

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

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April 9, 2010

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RE: REVIEW of development activities at 1907 Orange Chapel Clover Garden Road
(TMBL 6.33..12 / PIN 9728-93-1820)

To Whom It May Concern:

Recently, Mr. Eugene Bobber was kind enough to permit a site inspection by Planning staff to inspect recent construction activities associated with the development of a University operated research facility at 1907 Orange Chapel Clover Garden Road (hereafter 'the Property').

The purpose of the inspection was to verify that construction activity was being carried out in accordance with a Zoning Compliance Permit issued by this office based on an approved of a site plan, originally approved in November of 2004 and modified by the University in 2006.

The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential Land Use Category as defined within the 2030 Orange County Comprehensive Plan. The property is heavily wooded with numerous streams flowing throughout.

During the aforementioned inspection, Mr. Bobber indicated that the site was being re-evaluated with respect to the location of all proposed structures, as well as their overall size and use, and that further modifications to approved site plan(s) would be necessary to accommodate the University's needs on the property.

Staff was asked to provide guidance on the necessary review and approval process to accommodate these anticipated revisions.

In reviewing this request, staff has determined the following:

1. Sometime in 2003 a discussion began amongst Planning staff and University officials over the possibility of developing a research facility on the property that included housing and breeding facilities for mice, dogs, and hogs that are utilized to support various research projects
2. In November of 2003 a letter was issued by the Planning Department informing the University that the property could be utilized to develop a 'Universities, Colleges, and Institutes' land use in accordance with the provisions of the Orange County Zoning Ordinance (hereafter 'the Ordinance').

Such uses were considered a permitted use of property within the AR zoning district per Section 4.3 *Table of Permitted Uses* after the property owner/applicant demonstrates compliance with applicable provisions of the Ordinance including, but not limited to, site plan approval as detailed within Article Fourteen (14) *Site Plan Approval Procedures*.

3. On October 8, 2004 a site plan application proposing the development of a University research facility on the property was submitted.
4. The site plan ('Phase 1') was approved by staff on November 22, 2004 allowing for the development of the following on the property:
 - a. 1,500 square foot research office,
 - b. 8,850 square foot research bio-lab,
 - c. Parking facilities for employees,
 - d. 11,000 square foot rodent retention facility,
 - e. 5,000 square foot dog kennel,
 - f. 1,000 square foot storage facility,
 - g. 15,000 square foot kennel and lab are to support a new 'Blood Lab', and
 - h. 5 pig enclosures

The site plan denoted the location of several buildings on the property, above and beyond what was asked by the University for the County to approve at that time.

It should be noted that there was no reference on the approved site plan denoting the overall size or capacity needs of the septic system necessary for the project nor was there any reference to the number of employees that would be working from the property.

The aforementioned letter only approved the construction of the various buildings identified therein. It did not grant 'blanket' approval for all buildings shown on the site plan.

There was an apparent understanding that as new building(s) were proposed for construction, additional site plan submittal, review, and approval would be necessary. This includes the payment of applicable Department review fees.

5. In 2006 Planning staff and University officials were discussing the need for a revised site plan showing:
 - a. The final location for all proposed, and existing, structures on the property,
 - b. The location of the spray irrigation field areas and other septic field and repair locations, if any,
 - c. All well locations,
 - d. The location of all streams and flood plains on the property,
 - e. The provision of a driveway encroachment agreement from NC DOT for the improvements to the entrance of the property, and
 - f. The location of sediment basins and stormwater detention ponds,

The revised site plan ('Phase 2') was deemed necessary as University officials had indicated that modifications were necessary to previously approved structures. In May of 2006 a site plan was submitted to the County incorporating these items as requested.

According to our records the University was authorized in July of 2006 to move forward with the revised development plans.

As with the 2004 site plan, there was no reference to the overall size or design capacity of the septic system on the revised site plan.

6. Planning staff has discovered that the existing wastewater disposal system on the property has a design capacity over three thousand (3,000) gallons based on permit records on file with the Orange County Health Department regarding the existing State permitted system.

This may have been in response to support the anticipated development of future buildings on the property.

7. Section 6.20 of the Ordinance prohibits the location of '*ground absorption systems with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal*' without the submittal, review, and issuance of a Class A Special Use Permit in accordance with the provisions of Article Eight (8) or a the submittal, review, and issuance of a Planned Development (PD) rezoning in accordance with Article Seven (7) of the Ordinance.
8. During the zoning site inspection, carried out on December 17, 2009, staff noticed inconsistencies with the 'Phase 2' site plan approved in 2006.

In answering the University's question relating to the necessary process to review proposed modifications to the previously approved site plan(s), and based on available

information, staff has determined that the University will be required to submit and seek approval of a Class A Special Use Permit Application allowing for the development of a facility requiring a ground absorption system with a design capacity over three thousand (3,000) gallons per day.

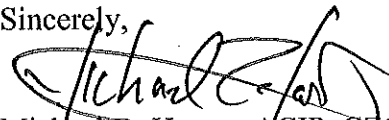
Staff is including the necessary Class A Special Use Permit application packet as well as the applicable provisions of the Ordinance relating to the review and approval of the project. Class A Special Use Permits are reviewed by the County Board of Commissioners and the Planning Board at one (1) of four (4) previously scheduled quarterly public hearings. Staff has attached a copy of the submittal deadlines associated with each of the quarterly public hearing dates.

The application fee for the processing of the Special Use Permit shall be \$1,560.00 in accordance with the current Orange County fee schedule. The site plan review, in order to allow staff to issue the Zoning Compliance Permit once the Special Use Permit is approved, shall be \$1,000.00 plus \$20.00 per one thousand (1,000) square feet of building area.

Planning staff strongly recommends that University officials schedule a pre-application meeting to review the necessary submittal and review process associated with the processing of a Class A Special Use Permit application.

Staff looks forward to working with you on this matter and will be more than happy to assist with the processing of the site plan modification as well as the Class A Special Use Permit application package. You may reach staff at (919) 245-2575 for additional assistance.

Sincerely,



Michael D. Harvey ACIP, CZO
Current Planning Supervisor
Orange County

ATTACHMENTS: (1) Class A Special Use Permit Application
(2) Article Eight (8) *Special Uses* of the Ordinance

CC: Orange County Commissioners
Frank Clifton, County Manager
Craig Benedict, Planning Director
John Roberts, County Attorney
Susan Mellott, Building Inspections
Tom Konsler, Environmental Health
File

**APPLICATION FOR CLASS A SPECIAL USE PERMIT
ORANGE COUNTY BOARD OF COMMISSIONERS**

DATE: ___/___/___
APPLICATION NUMBER: PD-___-___

I (We) request a Class A Special Use Permit as provided for in Article _____ of the Orange County Zoning Ordinance for _____

The following information is provided in support of this request:

A. PROPERTY INFORMATION:

Street Address or Location: _____
Orange County Tax Map _____ Block _____ Lot(s) _____ Township _____
Zoning District(s): _____
Lot/Parcel Size: _____ acres or _____ square feet
Number of Existing Buildings: _____ Gross Floor Area: _____ square feet
Number of Proposed Buildings: _____ Gross Floor Area: _____ square feet
Water Supply: _____ Public (Specify) _____ Community _____ Individual
Wastewater Disposal: _____ Public (Specify) _____ Community _____ Individual
School District: _____ Fire District: _____
General Land Uses in Area: _____
Critical Areas: _____ Stream/Drainageway _____ Flood Prone Area
_____ Watershed (Specify) _____ Historic Site
Other (Explain) _____

B. SITE PLAN INFORMATION:

Twenty-six (26) copies of a Site Plan, prepared by a registered North Carolina surveyor or engineer, are provided as required by Article 8.8 and which contain the following information:

- _____ North point, scale, and date.
- _____ Extent of area to be developed.
- _____ Locations and widths of all easements and rights-of-way within or adjacent to the site.
- _____ Location of all existing and proposed structures on the site.
- _____ Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils maps.
- _____ Location of all water courses on the site, including direction of flow.
- _____ Existing topography at a contour interval of five (5) feet based on mean sea level datum.
- _____ Existing and proposed fencing, screening, gates, parking, service, and storage areas.
- _____ Access to site, including sight distances on all roads used for access.

C. OTHER SUBMITTAL INFORMATION:

- _____ Elevations of all structures proposed to be used in the development.
- _____ Two (2) full-size copies of the applicable Orange County Tax Map, one (1) copy with the property in question clearly marked.
- _____ The names and addresses of the property owner(s) and/or applicant(s), and the names and addresses are all persons owning property within five hundred (500) feet of the property in question.
- _____ Application fee as set by the Orange County Board of Commissioners.
- _____ Traffic impact study as required by Article 13 of the Zoning Ordinance.
- _____ Additional information regarding the proposed Special Use as required by Article 8 of the Zoning Ordinance.
- _____ Narrative (or letters from appropriate agencies) indicating:
 1. Method and adequacy of provision of sewage disposal facilities, solid waste disposal, and water service. Where public sewer is not available, a letter from the Orange County Health Department certifying the suitability of the existing and/or proposed wastewater treatment system for the property.
 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.

I (We), the applicant(s), hereby certify that the foregoing application and supporting documentation is complete and accurate. I understand that it shall be my (our) responsibility to present evidence to the Board of Commissioners the form of testimony, exhibits, documents, models, plans, and the like to support the request for approval of the Class A Special Use Permit.

APPLICANT SIGNATURE(S)

_____/_____/_____
DATE

NOTE: If title to the above mentioned property is not in the name of the applicant(s), please include a letter from the owner(s) signifying approval of the request.

FEES: Amount \$ _____ **Date Paid:** ____/____/____ **Receipt #** _____

ARTICLE 8 - SPECIAL USES

8.1 It is the intention of the Board of County Commissioners to create, and from time to time amend, a list of Special Uses within Article 4 Permitted Use Table which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The Board of County Commissioners is aware of its responsibility to protect the public health, safety and general welfare and believe that certain uses which now or 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.

In addition to the listing of such uses, the Board of County Commissioners intends that the general standards, established in Section 8.2.1, and the more specific requirements in 8.2.2, established below, 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. 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.

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

- a) The applicant shall have the burden of establishing, by competent material and substantial evidence, the existence of the facts and conditions which this ordinance requires for approval; and
- b) The Board 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:

Amended
1/8/90

- (1) 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;
- (2) 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);

Amended
8/3/95

- (3) 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;

and including all applicable provisions of Articles 4, 5, 6, 7, 9, 10 and 12 of this Ordinance, unless greater or different regulations are contained in the individual standards for the specific Special Use. The applicant shall have the burden of establishing by competent material and substantial evidence in the form of testimony, exhibits, documents, models, plans and the like that the application meets the requirements for approval of a Special Use.

8.2.2

Amended
8/3/95

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:

Amended
1/8/90
8/3/95

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;

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.

8.2.3

Amended
6/3/96

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.

8.2.4

In addition to the general standards stated in 8.2 the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

- a) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.
- b) Method and adequacy of police, fire and rescue squad protection.
- c) Method and adequacy of vehicular access to the site and traffic conditions around the site.
- d) Other use specific standards are set forth in Section 8.8.

8.2.5
Amended
6/3/96

It shall be stated in the Special Use Permit that the Permit shall automatically expire within twelve (12) months of 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 as provided in 8.4.11 of the Orange County Zoning Ordinance.

8.3 **Establishment of Classes of Special Uses; Authority To Approve or Disapprove**

There is hereby established two classes of Special Uses which shall be approved or disapproved as shown:

Class A - Approved or disapproved by Board of Commissioners

Class B - Approved or disapproved by Board of Adjustment

8.4 **Procedure For Submission and Consideration of Applications For Approval of Special Uses**

8.4.1 **Pre-Application Conference**

Amended
8/4/86
12/10/02
6/4/08

- a) Prior to the application being received as prescribed in Article 8.4.2, the applicant must request a pre-application meeting with the Orange County Planning Department. A sketch plan illustrating the location, size and major design elements of the development of the site must be submitted five (5) working days prior to the pre-application meeting. The Planning Department may request that representatives of other public agencies be present at the pre-application meeting. These agencies may include, but not be limited to, the Orange County Planning Board, the Orange County Recreation Department, the Orange County Health Department, the municipalities of Chapel Hill, Carrboro, Hillsborough, and Durham, the North Carolina Department of Transportation, and Orange Water and Sewer Authority.

- b) Annual Telecommunications Projection Meeting (ATPM). In January of each year the County shall hold a meeting of all carriers and tower companies who have filed applications the previous year or anyone who has expressed an interest in filing an application to construct a facility within the County in order to develop a plan for facility deployment within the County that provides reasonable coverage based on the needs of the County and its residents, while minimizing the number and intrusiveness of the facilities and the most efficient facility site use. The County shall notify each party of the date, time and place of the meeting no later than thirty (30) days prior to the meeting at the last known address of the party and

attendance shall be expected from all parties desiring to locate wireless telecommunication facilities within the County during the year. Attendance at the ATPM is mandatory.

- 1) Prior to the acceptance of any applications for Telecommunications Wireless Support Structures, a plan indicating proposed search rings shall be submitted to the Zoning Officer on or before December 31st of each year. The purpose of the ATPM is to allow for a complete review of collocation opportunities and address coverage issues. After all site plans or search area plans are received, the Planning Department Staff shall schedule an ATPM during the month of January with the providers. New applications for Class A Special Use Permits for telecommunications wireless support structures will be reviewed twice per year at the County Commissioners' May and November Public Hearings. New applications for Class B Special Use Permits for telecommunications wireless support structures will be reviewed by the Board of Adjustment in accordance with the published Board of Adjustment meeting schedule. No application will be considered unless the proposed site was identified on either the site plan or the search ring plan shown at the ATPM.
- 2) Formal applications for the May and November Public Hearings by the County Commissioners, and meetings of the Board of Adjustment, shall be submitted in accordance with the published yearly calendar of meetings schedule.
- 3) Exceptions to the ATPM requirement as it applies to a particular site may be allowed in the case of unforeseen events as defined in Section 6.18 provided the applicant shall submit documentation for review by the Orange County Development Advisory Committee (DAC) that such a waiver is necessary. The DAC shall make a determination on the waiver request and notify the applicant within a reasonable time period.
- 4) As of the effective date of this Ordinance amendment, any pending applications that have not received a zoning compliance permit or a special use permit shall meet all requirements of this Ordinance, including, but not limited to submission deadlines, application standards and processing, excluding the ATPM requirement.

8.4.2

Application Submitted to Zoning Officer

Application for approval of Special Uses shall be filed with the Zoning Officer, who shall, before accepting any application, ensure that it contains all required information, as specified elsewhere in this Article.

Applications which are not complete, or otherwise do not comply with the provisions of this Article, shall not be accepted by the Zoning Officer, but shall be returned forthwith to the applicant, with a notation by the Zoning Officer of the deficiencies in the application.

8.4.3

Amended
8/4/86
3/14/00

Zoning Officer Prepares Analysis and Recommendation

The Zoning Officer shall cause an analysis to be made of the application by qualified representatives of the County and such other agencies or officials as appear appropriate in the Comprehensive Plan, zoning, subdivision, soil erosion and sedimentation, and health regulations, and, based upon that analysis, prepare a recommendation for consideration by, in the case of Class A Special Uses, the Planning Board and Board of County Commissioners and, in the case of Class B Special Uses, the Board of Adjustment.

8.4.4

Amended
8/4/86
3/14/00

Recommendation Submitted To Planning Board or Board of Adjustment

The Zoning Officer shall submit the analysis and recommendation to the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.

8.4.5

Amended
1/3/84

Public Hearing Required; Notice Specified

Prior to consideration of the application for approval of a Special Use, a public hearing thereon shall be held by either the Board of County Commissioners or the Board of Adjustment, as appropriate for the classification of the Special Use involved.

The Zoning Officer shall give public notice of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining to the application for approval of a Special Use.

Such notice 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 (10) days nor more than twenty-five (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.

The Zoning Office shall post on the applicant's affected property a notice of the public hearing at least ten days prior to the date of said hearing.

Written notice shall be sent by certified mail to all adjacent property owners not less than fifteen days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose names and addresses are currently listed in the Orange County tax records.

8.4.6

Amended
8/4/86
3/14/00

Planning Board Action On Class A Special Uses

The Planning Board shall prepare and submit for the Board of County Commissioners a recommendation concerning the disposition of the application. The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled Planning Board meetings. If the Planning Board fails to make a recommendation as directed by the Board of County Commissioners or within three regularly scheduled Planning Board meetings, whichever is applicable, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

8.4.7

Amended
6/3/96

Action On The Application

After completion of the public hearing, the Board of County Commissioners or the Board of Adjustment, as appropriate, shall take action upon the application. This action shall be one of the following:

- a) Approval;
- b) Approval with conditions attached;
- c) Denial.

8.4.8

Imposed Conditions

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.

Such 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.

8.4.9

Amended
10/4/82

Withdrawal of Application

An applicant may withdraw their application at any time by written notice to the County Manager. However, any withdrawal of an application after the printing of the first notice as required in 8.4.4 shall have the same effect as a denial of the petition.

8.4.10

Amended
10/4/82

Effect of Denial on Subsequent Petitions

When the Board of County Commissioners or Board of Adjustment, as appropriate, shall have denied an application, the Board of County Commissioners or Board of Adjustment shall not receive another application for the same or similar petition affecting the same property or a portion thereof until the expiration of a one year period, extending from the date of denial.

8.4.11
Amended
10/7/91

Time Limits on Special Uses

Construction of Special Uses must start and proceed within twelve (12) months of the approval of the Special Use Permit. If no construction has started within the stated time frame, the Special Use Permit becomes null and of no effect.

If a request is received before the permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six (6) months upon the favorable recommendation of the Planning Board. No changes shall be made to the conditions of approval. Only one such approval of the 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 developer.

For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Specific Development Plan for a period of not less than two (2) nor more than five (5) years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. Additional application information is required, as specified in Article 8.8.27.

8.5
Amended
3/14/00

Action Subsequent to the Board Action

The Zoning Officer shall cause notice of the disposition of the application to be sent by certified mail to the applicant and a copy of the decision to be filed in the office of the Zoning Officer.

The Zoning Officer, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.

The Orange County Manager 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.

8.6
Amended
7/6/82

Contents of Application for Approval of a Special Use

The application for approval of a Special Use shall be submitted on forms provided by the Zoning Officer. Such forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, and all relevant information needed to show compliance with the general and specific standards governing the Special Use which is the subject of the application. (See Section 8.2)

8.7

Minor Changes To Be Approved By Zoning Officer; Modifications Require Action By Approving Board

The Zoning Officer is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, 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.

***8.7.1**

*Amended
7/5/83

Criteria To Be Used In Determination

- a) Any change in a condition imposed during the approval of a special use permit shall constitute a modification.
- b) Any change in use or enlargement of existing use shall constitute a modification.
- c) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units.
- d) 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 applicants narrative shall be considered a modification.
- e) Substantial change in the amount and/or location of open space, recreation facilities or landscape screening shall constitute a modification.
- f) Any increase in the size or number of approved signs shall constitute a modification.
- g) Any change in parking areas resulting in an increase or reduction of five percent or more in the number of spaces approved shall constitute a modification.
- h) Substantial changes in pedestrian and/or vehicular access or circulation shall constitute a modification.
- i) Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval shall constitute a modification.
- j) 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 shall constitute a modification.

***8.7.2**

*Amended

7/5/83

Review of Record Required

The Zoning Officer 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 Zoning Officer's findings under the criteria of Section 8.7.1.

***8.7.3**

*Amended

7/5/83

Action Required on Proposed Minor Changes or Modifications

The Zoning Officer 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 with the Zoning Officer an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Zoning Officer shall file the amended site plan or written statement with the approved site plan.

If it is determined that the proposed action is a modification, the Zoning Officer shall require the applicant to submit a request for modification of the approved special use permit. The applicant shall provide an amended site plan and written narrative outlining the specific changes requested. The Zoning Officer shall submit the request to the Board which approved the original application. The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the requirements of Section 8.4.4. The Board may approve, approve with conditions or disapproved the application for a modification. The Zoning Officer shall file the Board's action in his office as an amendment request to the original application.

***8.8**

*Amended
11/21/89
10/7/91
9/16/03

Regulations Governing Individual Special Uses

The regulations for each Class A and Class B Special Use are divided generally into two sections: the first consists of additional and specific components of the application beyond those necessary to comply with Section 8.6, while the second consists of the specific standards which are supplementary to the general standards in Section 8.2 and to the required conditions in Subsection 8.4.7.

The following additional information is required for all Special Use Applications:

- a) For Class A Special Uses twenty-six (26) copies of the Site Plan, and for Class B Special Uses ten (10) 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 Article 14.2.2. Where the application involves a Preliminary Subdivision Plat, twenty-six (26) copies of the Plat prepared in accordance with Section V of the Orange County Subdivision Regulations shall be provided.
- b) Elevations of all proposed structures to be used in the development.
- c) For Class A Special Uses twenty-six (26) copies and for Class B Special Uses ten (10) copies of the Environmental Assessment and/or Environmental Impact Statement, if required by the Orange County Environmental Impact Ordinance.
- d) A fee, as set by the Orange County Board of Commissioners.
- e) 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.

***8.8.1**

*Amended
4/1/85

Extraction of Earth Products (Class A Special Use)

***8.8.1.1**

*Amended
7/5/83

Additional Information

In addition to the information required by Subsection 8.2, the following shall be submitted as part of the application.

- a) Twenty-six copies of the site plan, prepared by a North Carolina registered land surveyor or engineer, which shall contain the following:
 - 1) Extent of area to be excavated or mined.
 - 2) Aerial photograph of site and all areas within 1,000 feet of the perimeter of the property flown within two (2) months of the application for a Special Use Permit.

For purposes of this ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibrations.

- 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.

*8.8.3 Public Utility Stations and Substations, including electric substations, metering, and switching stations receiving more than 100 kilovolts (kv) of electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges (Class A Special Use)
*Amended
1-3-89

8.8.3.1 Additional Information

In addition to the information required by Subsections 8.2 and 8.8, 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.

8.8.3.2 Standards of Evaluation

The following standards shall be used in deciding upon an application for approval of these Special Uses:

- a) Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district, or it shall be screened from adjacent residential land.
- b) Where buildings are set back from road rights-of-way or from private property lines by a distance of 200' screening will not be required.
- c) All outside storage areas are fenced and screened from adjacent residentially developed areas.
- d) The site is of adequate size for the sewage disposal system proposed and for the proposed use.

8.8.4 Group Care Facility (Class B Special Use)

8.8.4.1 Additional Information

In addition to the information required by Subsection 8.2 and 8.8 the following shall be submitted as part of the application:

- 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.

8.8.4.2 Standards of Evaluation

The following standards shall be used in deciding an application for approval of this use:

- 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.