

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



**AGENDA
ORANGE COUNTY PLANNING BOARD**

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

Wednesday, October 5, 2022

**Training Session: 6:00 – 6:30 pm
Ordinance Review Committee: 6:30 – 7:00 pm**

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

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	No materials	PLANNING BOARD TRAINING SESSION – Staff will lead training designed for recently appointed Planning Board members on basic aspects of land use regulation in Orange County. Presenter: Perdita Holtz, Special Projects & GIS Supervisor
3.	3 – 4	ORDINANCE REVIEW COMMITTEE: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – FINAL SUBDIVISION PLAT SIGNATURE BLOCKS - To review proposed amendments to the UDO that would remove the school district signature block on final subdivision plats. Presenter: Tyler Sliger, Planner II
4.	5 – 9	ORDINANCE REVIEW COMMITTEE: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – EFFICIENCY UNITS - To review proposed amendments to the UDO pertaining to efficiency apartments (also known as “accessory dwelling units” or ADUs). Presenter: Tyler Sliger, Planner II
5.		ADJOURNMENT

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**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 5, 2022

**Action Agenda
Item No. 3**

SUBJECT: Unified Development Ordinance Text Amendment – Final Subdivision Plat School District Signature Block

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Proposed UDO Text Amendment

INFORMATION CONTACT:

Tyler Sliger, Planner II (919) 245-2586
Cy Stober, Director (919) 245-2592

PURPOSE: To review and comment on County-initiated amendments to the Unified Development Ordinance (UDO) regarding proposed removal of the school district signature block on final subdivision plats.

BACKGROUND: Subdivisions that follow the traditional or major subdivision review process have to receive several signatures before recording the plat, one of them being the relevant school system (7.13.3 (F)(3)(g)). This requirement is related to the Schools Adequate Public Facilities Ordinance (SAPFO), adopted in 2003, which requires school districts to issue an approved Certificate of Adequate Public School Facilities (CAPS) before recordation of the final plat for a subdivision. Research into the plat certificate requirement has shown that no adopted/approved documents related to the SAPFO require the school district's signature on final plats.

Planning staff is recommending that the signature block be removed from the subdivision recordation process to remove an unnecessary step from subdivision plat approval and streamline the recording timeframe. The school district will still be required to issue a CAPS as part of the subdivision review process, in keeping with the adopted SAPFO and its accompanying Memoranda of Understanding (MOU). The approved CAPS will be part of the application package and maintained with the subdivision request file.

FINANCIAL IMPACT: There are no costs associated with this project other than the use of staff time and the required legal advertisement. County staff has and will continue to accomplish the necessary tasks associated with amending the UDO and the legal advertisement will be paid from budgeted funds for this purpose.

RECOMMENDATION(S): The Planning Director recommends the ORC review the proposed amendment and provide any feedback to staff.

Attachment 1

SECTION 7.13: SPECIFICATIONS FOR PLAT DRAWINGS

7.13.3 Final Plat Specifications

- (f) Where a property is recombining property that includes a vacant lot or an existing dwelling the following statement shall be shown on the plat:

"The recombination of existing lots has been reviewed by the Orange County Health Department, Environmental Health Division. Based on available information, this proposal does not appear to adversely affect the suitability of the lots for the issuance of an improvement permit, nor the installation, maintenance, or repair of an existing wastewater system. This certification is not an Improvement Permit or an approval for septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations."

- ~~(g) Where lots have been approved for recordation by either the Orange County School System or the Chapel Hill/Carrboro School System the following statement and endorsements shall appear on the final plat:~~

~~I hereby certify that the lots shown on this plat have been approved by the _____ School System for recordation prior to [Insert date] in accordance with the Schools Adequate Public Facilities Ordinance.~~

~~_____
Chair _____ Date~~

~~_____
Secretary Attest _____ Date~~

~~_SEAL~~

- (h) All certificates and endorsement signatures on the Final Plat, except those of the County Manager, Planning Board Chair, Planning Director and Environmental Health Officer shall be notarized by the statement of a Notary Public entered on the Final Plat. The Notary Public statement shall be shown in substantially the following form:

"North Carolina _____ County

I, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing certificate. Witness my hand and seal this ____ day of _____, 20__.

"Seal or Stamp Notary Public

My Commission expires _____

(4) Certificate of Improvements

- (a) If the required improvements are completed prior to the submission of the Final Plat, then one of the following certificates shall be shown on the plat and followed by the County Manager's signature:

"The County Manager hereby certifies that all improvements required by the Orange County Subdivision Regulations have been installed as specified by the approved Preliminary Plat for _____ Subdivision and that said improvements comply with Orange County specifications."

County Manager: _____ Date: _____

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 5, 2022

**Action Agenda
Item No. 4**

SUBJECT: Unified Development Ordinance Text Amendment – Efficiency Apartment

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- 1. Proposed UDO Text Amendment

Tyler Sliger, Planner II (919) 245-2586
 Cy Stober, Director (919) 245-2592

PURPOSE: To review and comment on County-initiated amendments to the Unified Development Ordinance (UDO) regarding proposed revisions to the current standards for efficiency apartments.

BACKGROUND: An efficiency apartment is an accessory dwelling to the primary dwelling on an individual property. The salient current use standards for efficiency apartments in Section 5.5.3 of the UDO are:

- Maximum gross square footage of 1,000 ft. (maximum of 800 sq. ft. can be heated/cooled),
- Cannot be a mobile home, and
- The efficiency unit shall remain in the same ownership as the primary residence.

An efficiency apartment can give a property owner the ability to increase their property use. The current size limitation of 1,000 sq. ft. for an efficiency unit can result in some property owners having to subdivide their property in order to construct a larger unit and this can affect affordability of such units. To help address housing affordability and equity issues, Orange County is proposing to increase the allowable size to 50% of the primary dwelling or 1,500 sq. ft. whichever is greater and allowing mobile homes to be efficiencies. Additionally, the terminology for such units is proposed to be modernized to be “accessory dwelling unit” (ADU).

FINANCIAL IMPACT: There are no costs associated with this project other than the use of staff time and the required legal advertisement. County staff has and will continue to accomplish the necessary tasks associated with amending the UDO and the legal advertisement will be paid from budgeted funds for this purpose.

RECOMMENDATION(S): The Planning Director recommends the ORC review the proposed amendment and provide any feedback to staff.

Attachment 1

SECTION 3.3 RESIDENTIAL DISTRICTS

<h1 style="margin: 0;">HP-CD</h1> <h2 style="margin: 0;">HOME PARK</h2>	DIMENSIONAL AND RATIO STANDARDS	
	Tract size, min./max. (acres)	5/100
PURPOSE	Tract Front Setback from ROW, min. (feet)	40
	Tract Side Setback, min. (feet)	20
<p>The purpose of the Home Park Conditional District (HP-CD) 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>	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
<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 mobile home district, the relationship of the site and site development plan to adjoining property, and the development itself.</p>	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
<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>	Required Recreation Space Ratio, min.	Consistent with residential uses in adjacent zoning districts
	HP-CD DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the HP-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. 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. Accessory Dwelling Units~~Efficiency Units~~ are prohibited within HP-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-CD shall be designed and built to the appropriate State and Housing and Urban Development (HUD) standards and shall be served by permanent utility connections.

SECTION 5.5 STANDARDS FOR RESIDENTIAL USES

5.5.1 Accessory Structures and Uses

(A) Standards of Evaluation

- (1) Accessory structures and uses, including recreational uses and amenities, shall not be located in any required front open space and shall conform to the principal setbacks of the district where located unless otherwise provided in this Section.
- (2) An attached private garage, or carport, not exceeding 12 feet in height, may occupy a portion of the required side open space, provided that this does not result in a required side open space of less than 7% of the lot width, nor a total, when combined with the required side open space of the lot immediately adjacent, of less than eight feet.
- (3) ~~Mobile homes as accessory structures to residential uses are prohibited.~~

5.5.3 Accessory Dwelling Unit (ADU)~~Efficiency Apartment~~

(A) Standards of Evaluation

- (1) ~~Efficiency apartments~~ Accessory dwelling unit (ADU) shall be allowed only as an accessory use to a single-family residence.
- (2) There shall be no more than one ~~efficiency apartment~~ Accessory Dwelling Unit ADU, whether detached or attached, on any lot.
- (3) The ~~gross square footage of the efficiency unit~~ ADU shall contain no more than ~~50% of the primary dwelling or 1,500~~ 1,000 square feet of gross floor area, ~~whichever is greater with a maximum limit of 800 square feet of heated/cooled habitable living space.~~
- (4) The residential lot shall meet all dimensional requirements of the zoning district in which it is located.
- (5) The ~~efficiency unit~~ ADU shall comply with the N.C. Residential Building Code and HUD standards including minimum light/ventilation and room sizes.
- (6) The ~~efficiency accessory dwelling unit~~ ADU shall be served by an approved water supply and sanitary facilities.
- (7) The ~~efficiency accessory dwelling unit~~ ADU shall remain in the same ownership as the primary residence.

- ~~(8) An accessory dwelling unit will need to be a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping.~~

5.5.5 Home Park

(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 ~~Accessory Dwelling units~~ADUs~~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.

SECTION 6.9 PARKING, LOADING & CIRCULATION

6.9.7 Off-Street Parking Requirements

OFFICE AND FINANCIAL SERVICE USES	
Offices and Financial Services, without a drive-thru facility	One space per 200 square feet of gross floor area
Offices and Financial Services, with a drive-thru facility	One space per 200 square feet of gross floor area; plus five stacking spaces per drive-thru window
RECREATIONAL USES	
Amusement Areas	One space per 50 square feet
Athletic Field	Ten spaces per field
Basketball Court	Five spaces per court
Billiard or Pool Hall	Two spaces per table
Botanical Gardens & Arboretums	Two spaces per acre
Bowling Establishment	Three spaces per lane
Camp / Retreat Center	Five spaces for first two acres of recreation space and one space for each additional acre thereafter
Golf Courses	Two spaces per tee
Guest Ranch	One space per guest room, plus one space per employee. Additional parking may be required based on facilities and uses proposed.
Health Exercise Facility	One space per 50 square feet
Pitch and Putt Courses	Two spaces per tee

Shooting Ranges	One space per target area
Skating Rink	One space per 200 square feet
Subdivisions - Private Recreational Facilities Dedicated Recreational Land	Five off-street parking spaces for first two acres of each recreational site plus one space for each additional acre thereafter
Swimming Pool	One space for every five patrons, based on maximum design capacity
Soccer Fields, Ball Fields	Eight spaces per acre
Tennis, Handball, Racquet Ball Courts	Two spaces per court
Basketball Courts	Five spaces per court
Picnic Shelter Area	One space for every ten patrons, based on maximum design capacity
Swimming Pool	One space per 140 square feet
Tennis, squash, Handball or Racquet Ball Court	Two spaces for every court
RESIDENTIAL USES	
Dormitory, Fraternity, and Sorority	One space per lodging resident member
Dwelling, Multi-family: <u>Accessory Dwelling Unit Efficiency</u> One bedroom Two bedroom	One space per dwelling unit One and one-half space per dwelling unit Two spaces per dwelling unit
Dwelling, Single Family	One space per dwelling unit
Dwelling, Two Family	One space per dwelling unit
Family Care Facilities	One space per three residents; One space per employee on the shift of maximum employment
Group Care Facilities	One space per two beds; One space per employee on shift of the maximum employment
Health and Personal Care Facility	One space per two beds; One space per staff member

SECTION 10.1 DEFINITIONS

Accessory Dwelling Unit (ADU)

~~An accessory dwelling unit that is smaller than the principal residential dwelling. The accessory dwelling unit is situated on the same lot as the principal residence and may be located within attached to the principal residence or in be a separate building with a separate access. An accessory dwelling unit will need to be a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping must fulfill the qualifying characteristics of a dwelling unit, as defined in this ordinance . The accessory dwelling unit is restricted to 1,500 square feet of heated living space.~~

Efficiency Apartment

~~An additional dwelling unit accessory to a single family residence meeting the development criteria outlined within this Ordinance.~~