Fowler left the meeting at 9:13 a.m.*

33
34 Chair Price indicated the Board was done presenting its priorities, and asked if there
35 were any questions on other issues listed.

36 Representative Insko said abolishing the State death penalty was important, and asked
37 Representative Meyer if a bill had been introduced in the House this year.

38 Representative Meyer said he was the sponsor of that bill in the House in previous years
39 but passed it along to Representative Vernetta Alston from Durham because she has been a
40 death penalty litigator. He said he is not sure if she introduced the bill yet or not.

41 Senator Foushee said she liked the issue of legislative leadership term limits. She asked
42 if a Commissioner would like to talk about it.

43 Chair Price said she did not vote for it so someone else would have to speak on it.

44 Commissioner McKee said he does not think it is a bad idea, but the question would be
45 how many terms.

46 Senator Foushee said she is not opposed to it, just thought it was interesting.

47 Chair Price said she knows in other states there are term limits, but she did not want to
48 let the Representatives from Orange County go.

49 Representative Insko clarified that the issue mentioned leadership positions, which
50 would apply to Representative Moore.

1 Commissioner Greene said she wanted to mention an issue that came up at the Transit
2 Policy Advisory Committee last week. She said the state maintenance assistance program and
3 rural operating program money has been eliminated. She said the impact of that in the current
4 year was \$6 million to Chapel Hill and Durham. She said the money is vital and ends up having
5 to be replaced through limited capital budgets. She said she has a statement calling for the
6 General Assembly to fully restore the public transportation budget in those two funds. She said
7 she would appreciate any comments.

8 Representative Meyer said the transit folks have been in touch since it happened. He
9 said this will be revisited during this year's budget discussion. He said he is unsure if the
10 Governor's budget team is proposing to address this through ARP funds or state funds. He said
11 it would be better for it to be funded with state funds because it can go back to recurring
12 funding.

13 Senator Foushee said Senator Murdock is working on this on the Senate side.

14 Commissioner Bedford asked if there would be any work across the aisle in developing
15 the budget, or if Democrats would be shut out after Governor proposes the budget and the
16 school increases.

17 Senator Foushee said there is already some change, but she is not sure how effective it
18 is going to be. She said she represents the Senate Democratic Caucus in the budget
19 discussions, and Representative Adcock was also part of initial discussions. She said she has
20 been invited to several of those meetings. She said even though there is a Representative and
21 herself in those discussions, she thinks the way Senator Berger is framing how the process
22 moves forward, particularly with a cap on what the spend number will be, what will be
23 considered for recurring or one time funding through ARP allocations, there is going to be a trick
24 some way where the discussions will only go so far. She said she hates to be pessimistic, but
25 is leery about what influence Democrats will have, and the process being any different than it
26 has been before.

27 Representative Insko said the Democrats are getting public overtures, but in private will
28 have no impact on the budget. She said there does seem to be an interest in a public
29 collaboration, but it will be a miss when it comes to the money.

30 Representative Meyer said in the end it will be Senator Berger and Governor Cooper.

31 Senator Foushee said Speaker Moore and Senator Berger want a budget that the
32 Governor will sign.

33 Representative Insko said she thinks they want a budget they can run on in 2022.

34 Senator Foushee said the Governor not signing the budget would mean the legislature
35 has failed to do its duty. She said she believes the Senate Democrats will sustain a veto if they
36 believe it is in the best interest of the state, and Senator Berger knows that. She said she
37 believes they want a budget that the Governor will sign and believes the Senate will work
38 towards that effort.

39 Chair Price brought attention to issue #52 on evictions, which came from the Department
40 of Human Rights and Relations. She said this asks the Representatives and Senator to support
41 legislation that would remove an eviction from a tenant's credit record because it tends to follow
42 them. She said even during the pandemic, when a lot of work has been done to avoid evictions
43 with the Eviction Diversion Program, it is something that has been a problem and it has gotten
44 worse and can go from bad to worse when the moratoria is ended. She having this on a credit
45 report really hurts families and communities.

46 Representative Insko said she would pass this around to people who are working on
47 criminal law, to see if it could be amended to a bill, because the filing period has passed. She
48 said she would do that.

49 Chair Price asked if the timing for this meeting should change in the future, because as
50 Representative Insko said, the filing period is over. She said the Board has talked about

1 starting its process earlier. She asked if there is a better time to meet with the Representatives
2 and Senator next year.

3 Representative Insko said the primary will most likely not be until May next year because
4 of the Census. She said the sooner, the better, especially in a long session.

5 Chair Price asked if January would be good.

6 Representative Insko said she the legislature will not be in session in January next year,
7 and believes they will not be back in session until after primary in May, but noted this is her
8 assumption.

9 Representative Meyer said in a long session year like this year, it would be better to
10 have this meeting earlier in the year. He said in a short session year, this time is probably fine,
11 somewhere around mid-April. He said next year is a short session year.

12 Senator Foushee said February in long session year, and April is fine for a short session
13 year. She said the Senate's bill filing deadline is two weeks earlier than the House.

14 Commissioner Bedford asked if the Senate was going to crush the school calendar
15 changes.

16 Senator Foushee said she does not see the Senate making any headway, but she files
17 the bills every year.

18 Commissioner Bedford asked as things are happening on short timelines with
19 amendments to bills, what is the best way for Commissioners to effectively communicate with
20 Representatives and Senator and what to tell residents of Orange County.

21 All members of the Legislature said email is preferred because it is a written record.
22

23 A motion was made by Commissioner McKee, seconded by Commissioner Greene, to
24 adjourn the meeting at 9:29 a.m.

25

26 Roll call ensued.

27

28 **VOTE: UNANMIOUS**

29

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31 **2021 Orange County Priority Legislative Issues**

32

33 **Mental Health** – Seek legislation to develop and fund a plan to reduce the number of people
34 with mental health issues in county jails as well as ensure that adequate State-funded mental
35 health, developmental disability and substance abuse services and facilities are available at the
36 local level, accessible and affordable to all residents and that sufficient state resources fund
37 service provision costs inclusive of sufficient crisis intervention and treatment, and to structure
38 appropriate county participation in governance.

39

40 **Racial Equity in Criminal Justice** – Support the recommendations of the North Carolina Task
41 Force for Racial Equity in Criminal Justice (TREC), and specifically legislation to legalize the
42 possession and use of marijuana and permit licensed businesses to engage in retail sales to
43 adults, and this decriminalization will in turn broaden the agricultural economy and jobs as well
44 as enhance revenue for governments with taxes, licenses, and other associated revenues that
45 can be utilized to address opioid and other drug-related problems and other needs.

46

47 **Full Funding of the Leandro Remedial Action Plan** – Support equity and racial justice by fully
48 funding the Leandro Remedial Action Plan, which details additional comprehensive, targeted
49 education funding over the next eight years, predominantly to low-wealth and minority
50 communities, in order for the State to come into compliance with its constitutional obligation to
51 provide every student a sound basic education.

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2 **Broadband/Digital Infrastructure** – Support legislation, funding, and other efforts that provide
3 counties with flexibility and opportunities to support options for increasing access to high-speed
4 internet connectivity and expanding digital infrastructure/broadband capability to the un-served
5 and under-served areas of the state. Access to high speed internet connections will reduce
6 disparities, enhance quality of life for all the State’s residents, and broaden opportunities in
7 areas such as education, jobs creation, small business development, health care, civic
8 participation, and growth in farm enterprises.
9

10 **Protection of Civil Rights for Transgender Persons** – Oppose any legislation that limits
11 equal rights for transgender persons or otherwise discriminates against them, including in the
12 areas of healthcare and sports.
13

14 **Minimum Wage Increase** – Support legislation to raise the minimum wage to at least \$15 per
15 hour for all, not just employees of the State of North Carolina, to enhance people’s economic
16 security, improve access to safe and secure housing, boost the economy with increased
17 spending, decrease dependence on government assistance programs, and improve the lives of
18 families.
19

20 **Flexible Billing Options for Water & Sewer Utility Providers** – Support legislation allowing
21 local governments and other water and sewer providers to implement flexible billing practices to
22 establish pricing policies, potential waivers and debt forgiveness opportunities to assist
23 impacted customers.
24

25 **Other 2021 Orange County Legislative Interests (*italics denote priority issues*)**
26

27 **Health and Human Services**
28

- 29 1) *Mental Health* – *Seek legislation to develop and fund a plan to reduce the*
30 *number of people with mental health issues in county jails as well as ensure that*
31 *adequate State-funded mental health, developmental disability and substance*
32 *abuse services and facilities are available at the local level, accessible and*
33 *affordable to all residents and that sufficient state resources fund service provision*
34 *costs inclusive of sufficient crisis intervention and treatment, and to structure*
35 *appropriate county participation in governance;*
36
- 37 2) Behavioral Health Services – Support increased state funding for behavioral health
38 services and facilities at the state and local level, including dedicated resources
39 for community paramedicine projects. Support Medicaid reimbursement to EMS for
40 behavioral health transport to crisis centers and structure appropriate county
41 participation in behavioral health program governance;
42
- 43 3) Child Care – Seek legislation to reverse changes made to the childcare subsidy
44 program available to working families, including establishing eligibility for all children at
45 200% of the federal poverty level, to help many working parents who are trying to
46 become more financial self-sufficient, and to prorate fees for children attending based
47 on the hours attended;
48
- 49 4) Opioid Epidemic Efforts – Support adequate funding for diversionary facilities and
50 programs to provide and expand access for individuals with opioid use disorder

1 to seek and complete treatment, and sustain recovery, as well as increased funding
 2 to collect data regarding opioid overdoses and to provide for additional law
 3 enforcement to investigate and enforce drug laws;
 4

- 5) Crime Intervention Services – Support legislation and state funding to provide early
 6 intervention services through the Juvenile Crime Prevention Councils, and support
 7 increased state funding for the prevention, intervention and treatment of adolescent
 8 substance abuse, gang involvement and domestic violence;
 9
- 6) Adult Protective Services – Support increased funding and legislation to strengthen
 10 adult protective services;
 11
- 7) Increase Access to Medicaid – Support legislation to increase access to the
 12 Medicaid program to make health insurance available to North Carolina residents at
 13 138% of the poverty level and as additional support for rural hospitals;
 14
 15
 16

17 **Justice & Law Enforcement**

- 18
- 8) Racial Equity in Criminal Justice – *Support the recommendations of the North Carolina
 19 Task Force for Racial Equity in Criminal Justice (TREC), and specifically legislation to
 20 legalize the possession and use of marijuana and permit licensed businesses to
 21 engage in retail sales to adults, and this decriminalization will in turn broaden the
 22 agricultural economy and jobs as well as enhance revenue for governments with
 23 taxes, licenses, and other associated revenues that can be utilized to address opioid
 24 and other drug-related problems and other needs;*
 25
 26
- 9) Abolish State Death Penalty – Support legislation to abolish the State of North
 27 Carolina’s death penalty;
 28
 29
- 10) Bail Reform – Support legislation to develop and fund a plan to help reduce
 30 unnecessary arrests by expanding the use of citations or summons, replace money
 31 bail with non-financial, least restrictive conditions, restrict detention to the small
 32 number of people for whom no condition or combination of conditions can reasonably
 33 assure appearance in court and public safety, and reduce disparity within the pretrial
 34 justice system. Currently, indigent or poor people charged with crimes are often
 35 unable to get out of jail prior to trial because of their inability to pay;
 36
 37
- 11) Legislative Study on Educational Requirements for Law Enforcement Officers –
 38 Support legislation to establish a legislative study commission to review the current
 39 educational curriculum for law enforcement officers and make recommendations
 40 regarding potential modifications/additions. The overarching purpose of curriculum
 41 revision would be to instill in future LEOs some depth of understanding of the complex
 42 nature of the society they will serve. Potential topics for consideration include
 43 sociology, American history and literature, psychology, philosophy, and conflict
 44 resolution. In addition to members of the Senate and House, members should include
 45 a diverse array of experts in law enforcement and criminal justice education; also in
 46 higher education, specialists in the humanities/social science subject matter listed
 47 above;
 48
 49

- 1 12) County Jail System/Housing State Inmates Reimbursement – Support legislation to
 2 protect the fiscal viability of the county jail system by reinstating reimbursement for
 3 state inmates housed in county jails sentenced to 90 days or less;
 4
- 5 13) Concealed Weapons in Parks –Seek legislation re-authorizing counties to fully
 6 regulate the carrying of concealed weapons on county-owned playgrounds and in
 7 county-owned parklands and authorize counties to prohibit the carrying of concealed
 8 weapons on county and county funded college/university campuses, in addition to
 9 playgrounds;
 10
- 11 14) Court Funding – Support increased state funding for NC courts, including reinstating
 12 funding for drug treatment court;
 13
- 14 15) Local Government Funding for Law Enforcement – Oppose Senate Bill 100 and any
 15 other similar legislation that is designed to limit local government control of local law
 16 enforcement funding decisions or practices, or that financially or otherwise penalizes
 17 local governments based on local law enforcement funding decisions or practices;
 18
- 19 16) Red Flag Law –Support legislation allowing courts to prevent individuals who show
 20 signs of being a danger to themselves or to others from having access to firearms.
 21 Mental illness, escalating threats, substance abuse and domestic violence are among
 22 the circumstances in which a judge should have the authority to order weapon
 23 restrictions or surrender;
 24

25 Education

- 26
- 27 17) Full Funding of the Leandro Remedial Action Plan – Support equity and racial justice
 28 by fully funding the Leandro Remedial Action Plan, which details additional
 29 comprehensive, targeted education funding over the next eight years, predominantly
 30 to low-wealth and minority communities, in order for the State to come into compliance
 31 with its constitutional obligation to provide every student a sound basic education;
 32
- 33 18) Priority School Issues – Support legislation to address the following issues related to
 34 schools:
 35
- 36 a) Provide local school systems with calendar flexibility;
 - 37 b) Provide full funding for State allotments including Average Daily Membership (ADM)
 38 growth and infrastructure/capital, and support legislation to provide for an overall
 39 increase in funding based on average daily memberships outside of the current
 40 formula system;
 - 41 c) a periodic accounting process for State per pupil funds so that funds and pro-rated
 42 funds follow students to their respective schools, as opposed to the current process
 43 that only considers State funding allocations based on students' attendance
 44 location on a single day during the school year;
 - 45 d) Impose class size reductions commensurate with State funding for staffing; and
 - 46 e) Maintain full funding for Driver Education;
- 47
- 48 19) Maternity/Paternity Leave and Benefits for School Employees – Support legislation
 49 which provides State coverage for maternity/paternity leave for all local school system
 50 employees that is similar to the coverage the State already provides to all other State
 51 employees; support legislation for the State to provide two (2) paid FMLA days to local

1 school system employees; and oppose any legislation shifting the State's existing
2 responsibility for employee benefits to local school boards and local governments;
3

- 4 20) School Impact Fee Authority – Support legislation authorizing all North Carolina local
5 government jurisdictions providing funding for public education to levy impact fees on
6 new residential development to help pay for school construction. The North Carolina
7 General Assembly approved legislation in the 1980's for some jurisdictions to levy
8 these impact fees to support public school infrastructure. The authority to levy the fee
9 to support school facility needs should be available to all local government
10 jurisdictions providing funding for public education;
11
- 12 21) Smart Start and NC Pre-K – Support legislation to increase and ensure secure and
13 stable funding, enhanced quality early care and education, and family access and
14 benefits in settings public and private;
15
- 16 22) State/County Partnership for Education – Seek legislation to establish a new state-
17 county partnership to address statewide public school capital challenges—including
18 but not limited to maintenance, renovation, construction and debt—through a
19 dedicated, stable funding stream that is consistent from county to county and sufficient
20 to meet the school facility needs of all 100 counties;
21
- 22 23) Private School Voucher Funding – Oppose House Bill 32 and any other legislation
23 expanding funding, eligibility, or availability of private school vouchers, which reduces
24 available funding for public education statewide, encourages students to leave public
25 education, and diminishes services and educational opportunities for all remaining
26 public school students;
27
- 28 24) Virtual Charter School Expansion/Funding – Oppose any legislation expanding or
29 providing additional funding to the State's current virtual charter school program based
30 on its poor performance, failure to meet the needs of students, and the resulting
31 negative impact on funding for public education statewide;
32

33 **General Government**

- 34
- 35 25) Broadband/Digital Infrastructure – *Support legislation, funding, and other efforts that*
36 *provide counties with flexibility and opportunities to support options for increasing*
37 *access to high-speed internet connectivity and expanding digital*
38 *infrastructure/broadband capability to the un-served and under-served areas of the*
39 *state. Access to high speed internet connections will reduce disparities, enhance*
40 *quality of life for all the State's residents, and broaden opportunities in areas such as*
41 *education, jobs creation, small business development, health care, civic participation,*
42 *and growth in farm enterprises;*
43
- 44 26) Repeal of the Monument Protection Act – Support legislation that repeals the (so-
45 called) Monument Protection Act which was enacted to protect confederate
46 monuments and symbols in the wake of the murders of nine African Americans in
47 South Carolina in 2015, and that restores the regulation of monuments or symbols on
48 public property to local governments;
49

- 1 27) Legislative Leadership Term Limit – Support legislation that limits the length of time a
 2 North Carolina General Assembly member can serve in the same leadership position
 3 to eight consecutive years;
 4
- 5 28) Non-Partisan Redistricting Process for Elections – Support legislation to establish a
 6 process for an independent, non-partisan redistricting process after each United
 7 States Census for the election of representatives from North Carolina to the United
 8 States House of Representatives, the North Carolina House, and the North Carolina
 9 Senate;
 10
- 11 29) Voter Registration and Voting – Support legislation to expand access to and
 12 participation in voting, including early voting, Saturday voting, automatic voter
 13 registration, pre-registration of 16 and 17 year olds, mail-in voting, and by making
 14 Election Day a State holiday;
 15
- 16 30) Expansion of Protected Classes – Seek statewide legislative action to provide all
 17 North Carolina local governments with the authority to include sexual orientation and
 18 gender identity as protected classes in order to protect these classes from
 19 discrimination and discriminatory practices; and authorize complaints for
 20 discrimination to be brought in North Carolina Courts by any Equal Employment
 21 Opportunity Commission recognized protected class;
 22
- 23 31) Protection of Civil Rights for Transgender Persons – *Oppose any legislation that limits*
 24 *equal rights for transgender persons or otherwise discriminates against them,*
 25 *including in the areas of healthcare and sports;*
 26

27 Economic Development

- 28
- 29 32) Minimum Wage Increase – *Support legislation to raise the minimum wage to at least*
 30 *\$15 per hour for all, not just employees of the State of North Carolina, to enhance*
 31 *people’s economic security, improve access to safe and secure housing, boost the*
 32 *economy with increased spending, decrease dependence on government assistance*
 33 *programs, and improve the lives of families;*
 34
- 35 33) Agricultural Economic Development – Support state funding and staffing for
 36 agricultural research, Cooperative Extension services and other agriculture-related
 37 efforts to support the largest economic driver in North Carolina;
 38
- 39 34) Economic Development Efforts – Support legislation to grow North Carolina's
 40 statewide economy through sound state investments, including public infrastructure
 41 funding, competitive incentives, and coordinated efforts with county economic
 42 development services;
 43

44 Revenue & Tax

- 45
- 46 35) Revenue Options for Local Government – Support efforts to preserve and expand the
 47 existing local revenue base of counties and authorize local option revenue sources
 48 already given to any other jurisdiction to all counties. Oppose efforts to divert to the
 49 state fees or taxes currently allocated to the counties or to erode existing county
 50 revenue streams;
 51

- 1 36) Re-instatement of Earned Income Tax Credit – Support legislation to re-instate the
 2 State Earned Income Tax Credit which greatly benefitted low wage earners until its
 3 elimination after the 2013 tax year;
 4
- 5 37) Homestead Exemption – Support revisions to the Homestead Exemption provisions of
 6 the Machinery Act to:
 7 a) provide greater opportunities for low-income seniors to remain in their homes and
 8 not be displaced due to property tax burdens by approving a one-time ten percent
 9 (10%) increase in the base income qualification standard; and maintaining the
 10 current provisions which increase the income qualification standard each year
 11 based on any cost-of-living adjustment made to the benefits under Titles II and XVI
 12 of the Social Security Act for the preceding calendar year; and
 13 b) diminish the discriminatory features of the current exemption provisions relating to
 14 married couples by establishing graduated income qualification standards for single
 15 individuals versus married couples;
 16
- 17 38) Sales Tax Distribution Formula – Support legislation directing that all sales tax be
 18 distributed on a per capita basis as it is fair and more equitable for counties with less
 19 economic development as compared to the point of delivery basis. The UNC School of
 20 Government has indicated that a per capita basis tax "would indeed be a more even
 21 distribution of LOST revenue across the state";
 22
- 23 39) Machinery Act – Support local governments' need for more flexibility to remedy
 24 measurement and/or condition property appraisal errors related to local property tax
 25 functions. North Carolina property tax law substantially limits the ability of local
 26 governments to address property tax discrepancies, such as prohibiting the refund of
 27 prior years' taxes paid after a measurement and/or condition property appraisal error
 28 is discovered. Just as local governments can recoup prior years' property taxes from
 29 owners for "discoveries", local governments should likewise be authorized to refund
 30 prior years' taxes paid when situations such as measurement and/or condition
 31 property appraisal errors are discovered;
 32
- 33 40) Agriculture – Support Conservation of Working Lands and Farmland Preservation –
 34 Support a revision to the revenue and acreage requirements of the Use Value
 35 Program to reduce acreage requirements, balanced by increasing the income
 36 threshold;
 37

38 **Planning & Environment**

- 39
- 40 41) Bona Fide Farm Use – Support legislation clarifying that the farm use and agriculture
 41 exemption of 153A-340 that restricts local zoning authority applies only to property on
 42 which the production of crops or livestock is the primary use. Clarify that marketing
 43 and agri-tourism activities must be secondary uses of the property and do not qualify
 44 for the exemption in the absence of the production of crops or livestock;
 45
- 46 42) Renewable Energy – Support renewable energy initiatives available to residential,
 47 commercial, industrial and agricultural activities to create a market for energy credits.
 48 This support will provide incentives to produce renewable energy, which will become
 49 increasingly important to preserving and strengthening the economy and
 50 infrastructure, and in the case of agriculture help maintain rural heritage and culture;
 51

- 1 43) Eminent Domain – Oppose adding language to a constitutional amendment on
 2 eminent domain that extends any further preemption of county authority to regulate
 3 the placement of telecommunication towers;
 4
- 5 44) Fees-In-Lieu – NCDOT as Additional Recipient – Support legislation amending North
 6 Carolina General Statute 153A-331 to add a provision allowing counties to transfer
 7 fees collected as part of subdivision development, and in lieu of required street
 8 construction, to be transferred to and held by the North Carolina Department of
 9 Transportation (NCDOT) for the future construction of roads intended to be added to
 10 the State Maintained system. Presently there is no mechanism where a county can
 11 collect fees in lieu of transportation improvement construction based on conditions
 12 agreed to by both parties during a conditional zoning process. These fees may be for
 13 a developer fair share of a future comprehensive intersection improvement but would
 14 not be built by NCDOT until other funding could be assigned to do a complete
 15 improvement;
 16
- 17 45) Land, Water and Agricultural Preservation Funding – Support Park, Agricultural
 18 Preservation, Clean Water Management and other existing trust funds established for
 19 the protection of the State’s land, water, biological resources, agriculture, and special
 20 places before they are irreversibly lost, and request that these funds receive additional
 21 funding, preferably through dedicated funding sources;
 22
- 23 46) Oppose any shift of state transportation responsibilities to counties – Oppose
 24 legislation to shift the state’s responsibility for funding transportation construction and
 25 maintenance projects to counties. Counties cannot afford to assume costs for
 26 maintaining secondary roads and/or funding expansion projects;
 27
- 28 47) Transportation Funding – Support increased state funding for transportation
 29 construction and maintenance needs, recognize Bike and Pedestrian modes of
 30 transportation, and support legislation to ensure that the STI funding formula
 31 recognizes that one size does not fit all and that projects in both rural and urban areas
 32 are prioritized and funded, and eliminate the cap on light rail funding;
 33
- 34 48) Aquatic Vegetation Control – Support legislation to provide for and fund a
 35 comprehensive statewide approach to noxious aquatic vegetation control in public
 36 water reservoirs;
 37

38 **Solid Waste**

- 39
- 40 49) Maintain Local Government Authority over Solid Waste Management – Oppose any
 41 shift of solid waste management and recycling services away from local governments;
 42
- 43 50) Recycling – Support legislation to provide additional funding to local governments for
 44 recycling to cover significant increased costs for recycling these materials, especially
 45 for electronics, and to oppose the lifting of restrictions on disposal of electronics in
 46 landfills;
 47

48 **Other Interests**

- 49
- 50 51) Flexible Billing Options for Water & Sewer Utility Providers – Support legislation
 51 allowing local governments and other water and sewer providers to implement flexible

1 *billing practices to establish pricing policies, potential waivers and debt forgiveness*
2 *opportunities to assist impacted customers;*
3

- 4 52) Evictions Information Detailed in Credit Reports – Support legislation that would
5 remove an eviction from a tenant's credit report (1) that occurred "as a result" of the
6 pandemic during the period covered by the Governor's State of Emergency
7 Declaration; and (2) after having been on their credit report for three years;
8
- 9 53) Food Resiliency and Supply Chain Initiatives – Support food resiliency and supply
10 chain initiatives and funding for equipment, supplies, and other nonrecurring expenses
11 based on the urgency and need created by the COVID pandemic. The average food
12 insecurity rate across North Carolina counties is 14 percent, with that rate projected to
13 rise to 19.3 percent due to the COVID pandemic, and from 19.3 percent to 28 percent
14 for children. A more secure and resilient supply chain will benefit residents and better
15 prepare the State for emergencies that adversely impact the State's food supply;
16
- 17 54) E-911 Funds – Support protection and broader applications of the NC 9-1-1 Fund to
18 be used primarily for assuring that 9-1-1 systems are able to upgrade existing
19 performance levels in order to pay for 9-1-1 operations or 9-1-1 related upgrades such
20 as the infrastructure needed to migrate to next-generation (NG911) technology.
21 Orange County has appreciated past efforts and supports future initiatives to assure
22 our residents are provided continued access to emergency services from all sources;
23 and
24
- 25 55) Dangerous Dogs Determinations – Support legislation to amend the NC Dangerous
26 Dog Law to allow dangerous-dog declarations to be revoked after a period of time,
27 and when there is substantial justification for doing so, in order that a dog does not
28 needlessly live its entire life with restrictions such as being muzzled. Orange County's
29 ordinance includes this language, but that consideration is meaningless without a
30 parallel provision within State law.
31

32
33 Renee Price, Chair
34
35

36 Recorded by Tara May, Deputy Clerk to the Board
37

38 Submitted for approval by Laura Jensen, Clerk to the Board.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 8-b**

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for eight taxpayers with a total of eight bills that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$1,895.40 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$25,460.74.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached release/refund resolution.

NORTH CAROLINA

RES-2021-024

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2021.

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
MAY 4, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Boyer, Joanne Anita	59688526	2020	13,960	-	(263.01)	County changed to Durham (illegal tax)	
Chambers, Thomas	58825368	2020	27,690	27,690	(235.46)	*Situs error (illegal tax)	
Kerr, Tracy Lynn	59763211	2020	24,860	24,860	(214.46)	*Situs error (illegal tax)	
Lemons, David Edwin	59780468	2020	18,900	500	(172.16)	Antique plate (property classification)	
Munnier, Catherine	60248690	2020	13,800	500	(128.04)	Antique plate (property classification)	
Perolini, Christine	59467088	2020	8,270	-	(168.04)	County changed to Durham (illegal tax)	
Testen, Robert	52284071	2020	35,960	28,800	(119.50)	Purchase price (appraisal appeal)	
Vinski, Jerome	59621623	2020	40,471	500	(594.73)	Antique plate (property classification)	
					(1,895.40)	TOTAL	

Adjustment Descriptions
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.</i>
<i>Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.</i>
<i>Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.</i>
<i>Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.</i>
<i>*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.</i>
<i>Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.</i>
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.

Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"

Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.

Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.

Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.

Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.

Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for twelve taxpayers with a total of sixteen bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received twelve taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$23,774.16 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2021-025

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2021.

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

**BOCC REPORT - REAL/PERSONAL
 MAY 4, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Boucher, Kelsey Marie	3184486	2019	8,280	-	(314.48)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in California during gap period
Chen, Jason Yu Chang	3184050	2019	3,910	-	(199.81)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in Forsyth County during gap period
Cloninger, Julia Aliene	3189543	2020	8,560	-	(656.13)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in Florida during gap period
Dennis, Lynn Teal	3191679	2020	15,760	-	(234.49)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in Virginia during gap period
Funes, William Alexander	1073427	2019	9,380	-	(109.42)	Double billed (illegal tax)	Also billed on account 318942
Funes, William Alexander	1073427	2020	9,380	-	(109.42)	Double billed (illegal tax)	Also billed on account 318943
Gallaher, Laura Garrison	3182313	2019	27,760	-	(261.31)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in Oregon during gap period
Higgins, Christopher Daniel	3182325	2019	13,060	-	(544.96)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in California during gap
Perreault, William D. Jr.	60897	2020	1,640,900	1,378,500	(4,234.35)	Incorrect value (clerical error)	Value changed due to clerical error in dimensions of boat dock and incorrect finished living area
Perreault, William D. Jr.	60897	2019	1,640,900	1,378,500	(4,234.35)	Incorrect value (clerical error)	Value changed due to clerical error in dimensions of boat dock and incorrect finished living area
Perreault, William D. Jr.	60897	2018	1,640,900	1,378,500	(4,146.44)	Incorrect value (clerical error)	Value changed due to clerical error in dimensions of boat dock and incorrect finished living area
Perreault, William D. Jr.	60897	2017	1,640,900	1,378,500	(4,060.64)	Incorrect value (clerical error)	Value changed due to clerical error in dimensions of boat dock and incorrect finished living area
Rowe, Peter	121854	2020	313,000	156,500	(2,525.44)	Incorrect value (clerical error)	Exemption was removed in error due to name change
Spencer, George Moseley	3192506	2020	13,220	-	(590.10)	Assessed in error (illegal tax)	Gap bill: vehicle registered in New Hampshire during gap period
Wurster, Brant	3186463	2020	10,692	-	(102.95)	Assessed in error (illegal tax)	Personal property is no longer in Orange County. The real property was sold
Zhang, Zhengwu	3192505	2020	29,140	-	(1,449.87)	Assessed in error (illegal tax)	Gap bill: vehicle was registered in New York during gap period
					(23,774.16)	Total	
Gap bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 8-d**

SUBJECT: Fiscal Year 2020-21 Budget Amendment #12

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):

Attachment 1. Budget As Amended
Spreadsheet

Attachment 2. Year-to-Date Budget
Summary

INFORMATION CONTACT:

Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve budget, grant and capital ordinance amendments for fiscal year 2020-21.

BACKGROUND:

Health Department

1. The Orange County Health Department has received notification of additional federal pass-through grant funds of \$1,189,158 from the North Carolina Department of Health and Human Services, Division of Public Health, to support the COVID-19 pandemic response. The grant service period runs from January 13, 2021 through May 31, 2021. A majority of this funding will reimburse personnel expenses for staff assisting with vaccination activities, and decreases the fund balance appropriation in the General Fund by \$1,104,941. The remaining \$84,217 will be used to cover ongoing vaccination operating expenses and temporary staff for the mobile vaccine team. This budget amendment provides for the receipt of these federal pass-through grant funds for the above stated purposes. (See *Attachment 1, column #1*)

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Health and Dental Insurance Fund

2. Orange County is a member of the North Carolina Health Insurance Pool, and currently has reserves totaling \$2,995,334 within the Insurance Pool. The recommended reserve balance is \$981,735, or about 1.2 months of expected claims. The FY 2020-21 Commissioner Approved Budget included a transfer of \$475,000 from the Health and

Dental Insurance Fund to the General Fund to help offset the fiscal challenges due to the COVID-19 pandemic. To continue to help offset the fiscal challenges in FY 2020-21, and to preserve the General Fund reserves at the 16% policy level, this budget amendment provides for an additional \$1,000,000 transfer from the Health and Dental Insurance Fund to the General Fund. With this transfer, \$1,520,334 remains in the County's Insurance Pool reserves. (See Attachment 1, column #2)

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

County Capital Project Ordinance (Lands Legacy Program)

- Orange County has received a donation of \$1,000 to be used towards future land conservation expenses. These funds will be set aside in an unallocated account within the Lands Legacy Capital Project for future use. This budget amendment provides for the receipt of these donated funds for the above stated purpose, and amends the Lands Legacy Capital Project Ordinance as follows:

Lands Legacy Program (\$1,000) - Project # 20011

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$2,216,157	\$0	\$2,216,157
Donations	\$1,000	\$1,000	\$2,000
From General Fund	\$42,697	\$0	\$42,697
Appropriated Fund Balance	\$9,337	\$0	\$9,337
Total Project Funding	\$2,269,191	\$1,000	\$2,270,191

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Lands Legacy Program	\$2,269,191	\$0	\$2,269,191
Total Costs	\$2,269,191	\$1,000	\$2,269,191

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Emergency Telephone System Fund

- A budget adjustment is needed to the Emergency Telephone System Fund in FY 2020-21, due to a correction made by the NC 911 Board on the FY2020 Expenditure Report submitted by Emergency Services, after the County's Audit had been completed. The NC 911 Board determined that \$5,708 in charges were not permissible within the Emergency Telephone System Fund. This budget amendment provides for a fund balance appropriation of \$5,708 from the General Fund to the Emergency Telephone System Fund to correct this adjustment so the Fund's reserves will agree with the NC 911 Board. (See Attachment 1, column #3)

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Emergency Recovery Fund

5. When the COVID-19 pandemic began in March 2020, and pursuant to an Emergency Declaration granted in March 2020, the County established a separate multi-year fund to account for the emergency expenditures that were anticipated as a result of the pandemic while awaiting federal and state reimbursements. Although expenditures have been incurred and accounted for within this multi-year fund, original budgets have not been approved or established in this fund. This budget amendment provides for the creation of an overall appropriations budget of \$3.75 million, as well as the budgeted anticipated receipt of offsetting revenues from federal and state reimbursements. *(See Attachment 1, column #4)*

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

Animal Services

6. Animal Services has received grant funding in the amount of \$25,000 from the PETCO Foundation for use in the Kitten Foster Program, including vaccines, medication and food. This budget amendment provides for the receipt of these grant funds for the intended stated purposes in the multi-year grant fund, outside of the General Fund.
7. Animal Services has received donations in the amount of \$850 through the Community Giving program for use toward completing the canopy in the dog play yard, consistent with the intent of the donations.

This budget amendment provides for the receipt of these funds for the above stated purposes. *(See Attachment 1, column #5)*

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Cooperative Extension

8. Orange County Cooperative Extension has received reimbursement funds of \$3,300 from the North Carolina Department of Agriculture for the purchase of a pesticide container.

This budget amendment provides for the receipt of these reimbursement funds. (See *Attachment 1, column #6*)

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Visitors Bureau Fund

9. At its December 15, 2020 meeting, the Board of County Commissioners approved a total project budget of \$408,083 for professional services, construction, contingency allowances, and miscellaneous costs for the renovation of a former restaurant at 308 West Franklin Street in Chapel Hill to create offices, meeting rooms, and support services for the Orange County Visitors Bureau. At the beginning of the renovations, evidence of mold was discovered in several locations throughout the property. The contractor obtained a quote of \$80,860 for a mold remediation specialist to address the issue. This brings the total project budget to \$488,943. The County has received insurance related proceeds of \$40,430 related to the mold remediation, so the net funding needed for this project is \$448,513. This budget amendment provides for the increased project budget to address the mold remediation, provides for the receipt of the insurance proceeds, and provides for the use of American Rescue Plan Act (ARPA) funds to cover the entire cost of the project, within the Visitors Bureau Fund, outside of the General Fund. (See *Attachment 1, column #7*)

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.
- **ENVIRONMENTALLY PREFERABLE PURCHASING**
Promote the use of chemicals, materials, equipment, and systems which are officially recognized as to minimize environmental impacts.

ENVIRONMENTAL IMPACT: There are no other Orange County Environmental Responsibility Goal impacts with these items, other than the ones noted in item #9.

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21, and increases the General Fund by \$94,075, increases the County Capital Fund by \$1,000, increases the Emergency Telephone System Fund by \$5,708, increases the Emergency Recovery Fund by \$3,750,000, increases the Multi-Year Grant Program by \$25,000, and increases the Visitors Bureau Fund by \$488,943.

RECOMMENDATION(S): The Manager recommends the Board approve the budget, grant and capital project ordinance amendments for fiscal year 2020-21.

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #11	#1 Health Department - receipt of additional federal pass-through grant funds of \$1,189,158 from the COVID-19 pandemic response.	#2 Health and Dental Insurance Fund - transfer of \$1,000,000 from the Insurance Pool Reserves to the General Fund to help offset the fiscal challenges in FY 20-21, and to help preserve the General Fund Reserves at the 16% policy level.	#3 Emergency Telephone System Fund - Fund Balance Appropriation of \$5,708 from the General Fund to the Emergency Telephone System Fund, due to a correction made by the NC 911 Board on the FY2020 Expenditure Report submitted by Emergency Services.	#4 Emergency Recovery Fund - creates an appropriations budget of \$3.75 million, as well as the budgeted anticipated receipt of offsetting revenues from federal and state reimbursements.	#5 Animal Services - receipt of a \$25,000 grant award from the Petco Foundation, and \$850 in Community Giving Funds for use toward completing the canopy in the dog play yard.	#6 Cooperative Extension - receipt of \$3,300 from the North Carolina Department of Agriculture for the purchase of a pesticide container.	#7 Visitors Bureau - provides for a total budget of \$488,943, and provides for the receipt of American Rescue Plan Act funds of \$448,513 and insurance proceeds of \$40,430 to fund the project within the Visitors Bureau Fund.	Budget as Amended Through BOA #12	
General Fund												
Revenue												
Property Taxes	\$ 167,694,880	\$ -	\$ 167,694,880	\$ 167,694,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 167,694,880
Sales Taxes	\$ 23,827,353	\$ -	\$ 23,827,353	\$ 23,827,353	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,827,353
License and Permits	\$ 274,550	\$ -	\$ 274,550	\$ 274,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 274,550
Health	\$ 1,615,735		\$ 1,615,735	\$ 3,098,939	\$ 1,189,158							\$ 4,288,097
Local	\$ 47,761		\$ 47,761	\$ 4,467,181					\$ 3,300			\$ 4,470,481
Intergovernmental	\$ 17,710,005	\$ -	\$ 17,710,005	\$ 25,526,064	\$ 1,189,158	\$ -	\$ -	\$ -	\$ 3,300	\$ -	\$ -	\$ 26,718,522
Charges for Service	\$ 12,645,090	\$ -	\$ 12,645,090	\$ 12,645,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,645,090
Investment Earnings	\$ 515,000		\$ 515,000	\$ 515,000								\$ 515,000
Miscellaneous	\$ 2,624,009		\$ 2,624,009	\$ 3,294,120				\$ 850				\$ 3,294,970
Transfers from Other Funds	\$ 5,486,817		\$ 5,486,817	\$ 6,701,817		\$ 1,000,000						\$ 7,701,817
Fund Balance	\$ 8,268,603	\$ 1,250,260	\$ 9,518,863	\$ 8,433,386	\$ (1,104,941)	\$ (1,000,000)	\$ 5,708					\$ 6,334,153
Total General Fund Revenues	\$ 239,046,307	\$ 1,250,260	\$ 240,296,567	\$ 248,912,260	\$ 84,217	\$ -	\$ 5,708	\$ -	\$ 850	\$ 3,300	\$ -	\$ 249,006,335
Expenditures												
Community Relations	\$ 289,588	\$ 7,800	\$ 297,388	\$ 297,388								\$ 297,388
Asset Management Services	\$ 5,337,736	\$ 186,551	\$ 5,524,287	\$ 6,033,704								\$ 6,033,704
Human Resources	\$ 1,006,264	\$ 7,500	\$ 1,013,764	\$ 1,145,743								\$ 1,145,743
Information Technologies	\$ 3,846,104	\$ 129,475	\$ 3,975,579	\$ 4,427,082								\$ 4,427,082
Non-Departmental	\$ 687,264	\$ 7,449	\$ 694,713	\$ 1,844,606								\$ 1,844,606
Support Services	\$ 12,773,209	\$ 338,775	\$ 13,111,984	\$ 15,354,776	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,354,776
County Commissioners	\$ 975,122	\$ 10,640	\$ 985,762	\$ 985,762								\$ 985,762
County Manager's Office	\$ 2,946,480	\$ 25,020	\$ 2,971,500	\$ 2,971,500								\$ 2,971,500
Tax Administration	\$ 3,895,052	\$ 66,637	\$ 3,961,689	\$ 4,001,689								\$ 4,001,689
General Government	\$ 25,639,107	\$ 102,297	\$ 25,741,404	\$ 26,271,425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,271,425
Animal Services	\$ 2,325,362	\$ 5,553	\$ 2,330,915	\$ 2,367,075				\$ 850				\$ 2,367,925
Transportation Services	\$ 3,257,048	\$ 9,312	\$ 3,266,360	\$ 3,577,159								\$ 3,577,159
Cooperative Extension	\$ 398,902	\$ 3,250	\$ 402,152	\$ 402,152					\$ 3,300			\$ 405,452
DEAPR	\$ 4,056,712	\$ 4,571	\$ 4,061,283	\$ 4,134,535								\$ 4,134,535
Planning and Inspections	\$ 3,174,530	\$ 12,256	\$ 3,186,786	\$ 3,186,786								\$ 3,186,786
Non-Departmental	\$ 593,484	\$ 44,230	\$ 637,714	\$ 909,408								\$ 909,408
Community Services	\$ 14,322,250	\$ 79,172	\$ 14,401,422	\$ 15,093,327	\$ -	\$ -	\$ -	\$ -	\$ 850	\$ 3,300	\$ -	\$ 15,097,477
Department of Social Services	\$ 21,351,429	\$ 156,738	\$ 21,508,167	\$ 22,029,824								\$ 22,029,824
Health	\$ 10,461,605	\$ 146,134	\$ 10,607,739	\$ 11,764,427	\$ 84,217							\$ 11,848,644
Department on Aging	\$ 2,192,238	\$ 8,504	\$ 2,200,742	\$ 2,467,809								\$ 2,467,809
Human Services	\$ 41,614,328	\$ 311,376	\$ 41,925,704	\$ 43,776,897	\$ 84,217	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 43,861,114
Sheriff	\$ 14,803,705	\$ 22,503	\$ 14,826,208	\$ 14,878,708								\$ 14,878,708
Emergency Services	\$ 11,816,610	\$ 147,499	\$ 11,964,109	\$ 12,145,609								\$ 12,145,609
Public Safety	\$ 27,994,203	\$ 170,002	\$ 28,164,205	\$ 28,451,421	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,451,421
Education	\$ 111,737,971	\$ 248,638	\$ 111,986,609	\$ 112,106,609								\$ 112,106,609
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 7,857,805			\$ 5,708					\$ 7,863,513
Total General Fund Appropriation	\$ 239,046,307	\$ 1,250,260	\$ 240,296,567	\$ 248,912,260	\$ 84,217	\$ -	\$ 5,708	\$ -	\$ 850	\$ 3,300	\$ -	\$ 249,006,335
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #11	#1 Health Department - receipt of additional federal pass-through grant funds of \$1,189,158 from NCDHHS to support the COVID-19 pandemic response.	#2 Health and Dental Insurance Fund - transfer of \$1,000,000 from the Insurance Pool Reserves to the General Fund to help offset the fiscal challenges in FY 20-21, and to help preserve the General Fund Reserves at the 16% policy level.	#3 Emergency Telephone System Fund - Fund Balance Appropriation of \$5,708 from the General Fund to the Emergency Telephone System Fund, due to a correction made by the NC 911 Board on the FY2020 Expenditure Report submitted by Emergency Services.	#4 Emergency Recovery Fund - creates an appropriations budget of \$3.75 million, as well as the budgeted anticipated receipt of offsetting revenues from federal and state reimbursements.	#5 Animal Services - receipt of a \$25,000 grant award from the Petco Foundation, and \$850 in Community Giving Funds for use toward completing the canopy in the dog play yard.	#6 Cooperative Extension - receipt of \$3,300 from the North Carolina Department of Agriculture for the purchase of a pesticide container.	#7 Visitors Bureau - provides for a total budget of \$488,943, and provides for the receipt of American Rescue Plan Act funds of \$448,513 and insurance proceeds of \$40,430 to fund the project within the Visitors Bureau Fund.	Budget as Amended Through BOA #12
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Visitors Bureau Fund Revenues

Occupancy Tax	\$ 1,243,068		\$ 1,243,068	\$ 1,243,068								\$ 1,243,068	
Sales and Fees	\$ 500		\$ 500	\$ 49,243								\$ 49,243	
Intergovernmental	\$ 366,963		\$ 366,963	\$ 569,224						\$ 448,513		\$ 1,017,737	
Investment Earnings	\$ 4,000		\$ 4,000	\$ 4,000								\$ 4,000	
From General Fund	\$ -		\$ -	\$ 230,667								\$ 230,667	
Small Business Loan Funds				\$ 50,000								\$ 50,000	
Miscellaneous				\$ 2,300						\$ 40,430		\$ 42,730	
Appropriated Fund Balance	\$ 6,486	\$ 40,756	\$ 47,242	\$ 50,742								\$ 50,742	
Total Revenues	\$ 1,621,017	\$ 40,756	\$ 1,661,773	\$ 2,199,244	\$ -	\$ 488,943	\$ 2,688,187						

Expenditures

General Government	\$ 225,199		\$ 225,199	\$ 291,242								\$ 291,242	
Community Services	\$ 1,395,818	\$ 40,756	\$ 1,436,574	\$ 1,908,002							\$ 488,943	\$ 2,396,945	
Total Visitors Bureau Fund Expenditures	\$ 1,621,017	\$ 40,756	\$ 1,661,773	\$ 2,199,244	\$ -	\$ 488,943	\$ 2,688,187						

Solid Waste Fund

Revenues

Sales & Fees	\$ 10,158,176		\$ 10,158,176	\$ 10,158,176								\$ 10,158,176
Intergovernmental	\$ 260,793		\$ 260,793	\$ 260,793								\$ 260,793
Miscellaneous	\$ 114,671		\$ 114,671	\$ 114,671								\$ 114,671
Licenses & Permits	\$ 143,000		\$ 143,000	\$ 143,000								\$ 143,000
Interest on Investments	\$ 140,000		\$ 140,000	\$ 140,000								\$ 140,000
From General Fund (Sanitation Opers)	\$ -		\$ -	\$ -								\$ -
Appropriated Reserves	\$ 1,276,244	\$ 528,205	\$ 1,804,449	\$ 1,804,449								\$ 1,804,449
Total Revenues	\$ 12,092,884	\$ 528,205	\$ 12,621,089	\$ 12,621,089								\$ 12,621,089

Expenditures

General Services	\$ 12,092,884	\$ 528,205	\$ 12,621,089	\$ 12,621,089								\$ 12,621,089
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Section 8 Housing Fund

Revenues

Intergovernmental	\$ 4,201,264		\$ 4,201,264	\$ 4,295,519								\$ 4,295,519
Miscellaneous				\$ -								\$ -
Transfer from General Fund	\$ 247,025		\$ 247,025	\$ 247,025								\$ 247,025
Appropriated Fund Balance	\$ -	\$ 11,652	\$ 11,652	\$ 11,652								\$ 11,652
Total Housing Fund Revenues	\$ 4,448,289	\$ 11,652	\$ 4,469,941	\$ 4,554,196								\$ 4,554,196

Expenditures

Housing Fund	\$ 4,448,289	\$ 11,652	\$ 4,469,941	\$ 4,554,196								\$ 4,554,196
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Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #11	#1 Health Department - receipt of additional federal pass-through grant funds of \$1,189,158 from NCDHHS to support the COVID-19 pandemic response.	#2 Health and Dental Insurance Fund - transfer of \$1,000,000 from the Insurance Pool Reserves to the General Fund to help offset the fiscal challenges in FY 20-21, and to help preserve the General Fund Reserves at the 16% policy level.	#3 Emergency Telephone System Fund - Fund Balance Appropriation of \$5,708 from the General Fund to the Emergency Telephone System Fund, due to a correction made by the NC 911 Board on the FY2020 Expenditure Report submitted by Emergency Services.	#4 Emergency Recovery Fund - creates an appropriations budget of \$3.75 million, as well as the budgeted anticipated receipt of offsetting revenues from federal and state reimbursements.	#5 Animal Services - receipt of a \$25,000 grant award from the Petco Foundation, and \$850 in Community Giving Funds for use toward completing the canopy in the dog play yard.	#6 Cooperative Extension - receipt of \$3,300 from the North Carolina Department of Agriculture for the purchase of a pesticide container.	#7 Visitors Bureau - provides for a total budget of \$488,943, and provides for the receipt of American Rescue Plan Act funds of \$448,513 and insurance proceeds of \$40,430 to fund the project within the Visitors Bureau Fund.	Budget as Amended Through BOA #12
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Emergency Telephone System Fund

Revenues

Charges for Services	\$ 755,471		\$ 755,471	\$ 755,471								\$ 755,471
Grant Funds	\$ -		\$ -	\$ -								\$ -
From General Fund	\$ -		\$ -	\$ -		\$ 5,708						\$ 5,708
Appropriated Fund Balance	\$ -		\$ -	\$ -								\$ -
Total Revenues	\$ 755,471		\$ 755,471	\$ 755,471								\$ 761,179

Expenditures

Emergency Telephone System Fund	\$ 755,471	\$ -	\$ 755,471	\$ 755,471		\$ 5,708						\$ 761,179
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SportsPlex Enterprise Fund

Program Fees	\$ 3,796,991		\$ 3,796,991	\$ 3,796,991								\$ 3,796,991
Transfer from General Fund	\$ -		\$ -	\$ -								\$ -
Transfer from County Capital Projects	\$ -		\$ -	\$ -								\$ -
Appropriated Fund Balance	\$ -	\$ 553,826	\$ 553,826	\$ 553,826								\$ 553,826
Debt Financing Proceeds	\$ -		\$ -	\$ -								\$ -
Grant Funds	\$ -		\$ -	\$ -								\$ -
Total SportsPlex Enterprise Fund Revenues	\$ 3,796,991	\$ 553,826	\$ 4,350,817	\$ 4,350,817								\$ 4,350,817

Expenditures

SportsPlex Operations	\$ 3,796,991	\$ 553,826	\$ 4,350,817	\$ 4,350,817								\$ 4,350,817
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Spay/Neuter Fund

Charges for Services	\$ 27,000		\$ 27,000	\$ 27,000								\$ 27,000
Intergovernmental	\$ 30,000		\$ 30,000	\$ 30,000								\$ 30,000
Miscellaneous	\$ 12,350		\$ 12,350	\$ 12,350								\$ 12,350
Appropriated Fund Balance	\$ 13,000	\$ 22,429	\$ 35,429	\$ 35,429								\$ 35,429
Total Revenues	\$ 82,350	\$ 22,429	\$ 104,779	\$ 104,779								\$ 104,779

Expenditures

Operating	\$ 82,350	\$ 22,429	\$ 104,779	\$ 104,779								\$ 104,779
Transfer to County Capital	\$ -		\$ -	\$ -								\$ -
Total Expenditures	\$ 82,350	\$ 22,429	\$ 104,779	\$ 104,779								\$ 104,779

Health and Dental Insurance Fund

General Government Revenue	\$ 14,085,214		\$ 14,085,214	\$ 14,085,214								\$ 14,085,214
Appropriated Fund Balance	\$ -		\$ -	\$ -								\$ -
Total Revenues	\$ 14,085,214	\$ -	\$ 14,085,214	\$ 14,085,214								\$ 14,085,214

Expenditures

Health and Dental Insurance Fund	\$ 14,085,214	\$ -	\$ 14,085,214	\$ 14,085,214		\$ (1,000,000)						\$ 13,085,214
Transfer to General Fund	\$ -		\$ -	\$ -		\$ 1,000,000						\$ 1,000,000
Total Expenditures	\$ 14,085,214	\$ -	\$ 14,085,214	\$ 14,085,214								\$ 14,085,214

Grant Project Fund

Intergovernmental	\$ 480,481		\$ 480,481	\$ 684,341								\$ 684,341
Charges for Services	\$ 75,000		\$ 75,000	\$ 75,000								\$ 75,000
Transfer from General Fund	\$ 103,420		\$ 103,420	\$ 116,420								\$ 116,420
Miscellaneous	\$ -		\$ -	\$ 277,411					\$ 25,000			\$ 302,411
Transfer from Other Funds	\$ -		\$ -	\$ -								\$ -
Appropriated Fund Balance	\$ -		\$ -	\$ -								\$ -
Total Revenues	\$ 658,901	\$ -	\$ 658,901	\$ 1,155,172	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ 1,180,172

Expenditures

Support Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Government	\$ 72,629	\$ -	\$ 72,629	\$ 89,127	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,127
Petco Foundation Grant	\$ -		\$ -	\$ -					\$ 25,000			\$ 25,000
Community Services	\$ -		\$ -	\$ -					\$ 25,000			\$ 25,000
Human Services	\$ 401,272	\$ -	\$ 401,272	\$ 711,883	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 711,883
Public Safety	\$ 185,000	\$ -	\$ 185,000	\$ 354,162	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 354,162
Total Expenditures	\$ 658,901	\$ -	\$ 658,901	\$ 1,155,172	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ 1,180,172

Emergency Recovery Fund

Intergovernmental	\$ -		\$ -	\$ -				\$ 3,750,000				\$ 3,750,000
Total Revenues	\$ -	\$ 3,750,000	\$ -	\$ -	\$ -	\$ 3,750,000						

Expenditures

Emergency Recovery Fund	\$ -		\$ -	\$ -				\$ 3,750,000				\$ 3,750,000
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Year-To-Date Budget Summary

Fiscal Year 2020-21

General Fund Budget Summary

Original General Fund Budget	\$239,046,307
Additional Revenue Received Through Budget Amendment #12 (May 4, 2021)	
Grant Funds	\$3,869,729
Non Grant Funds	\$7,645,464
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$1,250,260
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$2,805,425)
Total Amended General Fund Budget	\$249,006,335
Dollar Change in 2020-21 Approved General Fund Budget	\$9,960,028
% Change in 2020-21 Approved General Fund Budget	4.17%

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	940.480
Original Approved Other Funds Full Time Equivalent Positions	102.450
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21	1,042.930

Paul:

includes 0.4 FTE time-limited increase of the current Emergency Preparedness Coordinator (BOA #2)

Paul:

includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator (BOA #1); 1.0 FTE time-limited Emergency Housing Administrator (BOA #5); 1.0 FTE time-limited Family Success Navigator (BOA #5); 1.0 FTE time-limited Emergency Housing Assistance Specialist (BOA #6); 1.0 FTE time-limited Housing Stability Case Manager, and a 0.5 FTE time-limited Coordinated Entry Housing Specialist (BOA #9)

ORD-2021-013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No. 8-e**

SUBJECT: Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #12-A Related to CHCCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. CHCCS – Lottery
Proceeds Debt Service
Application

INFORMATION CONTACT:

Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2020-21 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), and to approve Budget Amendment #12-A, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Chapel Hill – Carrboro City Schools (CHCCS) is \$1,048,782. The attached application requests NCDPI to release lottery proceeds in the amount of \$841,272 to cover debt service for projects previously financed for the Chapel Hill – Carrboro City School system.

Budget Amendment #12-A provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2020-21 for CHCCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2020-21 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Chapel Hill – Carrboro City Schools (\$841,272):

- ADA Requirements (\$50,000) – Project #54000
- Athletic Facilities (\$268,272) – Project #54002
- Doors/Hardware/Canopies (\$100,000) – Project #53023
- Indoor Air Quality (\$80,000) – Project #54005
- Paving/Parking Lots/Driveways (\$200,000) – Project #54008
- Rental Space (\$143,000) – Project #54019

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Chapel Hill–Carrboro City Schools is \$841,272.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #12-A receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: Orange County

Contact Person: Gary Donaldson

LEA: Chapel Hill-Carrboro City Schools

Title: Chief Financial Officer

Address: P.O. Box 8181 Hillsborough, NC

Phone: (919) 245-2453

Project Title: FY 2020-21 Debt Service (Limited Obligation Bonds - Series 2011)

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Debt Service associated with the Limited Obligation Bonds - Series 2011 (Morris Grove Elementary)

Estimated Costs:

Purchase of Land _____	\$ _____	
Planning and Design Services _____	_____	
New Construction _____	_____	
Additions / Renovations _____	_____	
Repair _____	_____	
Debt Payment / Bond Payment _____		841,272
TOTAL _____	\$ _____	841,272

Estimated Project Beginning Date: 7/1/2020 Est. Project Completion Date: 6/30/2021

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 841,272 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

ORD-2021-014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-f

SUBJECT: Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #12-B Related to OCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. OCS – Lottery Proceeds
Debt Service Application

INFORMATION CONTACT:

Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2020-21 debt service payments for Orange County Schools (OCS), and to approve Budget Amendment #12-B, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Orange County Schools (OCS) is \$629,396. The attached application requests NCDPI to release lottery proceeds in the amount of \$561,082 to cover debt service for projects previously financed for the Orange County School system.

Budget Amendment #12-B provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2020-21 for OCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2020-21 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Orange County Schools (\$561,082):

Classroom/Building Improvements (\$242,790) – Project #51025

School Safety/Security (155,000) – Project #51034

Technology (\$163,292) – Project #51011

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Orange County Schools is \$561,082.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #12-B receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: Orange County

Contact Person: Gary Donaldson

LEA: Orange County Schools

Title: Chief Financial Officer

Address: P.O. Box 8181 Hillsborough, NC

Phone: (919) 245-2453

Project Title: FY 2020-21 Debt Service (2001 Bonds - issued in 2005 - Series 2011 Refunding)

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:
(3) No county shall have to provide matching funds...
(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Debt Service associated with 2001 Bonds - issued in 2005 - Series 2011 Refunding - issued in November 2011 (Gravelly Hill Middle School)

Estimated Costs:

Purchase of Land _____	\$ _____	
Planning and Design Services _____	_____	
New Construction _____	_____	
Additions / Renovations _____	_____	
Repair _____	_____	
Debt Payment / Bond Payment _____		561,082
TOTAL _____	\$ _____	561,082

Estimated Project Beginning Date: 7/1/2020 Est. Project Completion Date: 6/30/2021

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 561,082 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-g

SUBJECT: Contract Award for Financial and Compliance Audit Services

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. Local Government
Commission Audit
Contract (LGC) Template

INFORMATION CONTACT:

Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152

PURPOSE: To:

- Award Request for Proposals (RFP) 367-OC 5314 Audit Services to Cherry Bekaert, LLP to conduct auditing services for Orange County in the amount of \$83,000 (first year), \$85,500 (second year), and \$88,000 (third year); and
- Authorize the Chair to sign the Local Government Commission (LGC) contract on behalf of the BOCC pending staff and attorney review.

BACKGROUND: For the past five years, Mauldin and Jenkins, LLC has provided audit services for the County. The County's best practice is to review audit services every five years for potential audit rotation consistent with industry standards. RFP 367-OC-5314 was issued on March 15, 2021 by the Department of Finance and Administrative Services detailing the County's requirements. Four RFP responses were received on April 12, 2021:

Cherry Bekaert, LLP
Elliott Davis, PLLC
Mauldin and Jenkins, LLC
Thompson, Price Scott and Adams, PA

The County's evaluation committee unanimously determined that Cherry Bekaert, LLP submitted the best overall proposal. Cherry Bekaert, LLP has estimated 721 hours for the financial audit, four Federal Major programs and two State Single Audit programs, with the audit conducted from its Raleigh, NC office. Cherry Bekaert, LLP clients include the following government entities: City and County of Durham, City of Raleigh, Guilford County, Mecklenburg County and Go Triangle Public Transportation Authority.

The audit services will encompass financial and compliance examinations and completion of the Annual Financial Report (AFR) and Single Audit. The financial and compliance audit will cover federal, state and local funding sources in accordance with the Federal and State Single Audit Acts; applicable laws and regulations; and generally accepted auditing standards.

The County audit service is for a three-year period. Following the initial three-year period; an annual extension may be granted by the County for three one-year renewal extensions.

FINANCIAL IMPACT: FY 2021-22 funds are within budget for this annual contract. The cost to conduct the audit services the first year is \$83,000. Firms were requested to provide the costs for the next two years. The cost for years two and three are \$85,500 and \$88,000 respectively

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.
- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

RECOMMENDATION(S): The Manager recommends the Board:

- Award RFP 367-OC 5314 to Cherry Bekaert LLP to conduct auditing services for the County in the amount of \$83,000 for the first year; and
- Authorize the Chair and Finance Officer to sign the LGC contract on behalf of the BOCC pending staff and attorney review.

The	Governing Board
of	Primary Government Unit (or charter holder)
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Auditor Address

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
<input type="text"/>	<input type="text"/>	<input type="text"/>

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Authorized Firm Representative (typed or printed)*	Signature*
Date*	Email Address*

GOVERNMENTAL UNIT

Governmental Unit*	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-h

SUBJECT: Advisory Boards and Commissions - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
No Attachments

INFORMATION CONTACT:
Clerk's Office, 919-245-2130

PURPOSE: To approve the Advisory Boards and Commissions appointments as reviewed and discussed during the April 22, 2021 Work Session.

BACKGROUND: The following appointments are for Board approval:

- **Board of Health**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Dr. Bruce Baldwin	At-Large	Second Full Term	06/30/2024
Dr. Alison Stuebe	At-Large	First Full Term	06/30/2024
Keith Bagby	At-Large	Second Full Term	06/30/2024

- **Chapel Hill Board of Adjustment**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Daniel Hatley	ETJ or JPA BOCC Appointee	Second Full Term	06/30/2024

- **Historic Preservation Commission**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Paul Noe	At-Large	Second Full Term	03/31/2024

- **Orange County Parks and Recreation Council**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Christopher Colvin	Carrboro City Limits	First Full Term	03/31/2024
Robert Smith	Little River Township	Second Full Term	03/31/2023

- **Orange Water & Sewer Authority Board of Directors**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Jo Leslie (Jody) Eimers	County BOCC Appointment	Second Full Term	06/30/2024

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the recommended appointments as reviewed and discussed during the April 22, 2021 Work Session.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-i

SUBJECT: Approval of a Resolution Authorizing a Revision in the Resolution Adopted May 5, 2016 Which Authorized the Orange County FY 2016-2017 HOME Program Design

DEPARTMENT: Housing and Community
Development

ATTACHMENT(S):

- Attachment 1: Approved Resolution
Authorizing the Orange
County FY 2016-2017
HOME Program Design
 - Attachment 2: Resolution Authorizing a
Revision in the Resolution
Adopted May 5, 2016 Which
Authorized the Orange
County FY 2016-2017
HOME Program Design
(Mark-up Version)
 - Attachment 3: Resolution Authorizing a
Revision in the Resolution
Adopted May 5, 2016 Which
Authorized the Orange
County FY 2016-2017
HOME Program Design
(Clean Version)
-

INFORMATION CONTACT:

Emila Sutton, Director, Housing and
Community Development, (919) 245-
2490

PURPOSE: To approve a revision in the resolution adopted May 5, 2016 which authorized the Orange County FY 2016-2017 HOME Program Design.

BACKGROUND: The resolution to approve the project activities for the 2016-2017 HOME Program, adopted by the Orange County Board of Commissioners on May 5, 2016, included the approval of \$114,655 to the Orange County Housing and Community Development Department to be used for housing rehabilitation for homeowners earning no more than 80% of the area median income (Attachment 1).

Since the award was made in 2016, these funds have never been used. As such, the Housing and Community Development Department requests that the Board reallocate the funds for tenant-based rental assistance through the Rapid Rehousing program operated by the Orange County Partnership to End Homelessness (OCPEH). The need for assistance for low-income renters has

consistently been identified by residents, elected officials, service providers, and housing practitioners as a high priority need in Orange County.

The OCPEH Rapid Rehousing program follows an evidence-based, best practice model to provide a flexible mix, depending on household needs, of short- to mid-term rental assistance and housing case management to extremely low-income households experiencing homelessness in order to help these households access and maintain stable and affordable housing. Since its launch in May 2020, the Rapid Rehousing program has assisted 26 households who were previously experiencing homelessness and disbursed more than \$117,000 in direct rent and security deposit assistance.

The Housing and Community Development Department requests that the resolution authorizing the Orange County FY 2016-2017 HOME Program Design be amended to remove the language allocating \$114,655 to Orange County for housing rehabilitation and inserting the following language (Attachment 2 (Markup Version and Attachment 3 (Clean Version)):

“Funds would be allocated to the Orange County Housing and Community Development Department for tenant-based rental assistance. This program will provide tenant-based rental assistance to Orange County renters earning less than 80% of the area median income.”

FINANCIAL IMPACT: There are no negative financial impact to the County. Approving the updated resolution will allow HOME funds from FY 2016-2017 to be fully utilized to address the most pressing housing needs in the County.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item. Before implementation, all proposed HOME projects will undergo Environmental Review according to HUD requirements.

RECOMMENDATION(S): The Manager recommends that the Board approve the resolution (Attachment 3) authorizing a revision in the resolution adopted May 5, 2016 which authorized the Orange County FY 2016-2017 HOME Program Design.

5-5-2016 3
6b

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING
THE ORANGE COUNTY FY 2016-2017 HOME PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners as a member of the Orange County HOME Consortium approves the following activities for the 2016-2017 HOME Program.

Homeownership Assistance

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for twelve (12) homes in the Fairview community in Hillsborough and the Tinnin Woods subdivision in Efland-Cheeks Township. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.
(Requested Amount: \$285,000) \$285,000

Housing Rehabilitation

Funds would be allocated to Rebuilding Together of the Triangle to provide critical repairs, accessibility modifications, and home performance upgrades to low-income homeowners throughout Orange County earning less than 80% of the area median income.
(Requested amount: \$50,000) \$50,000

Funds will be allocated to the Orange County Housing, Human Rights and Community Development Department for housing rehabilitation. This program will provide rehabilitation to owner-occupied homeowners throughout Orange County earning less than 80% of the area median income.
(Requested amount: \$114,655) \$114,655

Program Administration \$30,854

TOTAL FY 2016-2017 HOME PROGRAM FUNDS **\$480,509**

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of the Consolidated Plan Annual Action Plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This the 5 day of May 2016



Earl McKee
Earl McKee, Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION AMENDING THE ORANGE COUNTY FY 2016-2017 HOME
PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners as the governing board for Orange County, the lead entity of the Orange County HOME Consortium, that the Consortium approves the following amendment to activities for the 2016-2017 HOME Program.

Homeownership Assistance

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for twelve (12) homes in the Fairview community in Hillsborough and the Tinnin Woods subdivision in Efland-Cheeks Township. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.

(Requested Amount: \$285,000)

\$285,000

Housing Rehabilitation

Funds would be allocated to Rebuilding Together of the Triangle to provide critical repairs, accessibility modifications, and home performance upgrades to low-income homeowners throughout Orange County earning less than 80% of the area median income.

(Requested amount: \$50,000)

\$50,000

~~Funds will be allocated to the Orange County Housing, Human Rights and Community Development Department for housing rehabilitation. This program will provide rehabilitation to owner-occupied homeowners throughout Orange County earning less than 80% of the area median income.~~

Tenant-Based Rental Assistance

~~Funds would be allocated to the Orange County Housing and Community Development Department for tenant-based rental assistance. This program will provide tenant-based rental assistance to Orange County renters earning less than 80% of the area median income.~~

~~*(Requested amount: \$114,655)*~~

~~**\$114,655**~~

Program Administration

\$30,854

TOTAL FY 2016-2017 HOME PROGRAM FUNDS

\$480,509

This the _____ day of May 2021.

Renee Price, Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION AMENDING THE ORANGE COUNTY FY 2016-2017 HOME
PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners as the governing board for Orange County, the lead entity of the Orange County HOME Consortium, that the Consortium approves the following amendment to activities for the 2016-2017 HOME Program.

Homeownership Assistance

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for twelve (12) homes in the Fairview community in Hillsborough and the Tinnin Woods subdivision in Efland-Cheeks Township. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.

(Requested Amount: \$285,000) **\$285,000**

Housing Rehabilitation

Funds would be allocated to Rebuilding Together of the Triangle to provide critical repairs, accessibility modifications, and home performance upgrades to low-income homeowners throughout Orange County earning less than 80% of the area median income.

(Requested amount: \$50,000) **\$50,000**

Tenant-Based Rental Assistance

Funds would be allocated to the Orange County Housing and Community Development Department for tenant-based rental assistance. This program will provide tenant-based rental assistance to Orange County renters earning less than 80% of the area median income.

(Requested amount: \$114,655) **\$114,655**

Program Administration

\$30,854

TOTAL FY 2016-2017 HOME PROGRAM FUNDS

\$480,509

This the _____ day of May 2021.

Renee Price, Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

Action Agenda

Item No. 8-j

SUBJECT: Proposed Orange County FY 2021-2022 Annual Action Plan and HOME Activities

DEPARTMENT: Housing and Community Development

ATTACHMENT(S):

- Attachment 1: Draft FY 2021-2022 Annual Action Plan Summary
- Attachment 2: Resolution Authorizing Submission of the FY 2021-2022 Annual Action Plan
- Attachment 3: Summary Sheet for FY 2021-2022 Proposed Projects
- Attachment 4: Resolution Approving the FY 2021-2022 HOME Program Design

INFORMATION CONTACT:

Emila Sutton, Director, Housing and Community Development, (919) 245-2490

PURPOSE: To consider:

- 1) Adoption of a Resolution authorizing submission of the FY 2021-2022 Annual Action Plan;
- 2) Adoption of a Resolution approving the proposed HOME Program Activities for FY 2021-2022; and
- 3) Authorizing the County Manager to implement the HOME Program as approved by the BOCC, including the ability to execute agreements with partnering nonprofit organizations after consultation with the County Attorney and based on the allocation received from HUD.

BACKGROUND:

Annual Action Plan

Every year, state and local governments ("Participating Jurisdictions") that receive HOME Investment Partnerships Program ("HOME") funds from the U.S. Department of Housing and Urban Development ("HUD") are required to complete an Annual Action Plan that lays out how they will allocate HUD funds for the upcoming program year in order to address the goals and priorities in the Consolidated Plan. A summary of the draft Annual Action Plan for FY 2021-2022 is in Attachment 1.

Orange County is a special type of Participating Jurisdiction, called a Consortium, consisting of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough. Orange County serves as the lead entity for the Orange County HOME Consortium. The Consortium completed the

Annual Action Plan based on the HOME award recommendations made by the Local Government Affordable Housing Collaborative, detailed in the section below.

A public comment period, as required by HUD, was established for March 29 – April 28, 2021 and a public hearing was held on the draft Annual Action Plan at the April 20, 2021 Orange County Board of Commissioners meeting. Public notice of the hearing was posted in *The Herald Sun* and *La Noticia*. Copies of the draft Annual Action Plan were posted on the Orange County Department of Housing and Community Development website, and a link to the website and draft plan were circulated by public notice in the newspapers listed above, as well as email outreach to more than 100 relevant stakeholders to include local service providers, nonprofit organizations, government entities, elected officials, and interested residents. All comments have been incorporated into the final Annual Action Plan to be submitted to HUD.

The FY 2021-2022 Annual Action Plan must be submitted to HUD on or before May 15, 2021. The Board of Commissioners is asked to consider approval of the attached resolution authorizing submission of the Annual Action Plan (Attachment 2).

FY 2021-2022 HOME Program Activities

For FY 2021-2022, Orange County anticipates receiving the following HOME resources:

FY 2021-2022 HOME Funds	\$ 378,743
FY 2020-2021 HOME Funds (returned by CASA)	\$ 200,000
HOME Program Income	\$ 13,306
Local Match	\$ 85,218
Total	\$ 677,267

The above amounts are estimates and may be adjusted according to the actual allocation received from HUD.

The Local Government Affordable Housing Collaborative (the “Collaborative”), comprised of one (1) elected official and staff members from Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough, reviewed the received applications for the FY 2021-2022 HOME Program on March 25, 2021 and made the following funding recommendations for consideration by each of the jurisdictions’ elected bodies:

Habitat for Humanity – Homebuyer Assistance	\$ 434,393
Pee Wee Homes – Rental Construction	\$ 100,000
EmPOWERment – Rental Acquisition	\$ 105,000
Administration (10% of HOME Funds, per statute)	\$ 37,874
Total	\$ 677,267

The above amounts may still be adjusted according to the actual allocation received from HUD. A summary of each of the above projects can be found in Attachment 3.

In accordance with the Orange County HOME Consortium Agreement, approved in May 2011, the HOME Program Design for each year must be approved by all jurisdictions prior to submission to HUD. The HOME Program Design is scheduled for approval by the:

- Town of Hillsborough on May 10, 2021
- Town of Chapel Hill on May 5, 2021; and
- Town of Carrboro on May 4, 2021.

The Board of Commissioners is asked to consider approval of the attached HOME Program Design Resolution (Attachment 4).

HOME Program Implementation

After approval of the FY 2021-2022 HOME Program Design by all Consortium participants, authorization is requested to allow the Orange County Manager, based on the HUD allocation received, to execute agreements with partnering nonprofit organizations as necessary to implement the approved HOME Program Design. All agreements will be reviewed and approved by the County Attorney's Office.

FINANCIAL IMPACT: There are no financial impacts anticipated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item. Before implementation, all proposed HOME projects will undergo Environmental Review according to HUD requirements.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) Adopt the Resolution authorizing submission of the FY 2021-2022 Annual Action Plan;
- 2) Adopt and authorize the Chair to sign the Resolution approving the proposed HOME Program Activities for FY 2021-2022; and
- 3) Authorize the County Manager to implement the HOME Program as approved by the BOCC, including the ability to execute agreements with partnering nonprofit organizations after consultation with the County Attorney and based on the allocation received from HUD.



Orange County, NC HOME Consortium FY 2021-2022 Annual Action Plan Summary

Annual Goals and Objectives

	Goal Name	Start Year	End Year	Category	Needs Addressed	Funding	Goal Outcome Indicator
1	Home Buyer Assistance	2020	2024	Affordable Housing	Housing for Low- and Moderate-Income Households	\$434,393	Direct Financial Assistance to Homebuyers: 3 Households Assisted
2	Rental Construction	2020	2024	Affordable Housing Homeless	Housing for People Experiencing Homelessness Housing for Low- and Moderate-Income Households	\$100,000	Rental units constructed: 3 Housing Units
3	Housing Rehabilitation/ Preservation	2020	2024	Affordable Housing	Housing for Low- and Moderate-Income Households	\$105,000	Rental units rehabilitated: 2 Housing Units

Projects

#	Project Name	Description
1	Habitat for Humanity – Homebuyer Assistance	Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest mortgages to an estimated fifteen (15) homebuyers in the Fairview Community in Hillsborough earning between thirty percent (30%) and eighty percent (80%) of the area median income. (The final number of homebuyers assisted may be more or less than 15 and will depend on homebuyer underwriting.)
2	Pee Wee Homes – Rental Construction	Funds will be allocated to Pee Wee Homes to finance construction of three (3) small rental units at 106 Hill Street in Carrboro. Units will be leased to households experiencing homelessness and earning less than thirty percent (30%) of the area median income.
3	EmPOWERment – Rental Acquisition	Funds will be allocated to EmPOWERment, Inc. for acquisition of a duplex containing two (2) units at 706 Gomains Avenue in Chapel Hill. Units will be leased to households earning less than thirty percent (30%) of the area median income.

Affordable Housing

One Year Goals for the Number of Households to be Supported	
Homeless	3
Non-Homeless	17
Total	20

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	3
Acquisition of Existing Units	17
Total	20

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE
FY 2021-2022 ANNUAL ACTION PLAN FOR ORANGE COUNTY, NORTH
CAROLINA**

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners authorize the County Manager to submit the Orange County Annual Action Plan for FY 2021-2022 to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein.

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of these plans and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This is the ___ day of _____, 2021

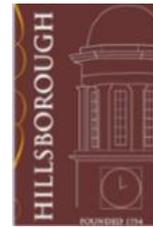
NOW THEREFORE BE IT ORDAINED by the Orange County Board of Commissioners that this resolution is effective upon approval. Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the ___ day of _____, 2021.

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO THEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2021, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in Minute Book No. _____ of the minutes of said Board.

WITNESS my hand and seal of said County, the ___ day of _____, 2021.

Laura Jensen
Clerk to the Board

SEAL



Summary of Proposed FY 2021-2022 HOME Projects

	Habitat for Humanity	Pee Wee Homes	EmPOWERment
Funding Request	\$450,000	\$100,000	\$105,000
Funding Award	\$434,393	\$100,000	\$105,000
Activity Type	Homebuyer Assistance	Rental Construction	Rental Acquisition
Project Name	Fairview Homebuyer Assistance	106 Hill Street	706 Gomains Avenue
Project Description	Second mortgage assistance for an estimated 15 Habitat home buyers	Gap financing for Merritt Mill, a 48 unit rental project with some units set aside for people with disabilities	Acquisition of a duplex (2 units) to be rented to low-income households
Project Location	Fairview community (Hillsborough)	Northside Neighborhood (Carrboro)	Northside Neighborhood (Chapel Hill)
Income Targeting	11 units for households earning 31-50% AMI and 4 units for 51-80% AMI	3 units for households earning up to 30% AMI	2 units for households earning up to 30% AMI
Population Targeting	Specific units are not targeted, but Habitat markets to low-income seniors and voucher holders (23% of most recent homebuyer pool were voucher holders)	All 3 units will be rented to people experiencing homelessness	Current residents will not be displaced (both elderly households, voucher holders)
Leveraging	5.67 : 1 (total non-HOME project funding is \$3 million)	1.06 : 1 (total non-HOME project funding is \$206,425)	1.29 : 1 (total non-HOME project funding is \$240,000)

**RESOLUTION AUTHORIZING
THE ORANGE COUNTY FY 2021-2022 HOME PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners approve the following activities for the FY 2021-2022 HOME Program:

Homebuyer Assistance

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest mortgages to an estimated fifteen (15) homebuyers in the Fairview Community in Hillsborough earning between thirty percent (30%) and eighty percent (80%) of the area median income. (The final number of homebuyers assisted may be more or less than 15 and will depend on homebuyer underwriting.)

(Requested amount: \$450,000)

\$434,393

Rental Construction

Funds will be allocated to Pee Wee Homes to finance construction of three (3) small rental units at 106 Hill Street in Carrboro. Units will be leased to households experiencing homelessness and earning less than thirty percent (30%) of the area median income.

(Requested amount: \$100,000)

\$100,000

Predevelopment Loan

Funds will be allocated to EmPOWERment, Inc. for acquisition of a duplex containing two (2) units at 706 Gomains Avenue in Chapel Hill. Units will be leased to households earning less than thirty percent (30%) of the area median income.

(Requested amount: \$105,000)

\$105,000

Program Administration

\$37,874

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the HOME Program and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This is the ___ day of _____, 2021

Renee Price, Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 8-k

SUBJECT: Refund Request – Lake Orange, Inc.

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Lake Orange, Inc. Refund Request
Email Regarding Lake Orange, Inc.
Appeal
North Carolina General Statute 105-381
North Carolina General Statute 105-287
Release/Refund Data - Lake Orange, Inc.
Resolution

INFORMATION CONTACT:

Nancy T Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider a refund request submitted by Attorney Steve Yuhasz on behalf of Lake Orange, Inc.

BACKGROUND: Attorney Steve Yuhasz has submitted a release and refund request for property known as PIN 9857623476 and owned by Lake Orange Inc. for taxes improperly assessed from 2016 through 2019. The claim for this request is based on the premise that 45 of the 55 acres are in the flood plain and unbuildable under Orange County regulations with little commercial value. Mr. Yuhasz maintains that the values are incorrect due to a clerical error on the part of the Orange County Tax Office appraisers. Mr. Yuhasz is requesting that the value be lowered to \$103,000 for each of the years. It should be noted that the value assessment for 2016 is \$550,784 and for 2017 through 2019 it is \$547,700.

Mr. Yuhasz included the year 2020 in his initial request. However, in an email dated April 6, 2021, Mr. Yahasz withdrew the request for 2020 due to fact that on June 24, 2020, the Board of Equalization and Review lowered the 2020 value to \$151,300 due to property owner appeal.

Each year, property owners have the opportunity to appeal their values prior to the adjournment of the Board of Equalization and Review. Once the Board adjourns, the Assessor has no statutory authority to make adjustments on then current assessments.

The value for the 2020 tax year was adjusted by the Board of Equalization and Review in June 2020 to \$151,500, which represented a correction to an appraisal error for the property initiated by the taxpayer appealing the 2020 value.

North Carolina General Statute (NCGS) 105-381(a) allows the refund and release of taxes only under very limited circumstances, including clerical error. In this case, the change in value made for the 2020 tax year by the Board of Equalization and Review represents a correction to an

appraisal error. The appropriate procedure is to correct the error and valuation for the current tax year and subsequent years, which has been done for 2020 and forward according to NCGS 105-287.

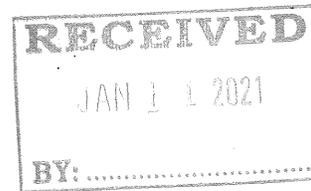
FINANCIAL IMPACT: Approval of the refund request would result in a \$16,893.12 loss in revenue.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board deny this refund request based on consultation with the County Attorney.

The Law Office of
Steve F. Yuhasz, PLLC
7404 East Beach Drive
Oak Island, NC 28465
(919) 593-4887 steve@sfypllc.com

December 28, 2020



The Honorable Renee Price
Chair, Orange County Board of Commissioners
PO Box 8181
Hillsborough, NC 27278

RE: Property of Lake Orange, Inc. PIN 9857-62-3476

Dear Commissioner Price:

On behalf of Lake Orange, Inc. I hereby request a refund for property taxes improperly assessed but paid for the years 2016, 2017, 2018, 2019, and 2020 and the release of the property tax improperly assessed but unpaid for the years 2016, 2017, 2018, 2019, and 2020.

I have been assisting John Tolar, president and majority shareholder of Lake Orange, Inc. in various matters, and earlier this year I noticed that the 55 acre Lake Orange, Inc. property has an assessed value of \$547,700. Approximately 45 acres of the property is flood plain, unbuildable under Orange County regulations and thus has little commercial value. I considered this valuation to be excessive and the valuation was appealed to Board of Equalization and Review. On June 24, 2020, based on their staff recommendation, the Board of E&R reduced the valuation to \$151,500. This valuation more accurately represents the true value of the useable portion of the property and the improvements thereon.

As you may know, Lake Orange, Inc. was formed in 1967 when five owners (Nichols, Patterson, Ray, Walker, and Tolar) adjoining the Eno River conveyed their property below 620 feet in elevation to the corporation in order to prepare the land for the construction of a dam and water impoundment to serve Orange County. The corporation then conveyed all the property below 615 feet in elevation to Orange County, which subsequently constructed the dam and has since managed and maintained the dam and lake (Lake Orange). Lake Orange, Inc. retained certain rights, including the recreation rights to the lake. Orange County obtained all the rights to the water, and a flood easement on and a right of first refusal for any proposed sale of the original Lake Orange, Inc. property. The following year, 1968, the Tolars conveyed a separate ten-acre parcel to Lake Orange, Inc. which contains the improvements mentioned above, and is the only part of the Lake Orange, Inc. property not entirely contained within a flood plain. This ten acre parcel, when added to the original 45 acres, comprises the current 55 acre holding.

The Machinery Act provides for a refund or release of a tax if the tax was a) imposed through clerical error, b) an illegal tax, or c) was levied for an illegal purpose. I do not believe the tax, in this case, was levied for an illegal purpose. It is apparent that the tax imposed was, however, the result of a clerical error or an illegal tax.

Easily accessible county records show that the Lake Orange, Inc. (hereafter LOI) property has been taxed at an assessed value of \$547,700 from 2017 through 2020 and at an assessed value of \$550,784 from 2011 through 2016. Without access to county assessment records, it is not possible to determine if a clerical error was made, but a likely scenario is this: When the Tolars conveyed the ten-acre parcel to LOI, it was combined, for tax purposes with the rest of the LOI property (as was common in that era for the convenience of both the owner and tax office). Although a distinction should have been made between the value of the flood plain property (approximately 45 acres) and the ten-acre addition, it apparently wasn't. The value assigned per acre to the entire property, *through a clerical error*, was derived from the value per acre of the ten-acre addition.

Alternatively, the taxes that have been charged to LOI through the years have simply been illegal; illegal in the sense that they have been the result of appraisals arrived at and applied *not in compliance with the law*. N.C.G.S. § 105-286 requires that "All property, real and personal, shall as far as practicable be appraised or valued at its true value in money." The statute goes on to explain that the value is that of an "arms-length" transaction, and that like properties must be appraised and taxed alike, in accordance with an adopted schedule of values.

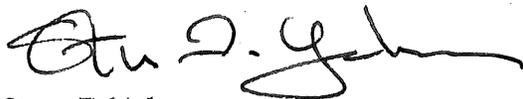
Flood plain is classified by the Schedule of Values as "wasteland," which is assigned the same base price per acre as the surrounding land, with the explicit caveat that an "influence factor" be applied to reduce the price per acre to account for its non-buildable status. Here, nearby parcels have sizes and values, for example of: 45 acres, \$306,000; 28 acres, \$173,000; 68 acres, \$349,000; and 61 acres, \$313,000. Applying the Land Size Adjustment Table to these properties yields a base rate per acre of \$21,250, \$18,175, \$17,700, and \$17,100, respectively. Using the average of these rates, \$18,550, and the 55 acre listed size of the LOI parcel would suggest a valuation, after applying the Land Size Adjustment, of \$311,200 for the LOI land *before* any application of an influence factor. However, the historic valuations for the years at issue are almost \$200,000 higher!

Certainly there are factors that can contribute to different valuations for apparently similar parcels - shape, soils, ease of access, development potential, marketability- all of which can increase the value of one parcel relative to another. But none of these factors add to the value of the LOI parcel. In fact, each factor, taken in turn, *decreases* the value of the LOI parcel. The parcel is 8000' long, in places only several feet wide, with most parts separated by wide expanses of water owned by others. The soils are all in flood plain and thus unsuitable for installation of any sewage treatment systems. There is only one practical point of access to a portion of the property, at Lake Orange Road, and most of the parcel can otherwise only be accessed by boat or through the property of other property owners. Because the property is almost entirely in flood plain, it is completely unbuildable; the property has no development potential. The marketability of the

property is severely compromised by the existence of a flood easement in favor of Orange County over the bulk of the property and the county's right of first refusal for any prospective sale. These facts demand the application of an influence factor to *reduce* the valuation of the LOI tract as compared to nearby tracts of similar size. These facts exhibit a failure of Orange County to appraise the Lake Orange, Inc. parcel at its "true value in money."

The current revised valuation of the LOI land of \$103,000 is a reasonable estimate of the true value of the Lake Orange, Inc. property and has been accepted by Lake Orange, Inc. going forward. Whether through clerical error or by a failure of the Orange County tax appraisers to properly follow the legal requirements for assessing land, Lake Orange, Inc. has for many years paid property taxes well in excess of what was justified. Although most of that money cannot be recovered, the Board of County Commissioners, now has the opportunity to complete the process begun by the Board of Equalization and Review by refunding to Lake Orange, Inc. the property taxes improperly assessed but paid for the years 2016, 2017, 2018, 2019, and 2020 and the release of the property tax improperly assessed but unpaid for the years 2016, 2017, 2018, 2019, and 2020.

Very truly yours,



Steve F. Yuhasz

cc: Bonnie B. Hammersley, County Manager

From: Steve Yuhasz <steve@sfypllc.com>
Sent: Tuesday, April 6, 2021 1:35 PM
To: Nancy Freeman
Subject: [EXTERNAL MAIL!] Re: Lake Orange Inc Appeal

Nancy-
Thank you for this reply.
First, the inclusion of the tax year 2020 in the appeal was inadvertent and a result of my confusion as to which tax years are in dispute. After the action taken by the Board of Equalization and Review on June 24, 2020 regarding the property and the subsequent tax bill due in 2020 in the amount of \$1606.24 (now \$1668.22 including interest) the assessment for 2020 and years following is acceptable and the appeal for tax year 2020 is hereby withdrawn.

I understand the hold on tax collection is now ended and that Lake Orange, Inc. is now obligated to immediately pay all the taxes due. Frankly, Lake Orange, Inc. is not financially able to do that. I have spoken with John Tolar, President of Lake Orange and proposed that he visit your office on Friday with the funds to pay the 2020 tax bill and to meet with you to discuss a plan to pay the approximate \$16,000 in back taxes due on the property. As you may be aware, the only source of income for Lake Orange, Inc. is the user fees generated from lakeside lot owners. Unfortunately, the means to enforce payment of those fees lack the teeth that some agencies possess - thus the continual difficulty in meeting some obligations. I appreciate your attention to this matter.

-Steve

On 4/6/2021 12:49 PM, Nancy Freeman wrote:
Good afternoon Mr. Yuhasz,

I have attached my response to your letter received January 11, 2021. As noted, I will submit your request for refund/release of taxes for Lake Orange Inc. property known as PIN 9857623476 at the May 4, 2021 meeting of the Orange County Board of Commissioners.

I have also attached a copy of legal opinion from Chris McLaughlin at the UNC School of Government entitled, "Coates Canons - When Does an Appraisal Error Justify a Refund".

In addition I included a copy of the 2021 Notice of Revaluation and an informal appeal form. I would encourage that an appeal be submitted based on the statement of value in your letter of \$103,000 for 2021. We are accepting informal appeals through the end of April.

Thank you for your patience. A hardcopy of this letter and enclosures will be mailed today. Please let me know if I can be of further service.

Best regards,
Nancy Freeman
Tax Administrator
Orange County Tax Office
Hillsborough, NC
919-245-2735

"How wonderful it is that nobody need wait a single moment before starting to improve the world." - Anne Frank

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Orange County Government and as such are considered public domain and are subject to the North Carolina Public

Records Law. Certain

confidential information may be transmitted and any unauthorized review, use, disclosure or distribution is prohibited.

If you are not the

intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Steve Yuhasz <steve@sfypllc.com>

Sent: Monday, February 1, 2021 2:57 PM

To: Nancy Freeman <nfreeman@orangecountync.gov>

Cc: Valerie Curry <vcurry@orangecountync.gov>

Subject: [EXTERNAL MAIL!] Re: Lake Orange Inc Appeal

Thank you. I understand how with so many people working remotely it is easy for the lines of communication to get tangled.

Steve

On 2/1/2021 2:20 PM, Nancy Freeman wrote:

Good afternoon Mr. Yuhasz,

I wanted to reach out to you to apologize for my oversight. I received a copy of your letter of appeal sent on behalf of Lake Orange, Inc. in mid-January. I notified our Assessment staff in order to begin research on this situation. However, I failed to notify our Collections staff of your letter of appeal, and an enforced collection effort was recently initiated. That effort has been stopped at this time.

Our office is formulating a response to your letter of appeal, and we should be updating all parties within the next few weeks.

Again, please accept my apology for this oversight.

Best regards,

Nancy Freeman

Tax Administrator

Orange County Tax Office

Hillsborough, NC

919-245-2735

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§ 105-381. Taxpayer's remedies.

(a) **Statement of Defense.** – Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

- (1) For the purpose of this subsection, a valid defense shall include the following:
 - a. A tax imposed through clerical error;
 - b. An illegal tax;
 - c. A tax levied for an illegal purpose.
- (2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.
- (3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) **Action of Governing Body.** – Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made. The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

(c) **Suit for Recovery of Property Taxes.** –

- (1) **Request for Release before Payment.** – If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.
- (2) **Request for Refund.** – If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) **Civil Actions.** – Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be

rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)

§ 105-287. Changing appraised value of real property in years in which general reappraisal is not made.

(a) In a year in which a general reappraisal of real property in the county is not made under G.S. 105-286, the property shall be listed at the value assigned when last appraised unless the value is changed in accordance with this section. The assessor shall increase or decrease the appraised value of real property, as determined under G.S. 105-286, to recognize a change in the property's value resulting from one or more of the following reasons:

- (1) Correct a clerical or mathematical error.
- (2) Correct an appraisal error resulting from a misapplication of the schedules, standards, and rules used in the county's most recent general reappraisal.
- (2a) Recognize an increase or decrease in the value of the property resulting from a conservation or preservation agreement subject to Article 4 of Chapter 121 of the General Statutes, the Conservation and Historic Preservation Agreements Act.
- (2b) Recognize an increase or decrease in the value of the property resulting from a physical change to the land or to the improvements on the land, other than a change listed in subsection (b) of this section.
- (2c) Recognize an increase or decrease in the value of the property resulting from a change in the legally permitted use of the property.
- (3) Recognize an increase or decrease in the value of the property resulting from a factor other than one listed in subsection (b).

(b) In a year in which a general reappraisal of real property in the county is not made, the assessor may not increase or decrease the appraised value of real property, as determined under G.S. 105-286, to recognize a change in value caused by:

- (1) Normal, physical depreciation of improvements;
- (2) Inflation, deflation, or other economic changes affecting the county in general; or
- (3) Betterments to the property made by:
 - a. Repainting buildings or other structures;
 - b. Terracing or other methods of soil conservation;
 - c. Landscape gardening;
 - d. Protecting forests against fire; or
 - e. Impounding water on marshland for non-commercial purposes to preserve or enhance the natural habitat of wildlife.

(c) An increase or decrease in the appraised value of real property authorized by this section shall be made in accordance with the schedules, standards, and rules used in the county's most recent general reappraisal. An increase or decrease in appraised value made under this section is effective as of January 1 of the year in which it is made and is not retroactive. The reason for an increase or decrease in appraised value made under this section need not be under the control of or at the request of the owner of the affected property. This section does not modify or restrict the provisions of G.S. 105-312 concerning the appraisal of discovered property.

(d) Notwithstanding subsection (a), if a tract of land has been subdivided into lots and more than five acres of the tract remain unsold by the owner of the tract, the assessor may appraise the unsold portion as land acreage rather than as lots. A tract is considered subdivided into lots when the lots are located on streets laid out and open for travel and the lots have been sold or offered for sale as lots since the last appraisal of the property. (1939, c. 310, ss. 301, 500; 1953, c. 970, s. 5; 1955, c. 901; c. 1100, s. 2; 1959, c. 682; c. 704, s. 2; 1963, c. 414; 1967, c. 892, s. 7; 1969, c. 945, s. 1; 1971, c. 806, s. 1; 1973, c. 695, s. 10; c. 790, s. 2; 1987, c. 655; 1997-226, s. 4; 2001-139, s. 2; 2008-146, s. 1.2.)

Illegal tax G.S. 105-381(a)(1)(b)

**BOCC REPORT - REAL/PERSONAL
May 4, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR DENIAL	Status
Lake Orange Inc.	221488	2019	547,700	103,000	(4,266.45)	Request does not meet the qualifications of a clerical error and therefore not subject to NCGS 105-381.	Unpaid
Lake Orange Inc.	221488	2018	547,700	103,000	(4,188.63)		Unpaid
Lake Orange Inc.	221488	2017	547,700	103,000	(4,132.15)		Partially paid
Lake Orange Inc.	221488	2016	550,784	103,000	(4,305.89)		Paid
					(16,893.12)	Total	
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

NORTH CAROLINA

RES-2021-029

ORANGE COUNTY

REFUND RESOLUTION (Denial)

Whereas, North Carolina General Statutes 105-381 allows for the refund of taxes when the Board of County Commissioners determines that a taxpayer applying for the refund has a valid defense to the tax imposed; and

Whereas, the properties listed in the attached "Refund Request" has been taxed and the tax has been collected: and

Whereas, as to the property listed in the Refund Request, the taxpayer has timely applied in writing for a refund of the tax imposed but has not presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refunds.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the property tax refund recommended for denial are denied.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Nayes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, _____.

Clerk to the Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 4, 2021

**Action Agenda
Item No.** 11-a

SUBJECT: Arts Commission – Appointment Discussion

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Membership Roster
Recommendation
Application for Person Recommended
Applicant Interest List
Applications of Persons on the Interest List

INFORMATION CONTACT:

Clerk's Office, 919-245-2130

PURPOSE: To discuss an appointment to the Arts Commission.

BACKGROUND: The following appointment information is for Board consideration.

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Sarah Shore	At-Large	First Full Term	03/31/2024

NOTE - If the individual listed above is appointed, the following vacancies remain:

- None

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board discuss an appointment to the Arts Commission.

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 pm second Monday of each month

Contact Person: Katie Murray

Meeting Place: Alternating

Contact Phone: 919-245-2335

Positions: 15

Length: 3 years

Terms: 2

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County.

Marcela Slade

1			First Appointed:	12/04/2017	
Gender Identity:	Female	Township:	Chapel Hill	Current Appointment:	03/08/2018
Ethnic Background:	Other	Resid/Spec Req:	At-Large	Expiration:	03/31/2021
Age Range:		Special Repr:		Number of Terms:	1

Mr John Bemis

2			First Appointed:	02/16/2021	
Gender Identity:	Male	Township:	Hillsborough	Current Appointment:	02/16/2021
Ethnic Background:	White	Resid/Spec Req:	At-Large	Expiration:	03/31/2024
Age Range:	35-59	Special Repr:		Number of Terms:	1

Matthew Keith

3			First Appointed:	10/06/2020	
Gender Identity:	Male	Township:	Chapel Hill	Current Appointment:	10/06/2020
Ethnic Background:	White	Resid/Spec Req:	At-Large	Expiration:	06/30/2023
Age Range:	18-34	Special Repr:	UNC Student Representative	Number of Terms:	1

Daniel Mayer

4			First Appointed:	09/06/2016	
Gender Identity:	Male	Township:	Chapel Hill	Current Appointment:	05/05/2020
Ethnic Background:	White	Resid/Spec Req:	At-Large	Expiration:	03/31/2023
Age Range:		Special Repr:		Number of Terms:	2

Dr. Crystal Wu

5			First Appointed:	03/16/2021	
Gender Identity:	Female	Township:	Chapel Hill	Current Appointment:	03/16/2021
Ethnic Background:	Asian American	Resid/Spec Req:	At-Large	Expiration:	03/31/2024
Age Range:	18-34	Special Repr:		Number of Terms:	1

Linda Williamson

6			First Appointed:	12/04/2017	
Gender Identity:	Female	Township:	Cheeks	Current Appointment:	09/17/2019
Ethnic Background:	White	Resid/Spec Req:	At-Large	Expiration:	09/30/2022
Age Range:		Special Repr:		Number of Terms:	1

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 pm second Monday of each month

Contact Person: Katie Murray

Meeting Place: Alternating

Contact Phone: 919-245-2335

Positions: 15

Length: 3 years

Terms: 2

Sean Bailey

7

Gender Identity: Male Township: Hillsborough
Ethnic Background: African American Resid/Spec Req: At-Large
Age Range: 35-59 Special Repr:

First Appointed: 10/06/2020
Current Appointment: 10/06/2020
Expiration: 09/30/2023
Number of Terms: 1

Ms Lindsay Metivier

8

Gender Identity: Female Township: Chapel Hill
Ethnic Background: White Resid/Spec Req: At-Large
Age Range: 35-59 Special Repr:

First Appointed: 03/16/2021
Current Appointment: 03/16/2021
Expiration: 03/31/2024
Number of Terms: 1

Ms. Krista Bremer

9

Gender Identity: Female Township: Chapel Hill
Ethnic Background: White Resid/Spec Req: At-Large
Age Range: 35-59 Special Repr:

First Appointed: 05/05/2020
Current Appointment: 05/05/2020
Expiration: 03/31/2023
Number of Terms: 1

Mr. Marlon Torres

10

Gender Identity: Male Township: Chapel Hill
Ethnic Background: Hispanic Resid/Spec Req: At-Large
Age Range: Special Repr:

First Appointed: 12/04/2017
Current Appointment: 05/05/2020
Expiration: 03/31/2023
Number of Terms: 2

Mr Brad Porter

11

Gender Identity: Male Township: Bingham
Ethnic Background: White Resid/Spec Req: At-Large
Age Range: 35-59 Special Repr:

First Appointed: 05/05/2020
Current Appointment: 05/05/2020
Expiration: 03/31/2023
Number of Terms: 1

Anita Mills

12

Gender Identity: Female Township: Little River
Ethnic Background: White Resid/Spec Req: At-Large
Age Range: Special Repr:

First Appointed: 03/21/2017
Current Appointment: 02/16/2021
Expiration: 03/31/2024
Number of Terms: 2

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 pm second Monday of each month

Contact Person: Katie Murray

Meeting Place: Alternating

Contact Phone: 919-245-2335

Positions: 15

Length: 3 years

Terms: 2

Mr. Frederick Joiner

13 Chair

Gender Identity: Male

Township: Chapel Hill

First Appointed: 02/06/2018

Ethnic Background: African American

Resid/Spec Req: At-Large

Current Appointment: 02/16/2021

Age Range:

Special Repr:

Expiration: 03/31/2024

Number of Terms: 2

Mr Justin Haslett

14

Gender Identity: Male

Township: Chapel Hill

First Appointed: 02/19/2019

Ethnic Background: White

Resid/Spec Req: At-Large

Current Appointment: 09/17/2019

Age Range:

Special Repr:

Expiration: 09/30/2022

Number of Terms: 1

Delia Keefe

15 Secretary

Gender Identity: Female

Township: Chapel Hill

First Appointed: 04/05/2016

Ethnic Background: White

Resid/Spec Req: At-Large

Current Appointment: 03/19/2019

Age Range:

Special Repr:

Expiration: 03/31/2022

Number of Terms: 2



March 12, 2021

Laura Jensen
Clerk to the Board of County Commissioners
300 W. Tryon St.
Hillsborough, NC 27278

Dear Laura:

By electronic vote on March 11, 2021, the Orange County Arts Commission Advisory Board approved the appointment of **Sarah Shore** to Position #1, expiring March 31, 2024. Position #1 is currently held by Marcela Slade who will be completing one full term on March 31. Sarah has significant arts administration expertise having worked for several arts agencies in her career. She is also involved with the Hillsborough Arts Council and will serve as an additional liaison to them. Sarah also has a passion for arts education and will help us expand our offerings of those services to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Murray".

Katie Murray
Director, Orange County Arts Commission

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mrs Sarah Shore
Name Called:
Home Address: 3501 Old NC 86
 Hillsborough NC 27278
Phone: 336-413-2271
Email: scmorris313@gmail.com
Year of OC Residence: 2016
Township of Residence: Chapel Hill
Zone of Residence: County
Gender Identity: Female
Ethnic Background: White
Age Range: 18-34

Community Activities/Organizational Memberships:

First Baptist Church, Hillsborough
 Small business owner, Cardinal Fern Marketing, LLC

Past Service on Orange County Advisory Boards:

None

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

I have a masters in Arts Administration from Boston University. I worked for United Arts Council of Raleigh and Wake County as a fundraiser, and have served on the Brookline Arts Commission (Brookline, MA), and as a panelist for the Indianapolis Arts Council awarding \$1,000,000 to various arts nonprofits. Additionally, I served as volunteer president at SECCA and a docent at the Reynolda House Museum of American Art.

Reasons for wanting to serve on this board:

I love the arts, and I have a passion to help further the arts in area. I believe the arts enrich the community for future generations.

Contribution to the diversity of viewpoints on this board:

I have worked with arts councils across our country, and have worked arts and professionals of all backgrounds. I have extensive experience working with boards as a member and as a staff member, which is an unique view of both sides.

Conflict of Interest:

Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL**Background, education and experience relevant to this board:**

I grew up in a small suburb outside of Winston-Salem. I spent many years visiting and enjoying Old Salem, and the rich history of the area. One of the reasons I fell in love with Hillsborough and decided to move here with my family was because of the rich history in downtown. I have a background in the arts, and have worked in historical homes (Reynolda House Museum of American Art) as a docent and volunteer president (SECCA). I have a working knowledge of conservatorship due to this along with my work at the Museum of Fine Arts, Boston.

Reasons for wanting to serve on this board:

I think it is of the upmost importance to preserve the history of our town for future generations. In addition, the history is a draw for tourism to our town and I love talking about our town to others and highlighting the history.

Contribution to the diversity of viewpoints on this board:

I have lived in various locations in our state, and in our country. I have dealt with various opinions and those who fight for historical preservation in North Carolina and Mass.

Conflict of Interest:**Boards/Commissions appointments:****Other Comments:**

This application was current on: 2/19/2021

Date Printed: 2/19/2021

Applicant Interest Listing

by Board Name and by Applicant Name

Arts Commission

Contact Person: Katie Murray
Contact Phone: 919-245-2335

Mrs. Lili Engelhardt

Gender Identity:	Female	Date Applied:	07/29/2020
Ethnic Background:	Asian American	Township:	Chapel Hill
Age Range:	35-59	Res. Eligibility:	Carrboro City Limits

Also Serves On:

Ms. Heather Lewis

Gender Identity:	Female	Date Applied:	12/31/2019
Ethnic Background:	White	Township:	Chapel Hill
Age Range:	35-59	Res. Eligibility:	Carrboro City Limits

Also Serves On:

Art Menius

Gender Identity:	Male	Date Applied:	12/28/2020
Ethnic Background:	White	Township:	Little River
Age Range:	60+	Res. Eligibility:	County

Also Serves On: Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL JURISDICTION OF ORANG)

Drew Remaley

Gender Identity:	Male	Date Applied:	12/30/2019
Ethnic Background:	White	Township:	Hillsborough
Age Range:	60+	Res. Eligibility:	Hillsborough Town Limits

Also Serves On:

Mr Lamar Richards

Gender Identity:	Male	Date Applied:	09/16/2020
Ethnic Background:	African American	Township:	Chapel Hill
Age Range:	18-34	Res. Eligibility:	C.H. City Limits

Also Serves On:

Macie Rouse

Gender Identity:	Female	Date Applied:	08/24/2020
Ethnic Background:	White	Township:	Chapel Hill
Age Range:	18-34	Res. Eligibility:	C.H. City Limits

Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Arts Commission

Contact Person: Katie Murray

Contact Phone: 919-245-2335

Mrs Sarah Shore

Gender Identity: Female

Ethnic Background: White

Age Range: 18-34

Date Applied: 02/19/2021

Township: Chapel Hill

Res. Eligibility: County

Also Serves On:

Arthur Sprinczeles

Gender Identity: Male

Ethnic Background: White

Age Range:

Date Applied: 03/05/2019

Township: Hillsborough

Res. Eligibility: County

Also Serves On: Affordable Housing Advisory Board

Mr. Nicholas Volant

Gender Identity: Male

Ethnic Background: White

Age Range: 18-34

Date Applied: 12/16/2019

Township: Chapel Hill

Res. Eligibility: Carrboro JPA

Also Serves On:

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mrs. Lili Engelhardt
Name Called:
Home Address: 303 Lake Hogan Farm Road
 Chapel Hill NC 27516
Phone: 919 923 2844
Email: lili@engelhardt.com
Year of OC Residence: 2009
Township of Residence: Chapel Hill
Zone of Residence: Carrboro City Limits
Gender Identity: Female
Ethnic Background: Asian American
Age Range: 35-59

Community Activities/Organizational Memberships:

With the effort required to launch our new business, I have been forced to curtail my community and organizational work. That being said, community involvement has always been core to my values. Some of my past work includes:

2017 - Published Down syndrome portrait book as fundraiser for Anna's Angels, Gigi's Playhouse, and the Triangle Down Syndrome Network

2015 - 2017 Leukemia & Lymphoma Society - Leadership Team

2015 - 2017 Big Brothers Big Sisters of the Triangle - Board of Directors

2011-2017 - Lili Engelhardt Fine Art donated over \$750,000 of goods and services to local non profits

2001 - NY City Partnership and ReSTART Central - Helped companies affected by 9/11 recover and helped allocate grant money to affected businesses

2001 - Helped create This is New York, a photography book that chronicled the rise and fall of the Twin Towers.

Past Service on Orange County Advisory Boards:

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Boards/Commissions applied for:

Chapel Hill/Orange County Visitors Bureau

Background, education and experience relevant to this board:

I have an MBA and strong analytical skills that can be used in analyzing proposals and evaluating marketing plans.

I have traveled throughout the world extensively, lived / worked in several countries as well as cities throughout the US, and have many points of reference for what different travelers are looking for and may appreciate / remember.

Reasons for wanting to serve on this board:

I want to get involved in the community and help continue to make it a desirable destination and look for ways to grow its appeal even more.

The work that I am doing with frolyk ties in closely with the goal of the Orange County Visitor s bureau to bring people to Orange County and to show them what an amazing place it is.

Contribution to the diversity of viewpoints on this board:

My art background has been primarily in the visual arts with photography as a focus. I have been involved in photography for twenty years, running a studio for five years, and now doing primarily on-site studio work. I am passionate about art as a way of helping people see deeper, understand more, and connect more authentically. I am a strong believer in public art and building community and connection through art. I don't know if this contributes to the diversity of viewpoints... I hope so. Please feel free to ask more questions if this does not answer your question or if you would like more information. I am passionate about art and would love to help.

Conflict of Interest:

Economic Development Advisory Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:

I hold an MBA and a BA in applied mathematics and economics. This plus my experience in investment banking, technology market development and strategic planning have given me a strong background in business analysis. I have worked in companies of many different sizes from large corporations and mid sized companies to small companies and ground floor startups. Having run startups in Orange County, I have a strong understanding of the issues

Reasons for wanting to serve on this board:

I would like to get involved to help small businesses flourish in Orange County.

Contribution to the diversity of viewpoints on this board:

Conflict of Interest:

Arts Commission

Background, education and experience relevant to this board:

I ran a successful portrait studio for six years in Chapel Hill. I understand what it is like to work in the art world in Orange County.

Reasons for wanting to serve on this board:

I am a strong believer in the arts and the importance of the arts in the community and in education.

I come from a family of artists (oil painter and sculptor, musicians) and art has been fundamental to how I see the world.

It is important to me to see the arts flourish in a world where they often get left behind.

Contribution to the diversity of viewpoints on this board:

Conflict of Interest:

Boards/Commissions appointments:

Other Comments:

This application was current on: 7/29/2020

Date Printed: 7/29/2020

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Heather Lewis
Name Called:
Home Address: 121 Westview Dr. #28
 Carrboro NC 27510
Phone: 919-966-1929
Email: hlewis22@unc.edu
Year of OC Residence: 2012
Township of Residence: Chapel Hill
Zone of Residence: Carrboro City Limits
Gender Identity: Female
Ethnic Background: white
Age Range: 35-59

Community Activities/Organizational Memberships:

Arts Commission Board Member, Town of Carrboro
 Chapel Hill / Carrboro School District Leader, NC PTA Reflections Art Program
 UNC Employee Forum Delegate, Division 5, Administrative Support Workers, Health Affairs
 UNC Community Service Committee
 UNC Communications Committee
 Girl Scout Troop Leader Troop #422
 Carrboro Elementary Advocacy Chair
 Carrboro Elementary Room Parent

Past Service on Orange County Advisory Boards:

N/A

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

2006

Master of Fine Art in Photographic Imaging

â€¢GPA 3.6 on a 4.0 scale

Thesis Title: â€œPost Memoryâ€

2003

Art Institute of Atlanta

Associates of Art in Photographic Imaging

â€¢GPA 3.4 on a 4.0 scale

2000

East Carolina University

Bachelor of Art in Metal Design
â€¢GPA 3.0 on a 4.0 scale

Reasons for wanting to serve on this board:

I enjoy the community involvement, especially with a focus on the arts.

Contribution to the diversity of viewpoints on this board:

I have three art degrees and have participated in the Carrboro Arts Council, am the district leader for the National PTA art contest, and work in the arts.

Conflict of Interest:

Boards/Commissions appointments:

Other Comments:

This application was current on: 12/31/2019

Date Printed: 12/31/2019

Volunteer Application Orange County Advisory Boards and Commissions

Name: Art Menius
Name Called:
Home Address: 4720 Green Riley Road
 Rougemont NC 27572
Phone: 919-675-2787
Email: art@artmenius.com
Year of OC Residence: 1973
Township of Residence: Little River
Zone of Residence: County
Gender Identity: Male
Ethnic Background: White
Age Range: 60+

Community Activities/Organizational Memberships:

In last year on OC Historical Commission as vice chair Just completed six years on OUTboard, chair 2019 President, Rotary Club of Chapel Hill 2020-2021 Treasurer, Public Gallery of Carrboro dba WCOM radio; member representative, Chapel Hill - Carrboro Chamber of Commerce Show host, WHUP community radio

Past Service on Orange County Advisory Boards:

Orange County Historical Commission (2015-2021) OUTBoard (Sept 2014 - November 2020), Chair 2019

Boards/Commissions applied for:

Chapel Hill/Orange County Visitors Bureau

Background, education and experience relevant to this board:

Marketing and sponsorship director 1997-2007 for MerleFest, building media impressions from less than 10,000,000 to 256,000,000, while developing branding and growing event to 80,000 attendees over 4 days. Served on Wilkes County team involved in creating Blue Ridge National Heritage Area and received National Park Service s Gateway Community training. Former director of The ArtsCenter in Carrboro Served on and did contract work for Letcher County (KY) Tourism Board Produced outdoor festivals and indoor concerts in NC, KY, and MD. Worked with Owensboro-Daviess County (KY) Tourism Authority to create the IBMA Bluegrass Fan Fest and World of Bluegrass 1985 - 1990 (both events now in Raleigh as Wide Open Bluegrass) Worked for NC Historical Sites division 1977-1981, 1985 Facility for looking at events from the customer perspective

Reasons for wanting to serve on this board:

Tourism more and more will be a driver of the local economy in Orange County. I have the experience to contribute to this effort and a well established relationship with Visitor Bureau staff and a familiarity with their operations. As a kid growing up in Raleigh long ago, Hillsboro (as it was spelled back then) and Chapel Hill were our primary day trip destinations. My mother s family has lived in Orange County most of the 268 years the country has existed. Good knowledge of Orange County history including peer reviewed work on antebellum agricultural history and the end of the Civil War here and familiarity with historical architecture resources.

Contribution to the diversity of viewpoints on this board:

I have a strong perspective and experience in event and cultural tourism and on using the arts and history as tourism drivers. I have considerable experience on working on tourism driving activities and organizations in other areas. I have a life time association with rural Orange County and an urban upbringing and am the rare individual who has lived in both southern and quite northern Orange County.

Any personal or business interest(s) that could create a conflict of interest:

Conflict of Interest:**Arts Commission****Background, education and experience relevant to this board:**

I have worked in the arts since March 1983, serving as director of The ArtsCenter in Carrboro, Appalshop in Whitesburg, KY, and founding executive director of both the International Bluegrass Music Association and Folk Alliance International. I spent ten years working full time for MerleFest in marketing and sponsorship. I currently host music programs on WCOM, where I am also board secretary, and WHUP. I formerly hosted a local arts talk show on WCHL. I have supervised non-profit radio stations, an archival repository, theatre programs, and documentary film producers and budgets up \$3,000,000. I have nearly 50 years experience serving on non-profit board and government commissions. I served three years on the Carrboro Arts Commission.

Reasons for wanting to serve on this board:

I am deeply committed to the arts and to Orange County. The arts have been my life and continue to be as one of the world s leading promoters of music to folk radio and as an artist manager. Yet I have reached the giving back stage of my career.

Contribution to the diversity of viewpoints on this board:

I bring the perspective of more than 40 years working in diverse aspects of the cultural industries including roots, bluegrass, and Americana music, theatre, visual, documentary film, and TV. I know both the non-profit and for profit arts worlds and have worldwide connections in the folk arts. I have a life time association with rural Orange County and an urban upbringing and am the rare individual who has lived in both southern and quite northern Orange County.

Conflict of Interest:

Although the arts commission normally cannot fund the Public Gallery of Carrboro, on whose board I shall serve until 12/31/2021, PGC did receive an emergency NCCares grant in December 2020.

Boards/Commissions appointments:**Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL**

Application Date: 4/5/2016

Background, education and experience relevant to this board:

BA and MA from UNC-CH in history 3.5 years as a public sector historian for NC Dept of Cultural Resources: Historic Sites Sections Several peer reviewed history publications Special concentration in history of the Regulators

Reasons for wanting to serve on this board:

I have held a deep interest in the history of Orange County since childhood and conducted original research into the Regulators for my baccalaureate honors thesis and on Scots economic activities in late colonial Orange County in grad school. I consider O

Conflict of Interest:

Orange Unified Transportation Board**Application Date:** 10/6/2014**Background, education and experience relevant to this board:**

I have extensive experience in community economic development and community based planning. In my work with Creative Carrboro, planning a proposed arts district, and with the proposed Arts and Innovation Center I have worked closely with the Carrboro Plan

Reasons for wanting to serve on this board:

I wish to represent the planning interests on the transportation board. In Orange, Chatham, and Wilkes County, NC and Letcher County, KY, I have seen how transportation shapes and builds strong communities OR undos them.

Conflict of Interest:**Other Comments:****This application was current on:** 12/28/2020**Date Printed:** 12/29/2020

**Volunteer Application
Orange County Advisory Boards and Commissions**

Name: Drew Remaley
Name Called:
Home Address: 405 West Queen St.
Hillsborough NC 27278
Phone: 919-422-7574
Email: drewshousenc@gmail.com
Year of OC Residence: 2012
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Gender Identity: Male
Ethnic Background: white
Age Range: 60+

Community Activities/Organizational Memberships:
None

Past Service on Orange County Advisory Boards:
none

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

Designing architecture and creating art for fifty years

Reasons for wanting to serve on this board:

Love of art and expression

Contribution to the diversity of viewpoints on this board:

I have been building and designing for most of my life as well as being a musician. I feel that with my art and design background in addition to building background I could be of value on a historic or artistic board of advisers.

Conflict of Interest:

Boards/Commissions appointments:

Other Comments:

This application was current on: 12/30/2019

Date Printed: 12/30/2019

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr Lamar Richards
Name Called:
Home Address: 201 S Elliott Rd
 Chapel Hill NC 27514
Phone: 8037181845
Email: lamarg@live.unc.edu
Year of OC Residence: 2018
Township of Residence:
Zone of Residence:
Gender Identity: Male
Ethnic Background: African American
Age Range: 18-34

Community Activities/Organizational Memberships:

Chair, UNC Commission on Campus Equality and Student Equity
 Commissioner, UNC Community Belonging Taskforce
 National Vice President, National Vocal Arts and Performance Alliance

Past Service on Orange County Advisory Boards:

N/A

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

I am currently majoring in Clinical Psychology and Public Policy, with a minor in Organizational Leadership at UNC Chapel Hill. I am a trained vocalist and have performed (and placed) at Carnegie Hall in NYC, NY. I lead the South Carolina State Concert Choir and serve as Vocal Consultant to the UNC Vocal Ensemble.

Reasons for wanting to serve on this board:

As a UNC student I find insurmountable value in the benefits of integrating culture-based arts into our everyday lives -- especially considering today's racial climate. I'd like to contribute my leadership and advocacy to the Arts commission to advocate alongside others for my culture-based programming and minority efforts in the arts.

Contribution to the diversity of viewpoints on this board:

Without a doubt I will bring a very diverse perspective to the table as an undergraduate student, South Carolina native, and trained vocalist.

Conflict of Interest:

Boards/Commissions appointments:

Other Comments:

This application was current on: 9/16/2020 12:00:51 AM

Date Printed: 9/16/2020

Volunteer Application Orange County Advisory Boards and Commissions

Name: Macie Rouse
Name Called:
Home Address: 373 A Umstead Drive
 Chapel Hill NC 27516
Phone: 913-957-0908
Email: macierouse@gmail.com

Year of OC Residence: 2020

Township of Residence:
Zone of Residence:

Gender Identity: Female
Ethnic Background: White
Age Range: 18-34

Community Activities/Organizational Memberships:

International City and Council Management Association; Wildflower Lane Farm volunteer; MPA Student " UNC School of Government; Research Assistant " UNC School of Government

Past Service on Orange County Advisory Boards:

N/A

Boards/Commissions applied for:

Chapel Hill Parks, Greenways and Recreation Commission

Background, education and experience relevant to this board:

I received my B.A. in Anthropology from the University of Kansas. I am pursuing my master's degree in Public Administration where my coursework includes law for public administration, city and council management, and professional communications. I was a volunteer for Friends of the Kaw " a non-profit serving the Kansas River " where I helped in riverbank restoration and water clean-up projects to improve recreation for the Lawrence, Kansas community. I am an active user of Orange County parks.

Reasons for wanting to serve on this board:

I intend to pursue a career in government following my master's degree. I am most interested in working for a parks department. I am an outdoor enthusiast and avid park user and hope to advocate for Orange County residents who benefit from our parks.

Contribution to the diversity of viewpoints on this board:

As a mid-twenty-year-old, I offer a perspective that represents the needs of our younger generation. I also will offer viewpoints from the UNC graduate student population - a large demographic in Orange County. Finally, my anthropology education has taught me how to navigate and understand diverse cultural perspectives through observation and listening.

Conflict of Interest:

N/A

Arts Commission**Background, education and experience relevant to this board:**

I was a dance instructor and competition team director for four years, where I choreographed routines, created costumes, and helped develop season ballet performances. I received a minor in African and African American Studies and studied three years of advanced Kiswahili. I collaborated with Tanzanian students and professors in Dar es Salaam, Tanzania for three months in 2019 and 2018 and have an understanding of East African culture.

Reasons for wanting to serve on this board:

I believe it is vital we provide our youth with artistic and cultural development opportunities, especially during these unprecedented times. These programs expose people to diverse perspectives and provide a healthy outlet. I want to ensure all Orange County residents have access to the arts and are given opportunities to explore these programs from diverse cultures.

Contribution to the diversity of viewpoints on this board:

As a mid-twenty-year-old, I offer a perspective that represents the needs of our younger generation. I also will offer viewpoints from the UNC graduate student population - a large demographic in Orange County. Finally, my anthropology education has taught me how to navigate and understand diverse cultural perspectives through observation and listening.

Conflict of Interest:

N/A

Boards/Commissions appointments:**Other Comments:**

This application was current on: 8/24/2020 8:46:04 PM

Date Printed: 8/25/2020

Volunteer Application Orange County Advisory Boards and Commissions

Name: Arthur Sprinczeles
Name Called:
Home Address: 610 Churton Grove Blvd
 22
 Hillsborough NC 27278
Phone (Day): 919-452-2757
Phone (Evening): 919-241-3531
Phone (Cell): 919-452-2757
Email: arthur.sprinczeles@gmail.com
Place of Employment: Retired
Job Title: Retired
Year of OC Residence: 2006
Township of Residence: Hillsborough
Zone of Residence: County
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:

I was a board member of the Affordable Housing Advisory Board. I termed out over a year and a half ago. I sit on the Hillsborough Sewer & Water Board. I m co chair on the board. I also sat on the Hillsborough Orange County Chamber board.

Past Service on Orange County Advisory Boards:

Animal Services Advisory Board
The Affordable Housing Board

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

I have lived around the arts my whole life. My dad was a professional artist. My sister went to F.I.T and was a fashion designer.

Reasons for wanting to serve on this board:

I have a great appreciation for it.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Affordable Housing Advisory Board**Application Date:** 7/23/2018**Background, education and experience relevant to this board:**

Past Member

Reasons for wanting to serve on this board:

I enjoyed being a past member of this board

Conflict of Interest:

Work Experience: Worked for Rotor Rooter Corp. from 1981 to 2001 I was the Industrial Manager for them

Syosset Ford NY Sales / Service Writer Master Certified from 2001 to 2006

Coffee News of Orange County 2007 to 2010 Owner

Volunteer Experience: Member of Hillsborough Rotary Club

Board Member Hillsborough Chamber

Education: SUNY Farmingdale NY

Other Comments:

STAFF COMMENTS: Originally (05/19/2011 applied for Animal Services Board, Orange Water & Sewer Authority Board of Directors, and Affordable Housing Advisory Board.

ADDRESS VERIFICATION: 610 Churton Grove Blvd. is Orange County Jurisdiction and Hillsborough Township. UPDATED APPLICATION FOR OWASA BOARD 04/20/2012.

New application submitted 01/07/2014.

This application was current on: 3/5/2019

Date Printed: 3/7/2019

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Nicholas Volant
Name Called:
Home Address: 213 Homestead Rd.
 chapel hill NC 27516
Phone: 9193389898
Email: irnick@outlook.com
Year of OC Residence: 2014
Township of Residence: Chapel Hill
Zone of Residence: Carrboro JPA
Gender Identity: Male
Ethnic Background: white
Age Range: 18-34

Community Activities/Organizational Memberships:

- Extra-Life: Member since 2014, taking donations to benefit Duke Children s Hospital during live-stream events.
- Arunah Hill Natural Science Center in Cummington, Massachusetts

Past Service on Orange County Advisory Boards:

None Currently, applying for ORANGE COUNTY ARTS COMMISSION

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

I attended and Graduated Western Connecticut State University with a Bachelors in Graphic Design, minor in Photography. I have had experience in portrait, landscape and urban photography as well as oil painting and drawing in various media.

Reasons for wanting to serve on this board:

I would like to get more involved in the community in which I call home, and I would like to learn more about the way the Arts Commission can provide a positive impact in the daily lives of Orange County citizens and visitors firsthand.

Contribution to the diversity of viewpoints on this board:

Having many years of experience in the Technology industry working for Microsoft, I may be able to include valuable insight into the importance of more emergent forms of art and the ways to include Technology in the discussion of advertising, promotion, and distribution of local art. Having also been a student of art and technology, I have the vocabulary to connect and convey with younger population segments. Being in my early 30's currently gives me a unique perspective on the digital divide in generations, having lived pre and post mainstream internet usage. I understand and respect the validity of traditional art along with more experimental and new forms of expression.

Conflict of Interest:

Boards/Commissions appointments:

Other Comments:

This application was current on: 12/16/2019

Date Printed: 12/16/2019

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
4/20/21	Review and consider request by Commissioner Greene that the Board schedule a discussion on the local food economy at a Fall 2021 work session	11/2021	Ashley Heger	To be scheduled for Fall 2021 Work Session
4/20/21	Review and consider request by Commissioner McKee that the Board re-consider its plan to meet remotely via Zoom through June 2021 and instead move back to in-person meetings for meetings	5/2021	Chair/Vice Chair/Manager	Board to follow Governor Cooper's parameters and reconsider when/if those parameters are modified
4/20/21	Review and consider request by Commissioner Bedford that Orange County connect with Chapel Hill on library services to determine the existing situation, the costs of creating/expanding interoperability between the County libraries and Chapel Hill Library, including potential use of the same inventory/borrowing software for all three libraries located and expenses beyond software licenses such as personnel costs; travel expenses; etc. Data and impact for any other counties or city libraries with current interoperability systems with Chapel Hill and/or County libraries should also be included	9/2021	Bonnie Hammersley	Manager to consult with Chapel Hill Town Manager
4/20/21	Conform the Sexual Assault Awareness Month Proclamation based on updates included by Commissioner Hamilton and approved by the Board	4/2021	Laura Jensen	DONE
4/20/21	Move forward with public outreach efforts related to the Buckhorn Area Plan Study and follow-up on comments received from the Board	5/2021	Craig Benedict	Efforts to move forward
4/20/21	Follow-up on comments and questions from the Board regarding values, appraisal information, and concerns related to Revaluation, specifically as it relates to the neighborhoods discussed	5/2021	Nancy Freeman	To be followed up and information to be shared with the Board

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: April 15, 2021						
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 155,246,916.29	\$ 1,934,605.65	\$ 154,198,531.00	\$ (1,048,385.29)	100.68%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 1,113,429.16	\$ 2,338,765.96	\$ 1,155,000.00	\$ 41,570.84	96.40%
Total	\$ 158,017,178.51	\$ 156,360,345.45	\$ 4,273,371.61	\$ 155,353,531.00	\$ (1,006,814.45)	100.65%
Registered Motor Vehicle Taxes		\$9,015,603.25	\$18,849.90	\$ 11,175,116.00	\$ 2,159,512.75	80.68%
Tax Year 2019	Amount Charged in FY 19-20	Amount Collected	Accounts Receivable	Amount Budgeted in FY 19-20	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 151,902,470.84	\$ 2,053,528.70	\$ 152,142,471.00	\$ 240,000.16	99.84%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 800,376.54	\$ 2,369,918.68	\$ 1,100,000.00	\$ 299,623.46	72.76%
Total	\$ 155,521,294.17	\$ 152,702,847.38	\$ 4,423,447.38	\$ 153,242,471.00	\$ 539,623.62	99.65%
Registered Motor Vehicle Taxes		\$8,360,753.72	\$9,039.14	\$ 10,770,627.00	\$ 2,409,873.28	77.63%
2020 Current Year Overall Collection Percentage - Real & Personal		98.77%				
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles		98.82%				
2019 Current Year Overall Collection Percentage - Real & Personal		98.67%				
2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles		98.73%				

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-

Fiscal Year 2020-2021

Effective Date of Report: March 31, 2020

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62	84	44	106	8	3	16	197				
Bank attachments	22	17	32	3	16	3	8	6	29				
Certifications	-	-	-	-	-	-	-	-	-				
Rent attachments	1	1	-	-	-	-	1	-	-				
Housing/Escheats/Monies	-	-	17	6	30	4	-	42	-				
Levies	-	-	-	-	-	-	-	-	-				
Foreclosures initiated	2	8	3	6	3	1	-	3	3				
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76	\$ 869.25	\$ 67.51	\$ 1,413.97	\$ 188.39	\$ -	\$ 964.00	\$ 7,716.84				

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2020-21. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Balch, Deborah	16121752	2020	4,300	2,150	(20.74)		(20.74)	Damage (appraisal appeal)	RMV-VTS	Approve	3/25/2021	
Carbre, Stacey	3192611	2020	11,730	-	(43.63)		(43.63)	Assessed in error (illegal tax)	Personal	Approve	4/7/2021	Gap bill: transfer of license plate from one vehicle to the other triggered a gap bill
Edwards, Felicia	59753067	2020	9,760	9,760	(47.96)	(30.00)	(77.96)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2021	
Flowers, Sylvia	59306994	2020	11,180	9,391	(26.63)		(26.63)	High mileage (appraisal appeal)	RMV-VTS	Approve	4/7/2021	
Freeman, Richard	266765	2020	1,930	-	(18.58)		(18.58)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2019	2,090	-	(20.05)		(20.05)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2018	2,210	-	(20.81)		(20.81)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2017	2,370	-	(22.02)		(22.02)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2016	2,530	-	(24.33)		(24.33)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2015	2,700	-	(25.97)		(25.97)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2014	2,820	-	(26.84)		(26.84)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Freeman, Richard	266765	2013	3,030	-	(28.23)		(28.23)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Incorrect ownership information was provided
Jones, Donna Elizabeth	34194429	2020	11,630	8,374	(30.18)		(30.18)	High mileage (appraisal appeal)	RMV-VTS	Approve	3/25/2021	
Nace, Gregory	50933067	2020	35,500	31,337	(40.16)		(40.16)	Purchase price (appraisal appeal)	RMV-VTS	Approve	4/7/2021	
Palmer, Ernesto Valencia	263384	2020	4,860	5,060	(2.75)		(2.75)	Double billed (illegal tax)	Personal	Approve	3/25/2021	Also billed on account 3182643
Shambley, Michael	59488100	2020	5,000	5,000	(35.32)	(30.00)	(65.32)	*Situs error (illegal tax)	RMV-VTS	Approve	3/25/2021	
Simmons, James	47304562	2018	2,260	2,260	(15.92)	(30.00)	(45.92)	*Situs error (illegal tax)	RMV-VTS	Approve	3/25/2021	
Simmons, James	47304534	2018	800	800	(5.64)	(30.00)	(35.64)	*Situs error (illegal tax)	RMV-VTS	Approve	3/25/2021	
Testen, Robert	24675960	2020	13,300	9,576	(62.16)		(62.16)	High mileage (appraisal appeal)	RMV-VTS	Approve	4/7/2021	
Trembley, Arneita	56167758	2020	6,840	6,840	(48.32)	(30.00)	(78.32)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2021	
Turner, Tyrone	1073172	2020	1,930	-	(20.44)		(20.44)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Property was listed in Guilford County
Underwood, Matthew	3190025	2020	2,170	-	(6.97)		(6.97)	Assessed in error (illegal tax)	Personal	Approve	3/25/2021	Gap bill: vehicle tags expired during covid extension
Valencia-Varela, Jorge	3182643	2020	5,060	-	(48.82)		(48.82)	Double billed (illegal tax)	Personal	Approve	3/25/2021	Also billed on account 263384
							(792.47)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												



131 W. Margaret Lane, Suite 205
Hillsborough, NC 27278

April 16, 2021

MEMORANDUM

To: Orange County Board of Commissioners

Cc: Bonnie Hammersley, Orange County Manager
Travis Myren, Deputy Orange County Manager

From: Steve Brantley
Director, Orange County Economic Development Department

Subject: Progress Report on Medline Industries, Inc.

Progress Report on Medline Industries

On March 30th, BOCC Chair Renee Price & Vice Chair Jamezetta Bedford, County Manager Bonnie Hammersley, and Durham Tech President Dr. J. B. Buxton met virtually with Jesse Greenberg, Medline's Director of Public Affairs. In their discussion, the County received an update on the company's new Orange County medical products distribution facility that is now under construction along West Ten Road in the Buckhorn Economic Development District.

Medline is making fast progress to construct its' new 1.2 million sq. ft. building, with all site grading work, external walls and roof installation now nearing completion. Making a capital investment of at least \$68 to \$80 million, the Company anticipates their LEED-certified facility is on schedule for completion by year-end 2021.

Beginning in December, a series of employment activity will begin to fill the first of 250 initial positions. By year #5 (or 2026), Medline expects to create 250 new full-time positions, all with health care and related employment benefits, at an average salary of at least \$35,468 per year. Local employment in Orange County will continue to grow to 500 jobs in 8 - 9 years, and top out at 600 jobs total in 10 years.

Potential sources of employment assistance and workforce development options that Commissioners Price and Bedford, Dr. Buxton and the Manager discussed to assist Medline in filling the “Warehouse Operator” positions include the following local resources:

- Durham Technical Community College’s State of N.C.-funded “customized industrial training program” at the Hillsborough campus
- Orange County Department of Social Services’ annual Job Fair
- State of North Carolina’s “NCWorks” employment center
- O.E. Enterprise, Inc.

Warehouse Operator position – requirement for key employment positions to be filled

Medline offers a business casual, entrepreneurial work environment with strong growth potential, a competitive compensation package, and a complete benefits package including medical/dental/vision/life insurance; 401(k) with company match. The Warehouse Operator hiring position is responsible for operating material handling equipment for the purpose of accurate shipping, processing and receiving, which includes, but is not limited to unloading, scanning, moving, staging, loading, locating, picking, relocating, and stacking product.

Core job responsibilities of Medline’s initial hiring or warehouse operators are as follows:

- Receives inbound materials and marks materials with identifying information; record amount of material received; sort materials and stock on racks, shelves or bins in accordance with predetermined sequence such as size, color, type, or product code. Arrange materials for order assembly.
- Reads production schedule, order forms (customer, work, and/or shipping), or requisitions to determine items to be moved, gathered, or distributed. Compiles worksheets or tickets from customer specifications. Convey materials within warehouse to appropriate department (shipping, production and/or storage), in accordance with schedule and operating procedures.
- Fills requisitions, work orders, or requests for materials, tools or other stock items and distributes items to production workers or assembly line.
- Assembles customer orders from stock and places on pallets or shelves, or conveys orders to packing station or shipping department.
- Operates hand truck, cart, doilies, forklift, order-picker, and 2-way radio to transport stored items from warehouse to plant, or to pick up items for shipment.
- Housekeeping duties including all forms of warehouse cleanup.

Preferred level of education and relevant work experience:

- High school diploma or General Education Degree (GED)
- 1 year of related experience and/or training, basic keypunch skills.
- Ability to speak, read, and write English with proficiency.
- Ability to read and comprehend simple instructions, short correspondence and memos.

Recent Local Corporate Philanthropy in Orange County:

On March 17th, Orange County’s Emergency Services Director Kirby Saunders received a generous donation of 5,000 protective face masks from the Company.

Main Inventoried Products to be Served by the Orange County Facility:

The new Orange County operation will serve Medline’s regional distribution of nearly 600,000 unique items across several southeastern states to supply medical products to hospitals, medical professionals, surgical centers, extended stay nursing homes and home-based health care providers, and EMS first responder agencies. Types of locally supplied products are as follows:

Advanced Wound Care	Anesthesia
Apparel	Beds & Mattresses
Central Sterile	Diagnostics
Durable Medical Equipment	Environmental Services
Equipment & Furnishings	Foot & Ankle supplies
Gloves	Incontinence
Infection Prevention	Lab Supplies
Nursing Supplies/Patient Care	Nutrition
Office Supplies	Operating Room/Surgery
Pharmacy	Eye Punctal/Occlusion
Respiratory	Skin Care
Textiles	Therapy & Rehabilitation
Urology & Ostomy	Vascular Access
Wound Care	Foot & Ankle Surgery
Product Services	Device Reprocessing
Consumer Brands	

Medline Industries, Inc. - Company Description:

Founded in 1966, Medline Industries, Inc. is a privately held American healthcare company headquartered in Northfield, IL and is the largest privately held manufacturer and distributor of medical supplies in the United States, providing products, education, clinical programs and services with offices in 20 different countries. These distribution centers serve as regional hubs for next-day delivery service to hospitals, physicians’ offices, surgical centers, care facilities, retailers and pharmacies. In 2019, Medline reached over \$12 billion in overall company sales, having been ranked at number 32 on the Forbes 2016 list of largest privately held companies.

- Originally founded in Chicago in 1910 as “Mills Hospital Supply”, and later renamed “Medco”, the firm is now the largest privately held manufacturer and distributor of medical supplies in the United States.
- Manufactures 80,000 medical products in 30 company-owned manufacturing centers.

- Distributes 550,000 medical and surgical products in 7 countries.
- Operates 43 medical grade distribution centers totaling 20 million sq. ft. in size.
- Owns a fleet of 750 delivery trucks.
- Serves many international customers in 90 countries.
- Employs 24,000 total employees worldwide (8,300 new positions added since 2014), to include 2,000 direct sales representatives.
- Serves as a primary supplier to U.S. Homeland Security, EMS agencies and other first responders in cases of national emergencies.
- Owns the CURAD line of sterile adhesive bandages and gauze pads.
- Regionally, the company operates two 400,000 sq. ft. distribution centers in Lincolnton, NC and Richmond, VA.
- 40% of Medline's U.S. distribution centers are LEED certified or pending certification, representing over 8.3 million square feet of warehouse space. All new Medline buildings worldwide are constructed to meet LEED "green" standards.



FINANCE and ADMINISTRATIVE SERVICES

Gary Donaldson, CTP, Chief Financial Officer | gdonaldson@orangecountync.gov | PO Box 8181, Hillsborough, NC 27278 | 919.245.2453

MEMORANDUM

To: Board of County Commissioners
 From: Gary Donaldson, Chief Financial Officer
 Date: May 4, 2021
 Re: Financial Report- Third Quarter FY 2020-21

This Third Quarter Financial Report provides an updated status of Revenue and Expenditure of the County’s Operating Funds as compared with the prior fiscal year. Following a review of the first nine months of FY 2020-21 General Fund, Sportsplex and Visitors Bureau revenues are projected to be lower than budgeted (Tables 1 and 2).

Table 1: FY 2020-21 General Fund Revenue Losses

COVID-19 Recession Impacted Revenues		Notes
Federal Detention Fees	\$ (1,000,000)	Potential to be larger revenue declines
Motor Vehicle Tax	\$ (700,000)	Lower motor vehicle sales
Investment Earnings	\$ (500,000)	Lower interest rate environment
Planning/Inspection Fees	\$ (400,000)	Decreased inspections due to permittee closures
DEAPR Fees	\$ (400,000)	Facility closures
Estimated Revenue Loss	\$ (3,000,000)	

Table 2: FY 2020-21 Sportsplex and Visitors Bureau Revenue Losses

COVID-19 Recession Impacted Revenues		Notes
Sportsplex Fees	\$ (1,400,000)	Closures due to health protocols
Visitors Bureau Occupancy Tax	\$ (600,000)	Decreased travel and lodging
Estimated Revenue Loss	\$ (2,000,000)	

The estimated revenue losses are consistent with the First Quarter and Second Quarter report estimates. The revenue declines are expected to stabilize as this fiscal year ends. The attached UNC-Charlotte Economic Forecast points to increasingly improved economic outlook as vaccinations expand and [Executive Order 204](#) continues easing North Carolina public health restrictions.

The Round 2 CARES Funding, American Rescue Plan Act, Online sales and increasing business occupancy limits has all helped our Sales Tax revenues.

Table 3 illustrates that Sales Tax revenue trend is assisting in offsetting declines in Charges for Services (Federal Detention, Planning and Inspection and DEAPR revenues) as summarized in Table 1. The General Fund projection remains at breakeven results with emergency measures and projected salary savings.

Table 3: General Fund Summary

GENERAL FUND		FY 2021				FY 2020		FYs 2021 vs 2020		
		Original	Revised	YTD Actual*	Percenta	YTD Actual*	Percenta	YTD	%	
Revenue	Property Tax	\$167,694,880	\$167,694,880	\$164,375,915	98.02%	\$160,573,078	97.23%	\$3,802,837	0.79%	1
	Sales & Use Tax	\$23,827,353	\$23,827,353	\$14,196,151	59.58%	\$13,434,121	52.95%	\$762,030	6.63%	
	Licenses and Permits	\$274,550	\$274,550	\$136,322	49.65%	\$131,627	42.02%	\$4,695	7.63%	
	Charges for Services	\$12,645,090	\$12,645,090	\$7,029,219	55.59%	\$8,988,639	70.56%	-\$1,959,420	-14.97%	2
	Intergovernmental	\$17,710,005	\$24,990,284	\$14,920,894	59.71%	\$9,678,552	50.65%	\$5,242,342	9.06%	
	Transfers In	\$5,486,817	\$5,511,817	\$0	0.00%	\$0	0.00%	\$0	0.00%	3
	Miscellaneous	\$3,139,009	\$3,518,398	\$7,090,826	201.54%	\$6,354,794	159.10%	\$736,032	42.44%	4
	Appropriated Fund Balance	\$8,268,603	\$7,812,302	\$0	0.00%	\$0	0.00%	\$0	0.00%	
	Total	\$239,046,307	\$246,274,674	\$207,749,326	84.36%	\$199,160,811	82.94%	\$8,588,515	1.41%	
Expenditure	Community Services	\$14,322,250	\$15,108,168	\$9,804,102	64.89%	\$10,062,766	67.74%	-\$258,664	-2.84%	
	General Government	\$10,525,739	\$11,158,056	\$7,904,647	70.84%	\$7,749,597	71.57%	\$155,050	-0.73%	
	Public Safety	\$27,994,203	\$28,456,670	\$21,454,129	75.39%	\$18,739,293	68.05%	\$2,714,836	7.35%	5
	Human Services	\$41,614,328	\$43,919,633	\$27,049,977	61.59%	\$27,380,870	64.78%	-\$330,893	-3.19%	
	Education	\$93,440,414	\$93,809,052	\$68,971,146	73.52%	\$67,734,927	72.44%	\$1,236,219	1.09%	
	Support Services	\$12,773,209	\$14,396,301	\$12,562,715	87.26%	\$8,986,456	73.17%	\$3,576,259	14.10%	6
	Debt Service	\$33,410,925	\$33,410,925	\$32,745,297	98.01%	\$30,207,453	98.22%	\$2,537,843	-0.21%	
	Transfers Out	\$4,965,239	\$7,266,129	\$0	0.00%	\$0	0.00%	\$0	0.00%	
Total	\$239,046,307	\$247,524,934	\$180,492,013	72.92%	\$170,861,362	71.16%	\$9,630,651	1.76%		

Notes:

* - Actual amounts include Encumbrances.

+ - Based on percentage.

1 - Real and Personal on target with budgeted amounts; remaining amounts are for Motor Vehicle Taxes

2 - Declines primarily due to Federal Detention, Planning and DEAPR Fees.

3 - Transfers will be completed at year-end and include \$4 million from Capital Reserves and Article 46 and Solid Waste Funds.

4 - Miscellaneous includes Hold Harmless Sales Tax, lease rentals, donations and interest earnings.

5 - Public Safety includes Emergency Services COVID-19 Contract Services and Non-Congregate Sheltering

6 - Support Services includes \$1.9 million Healthcare expenses now budgeted in General Fund and Town CARES expenses.

General Fund revenues are 84.3% of budgeted revenues compared to 82.9% the prior fiscal year. The variance is due to FY 2020-21 Intergovernmental revenues which includes CARES Round 1 (\$2.6 million) and CARES Round 2 (\$2.8 million) grant amounts.

General Fund Revenues

- Property Tax collections are 98% of the total Property tax budget compared to 97.2% the prior fiscal year. Real and personal taxes collections peaked at the end of December prior to the January assessment of penalties and interest. The remaining property taxes include delinquent taxes and the last three months of motor vehicle tax revenues.
- Sales Tax for Articles 39, 40 and 42 are 59.5% of the budget as compared to 53% in the prior fiscal year. The amounts listed above includes collections for six months (July through December); there is a three-month revenue lag from the NC Department of Revenue (NCDOR). This sales tax distribution reflects the State easing public health protocols and strong Federal economic stimulus intervention.

As a result, sales tax revenues are projected to exceed the budgeted amount. NCDOR has yet to adjust the County’s distributions for taxpayer refunds, therefore this is factored into the FY 2020-21 estimate of \$27.2 million in Table 4 below:

Table 4: Sales Tax Performance

FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21 Budget	FY 2020-21 Estimate
\$25.6M	\$27.8M	\$28.1M	\$25.9M	\$27.2M
Percent Change	8.4%	1.0%	-9.0%	6.5%

- Charges for services are 55.5% of the budget as compared to 70.5% lower the prior fiscal year. The decline is attributed to COVID-19 public health measures for inmate inhabitants at the County Detention Center which reduced population and commensurate cost recovery from the Federal Government. Aging, Animal Services and DEAPR, Planning and Inspection fees are lower as well due to COVID-19 related revenue impacts as indicated previously. As noted earlier the full impact is projected between \$1.5 million to \$2 million.
- Miscellaneous revenue includes primarily NCDOR Hold Harmless Sales Tax revenue, Facility Rentals and Donations.

General Fund expenditures are 72.9% of budgeted expenditures as compared to 71.2% the prior fiscal year. The variance is attributed to debt service, emergency services COVID-related contracted services and reclassified non-departmental retiree health care benefits previously paid from the Health and Dental Fund.

General Fund Expenditures

- General Government third quarter expenditures represented 70.8% of the total general government as compared to 71.5% the prior fiscal year. The variance is attributed lower workers compensation and salary attrition savings.
- Human Services third quarter expenditures represented 61.5% of total human services expenditures as compared to 64.7% the prior fiscal year. Department of Social Services expenditures for Foster Care Board, Adoption Assistance Permits and OPC Mental Health account for the variance from the prior fiscal year.
- Public Safety expenditures represented 75% of total public safety expenditures as compared to 68% the prior fiscal year. The increase is attributed primarily to Emergency Service expenditures for non-congregate care housing, food insecurity, vaccine support and other emergency related expenditures for residents impacted by the COVID-19 pandemic. Pursuant to the County's March 2020 Emergency Declaration these expenditure are eligible for federal and state reimbursements. Budget Amendment 12 will transfer these expenditures to the County's COVID Emergency Fund from the General Fund.
- Support services expenditures represented 87.2% of total support service as compared to 73.2% the prior fiscal year. The increase reflects \$1.3 million in Round 2 CARES funds paid out of a Non-Departmental to the towns and \$1.9 million in Retiree Health fund post-employment benefits are now paid from the General Fund this fiscal year rather than the Health and Dental Fund in the prior fiscal year.
- Education expenditures represented 73.5% of its budget as compared with 72.4% the prior fiscal year. School appropriations are paid to both School systems by the 15th of each month. The remaining Education budget includes School Health and Safety Contracts, Deferred Maintenance, Durham Tech Current Expense and Recurring Capital. Through FY 2020-21 third quarter, the County has remitted \$1.2 million of the \$3.6 million budgeted for School Health and Safety Contracts. Chapel Hill-Carrboro City Schools received two quarters of Nurses Contract payments totaling \$686,391. Orange County Schools received two quarters of Nurses Contract payments totaling \$494,603. CHCCS had a partial payment of \$63,400 for School Resource Officers.
- Third Quarter debt service represents 98% of total debt service similar to the prior fiscal year. The County has remaining April 1 and May 1 debt service payments for the remainder of the fiscal year.
- The remaining Functional Leadership teams are consistent with historical spending rates and compliance with the County's proactive measures in response to the COVID related economic crisis.

The following table provides an overview of the other County operating funds. Further discussion on the Sportsplex and Visitors Bureau Funds are highlighted given the impact of the COVID-19 public health protocols on the revenue streams.

Table 5: Summary of Other Funds

OTHER FUNDS		FY 2021				FY 2020		FYs 2021 vs 2020		
		Original	Revised	YTD Actual*	Percenta	YTD Actual*	Percenta	YTD	%	
Revenue	Multi-Year Community Development Fu	\$1,899,076	\$10,165,485	\$3,054,805	30.05%	\$385,483	21.36%	\$2,669,322	8.69%	1
	33 - Housing Fund	\$4,448,289	\$4,621,914	\$3,209,834	69.45%	\$3,259,182	63.02%	-\$49,348	6.43%	2
	35 - Emergency Telephone Fund	\$755,471	\$755,471	\$503,647	66.67%	\$382,150	48.87%	\$121,497	17.80%	3
	37 - Visitor's Bureau Fund	\$1,621,017	\$1,990,521	\$911,073	45.77%	\$1,667,877	70.41%	-\$756,804	-24.64%	4
	38 - Spay/Neuter Fund	\$82,350	\$82,350	\$47,997	58.28%	\$31,586	32.61%	\$16,411	25.67%	5
	50 - Solid Waste Enterprise Fund	\$12,092,884	\$12,092,884	\$10,543,813	87.19%	\$10,425,047	82.89%	\$118,766	4.30%	6
	53 - Sportsplex Fund	\$3,796,991	\$3,796,991	\$1,805,920	47.56%	\$2,925,460	63.88%	-\$1,119,540	-16.32%	7
70 - Employee Health & Dental Fund	\$14,085,214	\$14,085,214	\$9,594,159	68.12%	\$8,757,557	51.17%	\$836,602	16.94%	8	
Expenditure	Multi-Year Community Development Fu	\$1,899,076	\$10,165,485	\$5,665,876	55.74%	\$987,146	54.70%	\$4,678,730	1.03%	9
	33 - Housing Fund	\$4,448,289	\$4,633,566	\$3,403,934	73.46%	\$3,182,204	61.53%	\$221,730	11.93%	10
	35 - Emergency Telephone Fund	\$755,471	\$755,471	\$662,961	87.75%	\$521,770	66.72%	\$141,191	21.03%	11
	37 - Visitor's Bureau Fund	\$1,621,017	\$2,031,277	\$1,671,323	82.28%	\$1,545,995	65.26%	\$125,328	17.02%	12
	38 - Spay/Neuter Fund	\$82,350	\$104,779	\$73,706	70.34%	\$45,731	47.22%	\$27,975	23.13%	13
	50 - Solid Waste Enterprise Fund	\$12,092,884	\$12,621,089	\$7,051,237	55.87%	\$7,225,913	57.46%	-\$174,676	-1.59%	14
	53 - Sportsplex Fund	\$3,796,991	\$4,350,817	\$2,111,497	48.53%	\$2,417,877	52.80%	-\$306,380	-4.27%	15
70 - Employee Health & Dental Fund	\$14,085,214	\$14,092,720	\$9,118,427	64.70%	\$10,078,381	58.89%	-\$959,954	5.81%	16	

Notes:

* - Actual amounts include Encumbrances.

1 - Comm. Develop. Revenues; NCORR Hope, NCDHHS, HUD Grants & Town Contributions.

2 - Housing Revenues represents Section 8 Voucher revenues.

3 - E-911 Revenue increases due to approved E-911 Subscriber Fees.

4 - Sportsplex Revenue reflects facility closures due to COVID pandemic..

5 - Community Development Expenditures includes Housing Stabilization, Homeless

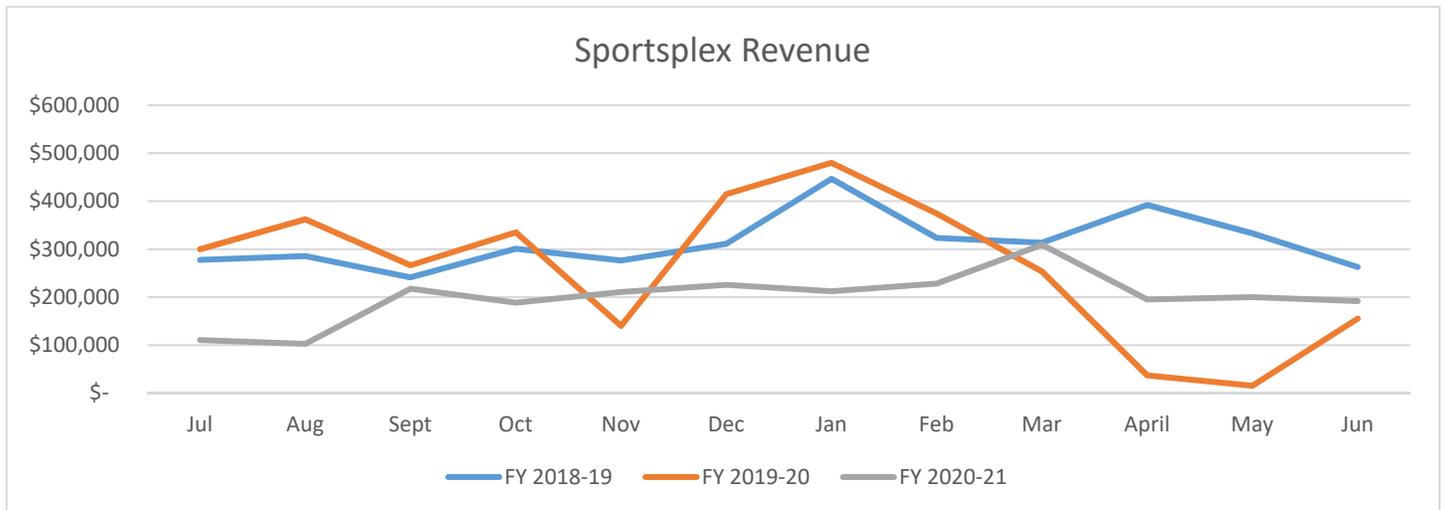
6 - E-911 Expenditures for Motorola Communications, Telephone and call taking equipment.

7 - Visitors Bureau Expenditures includes Building Improvements, Building Rentals and

Sportsplex Fund

Sportsplex revenues are 47.7% of budget as compared to 63.8% the prior fiscal year due to the public health restriction impacts on user fees. Sportsplex expenditures are 48.5% of budget as compared to 52.8% the prior fiscal year, Sportsplex management implemented cost containment measures to counter the reduced revenues. FY 2020-21 revenues are \$1,805,920 and expenditures are \$2,111,497 for the Third Quarter. FY 2019-20 revenues were \$2,925,460 and expenditures were \$2,417,877 for the Third Quarter.

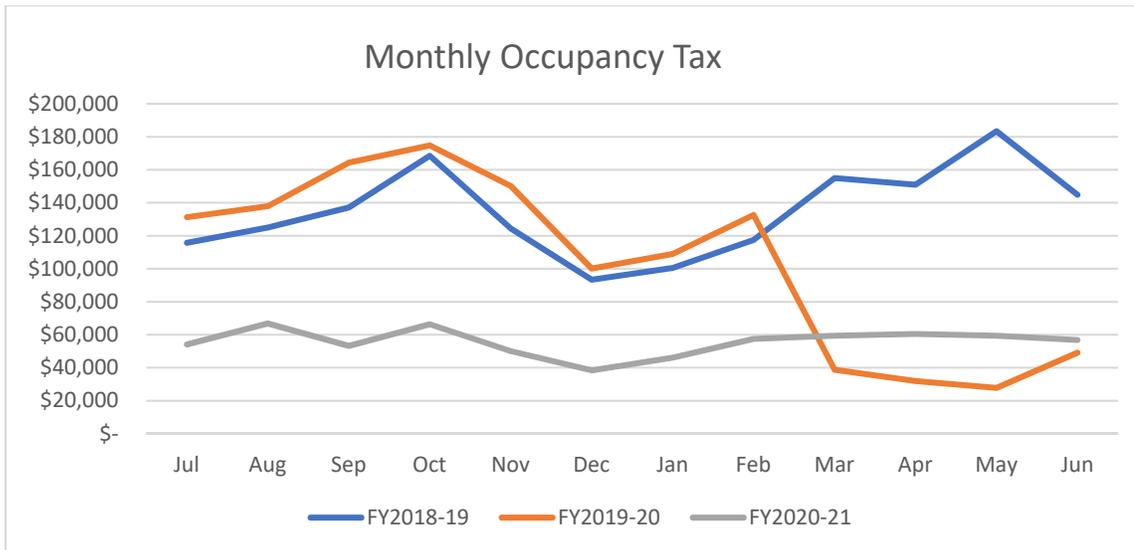
The monthly Sportsplex revenues which include ice skating activities and ice rentals below provides comparative trends for the past two fiscal years and FY 2020-21 Year-To-Date Actuals and Forecasted January 2021 through June 2021 forecasted. As noted the public health restrictions has resulted in a revised revenue estimate of \$2.2 million.



Visitors Bureau Fund

Visitors Bureau revenues are 45.7% of FY 2020-21 budget as compared to 70.4% the prior fiscal year due to the public health restrictions. Visitors Bureau expenditures are 82.3% of FY 2020-21 budget as compared to 65.3% the prior fiscal year. FY 2020-21 revenues are \$911,073 and expenditures are \$1,671,323 for the Third Quarter. FY 2019-20 revenues were \$1,667,877 and expenditures were \$1,545,995 for the Third Quarter.

The monthly occupancy tax revenues below provides comparative trends for the past two fiscal years and FY 2020-21 Year-To-Date Actuals and Forecasted January 2021 through June 2021 forecasted. Staff has identified contractual expenses in the amount of \$327,352 to counter declining revenues however Visitors Bureau fund balance may still be needed. The Visitors Bureau revenue estimate for FY 2020-21 is \$1.3 million and is comprised of occupancy tax revenue of approximately \$850,000 and \$400,000 in grant revenues.



Solid Waste Fund

Solid Waste revenues are 87% of the total revenues as compared to 83% the prior fiscal year. The solid waste program fee of \$142 is billed as a line item on the Property Tax bill. As noted previously, peak collections occur by the end of December. Solid waste expenditures are 55.8% of total expenditures as compared to 57% the prior fiscal year.

Functional Leadership Teams by Department

Community Services - Animal Services, NC Cooperative Extension, DEAPR, Economic Development, Orange Public Transportation, Planning and Inspections.

General Government - Board of Elections, Clerk to the Board, County Attorney, County Manager, Register of Deeds and Tax Administration

Public Safety – Courts, Emergency Services, Criminal Justice Resource Department, and Sheriff’s Office

Human Services – Department on Aging, Child Support, Housing, Human Rights, and Community Development, Library, Public Health and Social Services

Support Services - Asset Management Services, Community Relations, Finance, Human Resources, and Information Technology

Thanks to the Budget Division for their support in the preparation of this quarterly report.

cc: Bonnie Hammersley, County Manager

THE UNC CHARLOTTE ECONOMIC FORECAST

FIRST QUARTER REPORT
March 5, 2021

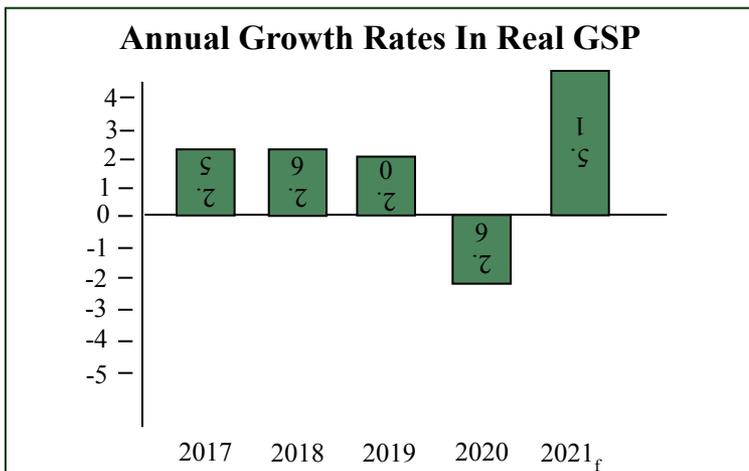


UNC CHARLOTTE

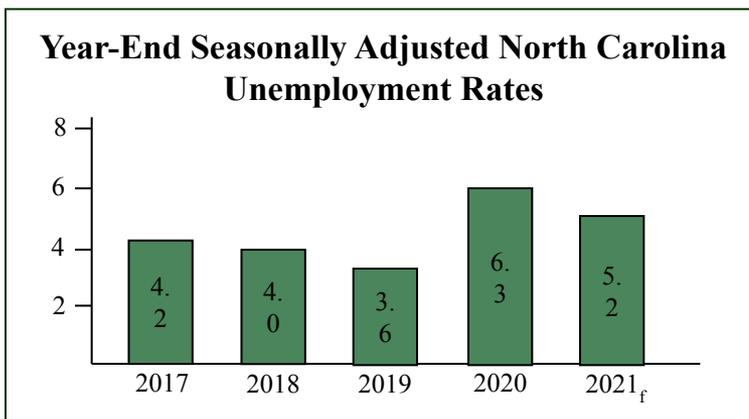
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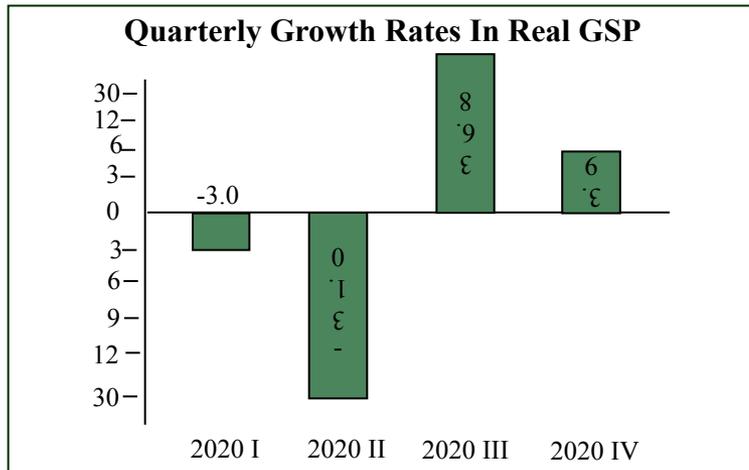
FORECAST HIGHLIGHTS



GSP/Gross State Product is a yardstick that measures the total output of a state's economy for a given year. It is analogous to the U.S. Gross Domestic Product (GDP).



- For 2020, NORTH CAROLINA real GSP is expected to decrease by 2.6 percent over the 2019 level.
- Twelve of the state's 15 economic sectors are forecast to experience output decreases during 2020. The sectors with the largest expected declines are hospitality and leisure services with a projected real decrease of 27.6 percent, other services with a projected real decrease of 10.1 percent, agriculture with a projected real decrease of 8.2 percent, durable goods manufacturing with a projected real decrease of 6.4 percent, and education and health services with a projected real decrease of 5.7 percent.
- For 2020, NORTH CAROLINA establishments are expected to lose 190,700 net jobs during the year, a decrease of 4.2 percent.
- For 2021, NORTH CAROLINA real GSP is forecast to increase by 5.1 percent over the 2020 level.
- Fourteen of the state's 15 economic sectors are expected to experience output increases during 2021. The sectors with the strongest expected growth rates are hospitality and leisure services with a real increase of 15.2 percent, agriculture with a real growth rate of 9.2 percent, educational and health services with a real increase of 7.2 percent, retail trade with real increases of 6.7 percent, and durable goods manufacturing with a real increase of 6.0 percent.
- For 2021, NORTH CAROLINA establishments are forecast to add 199,300 net jobs, an increase of 4.5 percent.
- The North Carolina unemployment rate peaked at 12.9 percent in April and by December of 2020, the state's unemployment rate had fallen to 6.3 percent.



2020 Highlights

	2020 *	Percent Change
Current Dollars		
Total Gross Product	566,494.2	-1.0
Constant (2012 Dollars)		
Total Gross Product	499,882.1	-2.6
Agricultural	5,023.3	-8.2
Mining	630.5	-0.4
Construction	17,055.0	-1.9
Manufacturing	89,110.9	-2.6
Durable Goods	40,724.3	-6.4
Nondurable Goods	48,386.6	0.8
TWU	19,118.3	-1.9
Wholesale Trade	29,857.4	0.7
Retail Trade	28,871.2	-1.9
Information	22,523.4	-1.3
FIRE	93,103.9	1.0
B & P	67,321.5	-0.9
E & H	39,977.0	-5.7
H & L	13,118.5	-27.6
Services	8,933.8	-10.1
Government	65,236.4	-1.6

* millions of dollars

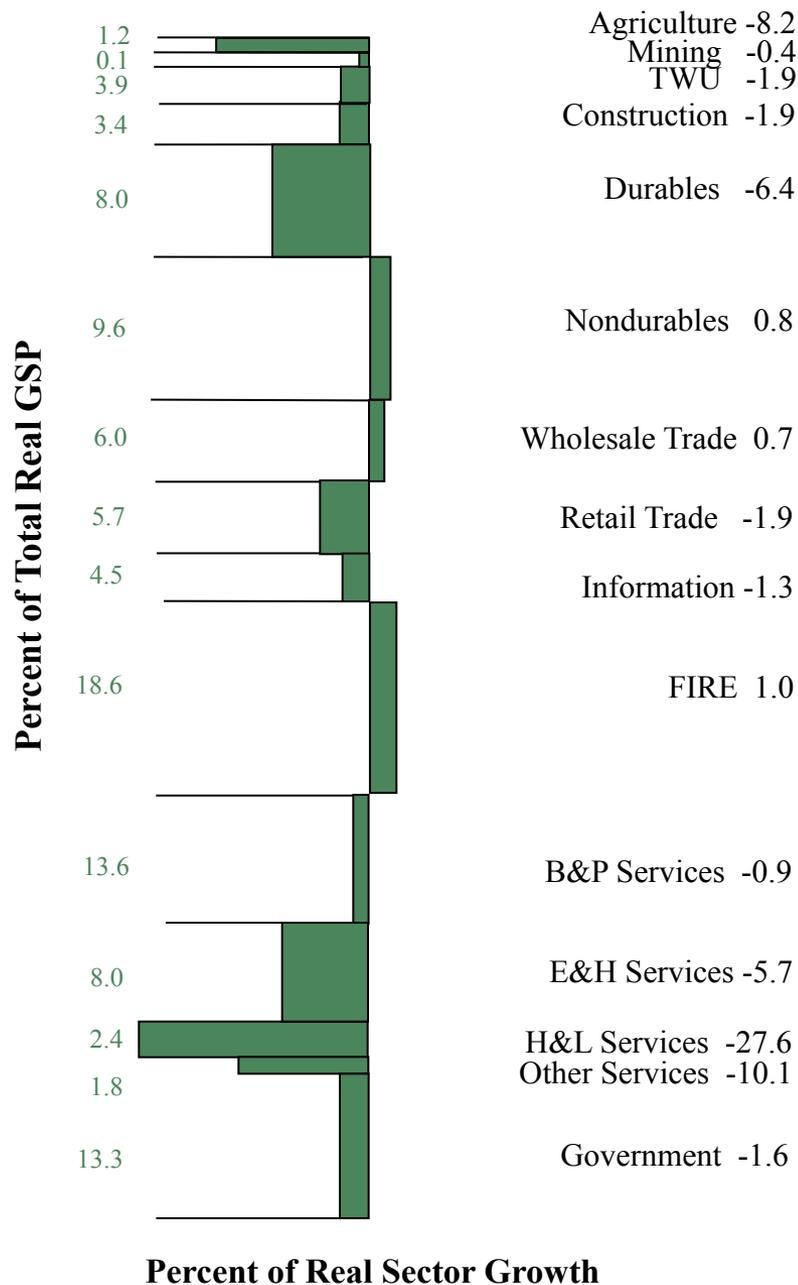
Gross State Product (GSP) is expected to reach a level of \$566,494.2 million in 2020. Real (inflation-adjusted) GSP is expected to decrease by 2.6 percent over the 2019 level. The Covid-19 shutdown in early 2020 ended the 10-plus year economic expansion that the North Carolina economy had experienced since 2010.

For 2020, first quarter GSP decreased by an annualized real rate of 3.0 percent as the Covid-19 response slowly kicked in. During the second quarter, GSP decreased by an annualized real rate of 31.0 percent, during which the U.S. economy was essentially shutdown by government action. In the third quarter, GSP increased by an annualized real rate of 36.8 percent as recovery began. In the fourth quarter of 2020, GSP is expected to increase by an annualized real rate of 3.9 percent.

The North Carolina economy, like the U.S. economy, experienced its biggest decline in GDP since the Great Depression of the 1930s. The decline was caused not by an economic disequilibrium, but by a designed action by the government to shutdown normal economic interaction to save lives in response to an unprecedented pandemic. The third quarter recovery of an annualized 36.8 percent, while impressive, did not recover the lost GDP experienced during the first and second quarters of 2020. In fact, by the end of 2020, real North Carolina GDP will be at 98.6 percent of the real GDP level recorded in the fourth quarter of 2019 before Covid hit,

Going forward, the number one question is how long before the economy gets back to its 2019 level and will the unemployment rate again approach “full employment.” For GDP, the expectation is that North Carolina real GDP will surpass the fourth quarter 2019 level of real GDP by the second quarter of 2021. Unfortunately, the unemployment rate will take another 6 to 12 months before it again approaches 4.0 percent. By December of 2021 it is likely the North Carolina’s unemployment rate will still be above 5.0 percent.

2020 Total Real GSP Growth -2.6%



2020 GSP SECTOR ANALYSIS 12

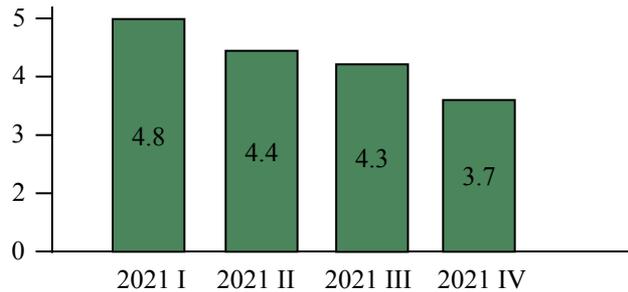
The chart to the left presents the projected contributions of each major economic sector to North Carolina's Gross State Product (GSP). The real (inflation-adjusted) growth rate for 2020 is forecast to decrease by 2.6 percent. Projected real growth rates for each sector (displayed in black type) are plotted on the horizontal axis. Projected percentages of GSP contributed by each sector (displayed in green type) are plotted on the vertical axis. The resulting rectangles show the expected weighted importance of each sector's growth during 2020. All of the sector information presented in the table to the left is based on the new North American Industry Classification System (NAICS) definitions.

Twelve of the state's 15 economic sectors are forecast to experience output decreases during 2020. The sectors with the largest expected declines are hospitality and leisure services with a projected real decrease of 27.6 percent, other services with a projected real decrease of 10.1 percent, agriculture with a projected real decrease of 8.2 percent, durable goods manufacturing with a projected real decrease of 6.4 percent, and education and health services with a projected real decrease of 5.7 percent.

Seven other sectors are expected to experience GDP declines, but at levels less than the overall 2.6 percent GSP real decline. These sectors are construction with a projected real decrease of 1.9 percent; transportation, warehousing, and utilities (TWU) with a projected real decrease of 1.9 percent; retail trade with a projected real decrease of 1.9 percent; government with a projected real decrease of 1.6 percent; information with a projected real decrease of 1.3 percent; business and professional services with a projected real decrease of 0.9 percent; and mining with a projected real decrease of 0.4 percent.

Only three sectors: finance, insurance, and real estate (FIRE); nondurable goods manufacturing; and wholesale trade are expected to experience growth in 2020.

Quarterly Growth Rates in Forecasted Real GSP



Gross State Product (GSP) is forecast to reach a level of \$601,384.7 million in 2021. Real (inflation-adjusted) GSP is expected to increase by 5.1 percent over the 2020 level. This growth in 2021 will represent the first year of growth since Covid-19.

For 2021, first quarter GSP is expected to increase by an annualized real rate of 4.8 percent. During the second quarter, GSP is expected to increase by an annualized real rate of 4.4 percent. In the third quarter, GSP is expected to increase by an annualized real rate of 4.3 percent. In the fourth quarter of 2021, GSP is expected to increase by an annualized real rate of 3.7 percent.

2021 Highlights

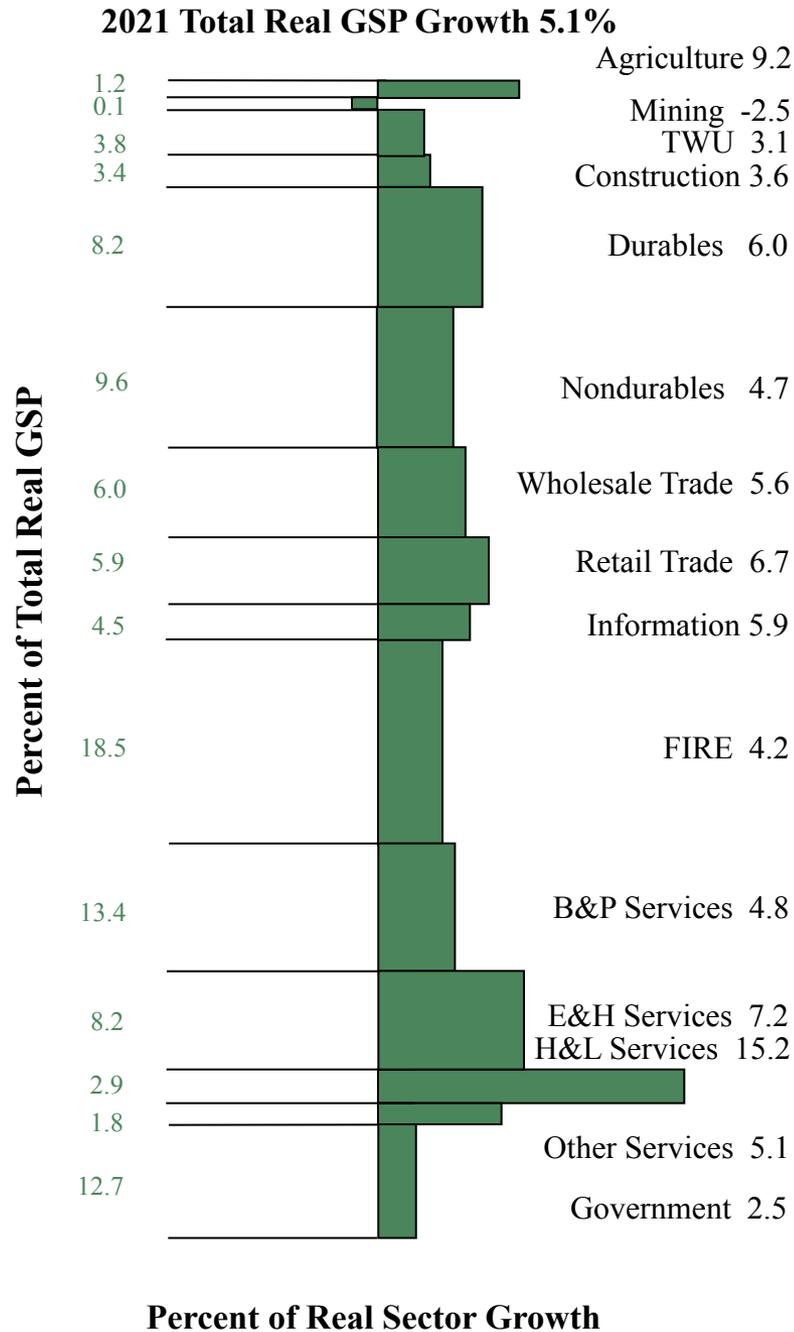
2021 starts off after an unexpected weak fourth quarter of 2020. Consensus estimates going into the fourth quarter of 2020 was that real GDP would grow between 6 and 8 percent. However, what was unexpected was another severe spike in cases during the last two months of the quarter. This resulted in fourth quarter real GDP dropping down to a 4.0 percent growth rate in the U.S. and an expected 3.9 percent rate in North Carolina. This experience provides a cautionary note for economists looking forward. While we like to think that driving components of the economy will dictate future growth, we have to realize that the Covid virus will do what it will do and have an overriding impact on future economic activity.

Going forward, the good news is that during the first quarter of 2021 the fourth quarter Covid virus spike seems to be subsiding. As vaccination rates rise and the weather starts to warm, it is likely that for a while the Covid virus will not be the driving force in the economy. North Carolina real GDP should recover to pre-pandemic levels by the second quarter of 2021. However, employment level and the unemployment rate will take much longer to recover. North Carolina nonagricultural employment should get back to pre-pandemic levels by December of 2021. However, the state's unemployment rate will not get back to full employment (4.0 percent) until late 2022.

	2021*	Percent Change
Current Dollars		
Total Gross Product	601,384.7	6.2
Constant (2012 Dollars)		
Total Gross Product	525,293.6	5.1
Agricultural	5,484.7	9.2
Mining	614.8	-2.5
Construction	17,672.6	3.6
Manufacturing	93,832.6	5.3
Durable Goods	43,155.0	6.0
Nondurable Goods	50,677.6	4.7
TWU	19,704.0	3.1
Wholesale Trade	31,514.5	5.6
Retail Trade	30,808.0	6.7
Information	23,852.6	5.9
FIRE	97,024.4	4.2
B & P	70,531.2	4.8
E & H	42,869.3	7.2
H & L	15,113.0	15.2
Services	9,393.7	5.1
Government	66,878.2	2.5

* Millions of dollars

2021 GSP SECTOR ANALYSIS 14



The chart to the left presents the projected contributions of each major economic sector to North Carolina's Gross State Product (GSP). The real (inflation-adjusted) growth rate for 2021 is forecast to increase by 5.1 percent. Projected real growth rates for each sector (displayed in black type) are plotted on the horizontal axis. Projected percentages of GSP contributed by each sector (displayed in green type) are plotted on the vertical axis. The resulting rectangles show the expected weighted importance of each sector's growth during 2021. All of the sector information presented in the table to the left is based on the new North American Industry Classification System (NAICS) definitions.

Fourteen of the state's 15 economic sectors are expected to experience output increases during 2021. The sectors with the strongest expected growth rates are hospitality and leisure services with a real increase of 15.2 percent, agriculture with a real growth rate of 9.2 percent, educational and health services with a real increase of 7.2 percent, retail trade with real increases of 6.7 percent, durable goods manufacturing with a real increase of 6.0 percent, information with a real increase of 5.9 percent, wholesale trade with a real increase of 5.6 percent, and other services with a real increase of 5.1 percent.

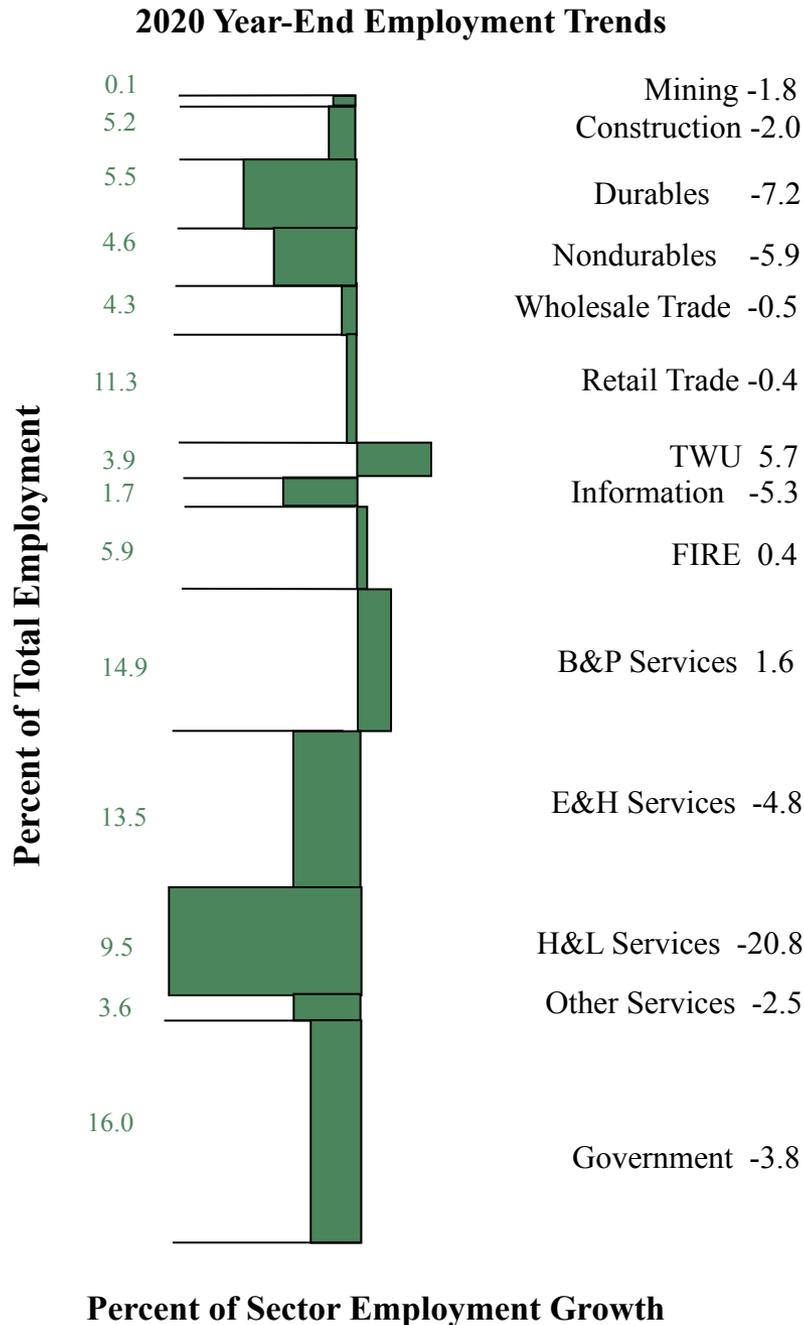
Six other sectors are expected to experience growth rates, however, at levels below the overall 5.1 percent GSP real growth rate. These sectors are business and professional services with a real increase of 4.8 percent; nondurable goods manufacturing with a real increase of 4.7 percent; finance, insurance, and real estate (FIRE) with a real increase of 4.2 percent; construction with a real increase of 3.6 percent; transportation, warehousing, and utilities (TWU) with a real increase of 3.1 percent; and government with a real increase of 2.5 percent.

Only the mining sector is expected to experience a decline during 2021.

2020 EMPLOYMENT SECTOR ANALYSIS ¹⁵

The sector employment analysis presented on this page is based on the new North American Industrial Classification System (NAICS). Seasonally adjusted nonagricultural employment in North Carolina reached 4,403,200 persons in December 2020, a decrease of 4.2 percent over the employment level in December 2019. The state lost 190,700 net jobs during the year.

Eleven of the state's 14 nonagricultural sectors of the economy experienced employment decreases during 2020. The sectors with the largest employment decreases in 2020 were hospitality and leisure services at 20.8 percent, durable goods manufacturing at 7.2 percent, and information at 5.3 percent.



2020 Employment Highlights

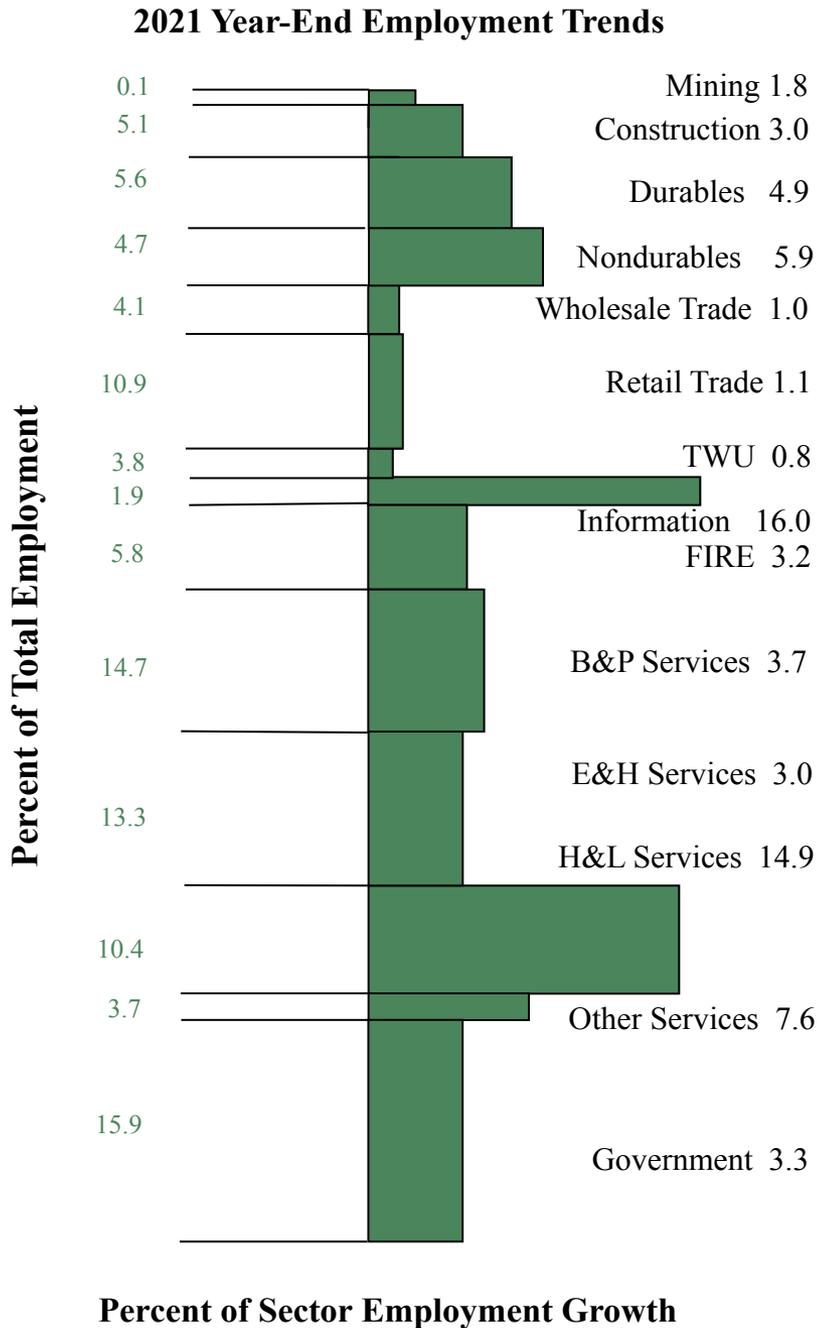
	Year-End*	Percent Change
Total Establishment		
Employment	4,403.2	-4.2
Mining	5.5	-1.8
Construction	226.8	-2.0
Manufacturing	447.5	-6.6
Durable Goods	243.5	-7.2
Nondurable Goods	204.0	-5.9
Wholesale Trade	188.0	-0.5
Retail Trade	498.0	-0.4
TWU	171.7	5.7
Information	73.8	-5.3
FIRE	260.6	0.4
B&P Services	654.6	1.6
E&H Services	592.7	-4.8
H&L Services	418.3	-20.8
Other Services	158.5	-2.5
Government	707.2	-3.8

*thousands of persons

2021 EMPLOYMENT ¹⁶ SECTOR ANALYSIS

The sector employment analysis presented on this page is based on the new North American Industrial Classification System (NAICS). North Carolina employment is expected to reach 4,602,500 persons by December 2021, an increase of 4.5 percent over the employment level in December 2020. The state is expected to add 199,300 net jobs in 2021.

All 14 of the state's nonagricultural sectors of the economy are expected to experience employment increases during 2021. The sectors with the expected strongest employment increases in 2021 are information at 16.0 percent, and hospitality and leisure services at 14.9 percent.

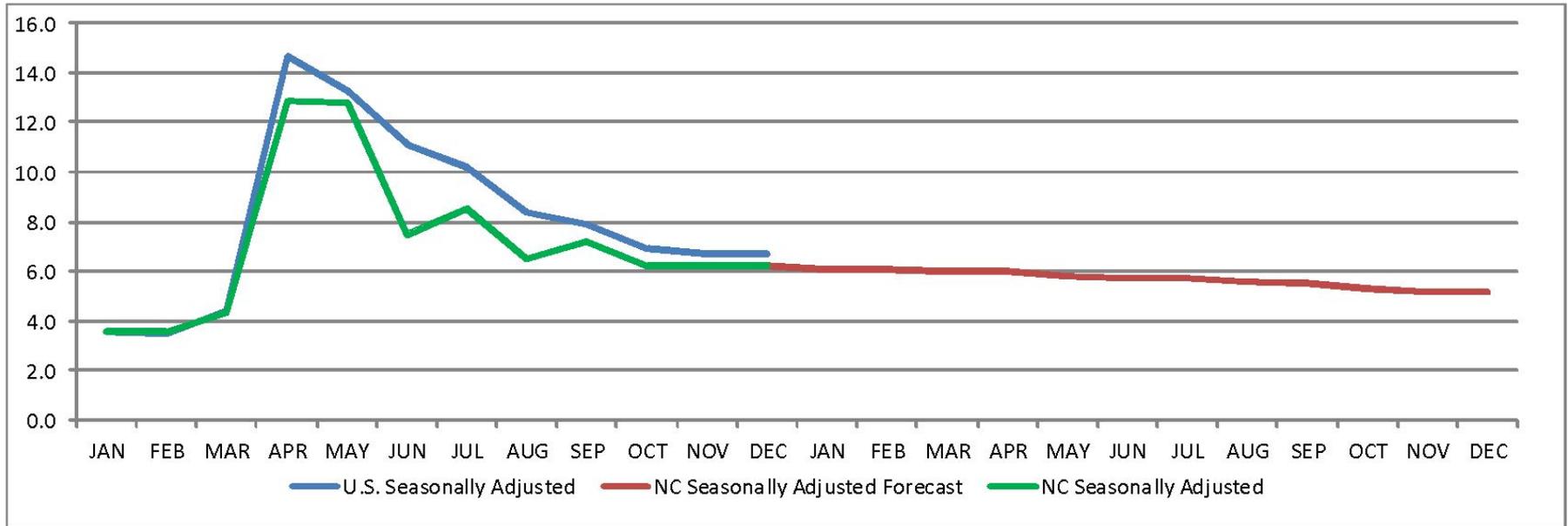


2021 Employment Highlights

	Year-End*	Percent Change
Total Establishment		
Employment	4,602.5	4.5
Mining	5.6	1.8
Construction	233.6	3.0
Manufacturing	471.5	5.4
Durable Goods	255.5	4.9
Nondurable Goods	216.0	5.9
Wholesale Trade	189.9	1.0
Retail Trade	503.5	1.1
TWU	173.0	0.8
Information	85.6	16.0
FIRE	268.9	3.2
B&P Services	678.6	3.7
E&H Services	610.7	3.0
H&L Services	480.3	14.9
Other Services	170.5	7.6
Government	730.8	3.3

*thousands of persons

2020-2021 NORTH CAROLINA UNEMPLOYMENT RATE¹⁷



FORECAST reports historical seasonally adjusted monthly unemployment rates for North Carolina and the United States and forecasts the seasonally adjusted monthly unemployment rate for North Carolina. The seasonal adjustment accounts for variations in labor market conditions that cause regular fluctuations in the unemployment level each month.

The graph at the top of this page provides a summary of the monthly unemployment rates for 2020 and 2021. The solid blue line represents the United States seasonally adjusted historic unemployment rate. The seasonally adjusted unemployment rate for the North Carolina is represented by the solid green line. The North Carolina seasonally adjusted unemployment rate forecast is represented by the solid red line. The seasonally adjusted rates for the United States and North Carolina can be compared directly and provide more reliable estimates than the unadjusted rates.

The United States started 2020 with an unemployment rate of 3.6 percent, which fell to 3.5 percent in February. North Carolina started the year with a 3.6 percent rate of unemployment. Both the U.S. and North Carolina unemployment rates jumped dramatically in April to 14.7 and 12.9 percent respectively. Since then, both the U.S. and North Carolina rates have fallen dramatically to 6.7 percent and 6.3 percent by December. The North Carolina rate should decline through the rest of the year and reach 5.2 percent by December of 2021.

The data used in this report comes from the websites for the U.S. Department of Commerce's Bureau of Economic Analysis (www.bea.gov) and the North Carolina Employment Security Commission (www.ncesc.com) as of February 19, 2021.



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