

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



**AGENDA  
ORANGE COUNTY PLANNING BOARD  
Wednesday, September 2, 2020**

**Ordinance Review Committee Meeting and Training – ~7:15 pm  
(immediately following regular meeting)**

Due to current public health concerns, the meeting will be virtual. Members of the Planning Board and staff will be participating in the meeting remotely. Interested persons can view and participate in the meeting by pre-registering at:

[https://orangecountync.zoom.us/webinar/register/WN\\_uU53nV\\_rQ3uewJow-4Bsxx](https://orangecountync.zoom.us/webinar/register/WN_uU53nV_rQ3uewJow-4Bsxx)

Not clickable: [https://orangecountync.zoom.us/webinar/register/WN\\_uU53nV\\_rQ3uewJow-4Bsxx](https://orangecountync.zoom.us/webinar/register/WN_uU53nV_rQ3uewJow-4Bsxx)

After registering, Zoom will email registrants additional information and a link which must be used to access the meeting.

Note: ORC and Training sessions are optional for Planning Board members and a quorum is not required to hold the meeting.

No.	Page(s)	Agenda Item
1.		<b>CALL TO ORDER</b>
2.	3-4	<b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – “160D” LEGISLATION</b> - To receive an overview on upcoming amendments related to State legislation that is referred to as 160D (a reference to the statute section). The expected timeline for the Planning Board recommendation and BOCC public hearing has not yet been determined, but is expected this fall. <b>Presenter:</b> Perdita Holtz, Planning Systems Coordinator
3.	5	<b>MOTIONS ON AGENDA ITEMS</b> - To receive training on making motions and voting on agenda items. <b>Presenter:</b> Perdita Holtz, Planning Systems Coordinator
4.		<b>ADJOURNMENT</b>

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).**

**ORANGE COUNTY  
PLANNING BOARD ORDINANCE REVIEW COMMITTEE  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** September 2, 2020

**Action Agenda  
Item No.     2**

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

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

None.

**INFORMATION CONTACT:**

Perdita Holtz, Planner III (919) 245-2578  
Craig Benedict, Director (919) 245-2575

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**PURPOSE:** To:

- Receive an overview on upcoming amendments to the Unified Development Ordinance (UDO) pertaining to State legislation commonly referred to as “160D”, in reference to the statute section.
- Provide feedback to staff on whether the full text amendments should be brought back to an ORC meeting when they are ready or whether they can move forward in the review process to a regular Planning Board meeting.

**BACKGROUND:** In July 2019, the North Carolina General Assembly adopted legislation that entailed the complete reorganization of the state’s planning and development regulation statutes. The endeavor was originally initiated by the Zoning and Land Use Section of the N.C. Bar Association in 2013. 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 staff prepared UDO amendments to comply with the new legislation earlier this year and the first round of review by the County’s legal staff has been completed. Planning staff is currently working on incorporating Attorney comments. The number of pages with revisions is extensive (approximately 300 pages) but, because the revisions are required by the State legislation, there is limited ability to make substantial changes to the proposed revisions.

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:

- 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.
- 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 160D re-write. In the '00s, the NC Legislature amended the statutes to allow for "Conditional Zoning Districts" which, arguably, negated the need for CUDs.

- Staff proposes to add two new Conditional Zoning Districts to the UDO to replace the CUD.
- Elimination of the CUD will result in a reorganization of how major subdivisions are defined in Article 7 and the review process used.

Draft text will not be ready for the September 2 Ordinance Review Committee (ORC) meeting but staff would like to present an overview of the amendments to the ORC and receive feedback on, whether after hearing the presentation, the ORC is comfortable with the text revisions moving to a regular Planning Board agenda for review and possible action or whether the ORC would like to have the full text amendments presented at a future ORC meeting prior to moving forward in the review process.

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

**RECOMMENDATION(S):** The Planning Director recommends the Planning Board receive the overview and provide feedback on:

- Whether the ORC is comfortable with the text revisions moving to a regular Planning Board agenda for review and possible action, or
- Whether the ORC would like to have the full text amendments presented at an ORC meeting prior to moving forward in the review process.

**ORANGE COUNTY  
PLANNING BOARD ORDINANCE REVIEW COMMITTEE  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: September 2, 2020

**Action Agenda  
Item No.     3**

**SUBJECT:** Training - Making and Voting on Motions

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

None.

**INFORMATION CONTACT:**

Perdita Holtz, Planner III   (919) 245-2578  
Craig Benedict, Director   (919) 245-2575

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**PURPOSE:** To receive training on making and voting on motions during meetings.

**BACKGROUND:** Staff will conduct a training session on what information needs to be included in motions on agenda items and voting on motions.

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** The Planning Director recommends the Planning Board receive the training.