

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



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Monday, October 17, 2016
Special Meeting – 7:00 pm**

(This meeting is a make-up for the October 5 regular meeting which was canceled due to quorum issues)

No.	Page(s)	Agenda Item
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1. CALL TO ORDER

2. 3 - 4 INFORMATIONAL ITEMS

- a. Planning Calendar for October and November
 - Nov. 2 Regular Planning Board Meeting
 - Nov. 21 Quarterly Public Hearing

3. APPROVAL OF MINUTES

- 5 – 6 September 7, 2016 ORC Notes
- 7 - 9 September 7, 2016 Regular Meeting

4. CONSIDERATION OF ADDITIONS TO AGENDA

5. PUBLIC CHARGE
Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

Public Charge

The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

6. CHAIR COMMENTS

No.	Page(s)	Agenda Item
7.	10 - 105	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To review revisions suggested at the September 12 quarterly public hearing and make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would modify existing regulations that pertain to the Hillsborough Economic Development District. Presenter: Perdita Holtz, Planning Systems Coordinator
8.	106 - 224	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO pertaining to subdivisions, particularly minor subdivisions, flexible development options, and open space. This item is scheduled for the November 21, 2016 quarterly public hearing. Presenter: Patrick Mallett, Planner II
9.		COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation
10.		ADJOURNMENT

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

< September		October 2016					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
						1	
Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)							
2	3	4	5	6	7	8	
		Regular BOCC Meeting 7:00 pm Whitted Building	Planning Board meeting @ 7:00 pm WCOB 004* (Canceled due to quorum issues)	BOCC Work Session 7:00 pm Whitted Building			
9	10	11	12	13	14	15	
	Board of Adjustment 7:30 pm WCOB 004			BOCC/ Town of Carrboro Joint Meeting 7:00 pm Southern Human Services Center			
16	17	18	19	20	21	22	
	Special Planning Board meeting @ 7:00 pm WCOB 004*	Regular BOCC Meeting 7:00 pm Southern Human Services Center	OUTBoard meeting @ 6:30 pm WCOB 004				
23	24	25	26	27	28	29	
30	31						

< October		November 2016					December >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
		1 Regular BOCC Meeting 7:00 pm Whitted Building	2 Planning Board meeting @ 7:00 pm WCOB 004*	3	4	5	
6	7 Board of Adjustment 7:30 pm WCOB 004	8	9	10 BOCC Work Session 7:00 pm Southern Human Services Center	11	12	
13	14	15 Regular BOCC Meeting 7:00 pm Southern Human Services Center	16 OUTBoard meeting @ 6:30 pm WCOB 004	17 Assembly of Governments 7:00 pm Whitted Building	18	19	
20	21 Quarterly Public Hearing 7:00 pm Whitted Building*	22	23	24 Holiday	25 Holiday	26	
27	28	29	30				
					Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)		

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 9, 2016
ORDINANCE REVIEW COMMITTEE

NOTE: A quorum is not required for Ordinance Review Committee meetings.

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large, Chapel Hill Township; Tony Blake (Vice-chair), Bingham Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II, Rachel McCook, Planner I; Molly Boyle, Planning Technician; Meredith Pucci, Administrative Assistant II.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lydia Wegman called meeting to order.

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – TABLE OF PERMITTED USES

To review and comment upon proposed amendments to the Table of Permitted Uses that will clarify permitted and prohibited uses.

Presenter: Michael Harvey, Current Planning Supervisor

Mr. Harvey reviewed the abstract.

Lydia Wegman asked if there had been any issues so far. Michael Harvey answered that there haven't been yet but there a few issues he can see happening soon.

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – SUBDIVISION REGULATIONS

To review and comment upon proposed amendments to the UDO pertaining to subdivisions, particularly minor subdivisions.

Presenter: Patrick Mallett, Planner II; Rachel McCook, Planner I; Molly Boyle, Planning Technician

Patrick Mallett reviewed the abstract.

Allen Clapp presented

Lydia Wegman asked about what can be on top of these systems. Allen Clapp answered people can walk on them, just no vehicles. Patrick Mallett elaborate that there are fences or possibly hedgerows around them to prevent vehicles. Tony Blake asked how long the supply lines last. Allen Clapp informed him they last indefinitely unless they're exposed to UV. Tony Blake inquired about putting some of these alternative systems into the commercial areas where there's a growing issue with septic systems failing. Allen Clapp explained that they would be able to do that now with the new rules but Patrick Mallett explained there are some zoning and other issues making it difficult to get done.

Molly Boyle presented

Lydia Wegman asked if the cluster and flexible developments are going to be merged. Molly Boyle confirmed they are.

Patrick Mallett continued presentation after break for Planning Board meeting.

55 Tony Blake asked how it would affect the buffers. Patrick Mallett advised that it wouldn't to begin with because minor
56 subdivisions don't have that but the trade off is the open space requirement. Tony Blake mentioned subdivisions that aren't
57 finished yet and asked if they would be able to convert the remaining space to something like this. Patrick Mallett answered
58 that what's likely to drive that is the soil and whether the subdivisions were built on private or public roads. Patrick also
59 informed him that the road is cumulative and that's why 12 is the cap and if you go above 12 you have to have a public road.
60 Michael Harvey added that it would be on a case-by-case basis for a multitude of reasons.

61
62 Craig Benedict added that the examples being presented are just graphics and it's likely these clusters will not be so close to
63 the road. The idea is to create more open space and give it rural character.

64
65 *Patrick Mallett concluded presentation*

66
67 *Rachel McCook presented*

68
69 Lydia Wegman asked if they've gotten feedback from developers. It was confirmed that they have and Patrick Mallett added
70 that they've been working with a couple pretty consistently.

71
72 There was discussion about farmers selling part of their land and subdividing it, as long as they still had enough to live off of.

73
74 Lydia Wegman confirmed that there was not going to be a change to the rural buffer with this.

75
76 **AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – RURAL MASTER PLAN CONDITIONAL**
77 **ZONING DISTRICT**
78 To review and comment upon proposed amendments to the UDO that would establish a Rural Master
79 Plan Conditional Zoning District (CZD).
80 **Presenter:** Michael Harvey, Current Planning Supervisor

81
82 *Michael Harvey reviewed abstract*

83
84 Lydia Wegman asked if the Village District would be rewritten. Michael Harvey confirmed that's what he plans on trying to do.

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86
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88 **AGENDA ITEM 5: ADJOURNMENT**

89
90 *Meeting was adjourned by consensus*

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93 _____
Lydia Wegman, Chair

MINUTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 7, 2016
REGULAR MEETING

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MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Tony Blake (Vice-Chair), Bingham Township Representative; Maxecine Mitchell, At-Large Bingham Township; Lisa Stuckey, Chapel Hill Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Patricia Roberts, Cheeks Township Representative;

MEMBERS ABSENT: Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Kim Piracci, At-Large;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II, Rachel McCook, Planner I; Molly Boyle, Planning Technician; Meredith Pucci, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lydia Wegman called the meeting to order.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for September and October

Lydia Wegman noted that next Monday, September 12 there is the quarterly public hearing. Also the next Planning Board meeting will be on October 5th.

**AGENDA ITEM 3: APPROVAL OF MINUTES
AUGUST 3, 2016 REGULAR MEETING**

MOTION by Tony Blake to approve the August 3, 2016 Planning Board minutes. Seconded by Lisa Stuckey.
VOTE: UNANIMOUS

AGENDA ITEM 4. CONSIDERATION OF ADDITIONS TO AGENDA

No additions to Agenda

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge
The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

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 57 **PUBLIC CHARGE**
 58 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
 59 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
 60 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
 61 public charge, the Chair will ask the offending member to leave the meeting until that individual
 62 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
 63 until such time that a genuine commitment to this public charge is observed.
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 66 **AGENDA ITEM 6: CHAIR COMMENTS**

67
 68 *No comments*

69
 70 **Agenda Item 7: Unified Development Ordinance (UDO) Text Amendment - To review revisions suggested**
 71 **by the Attorney's office after the August 3 Planning Board meeting (where this text**
 72 **amendment was previously acted upon) and make a recommendation to the BOCC on**
 73 **government-initiated amendments to the text of the UDO that would modify existing**
 74 **regulations that pertain to the Hillsborough Economic Development District. This item is**
 75 **scheduled for the September 12, 2016 quarterly public hearing.**
 76 **Presenter: Perdita Holtz, Planning Systems Coordinator**

77
 78 Perdita Holtz reviewed the abstract.

79
 80 Tony Blake: I have a question here because it says that it's a change in the list but it looks like the change is wrong.
 81 The 7 and 8 should have been deleted and the green 9 should have been a 7.

82
 83 Perdita Holtz: Well yes, but the list is generated automatically through a styling of the document and so if you delete
 84 7 and 8 it doesn't automatically update. It will change.

85
 86 *Perdita Holtz continued presentation.*

87
 88 Lydia Wegman: Why did the attorney feel that change was needed?

89
 90 Perdita Holtz: He seemed to feel that by definition accessory uses are allowed in all zoning districts and limiting an
 91 accessory use to only one type of use is not really kosher in his view.

92
 93 Lisa Stuckey: So could you have a freestanding restaurant, or does it have to be part of something else?

94
 95 Perdita Holtz: You could not have a freestanding restaurant by right. You'd have to go through the MPDCZ process.

96
 97 *Perdita Holtz continued presentation.*

98
 99
 100 **MOTION** by Tony Blake to approve the Statement of Consistency. Seconded by Lisa Stuckey.
 101 **VOTE: UNANIMOUS**

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 103 **MOTION** by Lisa Stuckey to approve the amendment package. Seconded by Tony Blake.
 104 **VOTE: UNANIMOUS**

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 106 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment - To review revisions suggested**
 107 **by the Attorney's office after the August 3 Planning Board meeting (where this text**
 108 **amendment was previously acted upon) and make a recommendation to the BOCC on**

109 government-initiated amendments to the text of the UDO that would establish use standards
110 to allow certain principal uses to include a small component of other specific uses in the
111 O/RM (Office/Research and Manufacturing) zoning district. This item is scheduled for the
112 September 12, 2016 quarterly public hearing.

113 **Presenter:** Ashley Moncado, Planning Systems Coordinator

114

115 *Ashley Moncado reviewed the abstract.*

116

117 Lydia Wegman: There are no substantive changes here?

118

119 Ashley Moncado: No, it was the same intent, same concept. They were just reworded differently.

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122 **MOTION** by Maxecine Mitchell to approve the Statement of Consistency and amendment package. Seconded by
123 Tony Blake.

124 **VOTE: UNANIMOUS**

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127 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**

128

129 a) Board of Adjustment

130 b) Orange Unified Transportation

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132 *Tony Blake agreed to be a liaison to Board of Adjustment.*

133

134 **AGENDA ITEM 10: ADJOURNMENT**

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136 *Planning Board meeting was adjourned by consensus.*

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Lydia Wegman, Chair

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 17, 2016

**Action Agenda
Item No. 7**

SUBJECT: Unified Development Ordinance (UDO) Amendments – Hillsborough Economic Development District

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form
2. Statement of Consistency
3. Proposed Amendments
4. NAICS Code

INFORMATION CONTACT: (919)

Perdita Holtz, Planner III, 245-2578
Craig Benedict, Director, 245-2575
Michael Harvey, Planner III, 245-2597

PURPOSE: To review revisions incorporated in response to comments made at the September 12 quarterly public hearing and to make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would modify some development standards, types of permitted uses, and use standards within the Hillsborough Economic Development District (EDD).

BACKGROUND: In response to comments made at the September 12 quarterly public hearing, staff has modified the proposed text amendments pertaining to the EDH zoning districts. The comments pertained to:

- A suggestion that drive through facilities be allowed in all EDH zoning districts. A current Development Standard in the Article 3 charts prohibited such facilities in each of the EDH district. This prohibition is proposed for deletion.
- Removal of certain Manufacturing uses that are listed in the NAICS Code but not desired as permitted uses in the Hillsborough Economic Development District. In consultation with the Attorney's office, staff has achieved this revision by undertaking a more comprehensive amendment to the Permitted Use Tables in Section 5.2 of the UDO. The proposed amendments now include revisions to the tables for General Use and Conditional Zoning Districts because the way in which Manufacturing uses are listed should be consistent among the various tables.
 - As a reminder, staff is currently working on a comprehensive overhaul to all of the Tables of Permitted Uses in order to bring the UDO into better compliance with a judicial decision (*Byrd v. Franklin County*). Therefore, the current proposed amendments, if adopted, may undergo further amendments as part of the comprehensive effort.

The BOCC deferred action on the text amendments (and the related rezoning) until the November 1, 2016 BOCC meeting to give staff time to incorporate revisions and time for the Planning Board to review the revisions. The Planning Board previously considered these amendments at its August 3 and September 7 meetings. Materials for these meeting are

available at:

[http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_\(pb\).php#4582](http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_(pb).php#4582)

The video for the quarterly public hearing is available at:

http://www.orangecountync.gov/departments/board_of_county_commissioners/videos.php.

Attachment 4 contains the NAICS (North American Industry Classification System) in its entirety. It should be noted that not all of the sectors listed in the NAICS Code are included in the UDO. For example, neither Sector 21 (Mining, Quarrying, and Oil and Gas Extraction) nor Sector 22 (Utilities) is used in the UDO. The only portions of the NAICS Code relevant to the UDO are those Sector numbers listed in the UDO's Tables of Permitted Uses.

Attachment 1 contains additional information and analysis regarding this amendment. Proposed text amendment language can be found in Attachment 3 within a "track changes" format.

Planning Director's Recommendation: The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 2 and proposed amendment package contained in Attachment 3.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement were paid from FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Review the proposed amendments,
2. Deliberate on the petition as desired,
3. Consider the Planning Director's recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 2) and proposed amendment package (Attachment 3) in time for the **November 1, 2016** BOCC meeting.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2016-02

Text Modifications to Regulations Pertaining to the Hillsborough Economic Development District

A. AMENDMENT TYPE

Map Amendments

Future Land Use Map:

From:

To:

Zoning Map:

From:

To:

Other:

Text Amendments

Comprehensive Plan Text:

Section(s):

UDO Text:

UDO General Text Changes

UDO Development Standards

UDO Development Approval Processes

Section(s): Section 3.7 – Economic Development Districts

Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts (added after September 12, 2016 quarterly public hearing)

Section 5.2.2 – Table of Permitted Uses – Economic Development Districts

Section 5.2.3 - Table of Permitted Uses – Conditional Zoning Districts (added after September 12, 2016 quarterly public hearing)

Section 5.5 – Standards for Residential Uses

Section 5.6 – Standards for Commercial Uses

Section 6.7.5 – Additional Standards for MPD-CZ; Specific Standards for Hillsborough EDD

Other:

B. RATIONALE

1. Purpose/Mission

In order to better promote economic development opportunities in the Hillsborough Economic Development District (EDD), the Planning Director is suggesting consideration of UDO text amendments to modify development standards, types of permitted uses, and use standards.

2. Analysis

Text modifications to existing standards that regulate development in the Hillsborough EDD would aid the County in promoting economic development opportunities within the EDD. Plans for County investment in water and sewer infrastructure to parcels south of Interstate 40 and in the vicinity of Old Highway 86 are underway and these UDO text amendments focus on this geographic area. Funding for the infrastructure expansion is from Article 46 sales tax money which is to be used for economic development purposes.

The proposed text amendments would allow for more projects, including mixed development projects, to be permitted “by-right”, subject to all applicable standards contained within the UDO. The amendments would also remove single-family and duplex residential uses as by-right permitted uses within the Hillsborough EDD. This action would preserve expected water and sewer capacity within the EDD for non-residential uses. Additionally, multi-family uses would be permitted by-right only if the use is a small part of a mixed-use development project. Residential-only projects or projects exceeding the proposed multi-family square footage limitation could potentially be permitted in the Hillsborough EDD if approved as an MPD-CZ or Conditional Use District.

Retail uses are proposed to be added as by-right permitted uses in the EDH-4 and EDH-5 zoning districts. Currently, no lands are zoned EDH-4 or EDH-5. Retail uses would be permitted by-right only if they are part of a mixed use development project and would be subject to square footage limitations. Stand-alone retail uses could potentially be permitted in the Hillsborough EDD if approved as an MPD-CZ or Conditional Use District.

Other modifications to the Table of Permitted Uses (Section 5.2.2) have been proposed and are included in the amendment package in Attachment 3. Additionally, in response to comments made at the September 12, 2016 quarterly public hearing regarding the removal of certain uses listed in the NAICS Code from consideration in the Hillsborough EDD, the Tables of Permitted Uses for General Use Districts (5.2.1) and Conditional Zoning Districts (5.2.3) have also been suggested for modifications. These modifications have been proposed because the Attorney’s office has suggested that the way in which Manufacturing uses are listed should be consistent among the various tables.

3. **Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)**

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Objective ED-2.1:

Encourage compact and higher density development in areas served by water and sewer. (See also Land Use Objective LU-1.1 and Water and Wastewater Objective WW-5.)

Objective ED-2.5:

Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses in the County.

Objective ED-2.7:

Select industrial sites in Economic Development Areas based on present and planned supporting systems, such as public water and sewer, access to adequate highway, rail, or public transportation infrastructures, and minimize detrimental environmental or negative social outcomes. (See also Water and Wastewater Objective WW-15.)

Land Use Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

April 19, 2016

b. Quarterly Public Hearing

September 12, 2016 – video is available at [http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_\(pb\).php#](http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_(pb).php#). Six people spoke on the three related Hillsborough EDD items; one person had substantive comments about manufacturing uses – the revisions being proposed may alleviate this person’s concerns.

c. BOCC Updates/Checkpoints

July 6, 2016 – Planning Board ORC (Ordinance Review Committee) (BOCC receives agenda)
 August 3, 2016 – Planning Board Meeting for Recommendation (BOCC receives agenda)
 September 7, 2016 – Planning Board Meeting for Recommendation on edits made after August 3 meeting (BOCC receives agenda)
 October 5, 2016 - Planning Board Meeting for Recommendation on revisions made in response to comments at the September 12 quarterly public hearing (BOCC receives agenda)

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. Additionally, a public information meeting (PIM) was held on July 26, 2016. The PIM covered all three related items scheduled for the September QPH (modifications to the joint plan with the Town of Hillsborough, a related rezoning action, and the proposed text amendments).

a. Planning Board Review:

July 6, 2016 – Ordinance Review Committee (ORC) – Notes available at [http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_\(pb\).php#](http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_(pb).php#)
 August 3, 2016 – Recommendation – Substantial discussion, including public comment that encompassed all three related items but was related primarily to the proposed rezoning action, occurred at the Planning Board meeting. Planning Board Minutes are available at [http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_\(pb\).php#](http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_(pb).php#). Six people attended the Planning Board meeting for the three related Hillsborough EDD items.
 September 7, 2016 – Recommendation on edits made after August 3 meeting (Draft Minutes are part of the October 5 Planning Board agenda for action)
 October 5, 2016 - Recommendation on revisions made in response to comments at the September 12 quarterly public hearing

b. Advisory Boards:

Economic Development Advisory Board
 (Sent via e-mail on July 11 because the EDAB does not meet again until September. To date, one question pertaining to whether hotels would still be allowed in the EDD was asked and answered)

c. Local Government Review:

Staff has worked jointly with the Town of Hillsborough’s staff on the three related items.

d. Notice Requirements

Consistent with NC State Statutes – legal ad prior to public hearing

e. Outreach:

General Public: A public information meeting (PIM) that covered all three related items (modifications to the joint plan with the Town of Hillsborough, a related rezoning action, and the proposed text amendments) was held on July 26, 2016. Notices regarding the PIM and Planning Board meetings were mailed to affected and adjacent (1,000-foot boundary) property owners on July 11. Five people attended the PIM. Signs for the related rezoning advertising the Planning Board meeting were posted in the area affected by the proposed amendments on July 21.

Notices regarding the Public Hearing for the related rezoning action were mailed to affected and adjacent (1,000-foot boundary) property owners on August 26. Signs for the related rezoning advertising the Public Hearing were posted in the area affected by the proposed amendments on August 30.

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of county services. Costs for the mailing and required legal advertisement will be paid from FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

Staff is proposing to modify existing regulations that apply to the Hillsborough EDD so that the County can better promote the EDD, particularly the portion of the EDD south of I-40 in the vicinity of Old Highway 86, for economic development purposes.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3.

Primary Staff Contact:

Perdita Holtz and Craig Benedict

Planning & Inspections Department

919-245-2575

pholtz@orangecountync.gov

or cbenedict@orangecountync.gov

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify some development standards, types of permitted uses, and use standards within the Hillsborough Economic Development District (EDD).

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 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 2030 Comprehensive Plan goals and objectives:

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Objective ED-2.1:

Encourage compact and higher density development in areas served by water and sewer. (See also Land Use Objective LU-1.1 and Water and Wastewater Objective WW-5.)

Objective ED-2.5:

Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses in the County.

Objective ED-2.7:

Select industrial sites in Economic Development Areas based on present and planned supporting systems, such as public water and sewer, access to adequate highway, rail, or public transportation infrastructures, and minimize detrimental environmental or negative social outcomes. (See also Water and Wastewater Objective WW-15.)

Land Use Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

- c. The amendment is reasonable and in the public interest because it:
 - 1. Assists Orange County in promoting the Hillsborough EDD to economic development prospects.
 - 2. Continues to protect adjacent and nearby land uses by implementing new, and maintaining a myriad of existing, development standards in the County's UDO.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

Lydia N. Wegman, Chair

Date

Attachment 3

Amendment Package to Revise Regulations Pertaining to the Hillsborough Economic Development District

Notes

The pages that follow contain amendments to the Unified Development Ordinance (UDO) text to revise various regulations that pertain to the Hillsborough Economic Development District (EDD). The modifications are being proposed in order to aid the County in better promoting economic development opportunities within the Hillsborough EDD.

The following color coding is used in this amendment package:

Red Text: Denotes new, proposed text, that staff is suggesting be added to the UDO.

Red Strikethrough Text: Denotes existing text that staff is proposing be deleted from the UDO.

*****: Denotes an existing asterisk in Section 5.2, Table of Permitted Uses, that staff is suggesting be deleted.

Yellow Highlighted Text: Denotes revisions made after the August 3rd Planning Board meeting.

Green Highlighting: Denotes changes in automatic alpha or numeric lists that are difficult to indicate in the text due to the "Styling" properties of the master Microsoft Word document.

Green text/strikethrough: Denotes revisions made in response to comments received at the September 12, 2016 quarterly public hearing.

Some of the proposed changes utilize footnotes to provide a brief explanation as to rationale. 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://orangecountync.gov/planning/Ordinances.asp>

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.

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. Text with a large "X" is not proposed for deletion; proposed deletions are shown in **strike through** text.

<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	Lot Width, min. (feet)	100						
<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	Side Setback, min. (feet)	15 [1]						
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Corner Setback, min. (feet)	40 [1] [2]						
<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>	Rear Setback, min. (feet)	50 [1]						
	Height, max. (feet)	30 [3]						
	Floor Area Ratio, max	<table border="1" style="font-size: small;"> <tr> <td>R-CU[4]</td> <td align="center">.45</td> </tr> <tr> <td>NR</td> <td></td> </tr> <tr> <td>NR-CU</td> <td align="center">.50</td> </tr> </table>	R-CU[4]	.45	NR		NR-CU	.50
	R-CU[4]	.45						
	NR							
	NR-CU	.50						
	Required Open Space Ratio, min.	.55						
	Required Livability Space Ratio, min.	<table border="1" style="font-size: small;"> <tr> <td>R-CU</td> <td align="center">.55</td> </tr> </table>	R-CU	.55				
R-CU	.55							
Gross Land Area, min./max. (square feet)	none							
Required Pedestrian/Landscape Ratio, min.	<table border="1" style="font-size: small;"> <tr> <td>NR</td> <td></td> <td></td> </tr> <tr> <td>NR-CU</td> <td align="center">.05</td> <td></td> </tr> </table>	NR			NR-CU	.05		
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 a 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. No drive through facilities may be constructed in this district.¹~~
8. A justification for any deviation to development standards must state a public benefit or purpose.
9. Structures in this district shall not exceed 5,000 square feet in gross floor area.
10. 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.
11. 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.
12. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
13. 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.
14. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
15. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

¹ The prohibition of drive-through facilities in the Hillsborough EDD was discussed by BOCC members at the quarterly public hearing. As a result of the discussions, the prohibition is being proposed for deletion. Deletion of this standard will cause the automatic renumbering of remaining standards (e.g., existing #8 will become #7, and so on).

<h1 style="margin: 0;">EDH-2</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE</h2>	DIMENSIONAL STANDARDS					
	Lot size, min./max., (acres square feet)	2 30,000 ²				
	Lot Width, min. (feet)	200				
PURPOSE						
<p>The purpose of the Economic Development Hillsborough Limited Office (EDH-2) District is to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.</p>	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"> 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. 	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: [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</p>	Floor Area Ratio, max.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">R-CU [4] NR</td> <td style="text-align: center;">.45</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.50</td> </tr> </table>	R-CU [4] NR	.45	NR-CU	.50
	R-CU [4] NR	.45				
	NR-CU	.50				
	Required Open Space Ratio, min.	.55				
	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;">.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="text-align: center;">NR NR-CU</td> <td style="text-align: center;">.05</td> </tr> </table>	NR NR-CU	.05			
NR 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						

² In order to promote economic development opportunities, Staff is suggesting removing the 5 acre maximum lot size and lowering the minimum lot size to 30,000 square feet (0.69 acres). A 2-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

	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 a 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 structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.
8.	All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use.³
9.	Any nonresidential use within two hundred feet of a residential subdivision a lot smaller than 2 acres in size with an existing dwelling unit shall require a Special Use Permit, Class A. ⁴
10.	Direct driveway access to an arterial or major collector shall be prohibited. A frontage or service road shall be dedicated and constructed to provide access along all arterials or major collectors. 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 or, 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.⁵
11.	No drive through facilities may be constructed in this district.⁶
12.	A justification for any deviation to development standards must state a public benefit or purpose.
13.	All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
14.	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.
15.	Proposed subdivisions shall follow the procedures outlined in Section 2.16.
16.	See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

³ In order to promote economic development opportunities, Staff is suggesting deletion of standards 7 and 8 which require a Class A Special Use Permit for projects above a certain size. Staff notes that standard #9 is suggested to remain in place; this standard requires a Class A Special Use Permit for any nonresidential use located within 200-feet of an existing residential use on a smaller lot size. Typically, SUPs are used to require that a specific type of use (e.g., utility substations or wireless communication towers) be required to prove, in a quasi-judicial setting, that the use will meet the standards found in Section 5.3.2 of the UDO. It is unusual to require any use that reaches a certain size or that is located on a lot smaller or larger than a certain size be required to obtain a SUP. **It should be noted the deletion of standards 7 and 8 will cause the automatic renumbering of the remainder of the list below 8 (e.g., existing #9 will become #7 if 7 and 8 are deleted, and so on).**

⁴ The Attorney's office has advised that the term "residential subdivision" is vague and should be revised to a more definitive standard, particularly since the idea in #9 is proposed to be applied to EDH-3. The lot size suggested (2 acres or smaller) is being suggested because the vast majority of existing residential uses near EDH zoning boundaries are located on lots smaller than 2 acres in size. It should also be noted that Section 6.8.12(C) requires additional landscaped buffers at the perimeter of the EDDs and adjacent to interstates and certain roadways.

⁵ Staff is suggesting revised language because existing language provides no by-right flexibility to the requirement for frontage (or backage) roads in cases where site features might warrant flexibility in the requirement. The terms limited access street and marginal access street are existing terms and definitions in the UDO. Additionally, staff will bring an Amendment Outline Form to the BOCC after the summer break to receive authorization to develop an Access Management Plan for Hillsborough EDD. Section 2.5.3(V) of the UDO requires that site plan be in compliance with adopted access management plans; having an adopted access management plan will allow staff to require that parcels reserve access easements for future connectivity.

⁶ **Deletion of this standard will cause the automatic renumbering of standards currently below it.**

<h1 style="margin: 0;">EDH-3</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE WITH RESIDENTIAL⁷</h2>		DIMENSIONAL STANDARDS		
		PURPOSE	Lot size, min./max., (acres)	2/5 [1] 1 ⁸
The purpose of the Economic Development Hillsborough Limited Office with Residential (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 low to moderate density multi-family residential uses (4-8 6-12 units per acre) ⁹ .	Lot Width, min. (feet)	200		
	Front Setback, from ROW, min. (feet)	50		
APPLICABILITY	Side Setback, min. (feet)	20 [2]		
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. EXCEPTION: Single-family lots located south of I-40 may use ground absorption septic systems on minimum size lots of 40,000 square feet provided at least 33% of the tract is preserved as open space.	Corner Setback, min. (feet)	50 [2] [3]		
	Rear Setback, min. (feet)	40 [2]		
	Height, max. (feet)	R [4]	35 [5] [6]	
DIMENSIONAL STANDARDS NOTES: ¹⁰ [1] Resultant single-family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the	Floor Area Ratio, max.	R-CU [4] NR	.50 .60	
	Floor Area Ratio, max.	NR-CU	.55 .65 ¹²	
	Required Open Space Ratio, min.	.50		

⁷ Staff is suggesting a change in the name of this district, as indicated. As proposed revisions in Section 5.2 show, staff is recommending that single-family and two-family dwellings be removed as permitted uses in this district. As such, references on this page to these types of residential uses are being shown for deletion.

⁸ In order to promote economic development opportunities, Staff is suggesting removing the 5 acre maximum lot size and lowering the minimum lot size to 1 acre. A 2-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

⁹ This is the existing density stipulated in Section 5.2 for multi-family residential in the Hillsborough EDD. Staff is recommending that single-family and duplex residential uses be removed as a permitted use in this district and that multi-family uses would be permitted only as a small component of a multi-use development (see proposed Section 5.5.10)

¹⁰ Removal of [1] will cause subsequent renumbering and updates to the relevant note number in the table to the right.

adjacent residential district. 3 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). 4 R = Residential uses; NR = Non-residential uses. 5 Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. 6 Multi-family structures shall be limited to a two three -story maximum. ¹¹	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

1. 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.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
- ~~3. Parcels existing as of April 17, 2001 containing cumulatively more than 2 acres shall only be developed through a MPD-CZ process or after obtaining a Special Use Permit, Class A approval.¹³~~
- 4.** 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.
- 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
- 7.** The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
- ~~8. Single family uses shall adhere to the requirements for Flexible Development Subdivisions in Section 7.13.¹⁴~~
- ~~9. Duplex and multi-family uses shall be connected to a public water and public sewer system.¹⁵~~
- ~~10. A structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.~~
- 11.** ~~All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use.~~ 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.¹⁶

¹² Staff is suggesting increases in Floor Area Ratios (FAR) in this district. The suggested ratios are in keeping with the FAR allowed within the higher-intensity districts that can be applied to lands within the Commercial-Industrial Transition Activity Nodes (CITAN)

¹¹ Staff is suggesting that multi-family structures be allowed to be three stories tall rather than two. Three stories has become fairly typical in the region for this type of residential product.

¹³ Staff is suggesting removal of this standard in order to better promote economic development opportunities. **It should be noted the deletion of standards 3, 8, 9, and 10 and insertion of #13 will cause the automatic renumbering of the list (e.g., existing #4 will become #3, and so on).**

¹⁴ Because single-family residential uses are being proposed for removal as a permitted use in this zoning district, this standard would be obsolete.

¹⁵ All development in this zoning district would be required to be connected to public water and sewer (see #2 in Applicability section), so this standard would be obsolete.

¹⁶ In order to promote economic development opportunities, Staff is suggesting deletion of standards 10 and 11 which require a Class A Special Use Permit for projects above a certain size. However, in order to promote protection of existing residential subdivisions (which are specifically designated in existing language in EDH-2), Staff is suggesting that the new language in #11 be added.

- ~~No drive through facilities may be constructed in this district.~~¹⁷
13. 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 ~~or~~, 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.¹⁸
14. A justification for any deviation to development standards must state a public benefit or purpose.
15. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
16. 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.
17. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
18. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

¹⁷ Deletion of this standard will cause the automatic renumbering of standards currently below it.

¹⁸ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 4, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #13 became #14, and so on).

<h1 style="margin: 0;">EDH-4</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE / RETAIL</h2>	DIMENSIONAL STANDARDS			
	Lot size, min., (acres)	4 ¹ ¹⁹		
Lot Width, min. (feet)	300 200			
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 services 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 limited commercial uses within employment centers.</p>			
Front Setback, from ROW, min. (feet)				50
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"> 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. 	Corner Setback, min. (feet)	50 [1] [2]		
	Rear Setback, min. (feet)	40 [1]		
	Height, max. (feet)	60 [3]		
	Floor Area Ratio, max.	R-CU[4] NR	.65	
<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>	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 				

¹⁹ In order to promote economic development opportunities, Staff is suggesting lowering the minimum lot size to 1 acre. A 4-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

- 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 a 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. All outparcels within this district shall have internal access to the development.
 8. ~~No drive through facilities may be constructed in this district.~~²⁰
 9. 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 ~~or~~, 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.²¹
 10. Justification for any deviation to development standards must state a public benefit or purpose.
 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) for standards for uses requiring a Class A Special Use Permit.

²⁰ Deletion of this standard will cause the automatic renumbering of standards currently below it.

²¹ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #9 became #10, and so on).

<h1 style="margin: 0;">EDH-5</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE/FLEX RESEARCH AND MANUFACTURING</h2>	DIMENSIONAL STANDARDS					
	Lot size, min., (acres)	4 2 ²²				
Lot Width, min. (feet)	300 200					
PURPOSE						
<p>The purpose of the Economic Development Hillsborough Office/Flex 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 accessory to industrial development 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] NR</td> <td style="text-align: center;">.65</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.75</td> </tr> </table>	R-CU [4] NR	.65	NR-CU	.75
	R-CU [4] NR	.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				

²² In order to promote economic development opportunities, Staff is suggesting lowering the minimum lot size to 2 acres. A 4-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

EDH-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. 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 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 a 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. No drive through facilities may be constructed in this district.²³~~
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 ~~or~~, 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.²⁴
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) for standards for uses requiring a Class A Special Use Permit.

²³ Deletion of this standard will cause the automatic renumbering of standards currently below it.

²⁴ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 4 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #8 became #9, and so on).

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*		*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Military Installations (National Guard & Reserve Armory) ~												*	*	*	*	*	*	*	*	*	*	
MANUFACTURING, ASSEMBLY & PROCESSING NOTE: THE MANUFACTURING PORTION OF THE TABLE UTILIZES SECTOR NUMBERS AS DEFINED IN THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS), 2012 VERSION ²⁵																						
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	*	
Industrial, Heavy ~ ²⁶																				*	*	
Industrial, Light ~ ²⁶																	*	*	*	*	*	
Industrial, Medium ~ ²⁶																			*	*	*	
Microbrewery, production only Δ	B	B																*	*	*	*	
Printing & Lithography												*	*	*				*	*	*	*	
Sawmills ~																*						
Winery, production only Δ	B	B																*	*	*	*	
311 Food Manufacturing (see listing below)																						

²⁵ Due to comments made at the September 12, 2016 quarterly public hearing, staff has worked to modify the list of allowable manufacturing land uses within the EDH districts. Due to recent court decisions, specifically the *Byrd V. Franklin County* judicial decision, staff is concerned about having inconsistency with respect to what is considered an allowable land use. Staff had already been working on a comprehensive re-configuration of the existing tables outlining permitted uses but, after conferring with the Attorney’s office, it was decided to complete work on this specific component at this time. The manufacturing section of the general use zoning district (i.e., I-1 ; I-2 ; I-3) is now consistent, with respect to the uses listed, as those addressed in the EDH districts.

²⁶ Currently, allowable uses within the various Industrial districts are based on anticipated off-site impacts and rely on the determination of the Planning Department. This can no longer be relied upon and specific permitted/prohibited uses need to be listed.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
• 3111 Animal Food Manufacturing																						
• 3112 Grain and Oilseed Milling																					*	
• 3113 Sugar and Confectionery Product Manufacturing															*				*	*		
• 3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing															*		*	*	*	*		
• 3115 Dairy Product Manufacturing																			*	*		
• 3116 Animal Slaughtering and Processing																						
• 3117 Seafood Product Preparation and Packaging																						
• 3118 Bakeries and Tortilla Manufacturing															*		*	*	*	*		
• 3119 Other Food Manufacturing															*		*	*	*	*		
312 Beverage and Tobacco Product Manufacturing (see listing below)																						
• 3121 Beverage Manufacturing															*		*	*	*	*		
• 3122 Tobacco Manufacturing																						
313 Textile Mills																					*	
314 Textile Product Mills																						
315 Apparel Manufacturing																	*	*	*	*		
316 Leather and Allied Product Manufacturing (see listing below)																						
• 3161 Leather and Hide Tanning and Finishing																						
• 3162 Footwear Manufacturing																	*	*	*	*		
• 3169 Other Leather and Allied Product Manufacturing																						
321 Wood Product Manufacturing (see listing below)																						

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
• 3211 Sawmills and Wood Preservation																*	*	*			
• 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing																					
• 3219 Other Wood Product Manufacturing																					
322 Paper Manufacturing (see listing below)																					
• 3221 Pulp, Paper, and Paperboard Mills																					
• 3222 Converted Paper Product Manufacturing																					
323 Printing and Related Support Activities															*		*	*	*	*	
324 Petroleum and Coal Products Manufacturing																					
325 Chemical Manufacturing (see listing below)																					
• 3251 Basic Chemical Manufacturing																					
• 3252 Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing																					
• 3253 Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing																					
• 3254 Pharmaceutical and Medicine Manufacturing															*					*	
• 3255 Paint, Coating, and Adhesive Manufacturing																					
• 3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing																					
• 3259 Other Chemical Product and Preparation Manufacturing																					
326 Plastics and Rubber Products Manufacturing (see listing below)																					
• 3261 Plastics Product Manufacturing																					

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
• 3262 Rubber Product Manufacturing (see listing below)																					
○ 32621 Tire Manufacturing																					
○ 32622 Rubber and Plastics Hoses and Belting Manufacturing																					
○ 32629 Other Rubber Product Manufacturing																					
327 Nonmetallic Mineral Product Manufacturing (see listing below)																					
• 3271 Clay Product and Refractory Manufacturing																					*
• 3272 Glass and Glass Product Manufacturing																	*	*	*	*	
• 3273 Cement and Concrete Product Manufacturing																			*	*	
• 3274 Lime and Gypsum Product Manufacturing																					
• 3279 Other Nonmetallic Mineral Product Manufacturing																					
331 Primary Metal Manufacturing																					*
332 Fabricated Metal Product Manufacturing (see listing below)																					
• 3321 Forging and Stamping																					*
• 3322 Cutlery and Hand tool Manufacturing																	*	*	*		
• 3323 Architectural and Structural Metals Manufacturing																					*
• 3324 Boiler, Tank, and Shipping Container Manufacturing																					
• 3325 Hardware Manufacturing																			*	*	

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS												
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
• 3326 Spring and Wire Product Manufacturing																						
• 3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing																						
• 3328 Coating, Engraving, Heat Treating, and Allied Activities																						
• 3329 Other Fabricated Metal Product Manufacturing (see listing below)																						
o 33291 Metal Valve Manufacturing																						
o 33299 All Other Fabricated Metal Product Manufacturing (see listing below)																						
▪ 332991 Ball and Roller Bearing Manufacturing																						
▪ 332992 Small Arms Ammunition Manufacturing																						
▪ 332993 Ammunition (except Small Arms) Manufacturing																						
▪ 332994 Small Arms, Ordnance, and Ordnance Accessories Manufacturing																						
▪ 332996 Fabricated Pipe and Pipe Fitting Manufacturing																						
▪ 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing																						
333 Machinery Manufacturing																						
334 Computer and Electronic Product Manufacturing																*				*	*	
335 Electrical Equipment, Appliance, and Component Manufacturing																				*	*	

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
336 Transportation Equipment Manufacturing (see listing below)																					
• 3361 Motor Vehicle Manufacturing																					
• 3362 Motor Vehicle Body and Trailer Manufacturing																					
• 3363 Motor Vehicle Parts Manufacturing																					
• 3364 Aerospace Product and Parts Manufacturing																					
• 3365 Railroad Rolling Stock Manufacturing																					
• 3366 Ship and Boat Building																			*	*	
• 3369 Other Transportation Equipment Manufacturing (see listing below)																					
○ 336991 Motorcycle, Bicycle, and Parts Manufacturing																					*
○ 336992 Military Armored Vehicle, Tank, and Tank Component Manufacturing																					
○ 336999 All Other Transportation Equipment Manufacturing																					
337 Furniture and Related Product Manufacturing																	*	*	*	*	
339 Miscellaneous Manufacturing																					
MEDICAL USES																					
Health Services: Over 10,000 Sq. Ft.														*							
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~												*	*	*	*						
Veterinary Clinic		B								*	*	*	*	*	*	*	*	*	*	*	*
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*	*	*	*	*	*

5.2.2 Table of Permitted Uses – Economic Development Districts

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷									
AGRICULTURAL USES									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
CONSTRUCTION									
Building contractors		*		*					
Construction (Sector 23) (Hillsborough EDD only; all activities must be wholly within building) ²⁸									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
FINANCE									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	*
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					

²⁷ Staff suggests adding clarifying language as to what “Sector X” refers to when referencing the rows that pertain to the Hillsborough EDD zoning districts.

²⁸ In the amendment version the Planning Board reviewed on Aug. 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent *Byrd v. Franklin County* judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷									
Security and commodity brokers, and investment offices	*	*	*	*					
GOVERNMENT USES									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*
Parks, public and non-profit	*	*	*	*	*	*	*	*	*
Public Administration (Sector 92)									*
INFORMATION									
Information (Sector 51)								*	*
MANUFACTURING, ASSEMBLY & PROCESSING									
Manufacturing (Sector 31-33) (Hillsborough EDD only; all activities must be wholly within building) ²⁹									*
Electronic Equipment (see listing below)									
• Communications equipment		*		*					
• Electric lighting and wiring equipment		*		*					

²⁹ In the amendment version the Planning Board reviewed on Aug 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent *Byrd v. Franklin County* judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision. Due to comments made at the September 12, 2016 quarterly public hearing, the Manufacturing sectors, as they pertain to the proposed EDH-5 addition, were suggested for further refinement. Because of this, the Attorney’s office has suggested that a portion of the comprehensive work to the Table of Permitted Uses be undertaken at this time. Therefore, manufacturing uses pertaining to the Buckhorn and Eno EDDs are also proposed to be revised. At this time, staff is proposing use of the NAICS codes to achieve this work. However, the future comprehensive amendment to the Tables of Permitted Uses may or may not use the NAICS codes (e.g., the manufacturing portions of the Table may be revised in the future (2017),

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• Electric transmission and distribution		*		*						
• Electrical industrial apparatus		*		*						
• Electronic components and accessories		*		*						
• Household appliances		*		*						
• Radio and television receiving equipment		*		*						
Fabricated Metal Products (see listing below)										
• Cutlery and hand tools		*		*						
• Fabricated structural metal products		*		*						
• Heating equipment, except electric and warm air; and plumbing fixture		*		*						
• Metal cans and shipping containers		*		*						
• Nuts, bolts, screws, rivets, and washers		*		*						
Food Products (see listing below)										
• Bakery		*		*						
• Bottling plants		*		*						
• Dairy		*		*						
• Miscellaneous food preparation; e.g., coffee roasting, condiments, confectionary products, etc.		*		*						
Industrial Machinery (see listing below)										
• Engines and turbines		*		*						
• Farm/garden machinery and equipment		*		*						
• General industrial machinery and equipment; e.g., purification equipment, ball and roller bearings, etc.		*		*						

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• Metalworking machinery and equipment		*		*						
• Office, computing, and accounting machines		*		*						
• Special industrial machinery; e.g., textile machinery		*		*						
Instruments (see listing below)										
• Measuring, analyzing, and controlling instruments		*		*						
• Photographic, medical, and optical goods		*		*						
• Watches and clocks		*		*						
Paper Products (see listing below)										
• Converted paper and paperboard products		*		*						
• Paperboard containers and boxes		*		*						
Furniture and Fixtures (see listing below)										
• Household and office furniture		*		*						
• Miscellaneous furniture and fixtures		*		*						
Pharmaceutical Products		*		*						
Printing and Publishing Establishments		*		*						
Rubber and Plastic Products (see listing below)										
• Miscellaneous plastic products; e.g., plastic pipe, packaging materials, etc.		*		*						
• Rubber and plastic footwear		*		*						
• Rubber and plastic hose and belting		*		*						
Stone, Glass, Clay, and Concrete Products (see listing below)										

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• Cut stone products		C#		C#						
• Flat glass		*		*						
• Glass and glassware		*		*						
• Pottery and related products		*		*						
Transportation Equipment (see listing below)										
• Miscellaneous transportation equipment; e.g., motor vehicle components		*		*						
• Motorcycles, bicycles, and parts		*		*						
Miscellaneous Manufacturing Industries (see listing below)										
• Jewelry and silverware		*		*						
• Miscellaneous manufacturing industries; e.g., costume jewelry, novelties, buttons, etc.		*		*						
• Musical instruments		*		*						
• Pen, pencils, office, and artist supplies		*		*						
• Toys, sporting, and athletic goods		*		*						
Manufacturing (Sectors 31-33) (Within the Hillsborough EDD, all activities must be wholly within a building)	(see NAICS subsectors – indicated by numbers before the title - below)									
311 Food Manufacturing (see listing below)										
• 3111 Animal Food Manufacturing										
• 3112 Grain and Oilseed Milling										
• 3113 Sugar and Confectionery Product Manufacturing		*		*						*
• 3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing		*		*						*

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• 3115 Dairy Product Manufacturing		*		*						*
• 3116 Animal Slaughtering and Processing										
• 3117 Seafood Product Preparation and Packaging										
• 3118 Bakeries and Tortilla Manufacturing		*		*						*
• 3119 Other Food Manufacturing		*		*						*
312 Beverage and Tobacco Product Manufacturing (see listing below)										
• 3121 Beverage Manufacturing		*		*						*
• 3122 Tobacco Manufacturing										
313 Textile Mills										*
314 Textile Product Mills										*
315 Apparel Manufacturing										*
316 Leather and Allied Product Manufacturing (see listing below)										
• 3161 Leather and Hide Tanning and Finishing										
• 3162 Footwear Manufacturing										*
• 3169 Other Leather and Allied Product Manufacturing										*
321 Wood Product Manufacturing (see listing below)										
• 3211 Sawmills and Wood Preservation										
• 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing										
• 3219 Other Wood Product Manufacturing										*

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
322 Paper Manufacturing (see listing below)										
• 3221 Pulp, Paper, and Paperboard Mills										
• 3222 Converted Paper Product Manufacturing		*		*						*
323 Printing and Related Support Activities		*		*						*
324 Petroleum and Coal Products Manufacturing										
325 Chemical Manufacturing (see listing below)										
• 3251 Basic Chemical Manufacturing										
• 3252 Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing										
• 3253 Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing										
• 3254 Pharmaceutical and Medicine Manufacturing		*		*						*
• 3255 Paint, Coating, and Adhesive Manufacturing										
• 3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing										*
• 3259 Other Chemical Product and Preparation Manufacturing										
326 Plastics and Rubber Products Manufacturing (see listing below)										
• 3261 Plastics Product Manufacturing		*		*						*
• 3262 Rubber Product Manufacturing (see listing below)										
○ 32621 Tire Manufacturing										

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
o 32622 Rubber and Plastics Hoses and Belting Manufacturing		*		*						*
o 32629 Other Rubber Product Manufacturing		*		*						*
327 Nonmetallic Mineral Product Manufacturing (see listing below)										
• 3271 Clay Product and Refractory Manufacturing		*		*						*
• 3272 Glass and Glass Product Manufacturing		*		*						*
• 3273 Cement and Concrete Product Manufacturing										
• 3274 Lime and Gypsum Product Manufacturing										
• 3279 Other Nonmetallic Mineral Product Manufacturing		C#		C#						*
331 Primary Metal Manufacturing										
332 Fabricated Metal Product Manufacturing (see listing below)										
• 3321 Forging and Stamping										
• 3322 Cutlery and Handtool Manufacturing		*		*						*
• 3323 Architectural and Structural Metals Manufacturing		*		*						*
• 3324 Boiler, Tank, and Shipping Container Manufacturing		*		*						*
• 3325 Hardware Manufacturing		*		*						*
• 3326 Spring and Wire Product Manufacturing		*		*						*

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• 3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing		*		*						*
• 3328 Coating, Engraving, Heat Treating, and Allied Activities		*		*						*
• 3329 Other Fabricated Metal Product Manufacturing (see listing below)										
○ 33291 Metal Valve Manufacturing		*		*						*
○ 33299 All Other Fabricated Metal Product Manufacturing (see listing below)										
▪ 332991 Ball and Roller Bearing Manufacturing		*		*						*
▪ 332992 Small Arms Ammunition Manufacturing										
▪ 332993 Ammunition (except Small Arms) Manufacturing										
▪ 332994 Small Arms, Ordnance, and Ordnance Accessories Manufacturing										
▪ 332996 Fabricated Pipe and Pipe Fitting Manufacturing										*
▪ 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing										*
333 Machinery Manufacturing		*		*						*
334 Computer and Electronic Product Manufacturing		*		*						*
335 Electrical Equipment, Appliance, and Component Manufacturing		*		*						*
336 Transportation Equipment Manufacturing (see listing below)										
• 3361 Motor Vehicle Manufacturing										

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
• 3362 Motor Vehicle Body and Trailer Manufacturing										
• 3363 Motor Vehicle Parts Manufacturing		*		*						*
• 3364 Aerospace Product and Parts Manufacturing										*
• 3365 Railroad Rolling Stock Manufacturing										
• 3366 Ship and Boat Building										
• 3369 Other Transportation Equipment Manufacturing (see listing below)										
○ 336991 Motorcycle, Bicycle, and Parts Manufacturing		*		*						*
○ 336992 Military Armored Vehicle, Tank, and Tank Component Manufacturing										
○ 336999 All Other Transportation Equipment Manufacturing										*
337 Furniture and Related Product Manufacturing		*		*						*
339 Miscellaneous Manufacturing		*		*						*
RECREATION										
Arts, Entertainment & Recreation (Sector 71)									*	
RESIDENTIAL										

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
Dwelling, single-family			*				* ³⁰			
Dwelling, two-family			*				*			
Dwelling, multi-family (6-12 units per acre in the Hillsborough EDD)			*				*	*		
Dwelling, multi-family (6+ units per acre as part of mixed use development; maximum of 25% of development square footage)	*									
Dwelling, multi-family (6+ units per acre)	C#									
Dwelling, mobile home (For replacement of existing mobile home)			*							
Temporary mobile home (For occupancy during construction of permanent residential unit and for 30 days after issuance of Certificate of Occupancy) Temporary Use of a Residential Mobile Home ³¹			*				*			
RETAIL										
Farm equipment sales	C#	C#		*						
Motor vehicle service station	C#	C#		*						
Motor vehicles, new and used, sales and rental	C#	C#		*						

³⁰ Staff is suggesting removing single-family residential and two-family (e.g., duplex) uses as permitted uses within the Hillsborough EDD. This is being suggested in order to promote lands within the EDD predominantly for non-residential uses (multi-family uses would be permitted in the indicated districts but subject to the proposed use-specific standards in Section 5.5.10 which limits the scope of the use and requires that, in order to be permitted by-right, they be part of an overall development plan that includes other permitted use(s) as the dominant use. Stand-alone multi-family development could potentially still be permitted within the Hillsborough EDD through either the MPD-CZ process or as a Conditional Use District.

³¹ Staff is suggesting renaming this use type to be consistent with the title used in Section 5.4.4 which contains the standards for this use type. Additionally, staff suggests deleting the use from EDH-3 since only multi-family uses are suggested for EDH-3.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
Nightclubs, bars, and pubs (Only as accessory use to hotel, motel or restaurant)	*	*		*						
Restaurants (carry-out and general) when located in a service building, court or plaza, retail store, or enclosed mall consisting of multiple uses	*	*		*						
Restaurants (carry-out and general) in a separate, free-standing building	*	C#		*						
Restaurants (drive-in) in a separate, free-standing building	C#	C#		*						
Retail Trade (Sectors 44, 45; excluding Subsector 454 Non-store retailers) (Only Hillsborough EDD through Conditional Use District or MPD-CZ) ³²								*	*	
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, in a separate, free-standing building	*	C#		*						
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, when located in a service building, court or plaza, or enclosed mall consisting of multiple uses.	*	*		*						
SERVICES										
Accommodation and Food Service (Sector 72) (Eating and drinking establishments are permitted only as accessory use to hotel, or motel or restaurant; Hillsborough EDD only) ³³							*		*	* ³⁴

³² Staff is suggesting that retail trade be permitted in EDH-4 and EDH-5, subject to the proposed standards in Section 5.6.16 which limit the scope of retail uses allowed by-right and requires they be part of an overall development plan that includes other permitted use(s) as the dominant use. As is currently the situation, retail trade would be permitted as a stand-alone use in the Hillsborough EDD only if a CUD or MPD-CZ is approved.

³³ Staff is suggesting this language be moved to Section 5.6.17 since the standards section is a more appropriate place for standards.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
Administrative & Support Services (Sector 561)					*	*	*	*	*	
Art/photographic studios	*	C#	*	*						
Assembly facility - 300 or more person capacity		C#		*						
Assembly facility - less than 300 person capacity		C#		*						
Beauty and barber shops	*	*	*	*						
Churches	*	*	*	*						
Clubs and lodges, and social, fraternal, and union clubhouses	C#	C#	C#	C#						
Community center	A	A	A	A						
Day care facility	B	B	*	*						
Educational Services (Sector 61)										
Funeral homes	C#	C#		*						
Golf driving and practice ranges		*		*						
Health Care & Social Assistance (Sector 62)					*	*	*	*	*	
Health services, including doctors and dentists offices, and medical and dental laboratories	*	*	*	*						
Hotels and motels	*	C#		*	*	*	*			
Indoor theaters	*	C#		*	*	*	*			
Large day care home		B	*	*						
Laundry, dry cleaning, and shoe repair services	*	C#	*	*						
Libraries	*	C#	*	*						

³⁴ Section 5.6.17 contains standards that would be permit this use in EDH-5 only if it is limited in scope and part of an overall development plan.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷									
Management of Companies & Enterprises (Sector 53 55) ³⁵					*	*	*	*	*
Motor vehicle maintenance and repair (body shop)		C#		*					
Other offices and personal services; e.g., attorneys, watch and jewelry repair, computer programming and data processing, employment and travel agencies, advertising agencies, and accounting, engineering, architectural, and surveying offices	*	*	*	*					
Professional, Scientific & Technical Services (Sector 54)					*	*	*	*	*
Recreational facilities	B	*	B	*					
Repair service, electronic and appliance	C#	C#	*	*					
Research facility		*		*					
Schools, dance, art, and music	*	C#	*	*					
Schools, elementary, middle, and high	A	A	*						
Schools, vocational	C#	C#		*					
Other Services (Hillsborough EDD only Sector 81) ³⁶					*		*	*	*
TRANSPORTATION									
Bus terminals and garages		C#		*					
Postal and parcel delivery services		*		*					
Rail/bus passenger shelter	*	*	*	*				*	

³⁵ Incorrect Sector number (53) is being corrected to 55.

³⁶ In keeping with the way other NAICS Sectors are listed in the table of Permitted Uses, staff is suggesting the Sector number for “Other Services” be listed. It is unnecessary to state the use type is applicable in the Hillsborough EDD only.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷										
Surface and structure parking as principal use (When associated with a local or regional transportation goal such as mass transit or park-and-ride)		*		*				*		
Transportation and Warehousing (Sector 48, 49)										*
WHOLESALE TRADE										
Wholesale Trade (Sector 42)										*
Durable Goods (see listing below)										*
• Automotive parts and supplies (In an enclosed building)		*		*						
• Electrical goods		*		*						
• Furniture and home furnishings		*		*						
• Hardware, plumbing, and heating equipment and supplies		*		*						
• Lumber and other construction materials		*		*						
• Machinery, equipment, and supplies		*		*						
• Sporting, recreational, photographic, and hobby goods; toys and supplies		*		*						
Non-Durable Goods (see listing below)										
• Apparel and piece goods		*		*						
• Beer, wine, and distilled alcoholic beverages		*		*						
• Groceries and related products		*		*						
• Paper and paper products		*		*						
• Pharmaceuticals and cosmetics		*		*						
MISCELLANEOUS										

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD and Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ²⁷									
Accessory uses	*	*	*	*	*	*	*	*	* ³⁷
Electric, Gas, and Liquid Fuel Transmission lines	B	B	B	B					
Elevated water storage tank (Permitted as accessory use without Special Use Permit)	B	B		B				*	*
Historic buildings for non-residential/mixed use	A	A	A	A					
Public utility stations and sub-stations, switching stations, and telephone exchanges	A	A	A	A				*	*
Radio and television transmitting and receiving towers	B	B		B					*
Solar Array – Large Facility	B	B	B	B					
Solar Array – Public Utility	A	A	A	A					
Storage and warehousing, inside building		*		*					
Storage of goods, outdoors (Accessory only and subject to screening) ³⁸		*		*					
Water and sanitary sewer pumping stations	*	*	*	*				*	*

³⁷ Accessory uses are supposed to be allowed in all zoning districts. Staff believes it was an oversight to not allow them in the EDH districts and is suggesting making this correction.

³⁸ In the amendment version the Planning Board reviewed on August 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent Byrd v. Franklin County judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Army)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING NOTE: The Manufacturing portion of the Table utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS), 2012 Version ³⁹				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills [^]	*			
Winery, production only	*	*		

³⁹ Due to comments made at the September 12, 2016 quarterly public hearing, staff has worked to modify the list of allowable manufacturing land uses within the EDH districts. Due to recent court decisions, specifically the Byrd V. Franklin County judicial decision, staff is concerned about having inconsistency with respect to what is considered an allowable land use. Staff had already been working on a comprehensive re-configuration of the existing tables outlining permitted uses but, after conferring with the Attorney’s office, it was decided to complete work on this specific component at this time. The manufacturing section of the conditional zoning district section is now consistent, with respect to the uses listed only, as those allowed throughout the UDO.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
311 Food Manufacturing (see listing below)				
• 3111 Animal Food Manufacturing	*			
• 3112 Grain and Oilseed Milling				
• 3113 Sugar and Confectionery Product Manufacturing	*	*		
• 3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing	*	*		
• 3115 Dairy Product Manufacturing	*	*		
• 3116 Animal Slaughtering and Processing				
• 3117 Seafood Product Preparation and Packaging				
• 3118 Bakeries and Tortilla Manufacturing	*	*		
• 3119 Other Food Manufacturing				
312 Beverage and Tobacco Product Manufacturing (see listing below)				
• 3121 Beverage Manufacturing	*	*		
• 3122 Tobacco Manufacturing				
313 Textile Mills				
314 Textile Product Mills				
315 Apparel Manufacturing		*		
316 Leather and Allied Product Manufacturing (see listing below)				
• 3161 Leather and Hide Tanning and Finishing				
• 3162 Footwear Manufacturing		*		
• 3169 Other Leather and Allied Product Manufacturing				
321 Wood Product Manufacturing (see listing below)				
• 3211 Sawmills and Wood Preservation	*	*		
• 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing				
• 3219 Other Wood Product Manufacturing				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
322 Paper Manufacturing (see listing below)				
• 3221 Pulp, Paper, and Paperboard Mills				
• 3222 Converted Paper Product Manufacturing				
323 Printing and Related Support Activities		*		
324 Petroleum and Coal Products Manufacturing				
325 Chemical Manufacturing (see listing below)				
• 3251 Basic Chemical Manufacturing				
• 3252 Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing				
• 3253 Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing				
• 3254 Pharmaceutical and Medicine Manufacturing				
• 3255 Paint, Coating, and Adhesive Manufacturing				
• 3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing				
• 3259 Other Chemical Product and Preparation Manufacturing				
326 Plastics and Rubber Products Manufacturing (see listing below)				
• 3261 Plastics Product Manufacturing				
• 3262 Rubber Product Manufacturing (see listing below)				
o 32621 Tire Manufacturing				
o 32622 Rubber and Plastics Hoses and Belting Manufacturing				
o 32629 Other Rubber Product Manufacturing				
327 Nonmetallic Mineral Product Manufacturing (see listing below)				
• 3271 Clay Product and Refractory Manufacturing		*		
• 3272 Glass and Glass Product Manufacturing		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
• 3273 Cement and Concrete Product Manufacturing				
• 3274 Lime and Gypsum Product Manufacturing				
• 3279 Other Nonmetallic Mineral Product Manufacturing				
331 Primary Metal Manufacturing		*		
332 Fabricated Metal Product Manufacturing (see listing below)				
• 3321 Forging and Stamping		*		
• 3322 Cutlery and Handtool Manufacturing		*		
• 3323 Architectural and Structural Metals Manufacturing				
• 3324 Boiler, Tank, and Shipping Container Manufacturing				
• 3325 Hardware Manufacturing		*		
• 3326 Spring and Wire Product Manufacturing				
• 3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing				
• 3328 Coating, Engraving, Heat Treating, and Allied Activities				
• 3329 Other Fabricated Metal Product Manufacturing (see listing below)				
o 33291 Metal Valve Manufacturing				
o 33299 All Other Fabricated Metal Product Manufacturing (see listing below)				
▪ 332991 Ball and Roller Bearing Manufacturing				
▪ 332992 Small Arms Ammunition Manufacturing				
▪ 332993 Ammunition (except Small Arms) Manufacturing				
▪ 332994 Small Arms, Ordnance, and Ordnance Accessories Manufacturing				
▪ 332996 Fabricated Pipe and Pipe Fitting Manufacturing				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
<ul style="list-style-type: none"> ▪ 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing 				
333 Machinery Manufacturing		*		
334 Computer and Electronic Product Manufacturing		*		
335 Electrical Equipment, Appliance, and Component Manufacturing		*		
336 Transportation Equipment Manufacturing (see listing below)				
<ul style="list-style-type: none"> • 3361 Motor Vehicle Manufacturing • 3362 Motor Vehicle Body and Trailer Manufacturing • 3363 Motor Vehicle Parts Manufacturing • 3364 Aerospace Product and Parts Manufacturing • 3365 Railroad Rolling Stock Manufacturing • 3366 Ship and Boat Building • 3369 Other Transportation Equipment Manufacturing (see listing below) <ul style="list-style-type: none"> ○ 336991 Motorcycle, Bicycle, and Parts Manufacturing ○ 336992 Military Armored Vehicle, Tank, and Tank Component Manufacturing ○ 336999 All Other Transportation Equipment Manufacturing 				
337 Furniture and Related Product Manufacturing		*		
339 Miscellaneous Manufacturing				
MEDICAL USES				
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		

- (e) A temporary custodial care unit shall be required to connect to water, wastewater, and electric utilities serving the principal structure on the property.
- (f) The Orange County Health Department, or the agency that provides sanitary sewer and water services, shall approve water and wastewater disposal facilities.
- (g) All applicable state and local approvals and permits shall be procured including, but not limited to, a zoning compliance permit, building permits, and health department approval.
- (h) Approval of the application shall not exceed one year. Annual renewal shall require a new application and recertification from a licensed physician stating the necessity of direct care.
- (i) Any approved temporary custodial care unit shall be removed no later than 180 days after the time the mentally or physically impaired person(s) is no longer receiving care or is in need of assistance. If the structure is needed for a different impaired person, the temporary custodial care unit may continue to be used, subject to the requirements of this Ordinance.
- (j) The caregiver shall allow inspections of the property by the County at times convenient to the caregiver, during reasonable hours, and upon prior notice for compliance purposes.
- (k) A permit for a temporary custodial care unit may be revoked by the Planning Director due to failure of the applicant to comply with any of the above provisions.

5.5.10 Multi-Family⁴⁰

(A) Standards for EDH-3 and EDH-4 Zoning Districts

- (1) Multi-family uses are permitted in the EDH-3 and EDH-4 zoning districts only in accordance with the following standards:
- (a) The multi-family use is part of an overall site plan that includes at least one other permitted Principal Use.
- (i) The other permitted Principal Use(s) must be established prior to, or concurrent with, the multi-family use(s).
- (b) The square footage of the structure(s), or portion of structures, to be utilized for multi-family dwellings does not exceed 25% of the total square footage of all structures included on the overall site plan.
- (c) The square footage of the structure(s), or portion of structures, to be utilized for uses that are subject to square footage restrictions in the pertinent zoning district(s), as detailed in Article 5 of this Ordinance, does not exceed 50% of the total square footage of all structures included on the overall site plan.
- (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.

⁴⁰ These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly multi-family residential. Projects that contain a greater percentage of multi-family residential could still be permitted through the MPD-CZ or CUD process.

(c) Multi-family dwellings shall not exceed 25% of the total square footage of all structures on the site.⁴¹

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

- (1) Buildings for nightclubs, bars and pubs shall not be located within 200 feet of a residence.

5.6.2 Massage Business

(A) General 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.

5.6.3 Garden Center

(A) General Standards for 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.

5.6.4 Junkyards

(A) Standards for Class A 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) 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.

⁴¹ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

- (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.

5.6.15 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.

5.6.16 Retail Trade (Sectors 44, 45, ~~excluding subsector 454~~⁴² of the North American Industry Classification System [NAICS])⁴³

(A) Standards for EDH-4 and EDH-5 Zoning Districts

- (1) Retail Trade uses are permitted in the EDH-4 and EDH-5 zoning districts only in accordance with the following standards:
 - ~~(a) The retail trade use(s) is part of an overall site plan that includes at least one other permitted Principal Use.~~
 - ~~(i) The other permitted Principal Use(s) must be established prior~~

⁴² The version of the amendments the Planning Board reviewed included this language but did not include standard (2). The language was revised based on comments made by the Attorney's office; the intent of the language is unchanged.

⁴³ These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly retail trade. Projects that contain a greater percentage of retail trade could still be permitted through the MPD-CZ or CUD process.

~~to, or concurrent with, the retail trade use(s).~~

~~(b) The square footage of structure(s), or portion of structures, to be utilized for retail trade use(s) does not exceed 25% of the total square footage of all structures included on the overall site plan.~~

~~(c) The square footage of structure(s), or portion of structures, to be utilized for uses that are subject to square footage restrictions in the pertinent zoning district(s), as detailed in Article 5 of this Ordinance, does not exceed 50% of the total square footage of all structures included on the overall site plan.~~

~~(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) Retail Trade uses shall not exceed 25% of the total square footage of all structures on the site.⁴⁴~~

~~(2) Uses that are classified as Subsector 454 of the North American Industry Classification System [NAICS]) are prohibited in the EDH-4 and EDH-5 zoning districts.~~

5.6.17 Accommodation and Food Service (Sector 72 of the North American Industry Classification System [NAICS])

(A) Standards for EDH-2 and EDH-4 Zoning Districts⁴⁵

~~(1) Eating and drinking establishments Food Services and Drinking Places⁴⁶ (subsector 722 of the NAICS) are not permitted within these zoning districts except as an accessory use to a hotel or motel.~~

(B) Standards for EDH-5 Zoning District⁴⁷

~~(1) Accommodation and Food Service uses are permitted in the EDH-5 zoning districts only in accordance with the following standards:~~

~~(a) The accommodation and food service use(s) is part of an overall site plan that includes at least one other permitted Principal Use.~~

~~(i) The other permitted Principal Use(s) must be established prior to, or concurrent with, the accommodation and food service use(s).~~

~~(b) The square footage of the structure(s), or portion of structures, to be utilized for accommodation and food service use(s) does not exceed~~

⁴⁴ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

⁴⁵ This restriction currently exists within the Table of Permitted Uses (Section 5.2.2). Staff has determined that the use-specific standards section is a more appropriate place for the standard. Subsequent to the Planning Board's August 3rd recommendation, the Attorney's office suggested deletion of this language regarding accessory uses because, by definition, accessory uses are allowed in all zoning classifications, provided the permitted Principal Use can demonstrate that a proposed accessory use meets the definition of accessory use in Article 10. This revised standard would continue to prohibit stand-alone food service and drinking places but would allow such uses as accessory uses to principal uses for which a food service and drinking place is a customary and ancillary use.

⁴⁶ Language updated to use exact term in the NAICS listing.

⁴⁷ These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly hotels and restaurants. Projects that contain a greater percentage of accommodation and food service uses could still be permitted through the MPD-CZ or CUD process.

25% of the total square footage of all structures included on the overall site plan.

(c) The square footage of the structures(s), or portion of structures, to be utilized for uses that are subject to square footage restrictions in the pertinent zoning district(s), as detailed in Article 5 of this Ordinance, does not exceed 50% of the total square footage of all structures included on the overall site plan.

(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) Accommodation and Food Service uses shall not exceed 25% of the total square footage of all structures on the site.⁴⁸

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Uses as Accessory Uses

(A) 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.
 - (iii) A Type B Land Use Buffer, as detailed in Section 6.8, shall be required around the portion of the property where the track is located.

(B) Non-residential Land Uses

In addition to the requirements contained within this Ordinance, recreational uses developed as an accessory use to a non-residential land use shall abide by the following:

- (1) Uses shall not constitute Recreational Facilities.

5.7.2 Recreational Facilities

(A) General Standards of Evaluation

- (1) The standards included herein shall be applied to recreational facilities as a principal use of property.

⁴⁸ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

(C) Development Standards

(1) Dimensional Requirements

- (a) There are no minimum lot sizes within the MPD-CZ 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-CZ	-	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 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 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) ~~Tracts over 2.0 acres and/or structure(s) totaling cumulatively over 20,000 square feet on one zoning lot require a Class A Special Use Permit approved in accordance with the provisions of this Ordinance. Otherwise, the site plan may be approved in accordance with Section 2.5 of this Ordinance. 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. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.~~⁴⁹

⁴⁹ In order to promote economic development opportunities in the Hillsborough EDD, Staff is suggesting deletion of language that requires a Class A Special Use Permit for projects above a certain size. However, in keeping with how the EDH general use zoning districts operate, staff is suggesting that a MPD-CZ project within the Hillsborough EDD be required to obtain a Class A Special Use Permit if any nonresidential use located within 200-feet of existing dwellings on smaller sized lots.

**2012 NAICS 2012 NAICS US Title
US Code**

**NOTE: The Sector Number is the First Two Digits of the Code
Primary Sector Headings Are in Gray Blocks**

11	Agriculture, Forestry, Fishing and Hunting
111	Crop Production
1111	Oilseed and Grain Farming
11111	Soybean Farming
111110	Soybean Farming
11112	Oilseed (except Soybean) Farming
111120	Oilseed (except Soybean) Farming
11113	Dry Pea and Bean Farming
111130	Dry Pea and Bean Farming
11114	Wheat Farming
111140	Wheat Farming
11115	Corn Farming
111150	Corn Farming
11116	Rice Farming
111160	Rice Farming
11119	Other Grain Farming
111191	Oilseed and Grain Combination Farming
111199	All Other Grain Farming
1112	Vegetable and Melon Farming
11121	Vegetable and Melon Farming
111211	Potato Farming
111219	Other Vegetable (except Potato) and Melon Farming
1113	Fruit and Tree Nut Farming
11131	Orange Groves
111310	Orange Groves
11132	Citrus (except Orange) Groves
111320	Citrus (except Orange) Groves
11133	Noncitrus Fruit and Tree Nut Farming
111331	Apple Orchards
111332	Grape Vineyards
111333	Strawberry Farming
111334	Berry (except Strawberry) Farming
111335	Tree Nut Farming
111336	Fruit and Tree Nut Combination Farming
111339	Other Noncitrus Fruit Farming
1114	Greenhouse, Nursery, and Floriculture Production
11141	Food Crops Grown Under Cover
111411	Mushroom Production
111419	Other Food Crops Grown Under Cover
11142	Nursery and Floriculture Production
111421	Nursery and Tree Production
111422	Floriculture Production
1119	Other Crop Farming
11191	Tobacco Farming
111910	Tobacco Farming
11192	Cotton Farming
111920	Cotton Farming
11193	Sugarcane Farming

111930	Sugarcane Farming
11194	Hay Farming
111940	Hay Farming
11199	All Other Crop Farming
111991	Sugar Beet Farming
111992	Peanut Farming
111998	All Other Miscellaneous Crop Farming
112	Animal Production and Aquaculture
1121	Cattle Ranching and Farming
11211	Beef Cattle Ranching and Farming, including Feedlots
112111	Beef Cattle Ranching and Farming
112112	Cattle Feedlots
11212	Dairy Cattle and Milk Production
112120	Dairy Cattle and Milk Production
11213	Dual-Purpose Cattle Ranching and Farming
112130	Dual-Purpose Cattle Ranching and Farming
1122	Hog and Pig Farming
11221	Hog and Pig Farming
112210	Hog and Pig Farming
1123	Poultry and Egg Production
11231	Chicken Egg Production
112310	Chicken Egg Production
11232	Broilers and Other Meat Type Chicken Production
112320	Broilers and Other Meat Type Chicken Production
11233	Turkey Production
112330	Turkey Production
11234	Poultry Hatcheries
112340	Poultry Hatcheries
11239	Other Poultry Production
112390	Other Poultry Production
1124	Sheep and Goat Farming
11241	Sheep Farming
112410	Sheep Farming
11242	Goat Farming
112420	Goat Farming
1125	Aquaculture
11251	Aquaculture
112511	Finfish Farming and Fish Hatcheries
112512	Shellfish Farming
112519	Other Aquaculture
1129	Other Animal Production
11291	Apiculture
112910	Apiculture
11292	Horses and Other Equine Production
112920	Horses and Other Equine Production
11293	Fur-Bearing Animal and Rabbit Production
112930	Fur-Bearing Animal and Rabbit Production
11299	All Other Animal Production
112990	All Other Animal Production
113	Forestry and Logging
1131	Timber Tract Operations
11311	Timber Tract Operations
113110	Timber Tract Operations
1132	Forest Nurseries and Gathering of Forest Products
11321	Forest Nurseries and Gathering of Forest Products

113210	Forest Nurseries and Gathering of Forest Products
1133	Logging
11331	Logging
113310	Logging
114	Fishing, Hunting and Trapping
1141	Fishing
11411	Fishing
114111	Finfish Fishing
114112	Shellfish Fishing
114119	Other Marine Fishing
1142	Hunting and Trapping
11421	Hunting and Trapping
114210	Hunting and Trapping
115	Support Activities for Agriculture and Forestry
1151	Support Activities for Crop Production
11511	Support Activities for Crop Production
115111	Cotton Ginning
115112	Soil Preparation, Planting, and Cultivating
115113	Crop Harvesting, Primarily by Machine
115114	Postharvest Crop Activities (except Cotton Ginning)
115115	Farm Labor Contractors and Crew Leaders
115116	Farm Management Services
1152	Support Activities for Animal Production
11521	Support Activities for Animal Production
115210	Support Activities for Animal Production
1153	Support Activities for Forestry
11531	Support Activities for Forestry
115310	Support Activities for Forestry
21	Mining, Quarrying, and Oil and Gas Extraction
211	Oil and Gas Extraction
2111	Oil and Gas Extraction
21111	Oil and Gas Extraction
211111	Crude Petroleum and Natural Gas Extraction
211112	Natural Gas Liquid Extraction
212	Mining (except Oil and Gas)
2121	Coal Mining
21211	Coal Mining
212111	Bituminous Coal and Lignite Surface Mining
212112	Bituminous Coal Underground Mining
212113	Anthracite Mining
2122	Metal Ore Mining
21221	Iron Ore Mining
212210	Iron Ore Mining
21222	Gold Ore and Silver Ore Mining
212221	Gold Ore Mining
212222	Silver Ore Mining
21223	Copper, Nickel, Lead, and Zinc Mining
212231	Lead Ore and Zinc Ore Mining
212234	Copper Ore and Nickel Ore Mining
21229	Other Metal Ore Mining
212291	Uranium-Radium-Vanadium Ore Mining
212299	All Other Metal Ore Mining
2123	Nonmetallic Mineral Mining and Quarrying
21231	Stone Mining and Quarrying
212311	Dimension Stone Mining and Quarrying

212312	Crushed and Broken Limestone Mining and Quarrying
212313	Crushed and Broken Granite Mining and Quarrying
212319	Other Crushed and Broken Stone Mining and Quarrying
21232	Sand, Gravel, Clay, and Ceramic and Refractory Minerals Mining and Quarrying
212321	Construction Sand and Gravel Mining
212322	Industrial Sand Mining
212324	Kaolin and Ball Clay Mining
212325	Clay and Ceramic and Refractory Minerals Mining
21239	Other Nonmetallic Mineral Mining and Quarrying
212391	Potash, Soda, and Borate Mineral Mining
212392	Phosphate Rock Mining
212393	Other Chemical and Fertilizer Mineral Mining
212399	All Other Nonmetallic Mineral Mining
213	Support Activities for Mining
2131	Support Activities for Mining
21311	Support Activities for Mining
213111	Drilling Oil and Gas Wells
213112	Support Activities for Oil and Gas Operations
213113	Support Activities for Coal Mining
213114	Support Activities for Metal Mining
213115	Support Activities for Nonmetallic Minerals (except Fuels) Mining
22	Utilities
221	Utilities
2211	Electric Power Generation, Transmission and Distribution
22111	Electric Power Generation
221111	Hydroelectric Power Generation
221112	Fossil Fuel Electric Power Generation
221113	Nuclear Electric Power Generation
221114	Solar Electric Power Generation
221115	Wind Electric Power Generation
221116	Geothermal Electric Power Generation
221117	Biomass Electric Power Generation
221118	Other Electric Power Generation
22112	Electric Power Transmission, Control, and Distribution
221121	Electric Bulk Power Transmission and Control
221122	Electric Power Distribution
2212	Natural Gas Distribution
22121	Natural Gas Distribution
221210	Natural Gas Distribution
2213	Water, Sewage and Other Systems
22131	Water Supply and Irrigation Systems
221310	Water Supply and Irrigation Systems
22132	Sewage Treatment Facilities
221320	Sewage Treatment Facilities
22133	Steam and Air-Conditioning Supply
221330	Steam and Air-Conditioning Supply
23	Construction
236	Construction of Buildings
2361	Residential Building Construction
23611	Residential Building Construction
236115	New Single-Family Housing Construction (except For-Sale Builders)
236116	New Multifamily Housing Construction (except For-Sale Builders)
236117	New Housing For-Sale Builders
236118	Residential Remodelers
2362	Nonresidential Building Construction

23621	Industrial Building Construction
236210	Industrial Building Construction
23622	Commercial and Institutional Building Construction
236220	Commercial and Institutional Building Construction
237	Heavy and Civil Engineering Construction
2371	Utility System Construction
23711	Water and Sewer Line and Related Structures Construction
237110	Water and Sewer Line and Related Structures Construction
23712	Oil and Gas Pipeline and Related Structures Construction
237120	Oil and Gas Pipeline and Related Structures Construction
23713	Power and Communication Line and Related Structures Construction
237130	Power and Communication Line and Related Structures Construction
2372	Land Subdivision
23721	Land Subdivision
237210	Land Subdivision
2373	Highway, Street, and Bridge Construction
23731	Highway, Street, and Bridge Construction
237310	Highway, Street, and Bridge Construction
2379	Other Heavy and Civil Engineering Construction
23799	Other Heavy and Civil Engineering Construction
237990	Other Heavy and Civil Engineering Construction
238	Specialty Trade Contractors
2381	Foundation, Structure, and Building Exterior Contractors
23811	Poured Concrete Foundation and Structure Contractors
238110	Poured Concrete Foundation and Structure Contractors
23812	Structural Steel and Precast Concrete Contractors
238120	Structural Steel and Precast Concrete Contractors
23813	Framing Contractors
238130	Framing Contractors
23814	Masonry Contractors
238140	Masonry Contractors
23815	Glass and Glazing Contractors
238150	Glass and Glazing Contractors
23816	Roofing Contractors
238160	Roofing Contractors
23817	Siding Contractors
238170	Siding Contractors
23819	Other Foundation, Structure, and Building Exterior Contractors
238190	Other Foundation, Structure, and Building Exterior Contractors
2382	Building Equipment Contractors
23821	Electrical Contractors and Other Wiring Installation Contractors
238210	Electrical Contractors and Other Wiring Installation Contractors
23822	Plumbing, Heating, and Air-Conditioning Contractors
238220	Plumbing, Heating, and Air-Conditioning Contractors
23829	Other Building Equipment Contractors
238290	Other Building Equipment Contractors
2383	Building Finishing Contractors
23831	Drywall and Insulation Contractors
238310	Drywall and Insulation Contractors
23832	Painting and Wall Covering Contractors
238320	Painting and Wall Covering Contractors
23833	Flooring Contractors
238330	Flooring Contractors
23834	Tile and Terrazzo Contractors
238340	Tile and Terrazzo Contractors

23835	Finish Carpentry Contractors
238350	Finish Carpentry Contractors
23839	Other Building Finishing Contractors
238390	Other Building Finishing Contractors
2389	Other Specialty Trade Contractors
23891	Site Preparation Contractors
238910	Site Preparation Contractors
23899	All Other Specialty Trade Contractors
238990	All Other Specialty Trade Contractors
31-33	Manufacturing
311	Food Manufacturing
3111	Animal Food Manufacturing
31111	Animal Food Manufacturing
311111	Dog and Cat Food Manufacturing
311119	Other Animal Food Manufacturing
3112	Grain and Oilseed Milling
31121	Flour Milling and Malt Manufacturing
311211	Flour Milling
311212	Rice Milling
311213	Malt Manufacturing
31122	Starch and Vegetable Fats and Oils Manufacturing
311221	Wet Corn Milling
311224	Soybean and Other Oilseed Processing
311225	Fats and Oils Refining and Blending
31123	Breakfast Cereal Manufacturing
311230	Breakfast Cereal Manufacturing
3113	Sugar and Confectionery Product Manufacturing
31131	Sugar Manufacturing
311313	Beet Sugar Manufacturing
311314	Cane Sugar Manufacturing
31134	Nonchocolate Confectionery Manufacturing
311340	Nonchocolate Confectionery Manufacturing
31135	Chocolate and Confectionery Manufacturing
311351	Chocolate and Confectionery Manufacturing from Cacao Beans
311352	Confectionery Manufacturing from Purchased Chocolate
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing
31141	Frozen Food Manufacturing
311411	Frozen Fruit, Juice, and Vegetable Manufacturing
311412	Frozen Specialty Food Manufacturing
31142	Fruit and Vegetable Canning, Pickling, and Drying
311421	Fruit and Vegetable Canning
311422	Specialty Canning
311423	Dried and Dehydrated Food Manufacturing
3115	Dairy Product Manufacturing
31151	Dairy Product (except Frozen) Manufacturing
311511	Fluid Milk Manufacturing
311512	Creamery Butter Manufacturing
311513	Cheese Manufacturing
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing
31152	Ice Cream and Frozen Dessert Manufacturing
311520	Ice Cream and Frozen Dessert Manufacturing
3116	Animal Slaughtering and Processing
31161	Animal Slaughtering and Processing
311611	Animal (except Poultry) Slaughtering
311612	Meat Processed from Carcasses

311613	Rendering and Meat Byproduct Processing
311615	Poultry Processing
3117	Seafood Product Preparation and Packaging
31171	Seafood Product Preparation and Packaging
311710	Seafood Product Preparation and Packaging
3118	Bakeries and Tortilla Manufacturing
31181	Bread and Bakery Product Manufacturing
311811	Retail Bakeries
311812	Commercial Bakeries
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing
31182	Cookie, Cracker, and Pasta Manufacturing
311821	Cookie and Cracker Manufacturing
311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour
31183	Tortilla Manufacturing
311830	Tortilla Manufacturing
3119	Other Food Manufacturing
31191	Snack Food Manufacturing
311911	Roasted Nuts and Peanut Butter Manufacturing
311919	Other Snack Food Manufacturing
31192	Coffee and Tea Manufacturing
311920	Coffee and Tea Manufacturing
31193	Flavoring Syrup and Concentrate Manufacturing
311930	Flavoring Syrup and Concentrate Manufacturing
31194	Seasoning and Dressing Manufacturing
311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing
311942	Spice and Extract Manufacturing
31199	All Other Food Manufacturing
311991	Perishable Prepared Food Manufacturing
311999	All Other Miscellaneous Food Manufacturing
312	Beverage and Tobacco Product Manufacturing
3121	Beverage Manufacturing
31211	Soft Drink and Ice Manufacturing
312111	Soft Drink Manufacturing
312112	Bottled Water Manufacturing
312113	Ice Manufacturing
31212	Breweries
312120	Breweries
31213	Wineries
312130	Wineries
31214	Distilleries
312140	Distilleries
3122	Tobacco Manufacturing
31223	Tobacco Manufacturing
312230	Tobacco Manufacturing
313	Textile Mills
3131	Fiber, Yarn, and Thread Mills
31311	Fiber, Yarn, and Thread Mills
313110	Fiber, Yarn, and Thread Mills
3132	Fabric Mills
31321	Broadwoven Fabric Mills
313210	Broadwoven Fabric Mills
31322	Narrow Fabric Mills and Schiffli Machine Embroidery
313220	Narrow Fabric Mills and Schiffli Machine Embroidery
31323	Nonwoven Fabric Mills
313230	Nonwoven Fabric Mills

31324	Knit Fabric Mills
313240	Knit Fabric Mills
3133	Textile and Fabric Finishing and Fabric Coating Mills
31331	Textile and Fabric Finishing Mills
313310	Textile and Fabric Finishing Mills
31332	Fabric Coating Mills
313320	Fabric Coating Mills
314	Textile Product Mills
3141	Textile Furnishings Mills
31411	Carpet and Rug Mills
314110	Carpet and Rug Mills
31412	Curtain and Linen Mills
314120	Curtain and Linen Mills
3149	Other Textile Product Mills
31491	Textile Bag and Canvas Mills
314910	Textile Bag and Canvas Mills
31499	All Other Textile Product Mills
314994	Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills
314999	All Other Miscellaneous Textile Product Mills
315	Apparel Manufacturing
3151	Apparel Knitting Mills
31511	Hosiery and Sock Mills
315110	Hosiery and Sock Mills
31519	Other Apparel Knitting Mills
315190	Other Apparel Knitting Mills
3152	Cut and Sew Apparel Manufacturing
31521	Cut and Sew Apparel Contractors
315210	Cut and Sew Apparel Contractors
31522	Men's and Boys' Cut and Sew Apparel Manufacturing
315220	Men's and Boys' Cut and Sew Apparel Manufacturing
31524	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing
31528	Other Cut and Sew Apparel Manufacturing
315280	Other Cut and Sew Apparel Manufacturing
3159	Apparel Accessories and Other Apparel Manufacturing
31599	Apparel Accessories and Other Apparel Manufacturing
315990	Apparel Accessories and Other Apparel Manufacturing
316	Leather and Allied Product Manufacturing
3161	Leather and Hide Tanning and Finishing
31611	Leather and Hide Tanning and Finishing
316110	Leather and Hide Tanning and Finishing
3162	Footwear Manufacturing
31621	Footwear Manufacturing
316210	Footwear Manufacturing
3169	Other Leather and Allied Product Manufacturing
31699	Other Leather and Allied Product Manufacturing
316992	Women's Handbag and Purse Manufacturing
316998	All Other Leather Good and Allied Product Manufacturing
321	Wood Product Manufacturing
3211	Sawmills and Wood Preservation
32111	Sawmills and Wood Preservation
321113	Sawmills
321114	Wood Preservation
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing
32121	Veneer, Plywood, and Engineered Wood Product Manufacturing

321211	Hardwood Veneer and Plywood Manufacturing
321212	Softwood Veneer and Plywood Manufacturing
321213	Engineered Wood Member (except Truss) Manufacturing
321214	Truss Manufacturing
321219	Reconstituted Wood Product Manufacturing
3219	Other Wood Product Manufacturing
32191	Millwork
321911	Wood Window and Door Manufacturing
321912	Cut Stock, Resawing Lumber, and Planing
321918	Other Millwork (including Flooring)
32192	Wood Container and Pallet Manufacturing
321920	Wood Container and Pallet Manufacturing
32199	All Other Wood Product Manufacturing
321991	Manufactured Home (Mobile Home) Manufacturing
321992	Prefabricated Wood Building Manufacturing
321999	All Other Miscellaneous Wood Product Manufacturing
322	Paper Manufacturing
3221	Pulp, Paper, and Paperboard Mills
32211	Pulp Mills
322110	Pulp Mills
32212	Paper Mills
322121	Paper (except Newsprint) Mills
322122	Newsprint Mills
32213	Paperboard Mills
322130	Paperboard Mills
3222	Converted Paper Product Manufacturing
32221	Paperboard Container Manufacturing
322211	Corrugated and Solid Fiber Box Manufacturing
322212	Folding Paperboard Box Manufacturing
322219	Other Paperboard Container Manufacturing
32222	Paper Bag and Coated and Treated Paper Manufacturing
322220	Paper Bag and Coated and Treated Paper Manufacturing
32223	Stationery Product Manufacturing
322230	Stationery Product Manufacturing
32229	Other Converted Paper Product Manufacturing
322291	Sanitary Paper Product Manufacturing
322299	All Other Converted Paper Product Manufacturing
323	Printing and Related Support Activities
3231	Printing and Related Support Activities
32311	Printing
323111	Commercial Printing (except Screen and Books)
323113	Commercial Screen Printing
323117	Books Printing
32312	Support Activities for Printing
323120	Support Activities for Printing
324	Petroleum and Coal Products Manufacturing
3241	Petroleum and Coal Products Manufacturing
32411	Petroleum Refineries
324110	Petroleum Refineries
32412	Asphalt Paving, Roofing, and Saturated Materials Manufacturing
324121	Asphalt Paving Mixture and Block Manufacturing
324122	Asphalt Shingle and Coating Materials Manufacturing
32419	Other Petroleum and Coal Products Manufacturing
324191	Petroleum Lubricating Oil and Grease Manufacturing
324199	All Other Petroleum and Coal Products Manufacturing

325	Chemical Manufacturing
3251	Basic Chemical Manufacturing
32511	Petrochemical Manufacturing
325110	Petrochemical Manufacturing
32512	Industrial Gas Manufacturing
325120	Industrial Gas Manufacturing
32513	Synthetic Dye and Pigment Manufacturing
325130	Synthetic Dye and Pigment Manufacturing
32518	Other Basic Inorganic Chemical Manufacturing
325180	Other Basic Inorganic Chemical Manufacturing
32519	Other Basic Organic Chemical Manufacturing
325193	Ethyl Alcohol Manufacturing
325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing
32521	Resin and Synthetic Rubber Manufacturing
325211	Plastics Material and Resin Manufacturing
325212	Synthetic Rubber Manufacturing
32522	Artificial and Synthetic Fibers and Filaments Manufacturing
325220	Artificial and Synthetic Fibers and Filaments Manufacturing
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing
32531	Fertilizer Manufacturing
325311	Nitrogenous Fertilizer Manufacturing
325312	Phosphatic Fertilizer Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing
32532	Pesticide and Other Agricultural Chemical Manufacturing
325320	Pesticide and Other Agricultural Chemical Manufacturing
3254	Pharmaceutical and Medicine Manufacturing
32541	Pharmaceutical and Medicine Manufacturing
325411	Medicinal and Botanical Manufacturing
325412	Pharmaceutical Preparation Manufacturing
325413	In-Vitro Diagnostic Substance Manufacturing
325414	Biological Product (except Diagnostic) Manufacturing
3255	Paint, Coating, and Adhesive Manufacturing
32551	Paint and Coating Manufacturing
325510	Paint and Coating Manufacturing
32552	Adhesive Manufacturing
325520	Adhesive Manufacturing
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing
32561	Soap and Cleaning Compound Manufacturing
325611	Soap and Other Detergent Manufacturing
325612	Polish and Other Sanitation Good Manufacturing
325613	Surface Active Agent Manufacturing
32562	Toilet Preparation Manufacturing
325620	Toilet Preparation Manufacturing
3259	Other Chemical Product and Preparation Manufacturing
32591	Printing Ink Manufacturing
325910	Printing Ink Manufacturing
32592	Explosives Manufacturing
325920	Explosives Manufacturing
32599	All Other Chemical Product and Preparation Manufacturing
325991	Custom Compounding of Purchased Resins
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
326	Plastics and Rubber Products Manufacturing

3261	Plastics Product Manufacturing
32611	Plastics Packaging Materials and Unlaminated Film and Sheet Manufacturing
326111	Plastics Bag and Pouch Manufacturing
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
32612	Plastics Pipe, Pipe Fitting, and Unlaminated Profile Shape Manufacturing
326121	Unlaminated Plastics Profile Shape Manufacturing
326122	Plastics Pipe and Pipe Fitting Manufacturing
32613	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing
32614	Polystyrene Foam Product Manufacturing
326140	Polystyrene Foam Product Manufacturing
32615	Urethane and Other Foam Product (except Polystyrene) Manufacturing
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
32616	Plastics Bottle Manufacturing
326160	Plastics Bottle Manufacturing
32619	Other Plastics Product Manufacturing
326191	Plastics Plumbing Fixture Manufacturing
326199	All Other Plastics Product Manufacturing
3262	Rubber Product Manufacturing
32621	Tire Manufacturing
326211	Tire Manufacturing (except Retreading)
326212	Tire Retreading
32622	Rubber and Plastics Hoses and Belting Manufacturing
326220	Rubber and Plastics Hoses and Belting Manufacturing
32629	Other Rubber Product Manufacturing
326291	Rubber Product Manufacturing for Mechanical Use
326299	All Other Rubber Product Manufacturing
327	Nonmetallic Mineral Product Manufacturing
3271	Clay Product and Refractory Manufacturing
32711	Pottery, Ceramics, and Plumbing Fixture Manufacturing
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing
32712	Clay Building Material and Refractories Manufacturing
327120	Clay Building Material and Refractories Manufacturing
3272	Glass and Glass Product Manufacturing
32721	Glass and Glass Product Manufacturing
327211	Flat Glass Manufacturing
327212	Other Pressed and Blown Glass and Glassware Manufacturing
327213	Glass Container Manufacturing
327215	Glass Product Manufacturing Made of Purchased Glass
3273	Cement and Concrete Product Manufacturing
32731	Cement Manufacturing
327310	Cement Manufacturing
32732	Ready-Mix Concrete Manufacturing
327320	Ready-Mix Concrete Manufacturing
32733	Concrete Pipe, Brick, and Block Manufacturing
327331	Concrete Block and Brick Manufacturing
327332	Concrete Pipe Manufacturing
32739	Other Concrete Product Manufacturing
327390	Other Concrete Product Manufacturing
3274	Lime and Gypsum Product Manufacturing
32741	Lime Manufacturing
327410	Lime Manufacturing
32742	Gypsum Product Manufacturing
327420	Gypsum Product Manufacturing

3279	Other Nonmetallic Mineral Product Manufacturing
32791	Abrasive Product Manufacturing
327910	Abrasive Product Manufacturing
32799	All Other Nonmetallic Mineral Product Manufacturing
327991	Cut Stone and Stone Product Manufacturing
327992	Ground or Treated Mineral and Earth Manufacturing
327993	Mineral Wool Manufacturing
327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
331	Primary Metal Manufacturing
3311	Iron and Steel Mills and Ferroalloy Manufacturing
33111	Iron and Steel Mills and Ferroalloy Manufacturing
331110	Iron and Steel Mills and Ferroalloy Manufacturing
3312	Steel Product Manufacturing from Purchased Steel
33121	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
33122	Rolling and Drawing of Purchased Steel
331221	Rolled Steel Shape Manufacturing
331222	Steel Wire Drawing
3313	Alumina and Aluminum Production and Processing
33131	Alumina and Aluminum Production and Processing
331313	Alumina Refining and Primary Aluminum Production
331314	Secondary Smelting and Alloying of Aluminum
331315	Aluminum Sheet, Plate, and Foil Manufacturing
331318	Other Aluminum Rolling, Drawing, and Extruding
3314	Nonferrous Metal (except Aluminum) Production and Processing
33141	Nonferrous Metal (except Aluminum) Smelting and Refining
331410	Nonferrous Metal (except Aluminum) Smelting and Refining
33142	Copper Rolling, Drawing, Extruding, and Alloying
331420	Copper Rolling, Drawing, Extruding, and Alloying
33149	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, Extruding, and Alloying
331491	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding
331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
3315	Foundries
33151	Ferrous Metal Foundries
331511	Iron Foundries
331512	Steel Investment Foundries
331513	Steel Foundries (except Investment)
33152	Nonferrous Metal Foundries
331523	Nonferrous Metal Die-Casting Foundries
331524	Aluminum Foundries (except Die-Casting)
331529	Other Nonferrous Metal Foundries (except Die-Casting)
332	Fabricated Metal Product Manufacturing
3321	Forging and Stamping
33211	Forging and Stamping
332111	Iron and Steel Forging
332112	Nonferrous Forging
332114	Custom Roll Forming
332117	Powder Metallurgy Part Manufacturing
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
3322	Cutlery and Handtool Manufacturing
33221	Cutlery and Handtool Manufacturing
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing

332216	Saw Blade and Handtool Manufacturing
3323	Architectural and Structural Metals Manufacturing
33231	Plate Work and Fabricated Structural Product Manufacturing
332311	Prefabricated Metal Building and Component Manufacturing
332312	Fabricated Structural Metal Manufacturing
332313	Plate Work Manufacturing
33232	Ornamental and Architectural Metal Products Manufacturing
332321	Metal Window and Door Manufacturing
332322	Sheet Metal Work Manufacturing
332323	Ornamental and Architectural Metal Work Manufacturing
3324	Boiler, Tank, and Shipping Container Manufacturing
33241	Power Boiler and Heat Exchanger Manufacturing
332410	Power Boiler and Heat Exchanger Manufacturing
33242	Metal Tank (Heavy Gauge) Manufacturing
332420	Metal Tank (Heavy Gauge) Manufacturing
33243	Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing
332431	Metal Can Manufacturing
332439	Other Metal Container Manufacturing
3325	Hardware Manufacturing
33251	Hardware Manufacturing
332510	Hardware Manufacturing
3326	Spring and Wire Product Manufacturing
33261	Spring and Wire Product Manufacturing
332613	Spring Manufacturing
332618	Other Fabricated Wire Product Manufacturing
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
33271	Machine Shops
332710	Machine Shops
33272	Turned Product and Screw, Nut, and Bolt Manufacturing
332721	Precision Turned Product Manufacturing
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing
3328	Coating, Engraving, Heat Treating, and Allied Activities
33281	Coating, Engraving, Heat Treating, and Allied Activities
332811	Metal Heat Treating
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
3329	Other Fabricated Metal Product Manufacturing
33291	Metal Valve Manufacturing
332911	Industrial Valve Manufacturing
332912	Fluid Power Valve and Hose Fitting Manufacturing
332913	Plumbing Fixture Fitting and Trim Manufacturing
332919	Other Metal Valve and Pipe Fitting Manufacturing
33299	All Other Fabricated Metal Product Manufacturing
332991	Ball and Roller Bearing Manufacturing
332992	Small Arms Ammunition Manufacturing
332993	Ammunition (except Small Arms) Manufacturing
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333	Machinery Manufacturing
3331	Agriculture, Construction, and Mining Machinery Manufacturing
33311	Agricultural Implement Manufacturing
333111	Farm Machinery and Equipment Manufacturing
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing

33312	Construction Machinery Manufacturing
333120	Construction Machinery Manufacturing
33313	Mining and Oil and Gas Field Machinery Manufacturing
333131	Mining Machinery and Equipment Manufacturing
333132	Oil and Gas Field Machinery and Equipment Manufacturing
3332	Industrial Machinery Manufacturing
33324	Industrial Machinery Manufacturing
333241	Food Product Machinery Manufacturing
333242	Semiconductor Machinery Manufacturing
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing
333244	Printing Machinery and Equipment Manufacturing
333249	Other Industrial Machinery Manufacturing
3333	Commercial and Service Industry Machinery Manufacturing
33331	Commercial and Service Industry Machinery Manufacturing
333314	Optical Instrument and Lens Manufacturing
333316	Photographic and Photocopying Equipment Manufacturing
333318	Other Commercial and Service Industry Machinery Manufacturing
3334	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing
33341	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
3335	Metalworking Machinery Manufacturing
33351	Metalworking Machinery Manufacturing
333511	Industrial Mold Manufacturing
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing
333515	Cutting Tool and Machine Tool Accessory Manufacturing
333517	Machine Tool Manufacturing
333519	Rolling Mill and Other Metalworking Machinery Manufacturing
3336	Engine, Turbine, and Power Transmission Equipment Manufacturing
33361	Engine, Turbine, and Power Transmission Equipment Manufacturing
333611	Turbine and Turbine Generator Set Units Manufacturing
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing
333613	Mechanical Power Transmission Equipment Manufacturing
333618	Other Engine Equipment Manufacturing
3339	Other General Purpose Machinery Manufacturing
33391	Pump and Compressor Manufacturing
333911	Pump and Pumping Equipment Manufacturing
333912	Air and Gas Compressor Manufacturing
333913	Measuring and Dispensing Pump Manufacturing
33392	Material Handling Equipment Manufacturing
333921	Elevator and Moving Stairway Manufacturing
333922	Conveyor and Conveying Equipment Manufacturing
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing
33399	All Other General Purpose Machinery Manufacturing
333991	Power-Driven Handtool Manufacturing
333992	Welding and Soldering Equipment Manufacturing
333993	Packaging Machinery Manufacturing
333994	Industrial Process Furnace and Oven Manufacturing
333995	Fluid Power Cylinder and Actuator Manufacturing

333996	Fluid Power Pump and Motor Manufacturing
333997	Scale and Balance Manufacturing
333999	All Other Miscellaneous General Purpose Machinery Manufacturing
334	Computer and Electronic Product Manufacturing
3341	Computer and Peripheral Equipment Manufacturing
33411	Computer and Peripheral Equipment Manufacturing
334111	Electronic Computer Manufacturing
334112	Computer Storage Device Manufacturing
334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing
3342	Communications Equipment Manufacturing
33421	Telephone Apparatus Manufacturing
334210	Telephone Apparatus Manufacturing
33422	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
33429	Other Communications Equipment Manufacturing
334290	Other Communications Equipment Manufacturing
3343	Audio and Video Equipment Manufacturing
33431	Audio and Video Equipment Manufacturing
334310	Audio and Video Equipment Manufacturing
3344	Semiconductor and Other Electronic Component Manufacturing
33441	Semiconductor and Other Electronic Component Manufacturing
334412	Bare Printed Circuit Board Manufacturing
334413	Semiconductor and Related Device Manufacturing
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing
334417	Electronic Connector Manufacturing
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing
334419	Other Electronic Component Manufacturing
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
33451	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
334514	Totalizing Fluid Meter and Counting Device Manufacturing
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals
334516	Analytical Laboratory Instrument Manufacturing
334517	Irradiation Apparatus Manufacturing
334519	Other Measuring and Controlling Device Manufacturing
3346	Manufacturing and Reproducing Magnetic and Optical Media
33461	Manufacturing and Reproducing Magnetic and Optical Media
334613	Blank Magnetic and Optical Recording Media Manufacturing
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing
335	Electrical Equipment, Appliance, and Component Manufacturing
3351	Electric Lighting Equipment Manufacturing
33511	Electric Lamp Bulb and Part Manufacturing
335110	Electric Lamp Bulb and Part Manufacturing
33512	Lighting Fixture Manufacturing
335121	Residential Electric Lighting Fixture Manufacturing
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing
335129	Other Lighting Equipment Manufacturing

3352	Household Appliance Manufacturing
33521	Small Electrical Appliance Manufacturing
335210	Small Electrical Appliance Manufacturing
33522	Major Appliance Manufacturing
335221	Household Cooking Appliance Manufacturing
335222	Household Refrigerator and Home Freezer Manufacturing
335224	Household Laundry Equipment Manufacturing
335228	Other Major Household Appliance Manufacturing
3353	Electrical Equipment Manufacturing
33531	Electrical Equipment Manufacturing
335311	Power, Distribution, and Specialty Transformer Manufacturing
335312	Motor and Generator Manufacturing
335313	Switchgear and Switchboard Apparatus Manufacturing
335314	Relay and Industrial Control Manufacturing
3359	Other Electrical Equipment and Component Manufacturing
33591	Battery Manufacturing
335911	Storage Battery Manufacturing
335912	Primary Battery Manufacturing
33592	Communication and Energy Wire and Cable Manufacturing
335921	Fiber Optic Cable Manufacturing
335929	Other Communication and Energy Wire Manufacturing
33593	Wiring Device Manufacturing
335931	Current-Carrying Wiring Device Manufacturing
335932	Noncurrent-Carrying Wiring Device Manufacturing
33599	All Other Electrical Equipment and Component Manufacturing
335991	Carbon and Graphite Product Manufacturing
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing
336	Transportation Equipment Manufacturing
3361	Motor Vehicle Manufacturing
33611	Automobile and Light Duty Motor Vehicle Manufacturing
336111	Automobile Manufacturing
336112	Light Truck and Utility Vehicle Manufacturing
33612	Heavy Duty Truck Manufacturing
336120	Heavy Duty Truck Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
33621	Motor Vehicle Body and Trailer Manufacturing
336211	Motor Vehicle Body Manufacturing
336212	Truck Trailer Manufacturing
336213	Motor Home Manufacturing
336214	Travel Trailer and Camper Manufacturing
3363	Motor Vehicle Parts Manufacturing
33631	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
33632	Motor Vehicle Electrical and Electronic Equipment Manufacturing
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
33634	Motor Vehicle Brake System Manufacturing
336340	Motor Vehicle Brake System Manufacturing
33635	Motor Vehicle Transmission and Power Train Parts Manufacturing
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing
33636	Motor Vehicle Seating and Interior Trim Manufacturing
336360	Motor Vehicle Seating and Interior Trim Manufacturing
33637	Motor Vehicle Metal Stamping
336370	Motor Vehicle Metal Stamping

33639	Other Motor Vehicle Parts Manufacturing
336390	Other Motor Vehicle Parts Manufacturing
3364	Aerospace Product and Parts Manufacturing
33641	Aerospace Product and Parts Manufacturing
336411	Aircraft Manufacturing
336412	Aircraft Engine and Engine Parts Manufacturing
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing
336414	Guided Missile and Space Vehicle Manufacturing
336415	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing
336419	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing
3365	Railroad Rolling Stock Manufacturing
33651	Railroad Rolling Stock Manufacturing
336510	Railroad Rolling Stock Manufacturing
3366	Ship and Boat Building
33661	Ship and Boat Building
336611	Ship Building and Repairing
336612	Boat Building
3369	Other Transportation Equipment Manufacturing
33699	Other Transportation Equipment Manufacturing
336991	Motorcycle, Bicycle, and Parts Manufacturing
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing
336999	All Other Transportation Equipment Manufacturing
337	Furniture and Related Product Manufacturing
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing
33711	Wood Kitchen Cabinet and Countertop Manufacturing
337110	Wood Kitchen Cabinet and Countertop Manufacturing
33712	Household and Institutional Furniture Manufacturing
337121	Upholstered Household Furniture Manufacturing
337122	Nonupholstered Wood Household Furniture Manufacturing
337124	Metal Household Furniture Manufacturing
337125	Household Furniture (except Wood and Metal) Manufacturing
337127	Institutional Furniture Manufacturing
3372	Office Furniture (including Fixtures) Manufacturing
33721	Office Furniture (including Fixtures) Manufacturing
337211	Wood Office Furniture Manufacturing
337212	Custom Architectural Woodwork and Millwork Manufacturing
337214	Office Furniture (except Wood) Manufacturing
337215	Showcase, Partition, Shelving, and Locker Manufacturing
3379	Other Furniture Related Product Manufacturing
33791	Mattress Manufacturing
337910	Mattress Manufacturing
33792	Blind and Shade Manufacturing
337920	Blind and Shade Manufacturing
339	Miscellaneous Manufacturing
3391	Medical Equipment and Supplies Manufacturing
33911	Medical Equipment and Supplies Manufacturing
339112	Surgical and Medical Instrument Manufacturing
339113	Surgical Appliance and Supplies Manufacturing
339114	Dental Equipment and Supplies Manufacturing
339115	Ophthalmic Goods Manufacturing
339116	Dental Laboratories
3399	Other Miscellaneous Manufacturing
33991	Jewelry and Silverware Manufacturing

339910	Jewelry and Silverware Manufacturing
33992	Sporting and Athletic Goods Manufacturing
339920	Sporting and Athletic Goods Manufacturing
33993	Doll, Toy, and Game Manufacturing
339930	Doll, Toy, and Game Manufacturing
33994	Office Supplies (except Paper) Manufacturing
339940	Office Supplies (except Paper) Manufacturing
33995	Sign Manufacturing
339950	Sign Manufacturing
33999	All Other Miscellaneous Manufacturing
339991	Gasket, Packing, and Sealing Device Manufacturing
339992	Musical Instrument Manufacturing
339993	Fastener, Button, Needle, and Pin Manufacturing
339994	Broom, Brush, and Mop Manufacturing
339995	Burial Casket Manufacturing
339999	All Other Miscellaneous Manufacturing
42	Wholesale Trade
423	Merchant Wholesalers, Durable Goods
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
42311	Automobile and Other Motor Vehicle Merchant Wholesalers
423110	Automobile and Other Motor Vehicle Merchant Wholesalers
42312	Motor Vehicle Supplies and New Parts Merchant Wholesalers
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers
42313	Tire and Tube Merchant Wholesalers
423130	Tire and Tube Merchant Wholesalers
42314	Motor Vehicle Parts (Used) Merchant Wholesalers
423140	Motor Vehicle Parts (Used) Merchant Wholesalers
4232	Furniture and Home Furnishing Merchant Wholesalers
42321	Furniture Merchant Wholesalers
423210	Furniture Merchant Wholesalers
42322	Home Furnishing Merchant Wholesalers
423220	Home Furnishing Merchant Wholesalers
4233	Lumber and Other Construction Materials Merchant Wholesalers
42331	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers
42332	Brick, Stone, and Related Construction Material Merchant Wholesalers
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers
42333	Roofing, Siding, and Insulation Material Merchant Wholesalers
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers
42339	Other Construction Material Merchant Wholesalers
423390	Other Construction Material Merchant Wholesalers
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers
42341	Photographic Equipment and Supplies Merchant Wholesalers
423410	Photographic Equipment and Supplies Merchant Wholesalers
42342	Office Equipment Merchant Wholesalers
423420	Office Equipment Merchant Wholesalers
42343	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers
42344	Other Commercial Equipment Merchant Wholesalers
423440	Other Commercial Equipment Merchant Wholesalers
42345	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers
42346	Ophthalmic Goods Merchant Wholesalers
423460	Ophthalmic Goods Merchant Wholesalers
42349	Other Professional Equipment and Supplies Merchant Wholesalers

423490	Other Professional Equipment and Supplies Merchant Wholesalers
4235	Metal and Mineral (except Petroleum) Merchant Wholesalers
42351	Metal Service Centers and Other Metal Merchant Wholesalers
423510	Metal Service Centers and Other Metal Merchant Wholesalers
42352	Coal and Other Mineral and Ore Merchant Wholesalers
423520	Coal and Other Mineral and Ore Merchant Wholesalers
4236	Household Appliances and Electrical and Electronic Goods Merchant Wholesalers
42361	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
42362	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers
42369	Other Electronic Parts and Equipment Merchant Wholesalers
423690	Other Electronic Parts and Equipment Merchant Wholesalers
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
42371	Hardware Merchant Wholesalers
423710	Hardware Merchant Wholesalers
42372	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers
42373	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers
42374	Refrigeration Equipment and Supplies Merchant Wholesalers
423740	Refrigeration Equipment and Supplies Merchant Wholesalers
4238	Machinery, Equipment, and Supplies Merchant Wholesalers
42381	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
42382	Farm and Garden Machinery and Equipment Merchant Wholesalers
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers
42383	Industrial Machinery and Equipment Merchant Wholesalers
423830	Industrial Machinery and Equipment Merchant Wholesalers
42384	Industrial Supplies Merchant Wholesalers
423840	Industrial Supplies Merchant Wholesalers
42385	Service Establishment Equipment and Supplies Merchant Wholesalers
423850	Service Establishment Equipment and Supplies Merchant Wholesalers
42386	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
4239	Miscellaneous Durable Goods Merchant Wholesalers
42391	Sporting and Recreational Goods and Supplies Merchant Wholesalers
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers
42392	Toy and Hobby Goods and Supplies Merchant Wholesalers
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers
42393	Recyclable Material Merchant Wholesalers
423930	Recyclable Material Merchant Wholesalers
42394	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers
42399	Other Miscellaneous Durable Goods Merchant Wholesalers

423990 Other Miscellaneous Durable Goods Merchant Wholesalers
 424 Merchant Wholesalers, Nondurable Goods
 4241 Paper and Paper Product Merchant Wholesalers
 42411 Printing and Writing Paper Merchant Wholesalers
 424110 Printing and Writing Paper Merchant Wholesalers
 42412 Stationery and Office Supplies Merchant Wholesalers
 424120 Stationery and Office Supplies Merchant Wholesalers
 42413 Industrial and Personal Service Paper Merchant Wholesalers
 424130 Industrial and Personal Service Paper Merchant Wholesalers
 4242 Drugs and Druggists' Sundries Merchant Wholesalers
 42421 Drugs and Druggists' Sundries Merchant Wholesalers
 424210 Drugs and Druggists' Sundries Merchant Wholesalers
 4243 Apparel, Piece Goods, and Notions Merchant Wholesalers
 42431 Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
 424310 Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
 42432 Men's and Boys' Clothing and Furnishings Merchant Wholesalers
 424320 Men's and Boys' Clothing and Furnishings Merchant Wholesalers
 42433 Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers
 424330 Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers
 42434 Footwear Merchant Wholesalers
 424340 Footwear Merchant Wholesalers
 4244 Grocery and Related Product Merchant Wholesalers
 42441 General Line Grocery Merchant Wholesalers
 424410 General Line Grocery Merchant Wholesalers
 42442 Packaged Frozen Food Merchant Wholesalers
 424420 Packaged Frozen Food Merchant Wholesalers
 42443 Dairy Product (except Dried or Canned) Merchant Wholesalers
 424430 Dairy Product (except Dried or Canned) Merchant Wholesalers
 42444 Poultry and Poultry Product Merchant Wholesalers
 424440 Poultry and Poultry Product Merchant Wholesalers
 42445 Confectionery Merchant Wholesalers
 424450 Confectionery Merchant Wholesalers
 42446 Fish and Seafood Merchant Wholesalers
 424460 Fish and Seafood Merchant Wholesalers
 42447 Meat and Meat Product Merchant Wholesalers
 424470 Meat and Meat Product Merchant Wholesalers
 42448 Fresh Fruit and Vegetable Merchant Wholesalers
 424480 Fresh Fruit and Vegetable Merchant Wholesalers
 42449 Other Grocery and Related Products Merchant Wholesalers
 424490 Other Grocery and Related Products Merchant Wholesalers
 4245 Farm Product Raw Material Merchant Wholesalers
 42451 Grain and Field Bean Merchant Wholesalers
 424510 Grain and Field Bean Merchant Wholesalers
 42452 Livestock Merchant Wholesalers
 424520 Livestock Merchant Wholesalers
 42459 Other Farm Product Raw Material Merchant Wholesalers
 424590 Other Farm Product Raw Material Merchant Wholesalers
 4246 Chemical and Allied Products Merchant Wholesalers
 42461 Plastics Materials and Basic Forms and Shapes Merchant Wholesalers
 424610 Plastics Materials and Basic Forms and Shapes Merchant Wholesalers
 42469 Other Chemical and Allied Products Merchant Wholesalers
 424690 Other Chemical and Allied Products Merchant Wholesalers
 4247 Petroleum and Petroleum Products Merchant Wholesalers
 42471 Petroleum Bulk Stations and Terminals
 424710 Petroleum Bulk Stations and Terminals

42472	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
42481	Beer and Ale Merchant Wholesalers
424810	Beer and Ale Merchant Wholesalers
42482	Wine and Distilled Alcoholic Beverage Merchant Wholesalers
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers
4249	Miscellaneous Nondurable Goods Merchant Wholesalers
42491	Farm Supplies Merchant Wholesalers
424910	Farm Supplies Merchant Wholesalers
42492	Book, Periodical, and Newspaper Merchant Wholesalers
424920	Book, Periodical, and Newspaper Merchant Wholesalers
42493	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers
42494	Tobacco and Tobacco Product Merchant Wholesalers
424940	Tobacco and Tobacco Product Merchant Wholesalers
42495	Paint, Varnish, and Supplies Merchant Wholesalers
424950	Paint, Varnish, and Supplies Merchant Wholesalers
42499	Other Miscellaneous Nondurable Goods Merchant Wholesalers
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers
425	Wholesale Electronic Markets and Agents and Brokers
4251	Wholesale Electronic Markets and Agents and Brokers
42511	Business to Business Electronic Markets
425110	Business to Business Electronic Markets
42512	Wholesale Trade Agents and Brokers
425120	Wholesale Trade Agents and Brokers
44-45	Retail Trade
441	Motor Vehicle and Parts Dealers
4411	Automobile Dealers
44111	New Car Dealers
441110	New Car Dealers
44112	Used Car Dealers
441120	Used Car Dealers
4412	Other Motor Vehicle Dealers
44121	Recreational Vehicle Dealers
441210	Recreational Vehicle Dealers
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers
441222	Boat Dealers
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers
4413	Automotive Parts, Accessories, and Tire Stores
44131	Automotive Parts and Accessories Stores
441310	Automotive Parts and Accessories Stores
44132	Tire Dealers
441320	Tire Dealers
442	Furniture and Home Furnishings Stores
4421	Furniture Stores
44211	Furniture Stores
442110	Furniture Stores
4422	Home Furnishings Stores
44221	Floor Covering Stores
442210	Floor Covering Stores
44229	Other Home Furnishings Stores
442291	Window Treatment Stores

442299	All Other Home Furnishings Stores
443	Electronics and Appliance Stores
4431	Electronics and Appliance Stores
44314	Electronics and Appliance Stores
443141	Household Appliance Stores
443142	Electronics Stores
444	Building Material and Garden Equipment and Supplies Dealers
4441	Building Material and Supplies Dealers
44411	Home Centers
444110	Home Centers
44412	Paint and Wallpaper Stores
444120	Paint and Wallpaper Stores
44413	Hardware Stores
444130	Hardware Stores
44419	Other Building Material Dealers
444190	Other Building Material Dealers
4442	Lawn and Garden Equipment and Supplies Stores
44421	Outdoor Power Equipment Stores
444210	Outdoor Power Equipment Stores
44422	Nursery, Garden Center, and Farm Supply Stores
444220	Nursery, Garden Center, and Farm Supply Stores
445	Food and Beverage Stores
4451	Grocery Stores
44511	Supermarkets and Other Grocery (except Convenience) Stores
445110	Supermarkets and Other Grocery (except Convenience) Stores
44512	Convenience Stores
445120	Convenience Stores
4452	Specialty Food Stores
44521	Meat Markets
445210	Meat Markets
44522	Fish and Seafood Markets
445220	Fish and Seafood Markets
44523	Fruit and Vegetable Markets
445230	Fruit and Vegetable Markets
44529	Other Specialty Food Stores
445291	Baked Goods Stores
445292	Confectionery and Nut Stores
445299	All Other Specialty Food Stores
4453	Beer, Wine, and Liquor Stores
44531	Beer, Wine, and Liquor Stores
445310	Beer, Wine, and Liquor Stores
446	Health and Personal Care Stores
4461	Health and Personal Care Stores
44611	Pharmacies and Drug Stores
446110	Pharmacies and Drug Stores
44612	Cosmetics, Beauty Supplies, and Perfume Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
44613	Optical Goods Stores
446130	Optical Goods Stores
44619	Other Health and Personal Care Stores
446191	Food (Health) Supplement Stores
446199	All Other Health and Personal Care Stores
447	Gasoline Stations
4471	Gasoline Stations
44711	Gasoline Stations with Convenience Stores

447110	Gasoline Stations with Convenience Stores
44719	Other Gasoline Stations
447190	Other Gasoline Stations
448	Clothing and Clothing Accessories Stores
4481	Clothing Stores
44811	Men's Clothing Stores
448110	Men's Clothing Stores
44812	Women's Clothing Stores
448120	Women's Clothing Stores
44813	Children's and Infants' Clothing Stores
448130	Children's and Infants' Clothing Stores
44814	Family Clothing Stores
448140	Family Clothing Stores
44815	Clothing Accessories Stores
448150	Clothing Accessories Stores
44819	Other Clothing Stores
448190	Other Clothing Stores
4482	Shoe Stores
44821	Shoe Stores
448210	Shoe Stores
4483	Jewelry, Luggage, and Leather Goods Stores
44831	Jewelry Stores
448310	Jewelry Stores
44832	Luggage and Leather Goods Stores
448320	Luggage and Leather Goods Stores
451	Sporting Goods, Hobby, Musical Instrument, and Book Stores
4511	Sporting Goods, Hobby, and Musical Instrument Stores
45111	Sporting Goods Stores
451110	Sporting Goods Stores
45112	Hobby, Toy, and Game Stores
451120	Hobby, Toy, and Game Stores
45113	Sewing, Needlework, and Piece Goods Stores
451130	Sewing, Needlework, and Piece Goods Stores
45114	Musical Instrument and Supplies Stores
451140	Musical Instrument and Supplies Stores
4512	Book Stores and News Dealers
45121	Book Stores and News Dealers
451211	Book Stores
451212	News Dealers and Newsstands
452	General Merchandise Stores
4521	Department Stores
45211	Department Stores
452111	Department Stores (except Discount Department Stores)
452112	Discount Department Stores
4529	Other General Merchandise Stores
45291	Warehouse Clubs and Supercenters
452910	Warehouse Clubs and Supercenters
45299	All Other General Merchandise Stores
452990	All Other General Merchandise Stores
453	Miscellaneous Store Retailers
4531	Florists
45311	Florists
453110	Florists
4532	Office Supplies, Stationery, and Gift Stores
45321	Office Supplies and Stationery Stores

453210	Office Supplies and Stationery Stores
45322	Gift, Novelty, and Souvenir Stores
453220	Gift, Novelty, and Souvenir Stores
4533	Used Merchandise Stores
45331	Used Merchandise Stores
453310	Used Merchandise Stores
4539	Other Miscellaneous Store Retailers
45391	Pet and Pet Supplies Stores
453910	Pet and Pet Supplies Stores
45392	Art Dealers
453920	Art Dealers
45393	Manufactured (Mobile) Home Dealers
453930	Manufactured (Mobile) Home Dealers
45399	All Other Miscellaneous Store Retailers
453991	Tobacco Stores
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)
454	Nonstore Retailers
4541	Electronic Shopping and Mail-Order Houses
45411	Electronic Shopping and Mail-Order Houses
454111	Electronic Shopping
454112	Electronic Auctions
454113	Mail-Order Houses
4542	Vending Machine Operators
45421	Vending Machine Operators
454210	Vending Machine Operators
4543	Direct Selling Establishments
45431	Fuel Dealers
454310	Fuel Dealers
45439	Other Direct Selling Establishments
454390	Other Direct Selling Establishments
48-49	Transportation and Warehousing
481	Air Transportation
4811	Scheduled Air Transportation
48111	Scheduled Air Transportation
481111	Scheduled Passenger Air Transportation
481112	Scheduled Freight Air Transportation
4812	Nonscheduled Air Transportation
48121	Nonscheduled Air Transportation
481211	Nonscheduled Chartered Passenger Air Transportation
481212	Nonscheduled Chartered Freight Air Transportation
481219	Other Nonscheduled Air Transportation
482	Rail Transportation
4821	Rail Transportation
48211	Rail Transportation
482111	Line-Haul Railroads
482112	Short Line Railroads
483	Water Transportation
4831	Deep Sea, Coastal, and Great Lakes Water Transportation
48311	Deep Sea, Coastal, and Great Lakes Water Transportation
483111	Deep Sea Freight Transportation
483112	Deep Sea Passenger Transportation
483113	Coastal and Great Lakes Freight Transportation
483114	Coastal and Great Lakes Passenger Transportation
4832	Inland Water Transportation
48321	Inland Water Transportation

483211	Inland Water Freight Transportation
483212	Inland Water Passenger Transportation
484	Truck Transportation
4841	General Freight Trucking
48411	General Freight Trucking, Local
484110	General Freight Trucking, Local
48412	General Freight Trucking, Long-Distance
484121	General Freight Trucking, Long-Distance, Truckload
484122	General Freight Trucking, Long-Distance, Less Than Truckload
4842	Specialized Freight Trucking
48421	Used Household and Office Goods Moving
484210	Used Household and Office Goods Moving
48422	Specialized Freight (except Used Goods) Trucking, Local
484220	Specialized Freight (except Used Goods) Trucking, Local
48423	Specialized Freight (except Used Goods) Trucking, Long-Distance
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance
485	Transit and Ground Passenger Transportation
4851	Urban Transit Systems
48511	Urban Transit Systems
485111	Mixed Mode Transit Systems
485112	Commuter Rail Systems
485113	Bus and Other Motor Vehicle Transit Systems
485119	Other Urban Transit Systems
4852	Interurban and Rural Bus Transportation
48521	Interurban and Rural Bus Transportation
485210	Interurban and Rural Bus Transportation
4853	Taxi and Limousine Service
48531	Taxi Service
485310	Taxi Service
48532	Limousine Service
485320	Limousine Service
4854	School and Employee Bus Transportation
48541	School and Employee Bus Transportation
485410	School and Employee Bus Transportation
4855	Charter Bus Industry
48551	Charter Bus Industry
485510	Charter Bus Industry
4859	Other Transit and Ground Passenger Transportation
48599	Other Transit and Ground Passenger Transportation
485991	Special Needs Transportation
485999	All Other Transit and Ground Passenger Transportation
486	Pipeline Transportation
4861	Pipeline Transportation of Crude Oil
48611	Pipeline Transportation of Crude Oil
486110	Pipeline Transportation of Crude Oil
4862	Pipeline Transportation of Natural Gas
48621	Pipeline Transportation of Natural Gas
486210	Pipeline Transportation of Natural Gas
4869	Other Pipeline Transportation
48691	Pipeline Transportation of Refined Petroleum Products
486910	Pipeline Transportation of Refined Petroleum Products
48699	All Other Pipeline Transportation
486990	All Other Pipeline Transportation
487	Scenic and Sightseeing Transportation
4871	Scenic and Sightseeing Transportation, Land

48711	Scenic and Sightseeing Transportation, Land
487110	Scenic and Sightseeing Transportation, Land
4872	Scenic and Sightseeing Transportation, Water
48721	Scenic and Sightseeing Transportation, Water
487210	Scenic and Sightseeing Transportation, Water
4879	Scenic and Sightseeing Transportation, Other
48799	Scenic and Sightseeing Transportation, Other
487990	Scenic and Sightseeing Transportation, Other
488	Support Activities for Transportation
4881	Support Activities for Air Transportation
48811	Airport Operations
488111	Air Traffic Control
488119	Other Airport Operations
48819	Other Support Activities for Air Transportation
488190	Other Support Activities for Air Transportation
4882	Support Activities for Rail Transportation
48821	Support Activities for Rail Transportation
488210	Support Activities for Rail Transportation
4883	Support Activities for Water Transportation
48831	Port and Harbor Operations
488310	Port and Harbor Operations
48832	Marine Cargo Handling
488320	Marine Cargo Handling
48833	Navigational Services to Shipping
488330	Navigational Services to Shipping
48839	Other Support Activities for Water Transportation
488390	Other Support Activities for Water Transportation
4884	Support Activities for Road Transportation
48841	Motor Vehicle Towing
488410	Motor Vehicle Towing
48849	Other Support Activities for Road Transportation
488490	Other Support Activities for Road Transportation
4885	Freight Transportation Arrangement
48851	Freight Transportation Arrangement
488510	Freight Transportation Arrangement
4889	Other Support Activities for Transportation
48899	Other Support Activities for Transportation
488991	Packing and Crating
488999	All Other Support Activities for Transportation
491	Postal Service
4911	Postal Service
49111	Postal Service
491110	Postal Service
492	Couriers and Messengers
4921	Couriers and Express Delivery Services
49211	Couriers and Express Delivery Services
492110	Couriers and Express Delivery Services
4922	Local Messengers and Local Delivery
49221	Local Messengers and Local Delivery
492210	Local Messengers and Local Delivery
493	Warehousing and Storage
4931	Warehousing and Storage
49311	General Warehousing and Storage
493110	General Warehousing and Storage
49312	Refrigerated Warehousing and Storage

493120	Refrigerated Warehousing and Storage
49313	Farm Product Warehousing and Storage
493130	Farm Product Warehousing and Storage
49319	Other Warehousing and Storage
493190	Other Warehousing and Storage
51	Information
511	Publishing Industries (except Internet)
5111	Newspaper, Periodical, Book, and Directory Publishers
51111	Newspaper Publishers
511110	Newspaper Publishers
51112	Periodical Publishers
511120	Periodical Publishers
51113	Book Publishers
511130	Book Publishers
51114	Directory and Mailing List Publishers
511140	Directory and Mailing List Publishers
51119	Other Publishers
511191	Greeting Card Publishers
511199	All Other Publishers
5112	Software Publishers
51121	Software Publishers
511210	Software Publishers
512	Motion Picture and Sound Recording Industries
5121	Motion Picture and Video Industries
51211	Motion Picture and Video Production
512110	Motion Picture and Video Production
51212	Motion Picture and Video Distribution
512120	Motion Picture and Video Distribution
51213	Motion Picture and Video Exhibition
512131	Motion Picture Theaters (except Drive-Ins)
512132	Drive-In Motion Picture Theaters
51219	Postproduction Services and Other Motion Picture and Video Industries
512191	Teleproduction and Other Postproduction Services
512199	Other Motion Picture and Video Industries
5122	Sound Recording Industries
51221	Record Production
512210	Record Production
51222	Integrated Record Production/Distribution
512220	Integrated Record Production/Distribution
51223	Music Publishers
512230	Music Publishers
51224	Sound Recording Studios
512240	Sound Recording Studios
51229	Other Sound Recording Industries
512290	Other Sound Recording Industries
515	Broadcasting (except Internet)
5151	Radio and Television Broadcasting
51511	Radio Broadcasting
515111	Radio Networks
515112	Radio Stations
51512	Television Broadcasting
515120	Television Broadcasting
5152	Cable and Other Subscription Programming
51521	Cable and Other Subscription Programming
515210	Cable and Other Subscription Programming

517	Telecommunications
5171	Wired Telecommunications Carriers
51711	Wired Telecommunications Carriers
517110	Wired Telecommunications Carriers
5172	Wireless Telecommunications Carriers (except Satellite)
51721	Wireless Telecommunications Carriers (except Satellite)
517210	Wireless Telecommunications Carriers (except Satellite)
5174	Satellite Telecommunications
51741	Satellite Telecommunications
517410	Satellite Telecommunications
5179	Other Telecommunications
51791	Other Telecommunications
517911	Telecommunications Resellers
517919	All Other Telecommunications
518	Data Processing, Hosting, and Related Services
5182	Data Processing, Hosting, and Related Services
51821	Data Processing, Hosting, and Related Services
518210	Data Processing, Hosting, and Related Services
519	Other Information Services
5191	Other Information Services
51911	News Syndicates
519110	News Syndicates
51912	Libraries and Archives
519120	Libraries and Archives
51913	Internet Publishing and Broadcasting and Web Search Portals
519130	Internet Publishing and Broadcasting and Web Search Portals
51919	All Other Information Services
519190	All Other Information Services
52	Finance and Insurance
521	Monetary Authorities-Central Bank
5211	Monetary Authorities-Central Bank
52111	Monetary Authorities-Central Bank
521110	Monetary Authorities-Central Bank
522	Credit Intermediation and Related Activities
5221	Depository Credit Intermediation
52211	Commercial Banking
522110	Commercial Banking
52212	Savings Institutions
522120	Savings Institutions
52213	Credit Unions
522130	Credit Unions
52219	Other Depository Credit Intermediation
522190	Other Depository Credit Intermediation
5222	Nondepository Credit Intermediation
52221	Credit Card Issuing
522210	Credit Card Issuing
52222	Sales Financing
522220	Sales Financing
52229	Other Nondepository Credit Intermediation
522291	Consumer Lending
522292	Real Estate Credit
522293	International Trade Financing
522294	Secondary Market Financing
522298	All Other Nondepository Credit Intermediation
5223	Activities Related to Credit Intermediation

52231	Mortgage and Nonmortgage Loan Brokers
522310	Mortgage and Nonmortgage Loan Brokers
52232	Financial Transactions Processing, Reserve, and Clearinghouse Activities
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities
52239	Other Activities Related to Credit Intermediation
522390	Other Activities Related to Credit Intermediation
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities
5231	Securities and Commodity Contracts Intermediation and Brokerage
52311	Investment Banking and Securities Dealing
523110	Investment Banking and Securities Dealing
52312	Securities Brokerage
523120	Securities Brokerage
52313	Commodity Contracts Dealing
523130	Commodity Contracts Dealing
52314	Commodity Contracts Brokerage
523140	Commodity Contracts Brokerage
5232	Securities and Commodity Exchanges
52321	Securities and Commodity Exchanges
523210	Securities and Commodity Exchanges
5239	Other Financial Investment Activities
52391	Miscellaneous Intermediation
523910	Miscellaneous Intermediation
52392	Portfolio Management
523920	Portfolio Management
52393	Investment Advice
523930	Investment Advice
52399	All Other Financial Investment Activities
523991	Trust, Fiduciary, and Custody Activities
523999	Miscellaneous Financial Investment Activities
524	Insurance Carriers and Related Activities
5241	Insurance Carriers
52411	Direct Life, Health, and Medical Insurance Carriers
524113	Direct Life Insurance Carriers
524114	Direct Health and Medical Insurance Carriers
52412	Direct Insurance (except Life, Health, and Medical) Carriers
524126	Direct Property and Casualty Insurance Carriers
524127	Direct Title Insurance Carriers
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers
52413	Reinsurance Carriers
524130	Reinsurance Carriers
5242	Agencies, Brokerages, and Other Insurance Related Activities
52421	Insurance Agencies and Brokerages
524210	Insurance Agencies and Brokerages
52429	Other Insurance Related Activities
524291	Claims Adjusting
524292	Third Party Administration of Insurance and Pension Funds
524298	All Other Insurance Related Activities
525	Funds, Trusts, and Other Financial Vehicles
5251	Insurance and Employee Benefit Funds
52511	Pension Funds
525110	Pension Funds
52512	Health and Welfare Funds
525120	Health and Welfare Funds
52519	Other Insurance Funds

525190	Other Insurance Funds
5259	Other Investment Pools and Funds
52591	Open-End Investment Funds
525910	Open-End Investment Funds
52592	Trusts, Estates, and Agency Accounts
525920	Trusts, Estates, and Agency Accounts
52599	Other Financial Vehicles
525990	Other Financial Vehicles
53	Real Estate and Rental and Leasing
531	Real Estate
5311	Lessors of Real Estate
53111	Lessors of Residential Buildings and Dwellings
531110	Lessors of Residential Buildings and Dwellings
53112	Lessors of Nonresidential Buildings (except Miniwarehouses)
531120	Lessors of Nonresidential Buildings (except Miniwarehouses)
53113	Lessors of Miniwarehouses and Self-Storage Units
531130	Lessors of Miniwarehouses and Self-Storage Units
53119	Lessors of Other Real Estate Property
531190	Lessors of Other Real Estate Property
5312	Offices of Real Estate Agents and Brokers
53121	Offices of Real Estate Agents and Brokers
531210	Offices of Real Estate Agents and Brokers
5313	Activities Related to Real Estate
53131	Real Estate Property Managers
531311	Residential Property Managers
531312	Nonresidential Property Managers
53132	Offices of Real Estate Appraisers
531320	Offices of Real Estate Appraisers
53139	Other Activities Related to Real Estate
531390	Other Activities Related to Real Estate
532	Rental and Leasing Services
5321	Automotive Equipment Rental and Leasing
53211	Passenger Car Rental and Leasing
532111	Passenger Car Rental
532112	Passenger Car Leasing
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
5322	Consumer Goods Rental
53221	Consumer Electronics and Appliances Rental
532210	Consumer Electronics and Appliances Rental
53222	Formal Wear and Costume Rental
532220	Formal Wear and Costume Rental
53223	Video Tape and Disc Rental
532230	Video Tape and Disc Rental
53229	Other Consumer Goods Rental
532291	Home Health Equipment Rental
532292	Recreational Goods Rental
532299	All Other Consumer Goods Rental
5323	General Rental Centers
53231	General Rental Centers
532310	General Rental Centers
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing

532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing
53242	Office Machinery and Equipment Rental and Leasing
532420	Office Machinery and Equipment Rental and Leasing
53249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
53311	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
54	Professional, Scientific, and Technical Services
541	Professional, Scientific, and Technical Services
5411	Legal Services
54111	Offices of Lawyers
541110	Offices of Lawyers
54112	Offices of Notaries
541120	Offices of Notaries
54119	Other Legal Services
541191	Title Abstract and Settlement Offices
541199	All Other Legal Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
54121	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
541211	Offices of Certified Public Accountants
541213	Tax Preparation Services
541214	Payroll Services
541219	Other Accounting Services
5413	Architectural, Engineering, and Related Services
54131	Architectural Services
541310	Architectural Services
54132	Landscape Architectural Services
541320	Landscape Architectural Services
54133	Engineering Services
541330	Engineering Services
54134	Drafting Services
541340	Drafting Services
54135	Building Inspection Services
541350	Building Inspection Services
54136	Geophysical Surveying and Mapping Services
541360	Geophysical Surveying and Mapping Services
54137	Surveying and Mapping (except Geophysical) Services
541370	Surveying and Mapping (except Geophysical) Services
54138	Testing Laboratories
541380	Testing Laboratories
5414	Specialized Design Services
54141	Interior Design Services
541410	Interior Design Services
54142	Industrial Design Services
541420	Industrial Design Services
54143	Graphic Design Services
541430	Graphic Design Services
54149	Other Specialized Design Services
541490	Other Specialized Design Services
5415	Computer Systems Design and Related Services
54151	Computer Systems Design and Related Services
541511	Custom Computer Programming Services
541512	Computer Systems Design Services

541513	Computer Facilities Management Services
541519	Other Computer Related Services
5416	Management, Scientific, and Technical Consulting Services
54161	Management Consulting Services
541611	Administrative Management and General Management Consulting Services
541612	Human Resources Consulting Services
541613	Marketing Consulting Services
541614	Process, Physical Distribution, and Logistics Consulting Services
541618	Other Management Consulting Services
54162	Environmental Consulting Services
541620	Environmental Consulting Services
54169	Other Scientific and Technical Consulting Services
541690	Other Scientific and Technical Consulting Services
5417	Scientific Research and Development Services
54171	Research and Development in the Physical, Engineering, and Life Sciences
541711	Research and Development in Biotechnology
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)
54172	Research and Development in the Social Sciences and Humanities
541720	Research and Development in the Social Sciences and Humanities
5418	Advertising, Public Relations, and Related Services
54181	Advertising Agencies
541810	Advertising Agencies
54182	Public Relations Agencies
541820	Public Relations Agencies
54183	Media Buying Agencies
541830	Media Buying Agencies
54184	Media Representatives
541840	Media Representatives
54185	Outdoor Advertising
541850	Outdoor Advertising
54186	Direct Mail Advertising
541860	Direct Mail Advertising
54187	Advertising Material Distribution Services
541870	Advertising Material Distribution Services
54189	Other Services Related to Advertising
541890	Other Services Related to Advertising
5419	Other Professional, Scientific, and Technical Services
54191	Marketing Research and Public Opinion Polling
541910	Marketing Research and Public Opinion Polling
54192	Photographic Services
541921	Photography Studios, Portrait
541922	Commercial Photography
54193	Translation and Interpretation Services
541930	Translation and Interpretation Services
54194	Veterinary Services
541940	Veterinary Services
54199	All Other Professional, Scientific, and Technical Services
541990	All Other Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
551	Management of Companies and Enterprises
5511	Management of Companies and Enterprises
55111	Management of Companies and Enterprises
551111	Offices of Bank Holding Companies
551112	Offices of Other Holding Companies

551114	Corporate, Subsidiary, and Regional Managing Offices
56	Administrative and Support and Waste Management and Remediation Services
561	Administrative and Support Services
5611	Office Administrative Services
56111	Office Administrative Services
561110	Office Administrative Services
5612	Facilities Support Services
56121	Facilities Support Services
561210	Facilities Support Services
5613	Employment Services
56131	Employment Placement Agencies and Executive Search Services
561311	Employment Placement Agencies
561312	Executive Search Services
56132	Temporary Help Services
561320	Temporary Help Services
56133	Professional Employer Organizations
561330	Professional Employer Organizations
5614	Business Support Services
56141	Document Preparation Services
561410	Document Preparation Services
56142	Telephone Call Centers
561421	Telephone Answering Services
561422	Telemarketing Bureaus and Other Contact Centers
56143	Business Service Centers
561431	Private Mail Centers
561439	Other Business Service Centers (including Copy Shops)
56144	Collection Agencies
561440	Collection Agencies
56145	Credit Bureaus
561450	Credit Bureaus
56149	Other Business Support Services
561491	Repossession Services
561492	Court Reporting and Stenotype Services
561499	All Other Business Support Services
5615	Travel Arrangement and Reservation Services
56151	Travel Agencies
561510	Travel Agencies
56152	Tour Operators
561520	Tour Operators
56159	Other Travel Arrangement and Reservation Services
561591	Convention and Visitors Bureaus
561599	All Other Travel Arrangement and Reservation Services
5616	Investigation and Security Services
56161	Investigation, Guard, and Armored Car Services
561611	Investigation Services
561612	Security Guards and Patrol Services
561613	Armored Car Services
56162	Security Systems Services
561621	Security Systems Services (except Locksmiths)
561622	Locksmiths
5617	Services to Buildings and Dwellings
56171	Exterminating and Pest Control Services
561710	Exterminating and Pest Control Services
56172	Janitorial Services
561720	Janitorial Services

56173	Landscaping Services
561730	Landscaping Services
56174	Carpet and Upholstery Cleaning Services
561740	Carpet and Upholstery Cleaning Services
56179	Other Services to Buildings and Dwellings
561790	Other Services to Buildings and Dwellings
5619	Other Support Services
56191	Packaging and Labeling Services
561910	Packaging and Labeling Services
56192	Convention and Trade Show Organizers
561920	Convention and Trade Show Organizers
56199	All Other Support Services
561990	All Other Support Services
562	Waste Management and Remediation Services
5621	Waste Collection
56211	Waste Collection
562111	Solid Waste Collection
562112	Hazardous Waste Collection
562119	Other Waste Collection
5622	Waste Treatment and Disposal
56221	Waste Treatment and Disposal
562211	Hazardous Waste Treatment and Disposal
562212	Solid Waste Landfill
562213	Solid Waste Combustors and Incinerators
562219	Other Nonhazardous Waste Treatment and Disposal
5629	Remediation and Other Waste Management Services
56291	Remediation Services
562910	Remediation Services
56292	Materials Recovery Facilities
562920	Materials Recovery Facilities
56299	All Other Waste Management Services
562991	Septic Tank and Related Services
562998	All Other Miscellaneous Waste Management Services
61	Educational Services
611	Educational Services
6111	Elementary and Secondary Schools
61111	Elementary and Secondary Schools
611110	Elementary and Secondary Schools
6112	Junior Colleges
61121	Junior Colleges
611210	Junior Colleges
6113	Colleges, Universities, and Professional Schools
61131	Colleges, Universities, and Professional Schools
611310	Colleges, Universities, and Professional Schools
6114	Business Schools and Computer and Management Training
61141	Business and Secretarial Schools
611410	Business and Secretarial Schools
61142	Computer Training
611420	Computer Training
61143	Professional and Management Development Training
611430	Professional and Management Development Training
6115	Technical and Trade Schools
61151	Technical and Trade Schools
611511	Cosmetology and Barber Schools
611512	Flight Training

611513	Apprenticeship Training
611519	Other Technical and Trade Schools
6116	Other Schools and Instruction
61161	Fine Arts Schools
611610	Fine Arts Schools
61162	Sports and Recreation Instruction
611620	Sports and Recreation Instruction
61163	Language Schools
611630	Language Schools
61169	All Other Schools and Instruction
611691	Exam Preparation and Tutoring
611692	Automobile Driving Schools
611699	All Other Miscellaneous Schools and Instruction
6117	Educational Support Services
61171	Educational Support Services
611710	Educational Support Services
62	Health Care and Social Assistance
621	Ambulatory Health Care Services
6211	Offices of Physicians
62111	Offices of Physicians
621111	Offices of Physicians (except Mental Health Specialists)
621112	Offices of Physicians, Mental Health Specialists
6212	Offices of Dentists
62121	Offices of Dentists
621210	Offices of Dentists
6213	Offices of Other Health Practitioners
62131	Offices of Chiropractors
621310	Offices of Chiropractors
62132	Offices of Optometrists
621320	Offices of Optometrists
62133	Offices of Mental Health Practitioners (except Physicians)
621330	Offices of Mental Health Practitioners (except Physicians)
62134	Offices of Physical, Occupational and Speech Therapists, and Audiologists
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists
62139	Offices of All Other Health Practitioners
621391	Offices of Podiatrists
621399	Offices of All Other Miscellaneous Health Practitioners
6214	Outpatient Care Centers
62141	Family Planning Centers
621410	Family Planning Centers
62142	Outpatient Mental Health and Substance Abuse Centers
621420	Outpatient Mental Health and Substance Abuse Centers
62149	Other Outpatient Care Centers
621491	HMO Medical Centers
621492	Kidney Dialysis Centers
621493	Freestanding Ambulatory Surgical and Emergency Centers
621498	All Other Outpatient Care Centers
6215	Medical and Diagnostic Laboratories
62151	Medical and Diagnostic Laboratories
621511	Medical Laboratories
621512	Diagnostic Imaging Centers
6216	Home Health Care Services
62161	Home Health Care Services
621610	Home Health Care Services
6219	Other Ambulatory Health Care Services

62191	Ambulance Services
621910	Ambulance Services
62199	All Other Ambulatory Health Care Services
621991	Blood and Organ Banks
621999	All Other Miscellaneous Ambulatory Health Care Services
622	Hospitals
6221	General Medical and Surgical Hospitals
62211	General Medical and Surgical Hospitals
622110	General Medical and Surgical Hospitals
6222	Psychiatric and Substance Abuse Hospitals
62221	Psychiatric and Substance Abuse Hospitals
622210	Psychiatric and Substance Abuse Hospitals
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals
62231	Specialty (except Psychiatric and Substance Abuse) Hospitals
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals
623	Nursing and Residential Care Facilities
6231	Nursing Care Facilities (Skilled Nursing Facilities)
62311	Nursing Care Facilities (Skilled Nursing Facilities)
623110	Nursing Care Facilities (Skilled Nursing Facilities)
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities
62321	Residential Intellectual and Developmental Disability Facilities
623210	Residential Intellectual and Developmental Disability Facilities
62322	Residential Mental Health and Substance Abuse Facilities
623220	Residential Mental Health and Substance Abuse Facilities
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
62331	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
623311	Continuing Care Retirement Communities
623312	Assisted Living Facilities for the Elderly
6239	Other Residential Care Facilities
62399	Other Residential Care Facilities
623990	Other Residential Care Facilities
624	Social Assistance
6241	Individual and Family Services
62411	Child and Youth Services
624110	Child and Youth Services
62412	Services for the Elderly and Persons with Disabilities
624120	Services for the Elderly and Persons with Disabilities
62419	Other Individual and Family Services
624190	Other Individual and Family Services
6242	Community Food and Housing, and Emergency and Other Relief Services
62421	Community Food Services
624210	Community Food Services
62422	Community Housing Services
624221	Temporary Shelters
624229	Other Community Housing Services
62423	Emergency and Other Relief Services
624230	Emergency and Other Relief Services
6243	Vocational Rehabilitation Services
62431	Vocational Rehabilitation Services
624310	Vocational Rehabilitation Services
6244	Child Day Care Services
62441	Child Day Care Services
624410	Child Day Care Services
71	Arts, Entertainment, and Recreation

711	Performing Arts, Spectator Sports, and Related Industries
7111	Performing Arts Companies
71111	Theater Companies and Dinner Theaters
711110	Theater Companies and Dinner Theaters
71112	Dance Companies
711120	Dance Companies
71113	Musical Groups and Artists
711130	Musical Groups and Artists
71119	Other Performing Arts Companies
711190	Other Performing Arts Companies
7112	Spectator Sports
71121	Spectator Sports
711211	Sports Teams and Clubs
711212	Racetracks
711219	Other Spectator Sports
7113	Promoters of Performing Arts, Sports, and Similar Events
71131	Promoters of Performing Arts, Sports, and Similar Events with Facilities
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities
71132	Promoters of Performing Arts, Sports, and Similar Events without Facilities
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
71141	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
7115	Independent Artists, Writers, and Performers
71151	Independent Artists, Writers, and Performers
711510	Independent Artists, Writers, and Performers
712	Museums, Historical Sites, and Similar Institutions
7121	Museums, Historical Sites, and Similar Institutions
71211	Museums
712110	Museums
71212	Historical Sites
712120	Historical Sites
71213	Zoos and Botanical Gardens
712130	Zoos and Botanical Gardens
71219	Nature Parks and Other Similar Institutions
712190	Nature Parks and Other Similar Institutions
713	Amusement, Gambling, and Recreation Industries
7131	Amusement Parks and Arcades
71311	Amusement and Theme Parks
713110	Amusement and Theme Parks
71312	Amusement Arcades
713120	Amusement Arcades
7132	Gambling Industries
71321	Casinos (except Casino Hotels)
713210	Casinos (except Casino Hotels)
71329	Other Gambling Industries
713290	Other Gambling Industries
7139	Other Amusement and Recreation Industries
71391	Golf Courses and Country Clubs
713910	Golf Courses and Country Clubs
71392	Skiing Facilities
713920	Skiing Facilities
71393	Marinas
713930	Marinas
71394	Fitness and Recreational Sports Centers

713940	Fitness and Recreational Sports Centers
71395	Bowling Centers
713950	Bowling Centers
71399	All Other Amusement and Recreation Industries
713990	All Other Amusement and Recreation Industries
72	Accommodation and Food Services
721	Accommodation
7211	Traveler Accommodation
72111	Hotels (except Casino Hotels) and Motels
721110	Hotels (except Casino Hotels) and Motels
72112	Casino Hotels
721120	Casino Hotels
72119	Other Traveler Accommodation
721191	Bed-and-Breakfast Inns
721199	All Other Traveler Accommodation
7212	RV (Recreational Vehicle) Parks and Recreational Camps
72121	RV (Recreational Vehicle) Parks and Recreational Camps
721211	RV (Recreational Vehicle) Parks and Campgrounds
721214	Recreational and Vacation Camps (except Campgrounds)
7213	Rooming and Boarding Houses
72131	Rooming and Boarding Houses
721310	Rooming and Boarding Houses
722	Food Services and Drinking Places
7223	Special Food Services
72231	Food Service Contractors
722310	Food Service Contractors
72232	Caterers
722320	Caterers
72233	Mobile Food Services
722330	Mobile Food Services
7224	Drinking Places (Alcoholic Beverages)
72241	Drinking Places (Alcoholic Beverages)
722410	Drinking Places (Alcoholic Beverages)
7225	Restaurants and Other Eating Places
72251	Restaurants and Other Eating Places
722511	Full-Service Restaurants
722513	Limited-Service Restaurants
722514	Cafeterias, Grill Buffets, and Buffets
722515	Snack and Nonalcoholic Beverage Bars
81	Other Services (except Public Administration)
811	Repair and Maintenance
8111	Automotive Repair and Maintenance
81111	Automotive Mechanical and Electrical Repair and Maintenance
811111	General Automotive Repair
811112	Automotive Exhaust System Repair
811113	Automotive Transmission Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance
81112	Automotive Body, Paint, Interior, and Glass Repair
811121	Automotive Body, Paint, and Interior Repair and Maintenance
811122	Automotive Glass Replacement Shops
81119	Other Automotive Repair and Maintenance
811191	Automotive Oil Change and Lubrication Shops
811192	Car Washes
811198	All Other Automotive Repair and Maintenance
8112	Electronic and Precision Equipment Repair and Maintenance

81121	Electronic and Precision Equipment Repair and Maintenance
811211	Consumer Electronics Repair and Maintenance
811212	Computer and Office Machine Repair and Maintenance
811213	Communication Equipment Repair and Maintenance
811219	Other Electronic and Precision Equipment Repair and Maintenance
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
81131	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
81141	Home and Garden Equipment and Appliance Repair and Maintenance
811411	Home and Garden Equipment Repair and Maintenance
811412	Appliance Repair and Maintenance
81142	Reupholstery and Furniture Repair
811420	Reupholstery and Furniture Repair
81143	Footwear and Leather Goods Repair
811430	Footwear and Leather Goods Repair
81149	Other Personal and Household Goods Repair and Maintenance
811490	Other Personal and Household Goods Repair and Maintenance
812	Personal and Laundry Services
8121	Personal Care Services
81211	Hair, Nail, and Skin Care Services
812111	Barber Shops
812112	Beauty Salons
812113	Nail Salons
81219	Other Personal Care Services
812191	Diet and Weight Reducing Centers
812199	Other Personal Care Services
8122	Death Care Services
81221	Funeral Homes and Funeral Services
812210	Funeral Homes and Funeral Services
81222	Cemeteries and Crematories
812220	Cemeteries and Crematories
8123	Drycleaning and Laundry Services
81231	Coin-Operated Laundries and Drycleaners
812310	Coin-Operated Laundries and Drycleaners
81232	Drycleaning and Laundry Services (except Coin-Operated)
812320	Drycleaning and Laundry Services (except Coin-Operated)
81233	Linen and Uniform Supply
812331	Linen Supply
812332	Industrial Launderers
8129	Other Personal Services
81291	Pet Care (except Veterinary) Services
812910	Pet Care (except Veterinary) Services
81292	Photofinishing
812921	Photofinishing Laboratories (except One-Hour)
812922	One-Hour Photofinishing
81293	Parking Lots and Garages
812930	Parking Lots and Garages
81299	All Other Personal Services
812990	All Other Personal Services
813	Religious, Grantmaking, Civic, Professional, and Similar Organizations
8131	Religious Organizations

81311	Religious Organizations
813110	Religious Organizations
8132	Grantmaking and Giving Services
81321	Grantmaking and Giving Services
813211	Grantmaking Foundations
813212	Voluntary Health Organizations
813219	Other Grantmaking and Giving Services
8133	Social Advocacy Organizations
81331	Social Advocacy Organizations
813311	Human Rights Organizations
813312	Environment, Conservation and Wildlife Organizations
813319	Other Social Advocacy Organizations
8134	Civic and Social Organizations
81341	Civic and Social Organizations
813410	Civic and Social Organizations
8139	Business, Professional, Labor, Political, and Similar Organizations
81391	Business Associations
813910	Business Associations
81392	Professional Organizations
813920	Professional Organizations
81393	Labor Unions and Similar Labor Organizations
813930	Labor Unions and Similar Labor Organizations
81394	Political Organizations
813940	Political Organizations
81399	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)
814	Private Households
8141	Private Households
81411	Private Households
814110	Private Households
92	Public Administration
921	Executive, Legislative, and Other General Government Support
9211	Executive, Legislative, and Other General Government Support
92111	Executive Offices
921110	Executive Offices
92112	Legislative Bodies
921120	Legislative Bodies
92113	Public Finance Activities
921130	Public Finance Activities
92114	Executive and Legislative Offices, Combined
921140	Executive and Legislative Offices, Combined
92115	American Indian and Alaska Native Tribal Governments
921150	American Indian and Alaska Native Tribal Governments
92119	Other General Government Support
921190	Other General Government Support
922	Justice, Public Order, and Safety Activities
9221	Justice, Public Order, and Safety Activities
92211	Courts
922110	Courts
92212	Police Protection
922120	Police Protection
92213	Legal Counsel and Prosecution
922130	Legal Counsel and Prosecution

92214 Correctional Institutions
 922140 Correctional Institutions
 92215 Parole Offices and Probation Offices
 922150 Parole Offices and Probation Offices
 92216 Fire Protection
 922160 Fire Protection
 92219 Other Justice, Public Order, and Safety Activities
 922190 Other Justice, Public Order, and Safety Activities
 923 Administration of Human Resource Programs
 9231 Administration of Human Resource Programs
 92311 Administration of Education Programs
 923110 Administration of Education Programs
 92312 Administration of Public Health Programs
 923120 Administration of Public Health Programs
 92313 Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)
 923130 Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)
 92314 Administration of Veterans' Affairs
 923140 Administration of Veterans' Affairs
 924 Administration of Environmental Quality Programs
 9241 Administration of Environmental Quality Programs
 92411 Administration of Air and Water Resource and Solid Waste Management Programs
 924110 Administration of Air and Water Resource and Solid Waste Management Programs
 92412 Administration of Conservation Programs
 924120 Administration of Conservation Programs
 925 Administration of Housing Programs, Urban Planning, and Community Development
 9251 Administration of Housing Programs, Urban Planning, and Community Development
 92511 Administration of Housing Programs
 925110 Administration of Housing Programs
 92512 Administration of Urban Planning and Community and Rural Development
 925120 Administration of Urban Planning and Community and Rural Development
 926 Administration of Economic Programs
 9261 Administration of Economic Program
 92611 Administration of General Economic Programs
 926110 Administration of General Economic Programs
 92612 Regulation and Administration of Transportation Programs
 926120 Regulation and Administration of Transportation Programs
 92613 Regulation and Administration of Communications, Electric, Gas, and Other Utilities
 926130 Regulation and Administration of Communications, Electric, Gas, and Other Utilities
 92614 Regulation of Agricultural Marketing and Commodities
 926140 Regulation of Agricultural Marketing and Commodities
 92615 Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors
 926150 Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors
 927 Space Research and Technology
 9271 Space Research and Technology
 92711 Space Research and Technology
 927110 Space Research and Technology
 928 National Security and International Affairs
 9281 National Security and International Affairs
 92811 National Security
 928110 National Security
 92812 International Affairs
 928120 International Affairs

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 17, 2016

**Action Agenda
Item No. 8**

SUBJECT: Unified Development Ordinance (UDO) Text Amendments - Subdivision Regulations and Processes

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- | | | |
|--|---|--|
| 1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form | Patrick Mallett, Planner II
Rachel McCook, Planner I
Molly Boyle, Planning Tech | (919) 245-2577
(919) 245-2598
(919) 245-2599 |
| 2. Minutes from February 18, 2016 BOCC Work Session | Michael D. Harvey, Planner III
Craig Benedict, Director | (919) 245-2597
(919) 245-2592 |
| 3. Copy of Open House Meeting Information Notices and Summary of Comments | | |
| 4. DRAFT Minutes from the September 7, 2016 ORC meeting | | |
| 5. Statement of Consistency | | |
| 6. Proposed UDO Text Amendments | | |

*Under Separate Cover: Flexible Design
Subdivision Information (Binder)*

PURPOSE: To review and make a recommendation to the Board of County Commissioners (BOCC) on Planning Director initiated amendments to the Unified Development Ordinance (UDO) regarding subdivision regulations and review processes.

BACKGROUND: In response to a BOCC petition, staff conducted a work session on February 18, 2016 to review current subdivision regulations and discuss opportunities for allowing for more flexibility with respect to residential development. The primary focus was to develop opportunities for greater flexibility for the clustering of proposed lots with the preservation of additional open space. Minutes from this meeting are contained in Attachment 2.

Information from the work session can be viewed at:

<http://server3.co.orange.nc.us:8088/weblink8/0/foi/40558/Row1.aspx>.

As part of our outreach program, two open house meetings held on July 20, 2016 to solicit public input/comment on potential subdivision modifications, specifically:

- From 2:00 to 4:00 p.m. with local land surveyors, developers, and property owners who had gone through the existing subdivision review process. Approximately five people were in attendance, and
- From 5:30 to 7:00 p.m. with local property owners. Approximately five people were in attendance.

Further this item was presented to the Ordinance Review Committee (ORC) at its September 7, 2016 meeting. Draft notes from the ORC meeting are contained in Attachment 4.

As a result of comments received during these various meetings, staff has crafted an amendment that:

- Eliminates the Cluster Development subdivision type, as currently contained in Section 7.12 of the UDO,
- Allows for lots to be clustered smaller than the 40,000 sq.ft. limit as detailed in Section 7.13.4 (B) (6) of the UDO with the preservation of additional open space area through the subdivision development process, and
- Allows for a maximum of 12 lots to be created through the Minor Subdivision process if the property owner/applicant chooses to go through the Flexible Design subdivision process.

The goal is to revise existing development standards in an effort to encourage purposeful growth and development within the County in a cost efficient manner while promoting the perpetual maintenance/preservation of open space areas.

Attachment 1 contains additional information and analysis regarding this amendment. Proposed text amendment language can be found in Attachment 5 within a “track changes” format.

Planning Director’s Recommendation: The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 5 and the proposed amendment package as contained in Attachment 6.

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

RECOMMENDATION(S): The Planning Director recommends the Planning Board:

1. Review the proposed text amendments,
2. Deliberate on the proposal as desired,
3. Consider the Planning Director’s recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 5) and the proposed amendments (Attachment 6) in time for the **November 21, 2016** Quarterly Public Hearing.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2016-06

Revision of subdivision regulations and processes.

A. AMENDMENT TYPE

Map Amendments

- Comprehensive Plan – Future Land Use Element Map:
From: - - -
To: - - -
- Zoning Map:
From: - - -
To: - - -
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes

Section(s): Section(s)

1. 2.1: *Review and decision Making Authority;*
2. 2,2 Applications;
3. 2.14: *Minor Subdivisions;*
4. 2.15 Major Subdivisions;
5. 3.3: *Residential Districts;*
6. 4.2 Watershed Protection;
7. 4.8 Stoney Creek Basin;
8. 5.5: *Standards for Residential Use;*
9. 6.2: *Lot and Building Standards;*
10. 7.2 Cluster Subdivisions;

11. Phasing of Subdivisions;
 12.7.4 Improvements and Performance Guarantees;
 13.7.5 Subdivision Agreement;
 14.7.6 General Design Standards;
 15.7.7 Lots;
 16.7.8 Access to Roadways;
 17.7.11 Recreational Facilities;
 18.7.12 Cluster Subdivisions (combined 7.13)
 19.7.13 Flexible Developments (combined into 7.12)
 20.7.14 Specifications for Plat Drawings; and
 21. Article 10 *Definitions*.

Other: N/a

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director is proposing to initiate text amendments to modify existing subdivision development requirements and review processes in an effort to provide additional opportunities for the clustering of subdivision lots and preservation of open space.

This item is being developed to address a petition previously submitted by Commissioner Pelissier on ways to encourage and promote the additional clustering of residential lots and preservation of open space.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: *'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'*.

In response to a petition submitted by Commissioner Pelissier, staff conducted a work session with the BOCC on February 18, 2016 to:

- a. Review the County's subdivision development and review processes,
- b. Discuss minimum lot size and density limitations/requirements, and
- c. Identify opportunities and constraints associated with the clustering of subdivision lots.

Agenda materials from this meeting can be viewed at: http://www.orangecountync.gov/document_center/BOCCAgendaMinutes/160218.

[pdf.](#)

During this work session, staff recommended modifying existing subdivision standards/regulations, including:

- i. Elimination of the Cluster Development subdivision type, as currently contained in Section 7.12 of the UDO,
- ii. Revisions to existing language allowing the use of off-site septic for wastewater processing,
- iii. Allowing for lots to be clustered smaller than the 40,000 sq.ft. limit as detailed in Section 7.13.4 (B) (6) of the UDO, and
- iv. Revising submittal and review processes to give greater flexibility to projects proposing clustering of lots and dedication of open space,

The goal is to revise existing development standards in an effort to encourage purposeful growth and development within the County in a cost efficient manner while promoting the perpetual maintenance/preservation of open space areas.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Chapter 2 *Planning Principles* of the Comprehensive Plan:

- Principle 2 – Sustainable Growth and Development: Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.
- Principle 4 – Natural Area Resource Preservation: Protection of the County's natural areas, including forests, wildlife, habitat, and other important open spaces, should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources.

Chapter 4 *Housing Element* of the Comprehensive Plan:

- Housing Goal 1 – A wide-range of types and densities of quality housing affordable to all in all parts of the County.
- Housing Goal 4 - Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

Chapter 5 *Land Use Element* of the Comprehensive Plan:

- Land Use Goal 1 – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.
- Land Use Goal 2 – Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.
- Land Use Goal 3 – A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, and supported by an efficient and balanced transportation system.
- Land Use Goal 4 – Land development regulations, guidelines, techniques,

and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

May 5, 2016

b. Quarterly Public Hearing

November 21, 2016

c. BOCC Updates/Checkpoints

May 5, 2016 – Approval of UDO Amendment Outline Form

September 7, 2016 – Planning Board Ordinance Review Committee (ORC) meeting (BOCC receives agenda materials)

October 5, 2016 – Planning Board Meeting (BOCC receives agenda materials)

d. Other

N/A

2. **PUBLIC INVOLVEMENT PROGRAM**

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

September 7, 2016 – Ordinance Review Committee

October 5, 2016 – Recommendation

b. Advisory Boards:

Staff will forward proposal to the Commission for the Environment for review and comment.

Set for October 10, 2016 Board agenda.

c. Local Government Review:

Staff shall transmit the proposed amendment(s) to the Towns of Chapel Hill, Carrboro, and Hillsborough for JPA and courtesy review.

Sent to Town Planning Departments the week of September 24-28, 2016.

d. Notice Requirements

Legal advertisement for the public hearing shall be in accordance with the provisions of the UDO.

e. Outreach:

General Public: Staff held two open house meetings to review and discuss options on proposed subdivision amendments on July 20, 2016.

Staff coordinated the release of a press release with the Manager’s office advertising the time/date/location of the open house meetings.

The first meeting occurred at 1:00 p.m. and was attended by land surveyors and engineers who have gone through a subdivision review with the County. The session was attended by approximately five people. The second meeting, which was open to the general public, was held at 5:30 p.m. and was attended by approximately five people.

Small Area Plan Workgroup: N/a

Other: N/a

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment(s) will encourage more efficient and sustainable land uses, which in turn lessen public costs for services, promote diversity with respect to available housing types, and promote the preservation of additional land area as open space.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 5.

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APPROVED 3/22/2016

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
February 18, 2016
7:00 P.M.**

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on February 18, 2016 at 7:00 p.m. at the Whitted Building, in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Earl McKee and Commissioners Barry Jacobs, Mia Burroughs, Mark Dorosin, Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEY PRESENT: James Bryan (Staff Attorney)

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

Chair McKee called the meeting to order at 7:04 p.m.

A. OPENING REMARKS FROM THE CHAIR

None.

B. PUBLIC CHARGE

Chair McKee dispensed with the reading of the Public Charge.

C. PUBLIC HEARING ITEMS

- 1. Unified Development Ordinance (UDO) Text Amendment** - To review government-initiated amendments to the text of the UDO regarding mailed notification requirements.

Perdita Holtz, Orange County Planning Department, presented the following PowerPoint slides:

Mailed Notifications
Quarterly Public Hearing
February 18, 2016
Item C.1

Purpose of Amendment

- Correct omissions to the public hearing process amendments that were adopted in November 2015.
- Update mailed notice requirements in two sections that were not contemplated for amendments last year.

Correct Omissions

- Three sections related to required Neighborhood Information Meeting for Special Use Permits, Conditional Use Districts, and Conditional Zoning Districts.

D. ADJOURNMENT OF PUBLIC HEARING

The public hearing was adjourned at 7:26 p.m.

E. WORK SESSION

1. **Review of Minimum Lot Size and Density Allowances for Subdivisions** – To review and discuss the County's subdivision development and review processes focusing primarily on minimum lot size and density limitations as they relate to the clustering of proposed subdivision lots.

David Stancil, Department of the Environment, Agriculture, Parks and Recreation (DEAPR) Director provided background regarding the Rural Character Study. He said in 1987, the BOCC created a Joint Planning Area with the Towns of Chapel Hill and Carrboro. He said part of this Joint Planning Area was the designation of the Rural Buffer. He said the mechanism to implement this rural buffer was the implementation of the two-acre minimum lot size. He said a study committee was created to consider how best to protect the rural integrity of the land. He said the first area focused on the rural buffer, and the second area focused on the remaining rural areas of the County. He said, simply put, the conclusion was to create a sliding scale between open space and the ability to achieve a smaller lot size. He said a great deal of thought went into the decisions and the process was a high point in his time in Orange County.

Craig Benedict said Orange County's population has increased by about 50,000 people since the rural character study was completed. He said the majority of these people went into the cities but about 45% went into the unincorporated area. He said the original goals of the study started out as an open space preservation plan, balancing agricultural protection. He said the interesting part of this report is that, in large part, cooperation with the plan was voluntary. He said developers would submit two plans: a conventional one (10 acres, divided into five 2-acre lots), and a flexible plan (10 acres, with five 1-acre lots, and five acres of open space). He said the plans were reviewed, and the decision of which plan to use was placed on the developer. He said initially the majority of developers chose the conventional plans but slowly moved towards flexible plans. He said the process moved from voluntary to being a bit more direct, in order to achieve the outlined goals.

Craig Benedict said the conversation now shifts to the next 50,000 people moving into Orange County and considering where they will live. He said projections are for lots of single-family development to occur in the rural buffer due to demand. He said one of the goals from the rural character study that remains in place today is the growth management goal: to have urban growth boundaries; to have efficient forms of development; balance the natural resource goals with pattern development and growth management.

Commissioner Rich said there was previous discussion about the gross overstatement of projected population growth. She asked if there was an update on these numbers.

Craig Benedict said the original numbers were done for the entire triangle region. He said he will give a presentation on March 2 to Planning Board about how these numbers were developed for the 2040 plan. He said the 2045 plan is currently being worked on and it is hoped that the control totals, which are provided to the County, can be reviewed and more appropriate estimates garnered. He said the formula for the projections (one house per every two acres), cannot be altered, but the numbers can be reviewed for realistic estimates.

Michael Harvey, Orange County Current Planning, reviewed the following background and PowerPoint slides:

PURPOSE: To review and discuss the County's subdivision development and review processes focusing primarily on minimum lot size and density limitations as they relate to the clustering of subdivision lots. This item was developed to address a petition submitted by

Commissioner Pelissier to identify opportunities and constraints within current regulations associated with the clustering subdivision lots. This represents one component of a larger discussion related to reducing development costs in an effort to promote affordable housing development.

February 18, 2016

AGENDA ITEM: E-1

WORK SESSION:

Review of Minimum Lot Size and Density Allowances for Subdivisions

What is a Subdivision:

- **All divisions** of a parcel of land into two or more lots for immediate or future sale/development,
- Includes division of land involving dedication/change in existing streets.
- Terms 'subdivision' (i.e. process of creating lots) and 'development' have become synonymous. They do not necessarily mean the same thing (i.e. just because you are subdividing does not mean you are engaged in development).

Subdivision Classification(s)

- Exempt (i.e. State law indicates not a regulated activity) includes:
 - Recombination of previously subdivided property (number of lots are not increased),
 - Creation of parcels in excess of 10 acres in area,
 - STAFF NOTE: there have been issues with property owners coming back to subdivide these 10 acre parcels as they have to bring lots/roadways into compliance with UDO.
 - Public acquisition by purchase of strips of land for widening or opening streets,
 - Division of a tract of land in single ownership where the property is no greater than 2 acres in area into not more than 3 lots if no street right-of-way dedication is involved and resultant lots are equal to or exceed County regulations (i.e. minimum lot area and width, etc.).

Commissioner Dorosin asked if subdivision regulations apply, even when it is less than three lots in the subdivision.

Michael Harvey said no, the property can be no greater than two acres for the last exemption.

Michael Harvey resumed the presentation:

- Minor:
 - Division proposing 1 to 5 individual parcels,
 - Reviewed and acted upon by staff. No board review (i.e. BOCC or Planning Board) required.
- Major:
 - Division proposing 6 or more individual parcels,
 - Typically Planning Board approves a concept plan/makes recommendation on preliminary plat application. BOCC makes final decision,
 - Required review process related to number of proposed lots.

Major Subdivision can be processed as Class A Special Use Permit or Conditional Use Rezoning based on number of proposed lots and location in County (i.e. rural versus urban areas).

Subdivision Types:

- Standard Subdivision: Lots comply with established dimensional requirements for the general use zoning district in which the property is located as well as the standards detailed within Article 7 of the UDO.
- Cluster Subdivision: Required lot sizes, area, and setbacks can be reduced if at least 20% of the gross land area designated as common open space; and
- Flexible Development: Required lot sizes, area, and setbacks can be varied to accommodate on-site features. Three types:
 - Estate Lot (min. 4 acre lot size - only 2 acres developable)
 - Flexible Development (33% open space required)
 - Village (mixed use project – multiple housing types and land uses allowable)

Example: Henderson Woods

- Located in Rural Buffer Land Use Category (Comprehensive Plan) and Rural area per Growth Management System Map,
- Density limited to 1 unit for every 2 acres per Joint Planning Land Use Plan/Agreement,
- Property was 48 acres in size resulting in 24 lots potentially available for development based on density (48 acres / 2 = 24 lots),
- Minimum required lot size is 1 acre based on Joint Planning Land Use Plan/Agreement.
 - **STAFF COMMENT:** Per existing subdivision regulations lot size, in certain circumstances, can be reduced to as much as 65% of required area outside of protected watersheds.

EXAMPLES (graphic)**EXAMPLES (graphic)****DIFFERENCES – CONVENTIONAL VERSUS FLEXIBLE (CONSERVATION CLUSTER)**

Conventional subdivision:

- Open space part of individual lots. Can be disturbed,
- Subdivision encompasses entire parcel,
- More impervious surface area /land clearing/grading required (i.e. longer roads and driveways),
- Greater impact to existing foliage and more acres ‘developed’ under conventional subdivision design.

Flexible (Conservation-cluster):

- Smaller lots and separate open space (less likely to be disturbed),
- Open space is now ‘shared common area’,
- Subdivision is condensed requiring less land clearing and grading,
- Less impervious surface area required,
- Greater protection for existing foliage and less overall ‘development’ on property.

Commissioner Dorosin referred to the conventional model and asked if the open space requirement only has to be met during construction.

Michael Harvey said there is no open space requirement in the conventional model. He said the track is developed to the fullest extent.

Commissioner Dorosin referred to the flexible model and asked if the separate open space must be maintained and undisturbed.

Michael Harvey said yes.

Commissioner Rich asked if Henderson Woods is conventional or flexible.

Michael Harvey said flexible, but construction has not yet begun.

Commissioner Dorosin asked if either model could have been approved.

Michael Harvey said developers have the right to bring forth a conventional subdivision design but it may not successfully obtain a staff or Planning Board recommendation.

Commissioner Jacobs said the County can state its design preference and the flexible model was promoted and encouraged in the rural character study.

Michael Harvey said in his tenure at Orange County, he has mostly seen either flexible development subdivisions with open space or the conservation subdivision. He said until 2013, the Joint Planning Agreement did not allow clustering in the northern portion of the rural buffer.

Chair McKee said historically, the buyer's preference was for a large lot configuration with clearly identified corners. He asked if there has been a transition in what buyers are wanting.

Michael Harvey said possibly but he believes the biggest issue is cost. He said the conventional model requires greater expense by the developer and greater adherence to separate development regulatory standards.

Commissioner Rich asked if the open space needs to be maintained.

Michael Harvey said yes. He said if a storm comes through and knocks down trees there is an obligation to reestablish the required buffers and open space.

Commissioner Dorosin asked if there is a density bonus.

Michael Harvey said the only recognized density options are for affordable housing or if a greater area of open space is preserved. He said density bumps are not allowed in protected watershed areas as density is already set. He said density bumps are also not allowed in the northern part of the rural buffer as density is set by the joint planning land use plan and agreement.

Commissioner Dorosin asked if density bumps are not allowed anywhere in the rural buffer.

Michael Harvey said correct.

Commissioner Dorosin said it is cheaper for developers to do this but the end result is very expensive housing.

Commissioner Jacobs said there are different kinds of open space. He said the rural character study recommended 1.94 acre zoning throughout the County, which is the average lot size in Orange County.

Commissioner Jacobs said water and sewer management can be tricky but there are some ideas about this in the rural character study.

Commissioner Dorosin asked if there are consequences when a homeowners' association fails to maintain the open space, a stormwater system, etc.

Commissioner Jacobs said to call Michael Harvey. He added that he wanted the County to review homeowners' agreements to insure that such problems are avoided.

Commissioner Rich said she lives in a neighborhood with dedicated open space which the entire community commits to maintain with twice annual workdays. She asked if farms can be counted as open space.

Michael Harvey said farms can be counted as part of secondary open space in flexible development projects.

Commissioner Jacobs said it may be something as simple as hay fields but it can lead to potential revenue.

Commissioner Price referred to the discussion between conventional and flexible models. She said there are developers that are happy with the flexible model and others that were not, as it reduced the number of homes they could build in the development due to septic issues.

Commissioner Jacobs said some subdivisions use the open space as secondary septic areas which allows for no loss in density.

Commissioner Pelissier asked if any changes were made to septic rules, would there be any benefit to changing the rule for minor subdivision with five lots or less.

Michael Harvey said globally there will be staff recommendations that will change everything.

Chair McKee instructed the Manager to have John Roberts send a memo to the Board of County Commissioners (BOCC) regarding the court case in which the affect of septic on community systems was litigated.

Commissioner Jacobs asked if there is a percentage break down for the type of subdivisions being built.

Michael Harvey said there is 30% major subdivision, 40% minor, and the rest are exempt. He said of the 40% minor, most are three lots or less, whether due to density, cost or code requirements.

Potential Constraints

- Within Watershed Protection Overlay Districts, parcels being subdivided cannot be reduced below 40,000 sq.ft. of land area if served by individual septic systems.
 - **There is currently no allowance for off-site septic systems to be considered with respect to allowing for further reduction in required lot sizes.**
 - **Please note off-site well and septic systems are specifically prohibited within the University Lake Protected and Critical Watershed Protection Overlay Districts.**
- Current private road justification standards only allows for a minimal reduction of required lot size with open space reservation. Smallest allowable lot, after process is completed, is 60,000 sq.ft. (minimum 50% of parcel being subdivided has to be designated as open space)

Commissioner Jacobs asked if there are incentives to do it that way.

Michael Harvey said a subdivision is a subdivision and there are no incentives currently. He said if any expedited permit reviews were to be offered, he would personally suggest it being done for flexible development options.

Commissioner Dorosin asked if the point about roads could be clarified.

Michael Harvey said if there are between four and twelve lots, design elements must be adhered to. He said the rationale is to preserve the existing rural aesthetic as much as possible. He said there are options that allow for the dedication of open space through the private road justification process, and reduced lot size. He said if a subdivision has 13 or more lots, a public road must be made that meets the Department of Transportation standards.

Commissioner Rich asked if there is a difference between a private road and a long driveway.

Michael Harvey said the number of lots that the road serves.

Commissioner Rich asked if a long driveway serves two lots, would it be considered a private road.

Michael Harvey said no, joint driveways are permissible. He said if there are three lots or more, then it becomes a roadway.

Chair McKee asked if Michael Harvey could speak to Class B roads, in that context.

Michael Harvey said a Class B road is a 50-foot right of way, with 12 feet wide of improved travel way, which could be gravel, pavement, concrete, etc. He said this road serves 1 to 5 lots. He said 6 to 12 lots would be served by a Class A road, which is 18 feet of improved travel way with any 50-foot right of way.

Chair McKee asked if Michael Harvey could speak to a 10-acre lots and the requirement of a driveway.

Michael Harvey said if one has a 200 acre tract of land and creates 20 10-acre lots, one is exempt from the provisions of the subdivision regulation. He said the County cannot compel the installation of any type of roadway.

Commissioner Jacobs asked if there are specific dimensions for a public road.

Michael Harvey said 22 feet wide of pavement and a 50-foot right of way. He said curb gutter and stormwater systems may change this slightly.

Commissioner Jacobs said it is cheaper to do a private road and such roads also provide for the least rural impact. He said as the County moves forward, it is good to consider how to balance adequate public safety with minimizing environmental impact. He said the idea of density bonuses and expedited reviews should be reviewed in the future. He referred to page 22, noting the suggestion of possible open space tax breaks.

Craig Benedict said there has been previous discussion about how open spaces are taxed. He said the tax assessor does not tax the open space but transfers some of that value onto the individual lots.

Commissioner Jacobs said it might be interesting to monitor this process during the revaluation.

Michael Harvey resumed the power point presentation:

- Within the Cluster Subdivision type lots can only be reduced to 40,000 sq.ft. in size with the reservation of a minimum of 20% Open Space.
 - **This Subdivision Type has applicability within the Rural Buffer (RB) general use zoning category but nowhere else.**
 - **Staff has been successful in encouraging the Flexible Development – Conservation Cluster model where lots can be reduced to 40,000 sq.ft. with the reservation of 33% open space (i.e. Henderson Woods, Annandale at Creek Wood, etc.).**

OPTIONS

- Eliminate the Cluster Development subdivision type and promote the Conservation-cluster Flexible Development subdivision option.
- Allow for greater reduction of lot sizes through the Flexible Development design process thereby increasing potential for additional open space.
- Allow/recognize the use of off-site septic for wastewater processing, which could allow for further reduction of lot sizes – including within watershed protection overlay districts.
- Re-assess private road development standards.
- Review potential for creation/adoption of a Rural Master Plan Conditional Zoning district.

Commissioner Jacobs asked if there are advantages and disadvantages to the County regarding private roads.

Craig Benedict said under the new storm water controls, it will behoove the developer to have the road drain to a certain location and have a master stormwater system. He said new regulations are being reviewed, and considering whether each lot should have its own stormwater controls, or if a master system can control both the roadway disturbance, and that on the individual lots. He said there is new technology and new regulations which are favoring the master system level.

Michael Harvey said staff will be developing and reviewing a rural master plan conditional zoning district with the BOCC.

Remember

- Staff is not recommending changing established density standards. There will need to be additional discussion of this topic before action is taken.
- Proposed modifications cannot impact property in the Rural Buffer. In order to change density or minimum lot sizes for this area the Joint Planning Land Use Plan and

Agreement will have to be amended, requiring approval of all participating entities (i.e. Orange County, Chapel Hill, and Carrboro) after a joint public hearing.

- While this may promote development of 'affordable housing' these issues represent only 1 small component of housing costs. This issue transcends Planning and will not be resolved solely through altering existing land use regulations.

Recommendation

The Manager recommends that the Board receive the information and provide comments/direction on potential subdivision amendment(s).

Chair McKee said he appreciated the presentation, but he is not sure that the changes being discussed will affect the affordability of the lots. He said he understands that affordable housing will not be developed in the northern part of the County as it is away from water and sewer.

Michael Harvey said this is just one aspect of a global issue that warrants discussion. He said if there is significant reduction in lots sizes with the implementation of innovative, off-site septic with increased density allowances and with incentives for developers, there may be an improvement with respect to the cost of the lot. He said the value of land in a protected area versus an unprotected area versus the rural buffer will all be different.

Commissioner Pelissier said this has been a great presentation and it was done in response to her petition. She said the original intent of her petition was not so much affordable housing but rather preservation of rural character. She said the hope of an affordable housing byproduct was secondary.

Commissioner Pelissier asked if there are any successful examples of the options outlined this evening from other locations.

Craig Benedict said several examples have been received that included a variety of the options.

Commissioner Pelissier asked if there is anything that could be developed to differentiate the size of a development.

Michael Harvey said there is some viability with this idea. He said further discussion is needed regarding incentivizing developers.

Commissioner Pelissier said in her tenure on the BOCC, every major subdivision has been high-end housing. She asked if mixed housing could be incentivized to allow for greater diversity of price points. She asked if this idea is even realistic.

Michael Harvey said there is probably no incentive that can be offered unless the County is purchasing the property. He said the value of land is the value of land.

Commissioner Jacobs asked if permanent protected open space is valued by Orange County, could the BOCC direct the appraiser to appraise at a reduced value for permanently protected open space in a subdivision.

Commissioner Price said conservation easements could perhaps reduce costs. She said the Community Home Trust has several homes that are mixed into the high-end subdivisions. She said she does not promote the idea but noted it points to an example.

Commissioner Dorosin referred to Commissioner Jacobs' point about incentivizing. He said it is important to determine what the County wants to incentivize. He said he would like to address the question of affordable housing. He said if the main concern is environmental preservation then it is not practically possible to have affordable housing in these areas. He said it may be worth exploring how development in the environmentally sensitive areas can subsidize the building of affordable housing elsewhere. He said it may be an impact fee or a cost in exchange for the incentives. He said he is very excited about the concept of off-site septic.

Craig Benedict said there is currently a multi-department effort on affordable housing.

He said the ingredients of housing costs are: land, public or private infrastructure, entitlements in permit fees, cost of housing, cost of labor, profit margins, and market aspects. He said the areas, which can be affected and changed, are being considered.

Commissioner Dorosin said he would love to hear on going updates from the multi-department effort.

Commissioner Rich said when the BOCC approved the development of Whitfield the developer made voluntary contributions to affordable housing. She said the idea of affordable housing in the rural part of the County should be considered as well as who is being served by the affordable housing.

Craig Benedict said staff has reviewed the inventory of affordable housing in the rural parts of the County. He said a comprehensive picture will be presented to the BOCC.

Chair McKee suggested breaking affordable housing into two sections: low income affordable housing (Community Home Trust, Habitat, etc.); and work force affordable housing (\$125,000 to \$150,000 homes).

Michael Harvey said looking at the comprehensive plan and the land use map, high intensity housing, in the 10 to 20 year transitions, is the highway 70 corridor, certain areas near Hillsborough and Durham, and some areas of Chapel Hill and Carrboro. He said it is clustered in these areas as the services are located there as well.

Chair McKee asked if alternative water and sewer systems are being considered, can work force affordable housing be offered outside these high dollar areas just mentioned by Michael Harvey.

Michael Harvey said one of the rationales for recommending a rural residential master plan development process is to allow that type of dialogue to occur. He said it is important to remember that there are some intrinsic limits to such a dialogue, based on a density discussion that must occur at another work session. He said the village concept is a possibility if the infrastructure obstacles can be overcome.

Chair McKee said some smaller local builders may be attracted to these options.

Commissioner Jacobs said this discussion occurred at the BOCC retreat three years ago and the idea of clustered development with on-site community systems was considered. He said it is time to move past discussion and to try something.

Commissioner Price said she would like to try the cluster developments with a small number of homes. She said those of modest income, who wish to live in a rural setting, should be able to do so.

Commissioner Rich referred to the map on page 77 and asked if Michael Harvey could clarify the dark grey areas.

Michael Harvey said these are transition areas that are managed, from a zoning standpoint, by either Chapel Hill or Carrboro. He said the County has granted authority for those areas to be developed in accordance with the joint planning land use planning agreement.

Commissioner Rich referred to the triangle on the bottom of the map, which is identified as rural buffer. She asked if there is a reason this portion of land is considered as such.

Michael Harvey said that goes back to the joint planning land use planning agreement. He said the area was rural in nature, with lots of farms.

Chair McKee recalled the discussion about the extension of the water line for fire protection in that area.

Commissioner Rich said this triangular area seems out of character given that Chatham County is developing right up to the edge of it.

Craig Benedict said it is known as the "lost triangle".

Michael Harvey said based on this work session, the BOCC desires a presentation regarding how the options discussed this evening will look and a future work session on density.

Commissioner Jacobs said he hoped this discussion would include tax implications of the various possibilities.

Commissioner Price said she would like to hear more about the cluster development of affordable homes.

Craig Benedict said tonight's meeting was productive.

A motion was made by Commissioner Dorosin, seconded by Commissioner Burroughs to adjourn the work session at 9:00 p.m.

VOTE: UNANIMOUS

Earl McKee, Chair

David Hunt,
Deputy Clerk to the Board



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ORANGE COUNTY PLANNING DEPARTMENT TO HOLD WORKSHOP ON PROPOSED SUBDIVISION ORDINANCE CHANGES

ORANGE COUNTY, NC (July 6, 2016) - Orange County Planning staff invites the public to attend an upcoming workshop to discuss and collaborate on potential revisions to its subdivision regulations.

The meeting may interest residents, property owners, surveyors, and developers who may become involved in the subdivision process. The workshop is also intended to review best practices and techniques toward providing various types of open space and natural areas.

The workshop will be held on Wednesday, July 20, 2016 starting at 5:30 p.m. until 7:00 p.m. at the West Campus Office Building, 131 W Margaret Lane (Room 004-Basement Level) in Hillsborough.

The Orange County Board of Commissioners (BOCC) directed Planning staff to review the possible modification of existing subdivision development requirements and review processes in an effort to provide additional opportunities for the clustering of subdivision lots and preservation of open space.

Current regulations categorize subdivision projects into 3 distinct types:

1. Standard Subdivision: Proposed lots comply with established minimum lot requirements with no common open space or grouping of lots.
2. Cluster Subdivision: Required lot sizes, area, and setbacks can be reduced if at least 20% of the gross land area of the subject property is designated as common open space; and
3. Flexible Development: Required lot sizes, area, and setbacks can be varied to accommodate on-site features, project design elements, and open space. Required lot sizes vary based on the amount of common open space.

The goal of this project is to review and revise existing development standards in an effort to encourage purposeful growth and development within the County in a cost efficient manner, while promoting the perpetual maintenance/preservation of open space areas and allow for additional flexibility with respect to addressing required minimum lot sizes and wastewater collection/disposal.

Planning staff intends to present the revisions to the BOCC for approval in late November 2016. For more information, please contact Mr. Pat Mallett, Planner II, at (919) 245-2577 or pmallett@orangecountync.gov.

###

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



July 11, 2016

Re: Invitation to Meeting on Proposed Unified Development Ordinance (UDO) Ordinance Changes to Minor Subdivision Regulations and Application Requirements

Dear Land Surveyors:

We are writing to invite you to attend an upcoming meeting/Open House event to discuss and collaborate with Current Planning Staff on potential revisions to the subdivision section of Orange County Unified Development Ordinance. This meeting is scheduled for:

Wednesday, July 20, 2016

1:00pm - 2:00pm

Orange County Planning Department, Lower Level Conference Room – Room 004
131 West Margaret Lane
Hillsborough, NC 27278

*Parking is available in the parking deck located next to our building;
 additional parking spaces may be available in front of the building*

The meeting may interest land surveyors who have been or will become involved in the subdivision processes administered within Orange County. This meeting is also intended to review best practices and techniques toward providing various types of open space and natural areas.

Background: On May 5, 2016, the Orange County Board of County Commissioners (BOCC) directed Current Planning staff to review the possible modification of existing subdivision development requirements and review processes in an effort to provide additional opportunities for the clustering of subdivision lots and preservation of open space.

Current regulations categorize subdivision projects into 3 distinct types, namely:

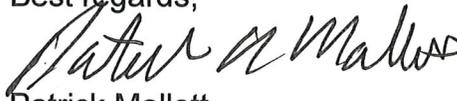
- A. Standard Subdivision: Proposed lots comply with established minimum lot requirements with no common open space or grouping of lots.
- B. Cluster Subdivision: Required lot sizes, area, and setbacks can be reduced if at least 20% of the gross land area of the subject property is designated as common open space; and
- C. Flexible Development: Required lot sizes, area, and setbacks can be varied to accommodate on-site features, project design elements, and open space. Required lot sizes vary based on the amount of common open space.

The goal of this project is to review and revise existing development standards in an effort to encourage purposeful growth and development within the County in a cost efficient manner, while promoting the perpetual maintenance/preservation of open space areas and allow for additional flexibility with respect to addressing required minimum lot sizes and wastewater collection/disposal.

Planning staff intends to present the revisions to the subdivision ordinance to the BOCC for approval in late November 2016. For more information, please contact Patrick Mallett, Planner II, at (919) 245-2577 or by email at pmallett@orangecountync.gov or Molly Boyle at (919) 245-2599 or by email at mboyle@orangecountync.gov. Although no formal RSVP is required, we would appreciate the courtesy.

Thank you for your consideration.

Best regards,



Patrick Mallett
Planner II



Molly Boyle
Planning Technician

CC: Craig Benedict, Planning Director
File

PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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MEMO TO FILE

Meeting Notes

Re: Proposed UDO Changes to Minor Subdivisions Regulations and Application Requirements

Open Houses Wednesday, July 20, 2016

1:00 pm-2:00 pm (Land Surveyors and Land Survey Companies)

5:30 pm-7:00 pm (All Interested Persons/Community Outreach)

131 West Margaret Lane, Conference Room 0004

Notes on comments from Land Surveyor and Land Surveying Company Open House

Attendees: 3 surveyors, 2 developers/engineers = 5 attendees

***Sign-in sheet in file**

Environmental Health and well/septic, secondary open space:

- When planning for a minor subdivision, it is important for land surveyors and developers to have a more uniform, detailed set of Environmental Health standards to follow, inclusive of drawings/ diagrams to provide to public.
- One surveyor recommended that all lines be installed to each lot up-front and the installation of all lines (running together for a larger subdivision) should be part of the process before the final plat can be recorded; the lines should also be inspected and mapped.
 - Drawing lots for the subdivision *based* on viable septic seems like a better order than drawing the lots first for site plan review.
 - What would be the estimated cost (or cost formula) for this? Feedback stated that there should be more transparency about the cost up front.
 - The surveyor wondered about phasing of minor subdivision; this method may help developers sustain capital for projects; cap of lots to phase-in could be 6 lots.
 - We want to encourage community wells.

- What could be set as a cap for number of lots connecting to a community well system? 3 lots?
 - What's the "tipping point" at which a community well should become a "public utility" requiring a connection to public water supply?
- Secondary repair areas seem to be rarely used and Homeowners' Associations often don't maintain these spaces, making it difficult to locate connections and access repair areas in the event of system failure

Open space (primary and secondary):

- Open space could be better delineated with fences (complete or partially enclosed), landscaping, and other measures to better place-make in a subdivision.
 - Conservation easements and stream buffers are often the best maintained when there is a fence around them or a natural barrier to help define the location over time, promoting long-term maintenance and care.
 - Rich Shaw of DEAPR provides valuable help when creating conservation easements and figuring out ways to maintain them in perpetuity.
 - Developers at the meeting worried about erecting a fence completely enclosing open space but support the idea of a natural barrier, at least, especially in delineating the septic field. Meeting attendees suggested hedgerows, berms, and other such natural barriers. The goal is to create a visual barrier to identify the open space and protect the septic field from compression. There are many ways in which this could be achieved.
- The allocation of park fees (payments-in-lieu-of) into public park infrastructure needs to be more transparent, especially in the subdivision process.
 - What are districts getting? Better define in communications on subdivisions and to public.
- All attendees supported connections to other open space infrastructure (e.g. existing trails like Mountains to Sea, greenways, parks with recreational activities).
- Attendees stated support for a minor subdivision design where more open space does not require the loss of a lot in the development process.
- What are the alternatives to a care-taking governing body like an HOA to maintain primary and secondary open space?
- What will the County do if a Homeowners Association does not pay the property taxes on open space? Does the County pro-rate for this configuration in a subdivision like for conservation easements?

Historical perspective/trend estimations from a surveyor:

- Mini-farms may be developed into minor subdivisions
- New lots are at a premium in the County. There is less and less land to develop.

- The surveyor said that this proposed minor subdivision change towards cluster of housing and expansion and reimagining of open space seems to address the breadth of “present need to future demand.”

Private Road Justification:

- Are we encouraging the taking-over of private roads by NCDOT? We are capping minor subdivisions at 12 lots, in line with private road standards and thresholds.
 - Conservation/flexible minor subdivision only an option for development of over 5 lots.
- Some surveyors remembered when Planning staff used to negotiate trade-offs with private road justification, especially regarding more restrictive setbacks or other requirements, because as long as the land is dedicated, there could be a private road.
 - Planning staff had trouble with this process because unless there was a file kept, there was ambiguity about adequate right-of-way; in a conservation design, one could be generous with the right-of-way to fit the terrain without losing a lot.
 - NCDOT take-over of road is often cost-prohibitive.

General piece of advice: Continue to collaborate with other departments on this and go to BOCC as a united front – as a WE – with Planning, Environmental Health, DEAPR, etc.

Notes on comments from public/community outreach Company Open House

Attendees: 5 people with the identities/profession of landowners, developers, real estate agents, and a Planning Board member

*Sign-in sheet in file

- 1 acre lots in subdivision design (i.e. flexible development) encourage urban sprawl.
 - In the Rural Buffer zoning district, lots cannot be smaller than 1 acre; still possible to do conservation/cluster development.
- Planning staff used the example of Orange Grove Rd. as ripe with development but without a road infrastructure to support the growth, especially with the lack of close connections to other roads.
- There is no community septic right now but community wells can work in many cases.
 - The Piney Mountain subdivision had a community septic system but it failed, causing major water/sewer infrastructure extension issues.
- One developer noted that the conservation subdivision design works well when working on a property with a hodgepodge of suitable (and non-suitable) soils.

- The Planning Board member emphasized that open space should work together with other open space/recreational infrastructure. She said that greenways help add to home value.
- The Planning Board member also inquired about the impact on schools of minor subdivisions of 6-12 lots.
 - We coordinate with the Orange County School Department to track new impacts with capacity via the CAPS form to determine adequate public school facilities.
 - The Planning Board member noted that increased infrastructure and development could help bring water and sewer to an area that also needed a new school, since schools need water and sewer.
 - She also added that sewer systems could help lessen the adverse impact on watersheds in the County. The WSMPBA (Water and Sewer Management Planning Boundary Agreement) governs this plan as well.
 - Michael Harvey, Current Planning Supervisor added that the sewer infrastructure may encourage density, but there are some areas of the County zoned to support low density impacts (i.e. Rural Buffer). The proposed text amendment will not change density requirements and will not apply to the Rural Buffer.
- A developer inquired about Housing Goal 1 from Orange County's Comprehensive Plan. In a memo describing the text amendment, Planning staff said that the proposed amendment aligns with this goal, which is to "achieve a wide range of types of quality housing affordable to all in all parts of the county." The developer said he is skeptical that this text amendment addresses the dearth of affordable housing in Orange County. Planning staff explained that this text amendment is a step towards creating opportunities for more sustainable, affordable development in the County. It is not meant to be a stand-alone solution. In addition, staff is working on another text amendment regarding tiny homes, converted RVs, etc. to expand the types of housing allowed in the County.
- Another developer said that he thought the conservation minor subdivision model helped affordability because it expanded soil area availability (in theory) for septic/well and repair areas.
- Could the County promise utilities to certain areas?
 - In some of his developments/subdivisions, the developer said that he reserved a 30' utility easement in anticipation of expansion of infrastructure down the road.
 - Water line extension may be economically feasible.
- What other infrastructure is there to consider?
 - Road
 - Potential problems with crossing a NCDOT road to get septic area
 - Solid Waste/Recycling - expansive roadway to accommodate trash and recycling trucks places a burden on developers

- Stormwater compliance
- Fire ponds and other fire code and Emergency Services requirements where there is no public water supply
 - Fire ponds and stormwater ponds are designed for opposite uses (retention vs. drainage)
- Based on experience with development applications, conventionally-designed subdivisions are more likely to avoid Erosion Control/Stormwater permits because some developers create land disturbance just under the thresholds per the Watershed Overlay District for each lot, but not counted as cumulative, though impact is cumulative in result.
- Planning staff provided overview of primary open space (conservation areas inclusive of stream buffers) and secondary open space (septic fields, recreational areas, connections to trails, etc., and the differences between passive and active secondary open space).
- A combination of housing types is encouraged in this style of development in line with permitted uses in zoning districts (e.g. single family, duplex, mobile and manufactured home, tiny house, etc.)

Attachment 4

EXCERPT OF ORC NOTES FOR AGENDA ITEM 3: UDO TEXT AMMENDMENTS – SUBDIVISION REGULATIONS
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 9, 2016
ORDINANCE REVIEW COMMITTEE

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NOTE: A quorum is not required for Ordinance Review Committee meetings.

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large, Chapel Hill Township; Tony Blake (Vice-chair), Bingham Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II, Rachel McCook, Planner I; Molly Boyle, Planning Technician; Meredith Pucci, Administrative Assistant II.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – SUBDIVISION REGULATIONS
To review and comment upon proposed amendments to the UDO pertaining to subdivisions, particularly minor subdivisions.
Presenter: Patrick Mallett, Planner II; Rachel McCook, Planner I; Molly Boyle, Planning Technician

Patrick Mallett reviewed the abstract.

Allen Clapp presented

Lydia Wegman asked about what can be on top of these systems. Allen Clapp answered people can walk on them, just no vehicles. Patrick Mallett elaborate that there are fences or possibly hedgerows around them to prevent vehicles. Tony Blake asked how long the supply lines last. Allen Clapp informed him they last indefinitely unless they're exposed to UV. Tony Blake inquired about putting some of these alternative systems into the commercial areas where there's a growing issue with septic systems failing. Allen Clapp explained that they would be able to do that now with the new rules but Patrick Mallett explained there are some zoning and other issues making it difficult to get done.

Molly Boyle presented

Lydia Wegman asked if the cluster and flexible developments are going to be merged. Molly Boyle confirmed they are.

Patrick Mallett continued presentation after break for Planning Board meeting.

Tony Blake asked how it would affect the buffers. Patrick Mallett advised that it wouldn't to begin with because minor subdivisions don't have that but the trade off is the open space requirement. Tony Blake mentioned subdivisions that aren't finished yet and asked if they would be able to convert the remaining space to something like this. Patrick Mallett answered that what's likely to drive that is the soil and whether the subdivisions were built on private or public roads. Patrick also informed him that the road is cumulative and that's why 12 is the cap and if you go above 12 you have to have a public road. Michael Harvey added that it would be on a case-by-case basis for a multitude of reasons.

Craig Benedict added that the examples being presented are just graphics and it's likely these clusters will not be so close to the road. The idea is to create more open space and give it rural character.

Patrick Mallett concluded presentation

Rachel McCook presented

54
55 Lydia Wegman asked if they've gotten feedback from developers. It was confirmed that they have and Patrick Mallett added
56 that they've been working with a couple pretty consistently.

57
58 There was discussion about farmers selling part of their land and subdividing it, as long as they still had enough to live off of.

59
60 Lydia Wegman confirmed that there was not going to be a change to the rural buffer with this.

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64 **AGENDA ITEM 5: ADJOURNMENT**

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66 *Meeting was adjourned by consensus*

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Lydia Wegman, Chair

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify existing subdivision development requirements and review processes to provide additional opportunities for the clustering of subdivision lots and preservation of open space.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 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 2030 Comprehensive Plan goals and objectives:

Chapter 2 *Planning Principles* of the Comprehensive Plan:

- Principle 2 – Sustainable Growth and Development: Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.
- Principle 4 – Natural Area Resource Preservation: Protection of the County’s natural areas, including forests, wildlife, habitat, and other important open spaces, should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County’s important natural resources.

Chapter 4 *Housing Element* of the Comprehensive Plan:

- Housing Goal 1 – A wide-range of types and densities of quality housing affordable to all in all parts of the County.
- Housing Goal 4 - Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

Chapter 5 *Land Use Element* of the Comprehensive Plan:

- Land Use Goal 1 – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.
- Land Use Goal 2 – Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.
- Land Use Goal 3 – A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, and supported by an efficient and balanced transportation system.

- Land Use Goal 4 – Land development regulations, guidelines, techniques, and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

c. The amendment is reasonable and in the public interest because it:

1. Assists Orange County in promoting more efficient and sustainable land uses.
2. Encourage the preservation of additional natural area while allowing for new development opportunities.
3. Promote diversity with respect to available housing types.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

Lydia N. Wegman, Chair

Date

Attachment 6

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations associated with the review and permitting of subdivisions.

As the number of affected pages/sections of the existing UDO are being modified with this proposal staff has divided the proposed amendments into the following color coded classifications:

- 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

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Only those pages of the UDO impacted by the proposed modification(s) 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/departments/planning_and_inspections/ordinances.php

- (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) Conditional Zoning District (CZD), *and/or*
- (5) Major Subdivision *and/or*,
- (6) Minor Subdivisions¹

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,

¹ Pre-application conferences are held for all subdivision projects to ensure the applicant's are aware of all applicable standards. We are adding language within this section ensuring the requirement is clear.

- (d) A copy of the Final Plat indicating approval of the plan to control sedimentation and erosion during construction of improvements. Where an erosion control plan is required, it shall comply with the provisions of Section 6.15 of this Ordinance. If an erosion control plan is not required, the copy of the Final Plat must be signed by the Erosion Control Officer certifying that a plan waiver has been approved or the amount of land disturbance on the site is not subject to the provisions of Section 6.15 of this Ordinance; and
- (e) A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and/or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

(B) Review and Action

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

² Although part of the Development Advisory Committee (DAC) meeting process, staff is modifying this list to include DEAPR so that we receive their comment(s) on any final plat application.

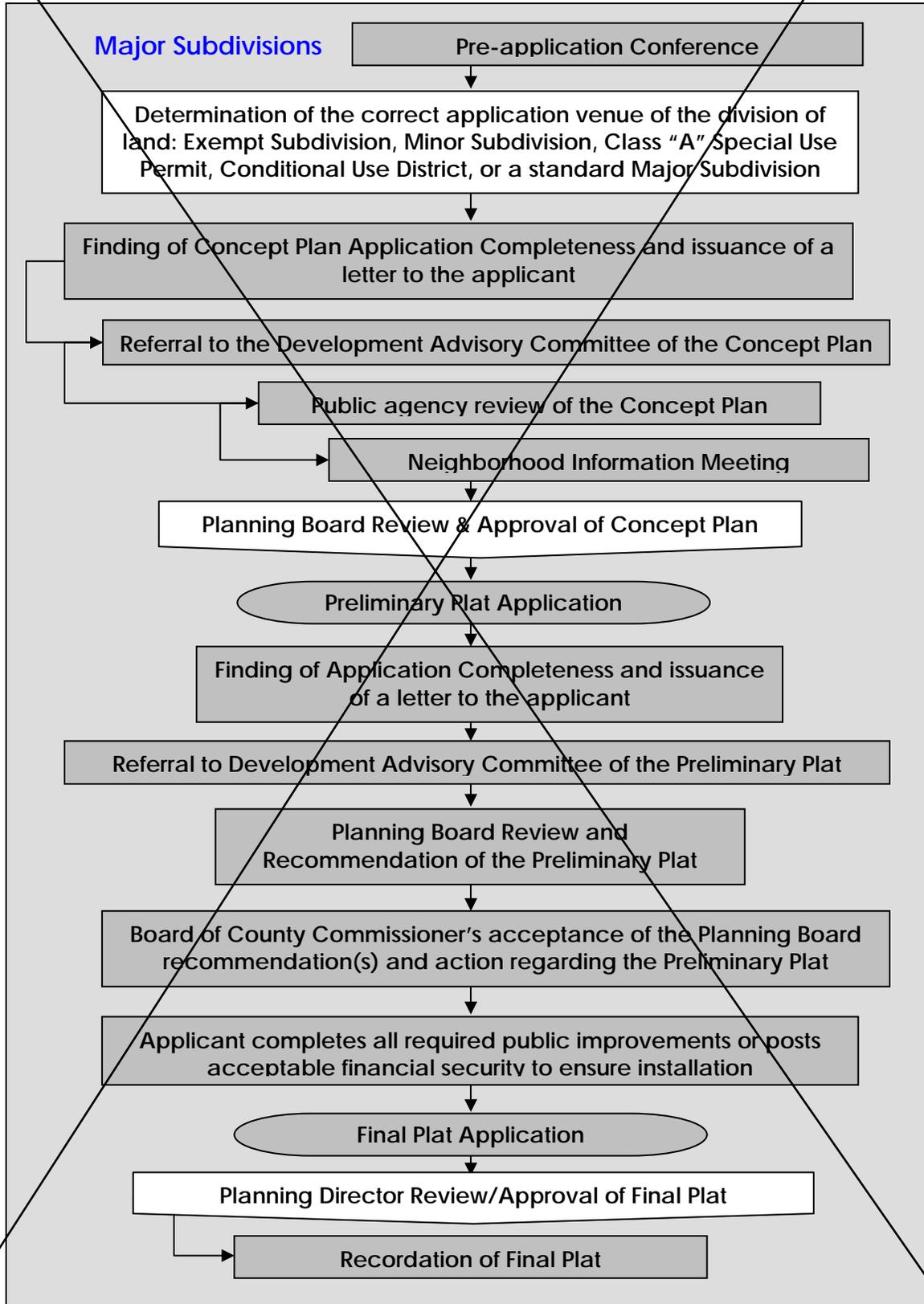
- (1) The applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.
- (2) The Planning Director may grant an extension of this time limit to one-year from the original date of expiration if the applicant files 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.
- ~~(7)(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.
- ~~(8)(9)~~ 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.
- ~~(9)(10)~~ All final plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.

| ~~(10)~~(11) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.

SECTION 2.15: MAJOR SUBDIVISIONS

2.15.1 Review and Decision Process Flow Chart

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



2.15.2 Concept Plan

(A) Pre-Application Review

To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each subdivider is encouraged to meet with the Planning Department staff prior to submitting an application for Concept Plan approval. The purpose of this informal meeting is to introduce the applicant to the provisions of this Ordinance and discuss his/her objectives in relation thereto.

(B) On-Site Visit

- (1) Prior to submission of a Concept Plan application, the applicant shall schedule a mutually convenient time to walk the property with the Planning Director. The purpose of this visit is to familiarize the Planning Director with the property's special features, and to provide an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary ~~Conservation~~ Open Space³ Areas, potential dwelling locations, and potential street alignments.
- (2) Prior to scheduling the on-site visit, the applicant shall have prepared the Site Analysis Map as required in Section 7.~~4413~~.2(A)(3) and shall submit the Site Analysis Map to the Planning Director when the on-site visit is scheduled.
- (3) If the on-site visit is not scheduled before submittal of the Concept Plan application, it shall occur prior to the Neighborhood Information Meeting.

(C) Application Requirements

- (1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
- (2) Applications shall include:
 - (a) An Orange County Geographic Information Systems (GIS) Map showing the location of the parcel to be subdivided.
 - (b) 25 copies of a Concept Plan of the proposed major subdivision prepared in accordance with the specifications for Concept Plan drawings as contained in Section 7.~~4413~~.2(A) of this Ordinance. A Concept Plan shall include the following:
 - (i) A Site Analysis Map;
 - (ii) A Conventional Development Option; and
 - (iii) A Flexible Development Option.
- (3) In lieu of a three-part Concept Plan, one Concept Plan may be submitted if the applicant is seeking approval only of a Flexible Development Plan. The applicant may also combine the Site Analysis Map and the Flexible Development Option into a single plan, provided the information required in Section 7.~~4413~~.2(A) is displayed in a clear and legible form. If an applicant chooses this option, he/she shall comply with the provisions for determining density contained in Section 7.~~4312.74~~.74(A).
- (4) A comparison of the impacts of the Flexible Development Option to those that would result from the Conventional Development Option.
- (5) A checklist identifying consistency with applicable design guidelines as contained in Section 7.~~4312.78~~.78 (B).

³ Modifying language to be consistent throughout the UDO.

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)	87,120			
	Conventional Subdivision Lot Size, min. (square feet)	87,120			
	Flexible Development Subdivision [1] Lot Size, min. (square feet)	87,120 ^[1] 40,000 43,560			
PURPOSE	Lot Width, min. (feet)				
<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 [42]		
	Corner Side Setback, min. (feet)		40 [23]		
	Side Setback, min. (feet)		20 [42]		
APPLICABILITY	Rear 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 Rural Buffer or by the adopted Joint Planning Area Land Use Plan as Rural Residential or both. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years. 	Height, max. (feet)		25 [34]		
	<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Refer to Section 7.12.3: Flexible Development, which requires additional standards and requirements to reduce minimum lot size.</p> <p>[2] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.</p> <p>[32] 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>[34] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[45] R = residential, NR = non-residential, CU = conditional use</p> <p>[56] 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.				R-CU [45] .058	
				NR .088 [56]	
				NR-CU .100 [56]	
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 .031	
Gross Land Area, min. (square feet)				R-CU NR-CU 174.240	
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. 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.⁴~~
- ~~65.~~ 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) District.
- ~~67.~~ ~~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 districts.
- ~~78.~~ Subdivisions ~~utilizing , following 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.⁵
- ~~89.~~ 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.

⁴ This standard is being eliminated as it would impede the ability for a property owner to adhere to the new State septic system guidelines/statutes as well as invalidate proposed amendments designed to encourage greater clustering of lots and preservation of common open space.

⁵ Private road justification is still required for all subdivisions following the conventional design model (i.e. not proposing separate open space). Staff is modifying existing language to ensure consistency with proposed changes to Article 7.

<h1 style="margin: 0;">AR</h1> <h2 style="margin: 0;">AGRICULTURAL RESIDENTIAL</h2>		DIMENSIONAL AND RATIO STANDARDS		
Lot Size, min. (square feet)	Lot Size, min. (square feet)	<u>Standard Lot Size – Conventional Subdivision Process (Section 7.12):</u>	40,000	
	Lot Size, min. (square feet)	<u>Lot Size – Flexible Development Subdivision Process (Section 7.12):</u>	Proposed Open Space within subdivision:	<u>Allowable Minimum Lot Size (sq. ft.):</u>
			33-39%	40,000
			40-44%	30,000
			45-49%	20,000
50-59%	15,000			
60% and over	10,000			
PURPOSE	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.	<u>Standard Lot Width – Conventional Subdivision Process (Section 7.12):</u>	150	
Lot Width, min. (feet)		<u>Flexible Development Subdivision Process – Lot width (Section 7.12)</u>	100 ⁶	
Front Setback from ROW, min. (feet)	Corner Side Setback, min. (feet)	40 [1] [6]		
Side Setback, min. (feet)	20 [1] [6]			
Rear Setback, min. (feet)	20 [1] [6]			
Height, max. (feet)	25 [3]			
APPLICABILITY	This district will usually be applied where the following conditions exist: 1. Designated by the adopted Comprehensive Plan Agricultural Residential. 2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years.			
DIMENSIONAL STANDARDS NOTES:	[1] Accessory structures shall not be erected in any	Floor Area Ratio, max.	R-CU [4]	.058
			NR	.088 [5]

⁶ The flexible development subdivision process allows for a reduction in the required lot width in Section 7.13.4 (B) (6) (a) of the UDO. In reviewing issues with the County Attorney’s office there is a concern over the subdivision regulations allowing for a modification to minimum required zoning dimensional standards. To address concerns over legal sufficiency of the current UDO, staff is including references within the various zoning district tables detailing required minimum lot size, area, setbacks, etc. for the various subdivision processes.

<p>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><u>[6] Required setbacks for lots created through the Flexible Design Subdivision 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.</u>⁷</p>		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	.031
	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.~~⁸
65. 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) District.
76. 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.
87. Subdivisions ~~utilizing, following 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.
98. 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.

⁷ Current subdivision regulations allow for a reduction of required setbacks by 30% for projects developed through the Flexible Development process. After conferring with the County Attorney we are included references within the specific base zoning district standards for each impacted general use zoning district to ensure proper cross referencing.

⁸ Same rationale as Footnote 5 above.

<h1 style="margin: 0;">R-1</h1> <h2 style="margin: 0;">RURAL RESIDENTIAL</h2>	DIMENSIONAL AND RATIO STANDARDS		
	<p>Lot Size, min. (square feet)</p>	<p>Standard Lot Size – Conventional Subdivision Process (Section 7.12):</p>	40,000
<p>Lot Size, min. (square feet)</p>	<p>Lot Size – Flexible Development Subdivision Process (Section 7.12):</p>	<p>Proposed Open Space within subdivision:</p>	<p>Allowable Minimum Lot Size (sq. ft.):</p>
		<p>33-39%</p>	<p>40,000</p>
		<p>40-44%</p>	<p>30,000</p>
		<p>45-49%</p>	<p>20,000</p>
		<p>50-59%</p>	<p>15,000</p>
		<p>60% and over</p>	<p>10,000</p>
<p>PURPOSE</p>	<p>Lot Width, min. (feet)</p>	<p>Standard Lot Width – Conventional Subdivision Process (Section 7.12):</p>	130
<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>		<p>Flexible Development Subdivision Process – Lot width (Section 7.12)</p>	100 ⁹
	<p>Front Setback from ROW, min. (feet)</p>		40 [1] <u>[6]</u>
	<p>Corner Side Setback, min. (feet)</p>		40 [2] <u>[6]</u>
<p>APPLICABILITY</p>	<p>Side Setback, min. (feet)</p>		20 [1] <u>[6]</u>
<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 Residential. 2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years. 	<p>Rear Setback, min. (feet)</p>		20 [1] <u>[6]</u>
	<p>Height, max. (feet)</p>		25 [3]
<p>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</p>	<p>Floor Area Ratio, max.</p>	<p>R-CU [4]</p>	.058
		<p>NR</p>	.088 [5]
		<p>NR-CU</p>	.100 [5]
	<p>Required Open Space Ratio, min.</p>	<p>R-CU NR NR-CU</p>	
<p>Required Livability Space Ratio, min.</p>	<p>R-CU</p>		.75

⁹ Same rationale as Footnote 7.

<p>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] <u>Required setbacks for lots created through the Flexible Design Subdivision 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.</u>¹⁰</p>	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

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.~~¹¹
65. 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.
76. Subdivisions ~~utilizing, following 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.
87. 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.

¹⁰ Same rationale as Footnote 8.

¹¹ Same rationale as Footnote 5.

<h1 style="margin: 0;">R-2</h1> <h2 style="margin: 0;">LOW INTENSITY RESIDENTIAL</h2>	DIMENSIONAL AND RATIO STANDARDS			
	Lot Size, min. (square feet)	Standard Lot Size – Conventional Subdivision Process (Section 7.12):	20,000	
	Lot Size – Flexible Development Subdivision Process (Section 7.12):	Proposed Open Space within subdivision:	Allowable Minimum Lot Size (sq. ft.):	
		45-49%	20,000	
		50-59%	15,000	
		60% and over	10,000	
PURPOSE	Lot Width, min. (feet)	Standard Lot Width – Conventional Subdivision Process (Section 7.12):	100	
<p>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.</p>	Lot Width, min. (feet)	Flexible Development Subdivision Process – Lot width (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]	
<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 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:	Floor Area Ratio, max.	R-CU [4] NR	.076 .088 [5]	
[1] Accessory structures shall not be erected in any				

<p>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] <u>Required setbacks for lots created through the Flexible Design Subdivision 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.</u></p>		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
		NR	.208
Required Pedestrian/Landscape Ratio, min.	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.~~
65. 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.
76. Subdivisions ~~utilizing following the conventional design process, and~~ 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.
87. 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)	Standard Lot Size – Conventional Subdivision Process (Section 7.12):	15,000	
	Lot Size – Flexible Development Subdivision Process (Section 7.12):	Proposed Open Space within subdivision:	Allowable Minimum Lot Size (sq. ft.):	
		50-59%	15,000	
		60% and over	10,000	
PURPOSE	Lot Width, min. (feet)	Standard Lot Width – Conventional Subdivision Process (Section 7.12):	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 – Lot width (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]	
<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 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]		
<p>DIMENSIONAL STANDARDS NOTES: [1] Accessory structures shall not be erected in any required front open space and shall also conform to</p>	Floor Area Ratio, max.	R-CU [4]	.100	
		NR	.088 [5]	
		NR-CU	.100 [5]	

<p>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] <u>Required setbacks for lots created through the Flexible Design Subdivision 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.</u></p>	Required Open Space Ratio, min.	R-CU NR-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 NR-CU	30,000
		NR	.203
Required Pedestrian/Landscape Ratio, min.	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. ~~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.~~¹²
65. 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.
76. Subdivisions utilizing, following 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.
87. 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.

¹² Staff is recommending the provision be deleted entirely. The district requires a minimum lot area of 15,000 sq.ft. and 'service' by sewer. Existing language is inconsistent with the intent of the district and established minimum lot area.

<h1 style="margin: 0;">R-4</h1> <h2 style="margin: 0;">MEDIUM INTENSITY RESIDENTIAL</h2>	DIMENSIONAL AND RATIO STANDARDS		
		Lot Size, min. (square feet)	Standard Lot Size – Conventional Subdivision Process (Section 7.12):
		Lot Size Flexible Development Subdivision Process (Section 7.12):	Proposed Open Space within subdivision: 60% and over
			Allowable Minimum Lot Size (sq. ft.): 10,000
PURPOSE	Lot Width, min. (feet)	75	
<p>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.</p>	Front Setback from ROW, min. (feet)	25 [1]	
	Corner Side Setback, min. (feet)	25 [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 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. 	Height, max. (feet)	25 [3]	
	<p>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</p>	Floor Area Ratio, max.	R-CU [4] NR NR-CU
	Required Open Space Ratio, min.	R-CU NR-CU NR	.78 .79
	Required Livability Space Ratio, min.	R-CU	.54
	Required Recreation Space Ratio, min.	R R-CU	.111 .114
	Gross Land Area, min. (square feet)	R-CU NR-CU	15,000
	Required Pedestrian/	NR NR-CU	.198 .195

<p>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. <u>[6] Required setbacks for lots created through the Flexible Design Subdivision 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.</u></p>	<p>Landscape Ratio, min.</p>		
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R-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

<p>1. 2. 3. 4. 5. 65. 76. 87.</p>	<p>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). 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. 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). 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. 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.¹³ 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. Subdivisions <u>utilizing, following the conventional design process and/or</u> 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. 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.</p>
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¹³ Staff is recommending the provision be deleted entirely. The district requires a minimum lot area of 10,000 sq.ft. and 'service' by sewer. Existing language is inconsistent with the intent of the district and established minimum lot area.

R-5 HIGH INTENSITY RESIDENTIAL		DIMENSIONAL AND RATIO STANDARDS		
		Lot Size, min. (square feet)	7,500	
PURPOSE		Lot Width, min. (feet)	50	
		Front Setback from ROW, min. (feet)	20 [1]	
<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>		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]	
			<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 - CU NR - CU	.200			
Required Open Space Ratio, min.	R NR	.77		
	R-CU NR-CU	.76		
Required Livability Space Ratio, min.	R R-CU	.52		
	R	.197		
Required Recreation Space Ratio, min.	R-CU	.200		
	R-CU NR-CU	10,000		
Gross Land Area, min. (square feet)	NR	.195		
	NR-CU	.19		
R-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the R-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ 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 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. ~~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~~
65. 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.
76. Subdivisions ~~utilizing, following 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.
87. 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-8 HIGH INTENSITY RESIDENTIAL		DIMENSIONAL AND RATIO STANDARDS		
PURPOSE	<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 Size, min. (square feet)	5,000	
		Lot Width, min. (feet)	50	
		Front Setback from ROW, min. (feet)	20 [1]	
		Corner Side Setback, min. (feet)	20 [2]	
APPLICABILITY	<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. 	Side Setback, min. (feet)	8[1]	
		Rear Setback, min. (feet)	8 [1]	
		Height, max. (feet)	25 [3]	
		Floor Area Ratio, max.	R [4] NR R - CU NR - CU	.246 .283
	<p>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.</p>	Required Open Space Ratio, min.	R NR R-CU NR-CU	.75 .74
		Required Livability Space Ratio, min.	R R-CU	.49 .48
		Required Recreation Space Ratio, min.	R R-CU	.296 .299
		Gross Land Area, min. (square feet)	R-CU NR-CU	7,000
		Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.088 .185
R-8 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
1.		Uses shall be restricted to those indicated for the R-8 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 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. ~~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.~~
65. 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.
76. Subdivisions ~~utilizing, following 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.
87. 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				
		Lot Size, min. (square feet)	3,000			
PURPOSE		Lot Width, min. (feet)	50			
<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>		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]	.348		
			R - CU NR - CU	.400		
		Required Open Space Ratio, min.	R R-CU NR - CU	.72		
		Required Livability Space Ratio, min.	R	.45		
			R-CU	.44		
		Required Recreation Space Ratio, min.	R	.494		
			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						
1.	Uses shall be restricted to those indicated for the R-13 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).					
2.	Non-residential uses are permitted only as a Conditional Use (CU) District in the R-13 district.					
3.	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. 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. 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. ~~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.~~
 76. 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.
 87. Subdivisions ~~utilizing; following 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.
 98. 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.

on which they are to be situated and to avoid the following environmentally sensitive areas:

- (1) Stream buffer zones as required by Section 6.13;
 - (2) Wetlands as defined by the U.S. Army Corps of Engineers;
 - (3) Land with slopes greater than 15%; and
 - (4) Natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
- (B) To avoid creating lots that will be difficult to build upon in compliance with the standards of this Section, the preliminary plan shall show proposed building envelopes and approximate driveway locations for all lots within subdivisions.
- (1) A zoning compliance permit shall not be issued for the construction of buildings or driveways outside the areas so designated on the preliminary plan unless the Planning Director makes a written finding that the proposed location complies with the provisions of this Section and Sections 6.13 (Stream Buffers) and 6.14 (Stormwater Management).

4.2.8 Modifications of the Impervious Surface Ratio

Modifications of the Impervious Surface Ratios may be requested through one of the following provisions:

- (A) Through variance procedures of the Board of Adjustment, as described in Section 2.10.
- (B) Through approval and recordation of a conservation agreement, as provided in Article 4 of Chapter 121 of the N.C. General Statutes, between Orange County and a land owner that prohibits development of land in a protected watershed in perpetuity, subject to the following:
 - (1) A modification of the required impervious surface ratios may be approved administratively but only to the extent that additional land in the same watershed is conserved or protected from development.
 - (2) The land which will be subject to a conservation agreement must be adjacent to the land proposed for development and for which a modification of the impervious surface ratios is sought.
 - (a) As an example, a person owning a 40,000 square foot lot and subject to a 12% impervious surface ratio would be limited to 4,800 square feet of impervious coverage. If the person's plans called for 5,500 square feet of coverage (a difference of 700 square feet), the recording of a conservation easement on 5,833 square feet of contiguous property would satisfy the impervious surface ratio requirements. (12% of 5,833 square feet is 700 square feet.)
 - (b) The conservation easement shall describe the property restricted in a manner sufficient to pass title, provide that its restrictions are covenants that run with the land and, be approved in form by the County Attorney.
 - (c) The conservation easement shall, upon recording, be in the place of a first priority lien on the property (excepting current ad valorem property taxes) and shall remain so unless, with the approval of Orange County, it is released and terminated.
 - (d) Orange County shall require the priority of the conservation easement to be certified by an attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property.

- (e) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement. The document shall be signed by the Orange County Manager, upon approval of the Board of County Commissioners. No such document shall be effective to release or terminate the conservation agreement until it is filed for registration with the Register of Deeds of Orange County.
- (C) Through the installation of a stormwater feature, consistent with the minimum design standards as detailed within the State BMP Manual.
- (1) The proposed feature must be recognized by Orange County and the State as allowing for an increase in impervious surface area through an infiltration stormwater feature.
 - (2) Under no circumstances may impervious surface area be increased by more than 3% of the total allowable area on the subject parcel through this process.
 - (3) The property owner shall provide a stormwater assessment, completed by a licensed engineer, of the current property identifying its infiltration rates and carrying capacity as well as a comprehensive soil assessment for the property.
 - (4) The development/design of the feature shall be in accordance with established design criteria as embodied within the State stormwater manual and shall be completed by a licensed engineer with ~~expertise~~expertise¹⁴ in stormwater management. Additional allowable impervious surface area shall be based on the soil composition of the property consistent with State regulations.
 - (5) The property owner shall be responsible for the completion and submission of a stormwater operation/maintenance and access agreement detailing the perpetual maintenance, inspection, and upkeep of the approved BMP in accordance with County and State regulations.

The Planning Director shall cause an analysis to be made of the agreement by qualified representatives of the ~~County~~County¹⁰ and other agencies or ~~officials~~officials¹⁰ as appropriate. Once approved, the document shall be recorded in the Orange County Registrar of Deeds office.

The property owner assumes all financial and legal responsibility for the perpetual maintenance and upkeep of the approved BMP.
 - (6) The property owner shall assume all costs associated with the preparation and recordation of new plat(s)/development restrictions detailing the allowable impervious surface limit(s) for the property after the BMP has been approved by the County.
 - (7) The property owner, at its cost and expense, shall be required to execute and file with the County a bond, or other form of acceptable security, to cover the cost of removal of a BMP, and any additional impervious surface area installed as the result of its approval, in the event the BMP is failed to be maintained in accordance with the recorded operations agreement. The amount of the bond shall be 110% of the estimated cost of removing the feature and impervious surface area as certified by a licensed professional engineer or surveyor.

¹⁴ Correction of typo.

4.2.9 Water Supply / Sewage Disposal Facilities

TABLE 4.2.9: WATER SUPPLY/SEWAGE DISPOSAL FACILITIES ¹⁵	
DISTRICT	WATER SUPPLY/SEWAGE DISPOSAL
UNIV-CA UNIV-PW	Water supply and sewage treatment systems shall be limited to individual wells and on-site septic tanks systems, <u>or</u> individual on-site alternative disposal systems. <u>No off-site system shall be permitted.</u>
All <u>Other</u> Watershed Overlay Districts	No new treatment system will be permitted where effluent disposal occurs on a separate lot from the source of wastewater generation; provided, however, off-site systems shall be permitted in all Watershed Overlay Districts except the University Lake Protected Watershed (UNIV-PW) and Critical Area (UNIV-CA) when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance. <u>Off-site individual septic systems associated with a Flexible Development Option Subdivision as outlined in UDO Section 7.12 must be contained within Common Open Space and approved by Orange County Environmental Health Department.</u> ¹⁶
UNIV-CA	New septic tanks and their nitrification fields shall be located outside of any stream buffers, or 300 feet from a reservoir or perennial or intermittent stream as shown on the USGS Quadrangle maps, whichever is further
CANE-CA U-ENO-CA	New septic tanks, pump tanks and their appurtenances shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 150 feet from a reservoir. New nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 300 feet from a reservoir.
CANE-PW CANE-CA U-ENO-CA	Water supply and sewage treatment systems shall be limited to individual wells and septic tanks or individual on-site alternative disposal systems; provided however, off-site systems shall be permitted when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance.
UNIV-PW CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW HAW-PW JORDAN-PW L-ENO-PW FLAT-PW	New septic tanks and their nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps.

¹⁵ There will need to be a comprehensive re-assessment of these provisions in light of new septic/well development standards initiated by the State. For the time being staff is recommending basic modification to ensure clarity as well as the promotion of the new Flexible Development options as detailed in this amendment package.

¹⁶ In consultation with both the County Attorney’s office and Environmental Health it was decided existing language is no longer applicable given recent changes in State law. Existing language could also have been interpreted as pre-empting Environmental Health’s permit authority, which it cannot do.

area's remaining rural character and is proposed to have the lowest average development densities in the future. The current character of the area is residential development on relatively large lots, with a considerable number consisting of large undeveloped tracts (both open and forested), and active farm land. The Lower Intensity area lies mostly in the central and southern part of the study area. A portion also extends north to I-85 in the undeveloped area east of Strayhorn Hills. It contains 2502 acres, 725 of which are contained in Duke Forest or the Stoney Creek wildlife corridor.

(B) Intermediate Intensity Development Area

The Intermediate Intensity Development Area includes land designated as intermediate intensity area in the Stoney Creek Basin Small Area Plan. The Intermediate Intensity area is intended to provide a transition between higher and lower intensity areas. It is envisioned as being predominantly residential with density being determined in large part by the character of existing development. The Intermediate Intensity area contains 1205 acres, and includes the existing residential developments of Strayhorn Hills and Wyngate, areas bordering University Station Road along the eastern side of the Plan area, and area west of NC 86 adjacent to the I-40/Old NC 86 Economic Development District.

(C) Higher Intensity Development Area

The Higher Intensity Development Area includes land designated as higher intensity area in the Stoney Creek Basin Small Area Plan and is generally synonymous with areas designated in the Land Use Element of the Comprehensive Plan as Ten- or Twenty-Year Transition Area. In the future, land within the Higher Intensity area will likely be annexed into the municipalities of Hillsborough or Durham. A mix of land uses is possible. The Higher Intensity area contains 699 acres, most of which lies in the western and northwestern parts of the Stoney Creek Basin Plan Area, with one smaller portion situated on the eastern tip of the area adjacent to the I-85/US 70 Economic Development District.

4.8.4 Applicable Regulations Pertaining to Flexible Developments

Flexible Development regulations contained in Section 7.13-12 shall apply within the Stoney Creek Basin Overlay District, except as indicated in the Table below:

TABLE 4.6.4: VARIATIONS FROM FLEXIBLE DEVELOPMENT PROVISIONS OF SECTION 7.13-12 APPLICABLE IN STONEY CREEK BASIN OVERLAY DISTRICT				
STANDARD		DEVELOPMENT AREA		
		LOWER INTENSITY	INTERMEDIATE INTENSITY	HIGHER INTENSITY
Calculation of Open Space		Active recreation area may not be included in open space calculations	50% of active recreation area may be included in open space calculations, per Section 7.12.47-13.3 of this Ordinance	
Number of Bonus Units ⁽¹⁾	33.1-50.0% Open Space	One additional dwelling unit per two acres of open space above 33%		
	50+% Open Space	One additional dwelling unit per two acres of open space between 33% and 50%, plus one additional dwelling unit per acre of open space above 50%		
Location of Bonus Units		Bonus units may not be located in the Lower Intensity Development Areas, but may be located in a flexible development in the Intermediate Intensity or Higher Intensity Development Areas.	Bonus units may be located in a flexible development in the Intermediate Intensity or Higher Intensity Development Areas.	Bonus units may only be located in a flexible development in the Higher Intensity Development Area.

TABLE 4.6.4: VARIATIONS FROM FLEXIBLE DEVELOPMENT PROVISIONS OF SECTION 7.13-12 APPLICABLE IN STONEY CREEK BASIN OVERLAY DISTRICT			
STANDARD	DEVELOPMENT AREA		
	LOWER INTENSITY	INTERMEDIATE INTENSITY	HIGHER INTENSITY
Village Option	Village option not permitted.	Village option permitted, but Village Proper limited to 50 acres.	

(1) Bonus units do not apply to Minor Subdivisions utilizing the Flexible Development – Conservation Cluster design Option.

ARTICLE 7: SUBDIVISIONS

SECTION 7.1: GENERAL PROVISIONS

7.1.1 Purpose

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

7.1.2 Jurisdiction and Applicability

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

7.1.3 Compliance with Plans and Other Applicable Regulations

All subdivisions shall comply with applicable general provisions, standards, and policies outlined within this Ordinance and the Orange County Comprehensive Plan, as well as with any special planning studies, small area plans, corridor plans, or special planning studies approved or adopted by the Board of County Commissioners.

SECTION 7.2: CLASSIFICATION OF SUBDIVISIONS

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

7.2.1 Exempt Subdivisions

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

7.2.2 Minor Subdivisions

A subdivision shall be classified as "minor" if it does not:

- (A) Create more than:
- (1) ~~Five~~ Five lots, including the residual acreage, following the Conventional subdivision design model; or
 - ~~(4)~~(2) Twelve lots, including the residual acreage, following the Flexible Development subdivision design model from any one tract of land in any ten year period.¹⁷
- (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; and
- (D) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots.

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) **Major Subdivision, Standard**
All subdivisions not classified as an Exempt Subdivision; Minor Subdivision; Major Subdivision, Class A Special Use; or Major Subdivision, Conditional Use.
 - (2) **Major Subdivision, Class A Special Use, Rural Designated**

¹⁷ As proposed by staff there will be different thresholds for what constitutes a minor subdivision based on the design process followed by the subdivider. In this case we want to promote/encourage the use of the Flexible Development design process and will allow more lots to be created through that process.

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.

- (B)** For the purpose of determining whether a subdivision is a Major Subdivision, Class A Special Use (Rural Designated or Urban Designated), 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 MAJOR 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 the phase and previously approved phases is sufficient to serve or handle all development within the phase;
- ~~**(C)** The number of lots and amount of 100% of required open space in the phase and any previously approved phases is proportional shall be dedicated with the recordation of the first lot; and~~
- ~~**(D)**~~ **(C)** A phasing plan showing the phases of development and the requirements of this Ordinance that will be satisfied in each phase is approved by the Board of County Commissioners as part of the preliminary plat.

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

- (A)** The degree and extent of road, water supply, sewage disposal, stormwater management, erosion and sedimentation control, and other required improvements in the phase and previously approved phases is sufficient to serve or handle all development within the phase;
- (B)** 100% of required open space shall be dedicated with the recordation of the first lot; and
- ~~**(D)**~~**(C)** A phasing plan showing the phases of development and the requirements of this Ordinance that will be satisfied in each phase is approved by the Planning Director as part of the final plat.

SECTION 7.4: IMPROVEMENTS AND PERFORMANCE GUARANTEES

7.4.1 Generally

- (A) Improvements proposed by the subdivider or required by this Ordinance, shall be constructed in accordance with the standards and requirements provided in this Ordinance.
- (B) In those instances where said improvements are required to be constructed subsequent to the approval of the Final Plat, plans and specifications for said improvements shall be approved by the appropriate agency and reference to said improvements shall be made part of the Final Plat.

7.4.2 Improvements Required

- (A) Subdividers are responsible for the construction, installation, and maintenance of required improvements in accordance with the standards in this Ordinance in addition to any applicable federal, state, or county standards to include, but not be limited to, the following:
 - (1) All roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision;
 - (2) Road signs;
 - (3) Water supply and wastewater systems, other than individual wells and septic tanks;
 - (4) Drainage facilities and easements;
 - (5) Stormwater management devices;
 - (6) Erosion and sedimentation control devices;
 - (7) Low-impact (passive) and active recreation amenities;
 - (8) Fire suppression management facilities;
 - (9) Common Open sSpace, Rrecreation or Llandscape management improvements, areas, and facilities; and¹⁸
 - (10) Any other on- or off-site improvements required by this Ordinance or required at the time of preliminary plat approval.
- (B) If the subdivider records a plat for only a portion of the subdivision for which a preliminary plat was approved, the improvements required to be constructed, installed, and maintained in accordance with said recorded plat shall be those improvements that the Planning Director deems necessary to serve the lots shown on the recorded plat.

7.4.3 Completion of Improvements

- (A) The Planning Director shall not approve a final plat presented for recordation until:
 - (1) All required improvements have been completed, or
 - (2) Applicable performance guarantee bonds has been evidenced in accordance with the provisions detailed herein.
- (B) An improvement shall be deemed completed only after the appropriate public agency has certified that the improvement(s) has been installed in accordance with the approved preliminary plat, the approved construction plan, and in accordance with applicable federal, state, and county regulations.

- (C) In lieu of certification from a public agency, the Planning Director is authorized to accept certification from the applicant's licensed professional engineer or licensed professional surveyor or other professional as authorized by the North Carolina General Statutes that the improvements have been installed in accordance with all applicable standards.

7.4.4 Performance Guarantees

- (A) Performance guarantees shall be required for the purpose of ensuring that subdividers/¹⁹developers properly install all required subdivision improvements in a timely manner, in accordance with approved plats and construction plans.
- (B) The term of a performance guarantee shall not exceed two years. The Planning Director may, for good cause and with the approval of the provider of the guarantee, grant extensions of the term, with each such extension not to exceed one year.
- (C) Performance guarantees must be in the form of a performance bond, irrevocable letter of credit, or cash escrow account. The form of guarantee shall be determined by the subdivider/developer.
- (D) The performance guarantee shall be conditioned upon the performance of all work necessary to complete the required subdivision improvements within the time period specified at the time of preliminary plat or construction plan approval.
- (E) The amount of the performance guarantee shall equal at least 125% of the estimated cost, including project management costs, of the required improvements that have not been installed by the time of final plat submittal.
- (F) The estimated cost of required improvements, including project management costs, must be itemized by improvement type and certified by the subdivider/developer's licensed professional engineer. In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate. Cost estimates shall be based on industry norms within Orange County.
- (G) If a subdivider/developer fails to properly install required improvements within the term of the guarantee, the guarantee will be deemed in default. In the case of default, the County is authorized to use the guarantee funds to complete the required subdivision improvements or to let a contract for installation of the required improvements.
- (H) Once the conditions of the performance guarantee have been completed to the satisfaction of the appropriate agencies and any required maintenance guarantee has been provided in accordance with the provisions of this Ordinance, the guarantee shall be released.
- (I) All improvements shall be completed in accordance with the conditions associated with the approved plat(s) and the applicable standards contained in this Article. No financial guarantee may be released until all required certifications of completion have been provided.
- (J) Once all of the required improvements have been at least 50% certified, the financial guarantee may be reduced by the ratio that the completed improvements bear to the total improvements required. However, only one such reduction shall be permitted prior to releasing the entire performance guarantee.

7.4.5 Maintenance of Required Improvements

Improvements installed as a requirement of subdivision approval shall be maintained by the subdivider/developer until they are accepted for maintenance by NCDOT, a utility provider, the individual homeowner, or a Home Owners' or Property Owners' association.

¹⁹ Staff is attempting to standardize terminology. We use the term 'subdividers' and 'developers' interchangeably but they can actually mean vastly different things. We are eliminating the use of the term 'developer' in Article 7 and relying solely on 'subdivider'.

- ~~(A) For a public road, the North Carolina Department of Transportation;~~
- ~~(B) For utilities, the utility provider;~~
- ~~(C) For landscaping, the individual homeowners or a property owners' association; For a private road and other community facilities such as recreation and stormwater management improvements, the individual homeowners or a property owners' association or similar legal entity~~

7.4.6 Property Owners' Association

- (A) Where a neighborhood, ~~P~~roperty ~~O~~wners', or ~~H~~omeowners'~~s~~ ~~association~~ Association, or similar legal entity is ~~to be~~ responsible for the maintenance and control of any improvements required as part of subdivision approval, the subdivider shall file, with the Planning Department and record with the final plat, a declaration of covenants and restrictions, articles of incorporation, where required, and/or by-laws as approved by the County Attorney that will govern the maintenance and control of such improvements. Provisions shall include but not be limited to the following:
 - (1) The association shall be established before any homes are sold and/or any building occupied;
 - (2) Membership shall be mandatory for each home buyer and all successive buyers;
 - (3) The association shall be responsible for liability insurance, local taxes and maintenance of recreation, Common Open Space areas, and other facilities, including streets and utility lines;
 - (4) The homeowners must pay their ~~pro-rated~~ share of the costs, and any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgage liens;
 - (5) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate recreation space shall be deeded to Orange County or the appropriate unit of local government to satisfy the public recreation space required by this Ordinance;
 - (6) The lot owner of each dwelling unit or lot shall have voting rights in the association; and
 - (7) The homeowners association shall be able to adjust any assessments to meet changed needs.
- (B) When articles of incorporation are required, they shall be submitted in the form in which they will be filed with the North Carolina Secretary of State and, upon filing, a copy of the articles of incorporation shall be provided to the Planning Department.

7.4.7 Assumption of Maintenance Responsibilities by Property Owner's Association

In those instances where a property owner's association, as detailed within subsection 7.4.6, is to assume maintenance responsibility for improvements within the subdivision, the following process shall be adhered to:

- (A) The subdivider/~~developer~~ shall be required to submit to the Planning Department, in writing, notification that he or she intends to transfer maintenance responsibilities to an established property owner's association.
- (B) The subdivider/~~developer~~ shall coordinate and schedule a joint meeting with Planning Department staff and property owner's association members and officers to review the status of all required improvements and outline the association's perpetual maintenance responsibility. The meeting shall take place at the Planning Department's office during normal business hours.

- (C) The subdivider/~~developer~~ shall prepare a document, to be approved in both form and content by the Planning Department and County Attorney, outlining the current conforming status of all required improvements and providing documentation that the improvements have recently been inspected and certified as being compliant with federal, state, and local regulations.
- (D) Officers of the property owner's association shall review and sign the said document confirming the association's obligation in the perpetual maintenance of all improvements and facilities for which responsibility is being assumed.
- (E) Said document shall, upon execution, be recorded with the Orange County Register of Deeds, at the expense of the subdivider/~~developer~~, as formal recognition that maintenance responsibilities have been assumed by the property owner's association.
- (F) The Planning Department shall not release the subdivider/~~developer~~ of maintenance responsibilities, or authorize the release of performance guarantees, until this process is completed.

7.4.8 Maintenance Guarantees – Public Roads

- (A) Maintenance guarantees shall be required for the purpose of ensuring that roads that are to be dedicated to the public are properly maintained, free from defects, between the time of construction and the time of formal acceptance for maintenance by the North Carolina Department of Transportation.
- (B) A maintenance guarantee shall be in place before any required performance guarantee is released or before any building permits are issued for subdivisions containing public road improvements.
- (C) Maintenance guarantees for public road facilities shall stipulate that the subdivider/~~developer~~ will maintain all required public road improvements, drainage improvements, and sedimentation and erosion control improvements to the standards of this Ordinance until the public road improvements are added to the state-maintained road system. The guarantee shall also state that the subdivider/~~developer~~ will be responsible for correcting any defects that may arise during the maintenance period and shall remove temporary sedimentation and erosion control measures.
- (D) Maintenance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash escrow account and shall conform to the following:
 - (1) The amount of the guarantee shall be at least 15% of the total cost of constructing the public road improvements (excluding the costs of clearing and rough grading).
 - (2) The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or licensed professional surveyor, if the surveyor was the original preparer of the plans for the subdivision.
 - (3) In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate.
 - (4) Cost estimates must be based on industry norms within Orange County.
 - (5) The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount exceed 25% of estimated construction costs.
- (E) The guarantee shall have a term of two years and shall provide an option for annual renewal if the subdivider/~~developer~~ has:
 - (1) Arranged for County inspection of the improvements,

- (2) Submitted to the County an acceptable estimate of the costs necessary to correct any deterioration or defects discovered by the inspection, and
- (3) Increased the amount of the security by the amount of said estimate.
- (F) The subdivider/~~developer~~ shall pay a fee in accordance with the Fee Schedule adopted by the Board of County Commissioners at the time of the initial posting of the guarantee and for each subsequent renewal or extension to cover the County's administrative costs.

SECTION 7.5: SUBDIVISION AGREEMENTS

- (A) The subdivider of all minor and major subdivisions shall record a subdivision agreement outlining the limitations associated with the development of created lots at the Orange County Register of Deeds at the same time the Final Plat is recorded.
- (B) The purpose of the subdivision agreement is to provide detail on various development limitations that will regulate the overall development of property consistent with the approval of the subdivision.
- (C) This subdivision agreement shall, at a minimum, outline the following development criteria for property within the subdivision:
 - (1) Required development setbacks for lots within the project~~;~~
 - (2) Impervious surface limits for the lots within the development~~;~~
 - (3) The presence of identified environmental features (i.e. stream buffers, flood plain, wetlands, etc) and an explanation on how development of the lot(s) is impacted~~;~~
 - (4) The presence of identified cultural features listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"~~;~~
 - (5) Identification of soil and septic limitations, if any, for each lot~~;~~
 - (6) Access restrictions for the project and individual lots~~;~~
 - (7) Limitations on land uses~~;~~
 - ~~(8)~~ (8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required~~;~~ and
 - ~~(8)~~ (9) Maintenance requirements for all Common Open Space areas.

SECTION 7.6: GENERAL DESIGN STANDARDS

The avoidance of congestion and overcrowding and the creation of conditions essential to public health, safety and the general welfare may be best accomplished through the application of design standards providing for the distribution of population and traffic, safe and coordinated street systems, approved water supply and sewage disposal systems, usable lots and conformance to plans for Orange County as recommended by the Planning Board and adopted by the Board of Commissioners. The following general requirements and principles of land subdivision shall be observed:

7.6.1 Minimum Lot Size

- (A) All lots shall contain the minimum lot area required by Article 3 of this Ordinance and shall comply with all applicable development standards.
- ~~(B) Any lot which provides an easement for individual septic disposal for use by a separate lot shall contain an additional 20,000 square feet to accommodate the septic easement.~~

(B) Any lot which provides an easement for individual septic disposal for a separate lot shall be adequately sized, designed and approved by Orange County Environmental Health.²⁰

7.6.2 Residential Density

The allowable density on a given parcel of property proposed for subdivision shall comply with the residential maximum density requirements in Section 4.2.4.

7.6.3 Land Suitability

- (A) In reviewing subdivision proposals, the Planning Department and Planning Board shall consider the overall design of the subdivision with the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Orange County residents.
- (B) Land suitability shall be determined by an investigation of conditions including but not limited to flood prone areas, soil drainage, drainage patterns, slope, historic sites, maximum anticipated levels of land disturbance for the project and all proposed individual lots, and unique natural areas. The investigations shall be carried out by the Planning Board, the Planning Department, or other agencies or individuals having the appropriate technical expertise.
- (C) Special Flood Hazard Areas shall be considered during the review process.
- (D) Soils shall be evaluated for suitability or provisional suitability for septic tanks according to guidelines established in the Laws and Rules for Ground Absorption Sewage Disposal Systems, incorporated herein by reference.
- (1) Each lot that does not contain a suitable building site shall be designated on the plat as being of restricted development potential and by instrument recorded in the Orange County registry as specifically prescribed by Section 7.14.3(E)(1) of this Ordinance.
- (E) **Drainage**
- (1) Soil suitability, including slope and drainage, shall also be evaluated according to soil characteristics indicated by the Orange County Soil Survey and topography indicated by the U.S. Geological Topographic Maps.
- (2) Each lot shall contain a suitable building area safe from inundation and erosion.
- (3) Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.
- (4) Roads, driveways and utilities shall be protected from damage caused by improper stormwater management.
- (5) Mechanical devices, drainage easements, natural buffers, large lots, and/or other technical means may be used to achieve these drainage objectives. Natural drainageways are a preferred means of stormwater run-off removal. The characteristics (including capacity) of natural drainageways shall be protected.
- (6) Runoff levels from the 25-year storm after the site is developed shall not be greater than the rate of runoff on the same site in its natural state.
- (7) In cases where anticipated land disturbance for the subdivision and the proposed lots will cumulatively exceed established thresholds denoted within Section 6.14.5 of this Ordinance, a formal ~~stomnwater~~ stormwater²¹ management plan shall be required as part of the application submittal.

(F) **Resource Protection**

²⁰ Standards are covered under new State guidelines as enforced by Environmental Health.

²¹ Correction of grammatical error.

- (1) Applications for subdivision shall be evaluated by the Planning Department and Planning Board for potential impairment of habitat of rare and endangered species or unique natural areas.
- (2) A strategy shall be developed to protect resources listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (a) The strategy shall provide protection of identified natural and cultural resources from impacts which could result from development of the subdivision, and shall include one or more of the following:
 - (i) Dedication of conservation easements,
 - (ii) Restrictive covenants prohibiting clearing or disturbance of the resource areas,
 - (iii) Dedication of resource areas to Orange County,
 - (iv) Clustering of lots to minimize land disturbance, and promote Common Open Space and preserve other environmentally sensitive areas, and preserve the special features of the property,
 - (v) Other restrictions or development options which provide an adequate level of protection.
- (3) The Planning Department shall review available documentation of the particular site and determine if the proposed strategy adequately protects the identified resources.
- (4) Maps, studies, and reports which are relevant to this section shall be maintained by the Planning Department.

SECTION 7.7: LOTS

7.7.1 Generally

All lots shall conform to all of the requirements of this Ordinance for the zoning district and any overlay district in which they are located.

7.7.2 Shape and Orientation

- (A) The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended.
- (B) Interior lot lines extending from a street should be approximately perpendicular or radial to the street right of way line.
- (C) Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems.
- (D) Commercial and industrial lots shall be of sufficient size to include off street service facilities, and off street parking of all vehicles used by all patrons and employees.

7.7.3 Relationship to Street

- (A) Each lot shall abut a publicly dedicated street except in subdivision approved with private roads. In the latter situation, each lot must abut a private road or a state maintained road which is shown on the approved plat and constructed pursuant to the standards set by Orange County.

- ~~(B) Upon recommendation of the Planning Board and approval of the County Commissioners, the construction of the access road may be postponed until building or market development is undertaken.~~
- ~~(1) In this case the lots shall be designated on the plat: "This lot may not be sold, nor a building permit issued, until the access road has been built as specified for this subdivision."~~
- ~~(C) Except where reverse frontage is desirable, double frontage lots should be avoided.~~

7.7.4 Flag Lots

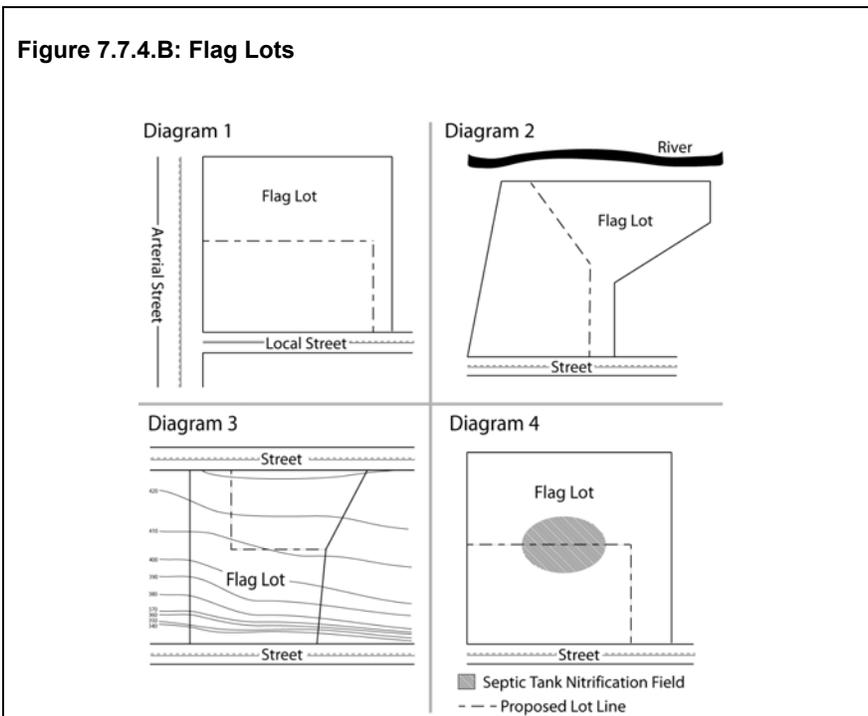
(A) Intent

Orange County discourages and restricts forming flag lots. A flag lot shall be permitted if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her.

(B) Lot Standards

Flag lots are allowed only:

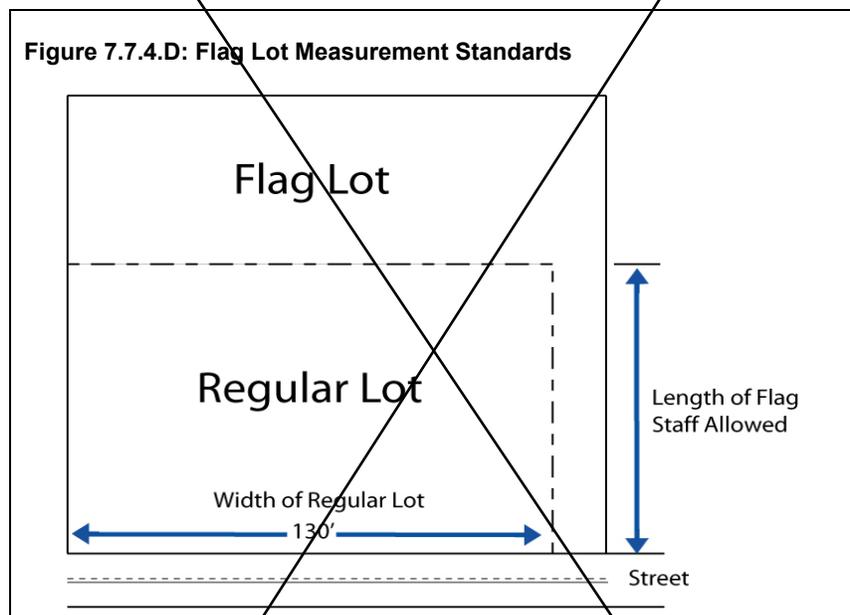
- (1) Where necessary to eliminate access onto arterials (See Fig. 7.7.4.B, Diagram 1);
- (2) To reasonably utilize irregularly shaped land (See Fig. 7.7.4.B, Diagram 2);
- (3) To reasonably utilize land with difficult topography (See Fig. 7.7.4.B, Diagram 3); and
- (4) To reasonably utilize land with limited sites suitable for septic tank nitrification fields (See Fig. 7.7.4.B, Diagram 4);



- ~~(5) Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels; or,~~
- ~~(6) To provide for the protection of significant natural or cultural resources, and.~~
- ~~(7) To provide access and/or street frontage for Common Open Space areas.~~

- (C) No flag lot shall be permitted if it increases the number of access points onto an arterial or collector street.
- (D) The length of a flag lot between the street onto which it has access and the point where a lot dimension parallels the street shall be based on the size of the proposed regular lot. The following table indicates the allowed length of the flag portion of the lot based on the required minimum width of the regular lot (see example graphic).

TABLE 7.7.4.D: LOT SIZE REQUIREMENTS		
SIZE OF REGULAR LOT	REQUIRED MINIMUM WIDTH OF REGULAR LOT	LENGTH OF FLAG STAFF ALLOWED
40,000 sq. ft. to 1 acre	130 feet	308 to 336 feet
1+ acres to 2 acres	130 feet	337 to 671 feet
2+ acres	130 feet	672 to 700 feet [1]
[1] Maximum length allowed		



- (E) The maximum length allowed on any flag lot is 700 feet.
 - (1) The lot width and street frontage of a flag lot may be reduced to 35 feet.
 - (2) The Planning Director may approve further reductions to a minimum of 20 feet where topographical conditions permit the construction of an adequate driveway within that width.
 - (3) The Planning Director may also require greater widths where necessary to insure adequate access.
- (F) All flag lots created after October 3, 1988 shall be composed of contiguous land area, and that area shall not be divided by street right of way or other lots. A private road easement may divide a new lot only if all of the following criteria are met:
 - (1) The land underlying the easement in the same ownership as the remainder of the lot; and
 - (2) The proposed easement contains an existing road or driveway which is to be used for access to new lots; OR the proposed easement if located along a property line will have an irregular shape; and
 - (3) The minimum lot area requirement can be met on one side of the road easement but not both sides.

(G) Those lots with land area divided by a public road right-of-way prior to October 3, 1988 shall not be further subdivided in a manner which creates any additional lots with divided area.

~~**(G)(H)** The regulations of section 7.7.4 do not apply to flag lots which contain Common Open Space. For the purpose of these standards, properties created as shall not be considered flag lots²²~~

SECTION 7.8: ACCESS AND ROADWAYS

7.8.1 Streets and Common Open Space – General Standards

(A) Consistency with Comprehensive Plan

- (1) The provision of street rights-of-way shall conform to and meet the requirements of the Orange County Comprehensive Plan.
- (2) Reservation for or dedication of street rights-of-way for future transportation facilities proposed in the adopted Comprehensive Plan shall be required where appropriate.
- (3) A subdivider shall not be required to provide or dedicate right-of-way for a proposed street to which access would be prohibited by any governmental agency.

(B) Compliance with Approved Access Management Plans and Studies

- (1) Subdivision of land abutting a roadway for which the Board of County Commissioners has approved recommendations from a plan or corridor study is subject to provisions of the approved corridor plan or study.
 - (a) In such cases, the subdivider/landowner shall provide any improvements or other means to ensure construction recommended in such plan or corridor study. Such improvements may include facilities for bicycles, sidewalks, and public transportation.
 - (b) The subdivider, in cases where the recommendations address access management, shall use design elements recommended in the plan or corridor study to reduce conflict points.
- (2) Policies prescribed in Phase V of the Access Management Awareness Project and Report, or other adopted studies of strategies, shall be considered during subdivision and site plan review to assess access management and other corridor design considerations.

(C) Coordinated Street System

- (1) All subdivisions shall have a coordinated street system with public or private streets that access a public municipal street or a public State maintained street in accordance with the following:
 - (a) Public street rights-of-way shall abut adjacent properties as necessary to provide connectivity to the countywide transportation network; and
 - (b) Lot access to streets serving the subdivision shall be limited in the case of streets that provide a link between two or more roads designated in the Comprehensive Plan as arterials or collectors.

²² Technically an open space lot is not intended for development and does not face the same road and utility access issues as a parcel intended for development purposes. There is no need for the same standard to be observed.

(c) All subdivisions shall have at least one street that intersects with or joins a public municipal street, or a public State maintained street.²³

(D) Coordinated Common Open Space System(s)

~~(c) All subdivisions with Common Open Space shall have a coordinated relationship between streets, Primary/Secondary and Active/Passive areas within the subdivision, and, where logical and appropriate, shall connect and have access to adjacent Open Space and Conservation areas.~~

~~All subdivisions with Common Open Space shall be encouraged to connect with existing and planned streets, public trails, sidewalks, and greenways.~~

7.8.2 Public Streets – Where Required

Public streets are generally required in all subdivisions and shall be required where it is found that:

- (A) The subdivision streets would be accepted by the State for maintenance if:
- (1) They are built in a manner which satisfies the minimum State design and construction criteria for subdivision streets; and
 - (2) They would satisfy other requirements for addition to the State maintenance system, including, but not limited to, the general density standard of at least two occupied residences for each one-tenth of a mile of subdivision street.

If, upon review of a subdivision plat, it is determined that the general density standard is met, but a design standard is not, a re-design will be required where possible. For example, if the number of lots proposed along a subdivision street would clearly satisfy the density standard, but the street design was such that the centerline radius did not meet the minimum standard of 230 feet for level land, a new street design would be required. Another example is a situation where a landscaped island or entrance median prevents acceptance of the street for maintenance.

The State's criteria and standards are identified in the following publications: Subdivision Roads - Minimum Construction Standards and Traditional Neighborhood Development (TND) Guidelines, prepared by and available from the N.C. Department of Transportation; or

- (B) The subdivision streets extend existing streets which are public; or
- (C) The subdivision streets are part of a development which is located in an area designated as Urban or Transition by the Orange County Comprehensive Plan; or
- (D) A proposed street is designated as an arterial or collector on an approved Thoroughfare Plan for a municipality or in the Orange County Comprehensive Plan; or
- (E) The subdivision streets are part of a non-residential development consisting of office, retail, industrial, and similar businesses, each located on a separate lot. This provision shall only apply to that portion of a subdivision being developed for non-residential purposes.

7.8.3 Public Streets - Construction Standards

Public dedicated streets must meet the minimum construction standards as adopted by the N.C. Department of Transportation for acceptance of streets as additions to the State Highway System.

²³ Staff is still reviewing the need to add language mandating appropriate street connections/stub-outs within developments. Currently it is the policy to require same. This issue will be addressed in a future amendment package.

7.8.4 Private Roads – When Permitted

- (A) A private road ~~in a Conventional Subdivision Option~~ ~~Conventional Subdivision Option~~ shall be deemed justified for a minor ~~residential~~ subdivision resulting in no more than three lots provided:
- (1) No new lots have been created from the parent tract, through subdivision or other manner exempted from subdivision regulations, since the more recent:
 - (a) Date of adoption of this provision (September 18, 2001); or
 - (b) Ten years from the date of recordation of the parent tract if the lot being subdivided was created using the three-lot private road justification provision.

The parent tract, for the purpose of this provision, is the lot or tract of land that is being subdivided.
 - (2) All resulting lots meet the minimum lot area per dwelling unit and maximum density requirements for the zoning district, including any overlay district, in which the subdivision is located.
- (B) A minor residential subdivision of three or fewer lots shall be encouraged to provide a private access easement for one adjacent lot to access the private road in order to reduce the number of access points on a public road.
- (C) ~~Minor Subdivisions utilizing the Flexible Development – Conservation Cluster subdivision eOption shall comply with Common Open Space requirements as detailed in Section 7.12 in lieu of the private road justification requirements and standards listed in this subsection, 7.8.4.~~²⁴
- (D) For all other subdivisions the Planning Board and the Board of County Commissioners (in the case of major subdivisions) and Planning staff (in the case of minor subdivisions) shall consider the design features in this subsection (~~8~~7.8.4)²⁵ when determining whether to permit private roads.
- (E) There is no right to a private road in any subdivision containing more than three lots.
- (B)(F) At a minimum, a private road may be justified if the subdivision meets standards of (1) below and at least two other design features (2 through 7) listed below.
- (1) The location and design of the subdivision is such that it clearly preserves the rural character of the County through:
 - (a) The provision of lot sizes and building setbacks significantly greater than those required by the zoning district in which the proposed subdivision is located, including any overlay district requirements, in accordance with the following standards:
 - (i) Lot Sizes and Building Setbacks– Conventional Subdivisions:
 - a. All lots in the subdivision must be at least 80,000 square feet if the minimum lot size or area per dwelling unit of the zoning district is 40,000 square feet or less~~,-~~
 - b. All lots must be at least 120,000 square feet (2.75 acres) if the minimum lot size or area per dwelling unit of the zoning district is 80,000 square feet~~,-~~

²⁴ The goal is to allow for a further reduction of minimum lot area with the preservation of open space incorporating adaptive wastewater treatment techniques. Current design standards do not support stated BOCC/staff goals of allowing for the further clustering of lots with dedication of additional open space.

²⁵ Staff is correcting an erroneous section reference. Section 8.8.4 deals with 'non-conformities' and not subdivision road design standards.

- c. All lots must be at least 130,680 square feet (three acres) if the minimum lot size or area per dwelling unit of the zoning district is 87,120 square feet (two acres).
 - ~~d.~~ Lots must be at least five acres for all other cases, and
 - ~~d.~~ Minimum building setbacks for lots located on a private road shall be twice those required.
- (ii) Lot Sizes and Building Setbacks – Estate Lot Subdivisions without Density Bonus²⁶
- a. In zoning districts having a minimum lot size of 40,000 square feet:
 - i. All lots must be at least 80,000 sq. ft. in subdivisions providing 40% of Common Open Space;
 - ii. All lots must be at least 70,000 sq. ft. in subdivisions providing 41-49% or less Common Open Space; or
 - ~~iii.~~ All lots must be at least 60,000 sq. ft. in subdivisions providing 50% or greater Common Open Space.
 - ~~iii.~~ _____
 - b. In zoning districts having a minimum lot size of or area per dwelling unit of 80,000 square feet or 87,120 square feet or two acres: ~~(87,120 square feet):~~
 - i. All lots must be at least 130,680 square feet (3 acres) in subdivisions providing a minimum of 40% of Common Open Space ;
 - ii. All lots must be at least 90,000 square feet (2.07 acres) in subdivisions providing 41% - 49% Common Open Space;
 - iii. ~~i~~All lots must be at least 60,000 square feet (1.38 acres) in subdivisions providing 50% or greater open space.
 - ~~c.~~ Minimum building setbacks for lots located on a private road shall be twice those required.
 - ~~e.~~ _____
- (b) The retention and/or provision of landscaping and use of clustering of dwelling units to:
- (i) Screen the view of the subdivision from public roads,
 - (ii) Maintain a wooded or forested character,
 - (iii) Maintain scenic views, or
 - (iv) Preserve wildlife, botanical, historic, archaeological and/or recreation sites; and/or

²⁶ The Flexible Development – Estate Lot Option allows a subdivider to place required ‘open space’ within each proposed lot. We are revising existing language to allow/encourage some of this open space to become common area.

- (c) The preservation of site features which directly enhance the special or unique cultural, historical, archaeological or biological characteristics of the immediate area as referenced in:
 - (i) “An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County” or,
 - (ii) For historic sites, if the site is deemed eligible by the State Historic Preservation Office for inclusion in the National Register of Historic Places.
 - (2) The number, location and/or size of lots to be located in the subdivision are such that, even if constructed to State standards, the streets would not be accepted by the State for maintenance due to density or other State requirements.
 - (3) At least 50% of the site is to be dedicated and preserved through restrictive covenants and contains recreation and/or open space areas of significant botanical, wildlife, historic and/or archaeological sites as referenced in “An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County.”
 - (4) In subdivisions proposed to be located in a Watershed Protection Overlay District, as designated in Section 4.2 of this Ordinance, stream buffers are increased by at least 25% above those required by Section 6.13 of this Ordinance and the impervious surface allowed is decreased by at least 15% to allow greater infiltration of storm water runoff to prevent the pollution of water supply reservoirs.
 - (5) The site contains topographic and environmental features, such as streams, steep slopes, or watersheds that would be adversely affected by the use of roads constructed to State standards because of factors such as significant amounts of earthwork (cut and fill) that would contribute to increased run off of stormwater and siltation.
 - (6) The site is already developed to 100% of the capacity which could be achieved after approval of the subdivision and some or all of the non-conforming aspects of existing development on the site will be made more conforming as a result of the proposed subdivision, and all conforming aspects of the development will remain conforming.
 - (7) There is only one subdivision road proposed and:
 - (a) Its length does not exceed 350 feet,
 - (b) It serves no more than five lots,
 - (c) Its grade does not exceed 9%, and
 - (d) The land being subdivided is not connected to, or part of, another subdivision required to be served by public roads.
- ~~(C)~~(G) The Declaration of Development Restrictions, prepared by the Planning Department and recorded concurrently with the Final Plat, shall include a statement that further subdivision of any of the lots may require that the road be upgraded to a higher private road classification, or to public standards, and that the cost of the upgrade will be the responsibility of the subdivider.
- ~~(D)~~(H) Where a parcel being subdivided was created by a previous subdivision approved after July 5, 1983, then the previous subdivision as well as the proposed subdivision will be considered in determining whether a private road is still justified.
- ~~(E)~~(I) It shall be the responsibility of the ~~applicant-subdivider for subdivision approval~~ to supply a written statement justifying the reasons for private roads in the proposed subdivision.

Compliance with one or more of the standards in this subsection (8.8.4) does not insure approval of either a public or private road within a proposed subdivision.

~~(F)(J)~~ A private road shall be required to meet standards set by Orange County as described in Section 7.8.5. Satisfactory proof that the standards are met will be required by the County Manager or his/her appointed agents.

~~(G)(K)~~ If a subdivision is to contain private roads, the subdivider shall have the County's Standard Road Maintenance Agreement entitled, "DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE" prepared and processed in accordance with Section 2.14 for minor subdivisions or Section 2.15 for major subdivisions and shall conform to the requirements of Section 7.14.3(6)(b)(ii).

~~(H)(L)~~ The land within a private road easement shall be included within the lot boundaries of the lot or lots which border the easement. The road maintenance agreement shall include a provision that if the road is dedicated for public use at a later date, then the lot boundaries will be revised to extend only to the edge of the right-of-way, in accordance with NCDOT standards.

7.8.5 Private Road Standards

(A) Purpose and Intent

- (1) In Orange County, the preference is to serve subdivisions with State-maintained (NCDOT) public streets or municipal streets. The County recognizes, however, that private roads may be beneficial in some cases where the ~~Subdivider~~ ~~subdivider~~ provides significantly larger lots, and where a private road graded to a narrower cross-section saves valuable vistas, trees, or natural resources, and reduces cut-and-fill and overall land disturbance. Where the ~~Subdivider~~ ~~subdivider~~ clearly provides benefits such as enhancing entrances or streetscapes off an adjoining public road, saving trees, providing large lots, reducing disturbance, and "fitting" lots better into their natural surroundings, the Planning Department, Planning Board, and Board of County Commissioners may permit the use of private roads.
- (2) The County is concerned about the logical and safe extension of public roads throughout the County and notes that private roads cannot be served by school buses and sometimes not by rescue squads and fire trucks. Private roads are generally unpaved and property owners who use the road are solely responsible for maintenance of the road.
- (3) The County will approve only private roads where the "benefits" outweigh the negative aspects.
- (4) Private roads shall never be approved simply to save money.
- (5) Private roads are a privilege, and not a right, and must be justified by the particular lot arrangement and benefits provided by each development.

(B) General Requirements

- (1) Private Roads serve lots within subdivisions that do not have access to state-maintained roads.
- (2) Private Roads insure that all lots have documented legal right-of-way and provide adequate access for residents and emergency vehicles.
- (3) Private Roads may be allowed in a subdivision where, in the judgment of the Planning Board and with the approval of the Board of County Commissioners, it is found that the nature and location of the subdivision are such that a private road is justified.
 - (a) In determining whether to permit Private Roads in subdivisions, the design features contained in subsection (F)(5) of this Section shall be considered.

(b) It is the responsibility of the subdivider to supply a written statement justifying the reasons for Private Roads in the proposed subdivision.

(4) After approval of, and initial construction of the Private Road, maintenance must be provided by the property owners of lots located along the road. A Road Maintenance Agreement or Declaration between the lot owners is required to insure that the needed repairs are made (see subsection (F)(10)(i)).

(5) Since Private Roads are not constructed to North Carolina Department of Transportation standards, they will not be added to the Secondary Road System and will not be maintained by the State or Orange County.

(C) Classifications

(1) The standards and specifications for Private Roads apply to subdivisions in Orange County and the class of road required depends on the number of lots served by the road.

(a) A Class B road serves 1 to 5 lots or dwelling units.

(b) A Class A road serves 6 to 12 lots or dwelling units.

(2) All Private Roads in a major subdivision require the approval of the Board of County Commissioners.

(3) Before the final plat of the subdivision can be recorded, the Private Road must be built and approved, or the applicant-subdivider must post a security instrument with the County in an amount that would cover the cost of constructing the road.

(4) Class B Private Roads intended to serve two lots or dwelling units are not required to be constructed to Orange County Standards or to be inspected before recordation of the final plat.

(a) Orange County recommends that such Class B roads be built to these standards in order to provide adequate access, especially for emergency vehicles which require the clearances and turn areas shown on the specifications.

(D) Construction Standards for Private Roads

The standards described herein are the minimum set forth by the County. Orange County has not determined, and is not responsible for determining, that these standards are adequate or appropriate for all uses by landowners. The standards also may not meet NCDOT criteria. No road will be accepted for maintenance by NCDOT unless or until NCDOT standards are met.

TABLE 7.8.5.D BASIC STANDARDS AND SPECIFICATIONS FOR PRIVATE ROADS				
	CLASS A		CLASS B	
Max. Number of Lots	12	2	3	5
Right-of-Way Width	50 ft.	50 ft.	50 ft.	50 ft.
Travel-Way Width	18 ft.	No Standard	12 ft.	12 ft.
Road Maintenance Agreement Required	Yes	Yes	Yes	Yes
Maintenance Responsibility	Property Owners	Property Owners	Property Owners	Property Owners

- (B) If the Board of Education has not purchased the site or begun proceedings to condemn the site within 18 months of site reservation, the subdivider may treat the land as freed of the reservation.

SECTION 7.11: RECREATIONAL FACILITIES

7.11.1 Applicability

- (A) Every person, firm or corporation who subdivides land for residential and/or non-residential purposes shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, to serve the leisure needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located.

(See Article 10 for definition of "immediate neighborhood". The Planning Department keeps a map showing the location of recreation service area boundaries)

- (B) In all cases, the Recreation and Parks Advisory 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.

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 in the Special Flood Hazard Overlay District 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/applicant 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/applicant 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 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, 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.
- ~~(a)(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).
 - (i) Connecting paths so required shall be in addition to the land required in Section 7.11.2 above.
 - (ii) Connecting paths may require a right-of-way of up to 50 feet in width but in no case shall the path right-of-way be less than 30 feet in width.

Figure 7.11.3.E.3: Connecting Paths



7.11.4 Site Improvements

- (A) Private recreation facilities, either required or provided at the option of the subdivider/applicant, shall meet the standards for site improvements contained in the Table below.
- (B) When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision.
 - (1) As an example, the existence of a multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the subdivider/applicant that another facility, such as a tennis court, would be more appropriate.
- (C) Recreation facilities which are suitable for various age groups include, but are not limited to those shown in the Table below.
- (D) Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon.

Section 7.12: CLUSTER DEVELOPMENTS

7.12.1 Generally²⁷

- (A) ~~Cluster development:~~
- ~~(1) Allows for greater design flexibility and originality;~~
 - ~~(2) Permits the reasonable use of land with difficult physical conditions (topography, floodplain, unique natural areas, etc.);~~
 - ~~(3) Respects the physical qualities of the land;~~
 - ~~(4) Reduces the overall development and public costs; and~~
 - ~~(5) Preserves open space to serve recreational, scenic and public service purposes.~~
- (B) ~~Cluster developments permit the modification and variation of lot and yard requirements provided that the sum of reductions in lot area becomes common open and for recreation space for the benefit of all residents of the cluster development or for dedication to public use.~~
- (C) ~~Cluster development may be required where protection of environmental resources identified in "An Inventory of Site of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" cannot be accomplished through the development of a standard subdivision.~~
- (D) ~~If not required by (C) above, cluster developments are an option for the developer.~~
- (E) ~~All cluster developments, whether required or opted for by the developer, shall be done in compliance with the provisions and standards related to or referring to cluster developments contained in this Section.~~

7.12.2 Criteria in the Rural Buffer (RB) Zoning District²⁸

~~Cluster developments may be approved in the Rural Buffer zoning district upon the following findings:~~

- ~~(A) The tract is a minimum of 400,000 square feet.~~
- ~~(B) Approved water supply and wastewater treatment systems are available and each lot is served by separate water supply and sewerage connections.~~
- ~~(C) The total number of lots proposed for the tract, excluding parcels of reserved recreation/open space is not greater than the number determined by dividing the gross land area, excluding public and private road rights of way, by the minimum lot size required for the Rural Buffer zoning district and Watershed Protection Overlay District requirements for University Lake Watershed, if applicable.~~
- ~~(D) The recreation/open space reserved within the tract conforms Section 7.11.~~
- ~~(E) The minimum amount of land reserved as recreation/open space shall be the sum of all reductions in minimum lot area as a result of the cluster form of development and/or the minimum recreation/open space required in Section 7.11, whichever is greater.~~
- ~~(F) Cluster open space shall not include areas devoted to public or private vehicular streets.~~

²⁷ As staff has indicated in previous presentations, the current Cluster Development section is never employed by a subdivider given the Flexible Development – Conservation Cluster option. We are recommending the section be deleted in its entirety in favor of promoting the aforementioned Flexible Development option.

²⁸ Please note staff has moved the provisions contained in Section 7.12.2 to the Flexible Development – Conservation Cluster design standards to ensure continued compliance with established RB development standards as articulated within the County Comprehensive Plan as well as the Joint Planning Land Use Plan and Agreement.

- ~~(G) — Cluster developments in the UNIV-PW and UNIV-CA Watershed Protection Overlay Districts shall comply with the development standards as set forth in Sections 4.2 and 6.6 of this Ordinance.~~

~~7.12.3 — Reductions in Lot and Setback Requirements~~

~~For lots created as part of a cluster development, minimum lot area, lot width and setback requirements as specified in Article 3 of this Ordinance may be reduced as set forth below:~~

- ~~(A) — Minimum lot area requirements may be reduced to no less than one acre.~~
- ~~(B) — Minimum lot width requirements may be reduced to no less than 104 feet.~~
- ~~(C) — Minimum front setback requirements may be reduced to 30 feet except where the front lot line forms an exterior boundary of the cluster development in which case no reduction shall be permitted.~~
- ~~(D) — Minimum rear and side setback requirements may be reduced to 10 feet except where the rear and side lot line forms an exterior boundary of the cluster development in which case no reduction shall be permitted.~~

~~7.12.4 — Ownership of and Conveyance of Cluster Recreation/Open Space~~

- ~~(A) — Cluster recreation/open space shall be dedicated to the public unless the Board of County Commissioners finds that the size, location, type of development, or cost of development or maintenance of such space or the availability of public open/recreation space would make public use undesirable or unnecessary.~~
- ~~(B) — The applicant may request that the cluster recreation/open space be designated for private use.~~
- ~~(C) — If cluster open/recreation space is not dedicated for public use, it shall be subject to approved legal arrangements sufficient to assure its maintenance and preservation for the intended purpose as provided in Section 7.14.3.~~
- ~~(D)(I) — Open space designed 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” or “Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina” shall be adequately protected through dedication of conservation easements, dedication to Orange County, restrictive covenants, or other means found appropriate for the long term preservation of the particular site or resource.~~

~~7.12.5 — Criteria for Approval of Major Subdivision Preliminary Plan or Minor Subdivision Final Plat~~

~~In addition to the requirements outlined in Article 2, an approved major subdivision preliminary plan or minor subdivision Final Plat shall provide for a total environment better than that which could be achieved under standard regulations and must meet the following criteria:~~

- ~~(A) — Individual lots, buildings and streets shall be designed and situated to minimize alteration of the natural site features to be preserved.~~
- ~~(B) — The usability of cluster open/recreation space shall be determined by the size, shape, topographic and location requirements specified in Section 7.11.~~
- ~~(C) — Cluster open space shall include irreplaceable natural features such as, but not limited to, streams, significant stands of trees, individual trees of significant size and/or species, uncommon plant communities, wildlife habitats and rock outcroppings.~~
- ~~(D) — Cluster recreation space shall be easily accessible to pedestrians, including the handicapped.~~
- ~~(E) — (E) — The suitability of cluster open space intended for scenic value shall be determined by its visibility from adjoining properties and streets and shall seek to lessen the area devoted to motor vehicle access.~~

- ~~(F) — Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between the land and the development.~~
- ~~(G) — Up to one-fourth of the land with slopes greater than 15% may be removed or altered only when such slopes are small and isolated and do not otherwise adversely affect the design of the development.~~
- ~~(H) — At least 20% of the gross land area is designated as common open space.~~
- ~~(I)(J) — No more than 50% of the required common open space shall be used exclusively for sewage treatment systems, utilities, or other uses which prohibit access by the residents of the cluster subdivision. This restriction does not apply to areas of historic or natural significance which may be protected by access restrictions.~~

7.12.6 Additional Submittal Requirements

In addition to the requirements outlined in Article 2 regarding Major Subdivision Preliminary Plans or Minor Subdivision Final Plans, applications must be accompanied by:

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

Section 7.13: SECTION 7.12: FLEXIBLE DEVELOPMENTS

7.13.47.12.1 Purpose

- ~~(A) — The purpose of Flexible Development is to preserve agricultural and forestry lands, natural and cultural features, environmentally sensitive areas, and areas with potential for maintaining the rural community character of the rural community that might otherwise be lost through or marginalized with a conventional development approaches.~~

- (B) To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed. Specific objectives are as follows:
- (1) To preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
 - (2) To encourage the preservation and improvement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
 - (3) To minimize site disturbance and erosion ~~through retention~~ by retaining of existing vegetation and avoiding development on steep slopes.
 - (4) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
 - (5) To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
 - (6) To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the county's social and architectural history.
 - (7) To provide for the active and low impact recreational needs of county residents, including implementation of the Master Recreation & Parks Plan.
 - (8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.
 - ~~(9)~~ To create compact neighborhoods accessible to ~~open space~~ Common Open Space amenities and with a strong identity.
 - ~~(9)~~ (10) To strategically organize and preserve Common Open Space areas within the context of their surroundings and greater community.

7.13.27.12.2 Applicability

- (A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.
- (B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section 4.8 of this Ordinance.
- (C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.
- ~~(D)~~ Applicants/Subdividers ~~Subdividers~~ seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving Common Open Space ~~open space areas~~ as part of such developments.
- ~~(E)~~ Flexible Developments shall comply with applicable density limits as detailed within Section 4.2 of this Ordinance.²⁹

²⁹ Staff is adding language to ensure there is no confusion with respect to a project's compliance with established density limits.

7.12.3 Criteria in the Rural Buffer (RB) Zoning District³⁰

Flexible developments may be approved in the Rural Buffer zoning district upon the following criteria:

- (A) The tract is a minimum of 10 acres.
- (B) Allowed water supply and wastewater treatment systems are available for residential service, and each lot is served by separate water supply and sanitary sewage connections.
- (C) The total number of lots proposed for the tract, excluding parcels of reserved Common Open Space, is not greater than the number determined by dividing the gross land area (excluding public and private road rights-of-way) by the minimum lot size required for the Rural Buffer zoning district and Watershed Protection Overlay District requirements for University Lake Watershed, if applicable.
- (D) The Common Open Space reserved within the tract conforms to Section 7.11.
- (E) Common Open Space shall not include areas devoted to public or private vehicular streets.
- (D) Flexible developments in the UNIV-PW and UNIV-CA Watershed Protection Overlay Districts shall comply with the development standards as set forth in Section 4.2 of this Ordinance.³¹

7.13.37.12.4 Common Open Space Standards

(A) Minimum Required **Lots Size and Common Open Space**

- (1) Where a ~~developer~~ subdivider elects to seek approval of a **Major Subdivision** utilizing the Flexible Development **Option** as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected **Common Open Space**~~open space~~.
- (2) Where a subdivider elects to seek approval of a **Minor Subdivision** utilizing the Flexible Development **Option** as specified herein, the development shall provide at least:
 - (a) 33-39% of the total land area in **Common Open Space** areas for subdivisions with a minimum residential lot size of 43,560 square feet;
 - (b) 40-44% of the total land area in **Common Open Space** areas for subdivisions with a minimum residential lot size of 30,000 square feet;
 - (c) 45-49% of the total land area in **Common Open Space** areas for subdivisions with a minimum residential lot size of 20,000 square feet;
OR
 - (d) 50-59% of the total land area in **Common Open Space** areas for subdivisions ~~maintaining~~ with a minimum residential lot size of 15,000 square feet.
 - (e) 60% or more of the total land area in **Common Open Space** areas for subdivisions with a minimum residential lot size of 10,000 square feet.

³⁰ Original language from Section 7.12.2 Cluster Developments of the UDO updated to use the term “Flexible” rather than “Cluster”. For more information please refer to Footnote number 23.

³¹ Language is unnecessary given wording in Section 7.12.2 (E) of the proposed amendment.

(3) Such ~~Common~~ ~~Open~~ ~~Space~~ shall meet the standards contained in this Section unless the ~~subdivider developer~~ chooses to seek approval of a conventional subdivision as specified herein.

(B) Planning for Common Open Space

- (1) ~~Common~~ Open ~~space~~ ~~Space~~ design in subdivision projects shall be planned as part of a comprehensive project design.
- (2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.
- (3) ~~Common~~ Open ~~space~~ ~~Space~~ is an important amenity for subdivision residents and an essential part of the County's character and environmental quality.
- (4) ~~Common~~ Open ~~space~~ ~~Space~~ planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.
- (5) A Flexible Development subdivision plan shall always provide open space ~~which that~~ prominently meets at least one of the three following goals in open space design:
 - (a) The ~~Maintenance~~ ~~maintenance~~ of ~~Wildlife~~ ~~wildlife~~ ~~Corridors~~ ~~corridors~~ and/or ~~Habitat~~ ~~habitat~~;
 - (b) The ~~Preservation~~ ~~preservation~~ of ~~Rural~~ ~~rural~~ ~~Character~~ ~~character~~; or
 - (c) The ~~Creation~~ ~~creation~~ or ~~Protection~~ ~~protection~~ of ~~Space~~ ~~space~~ for ~~Outdoor~~ ~~outdoor~~ ~~Recreation~~ ~~recreation~~.
- (6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:
 - (a) The ~~Protection~~ ~~protection~~ of ~~Other~~ ~~other~~ ~~Natural~~ ~~natural~~ ~~Resources~~ ~~resources~~;
 - (b) The ~~Improvement~~ ~~improvement~~ or ~~Maintenance~~ ~~maintenance~~ of ~~Visual~~ ~~visual~~ ~~Amenities~~ ~~amenities~~;
 - (c) The ~~Creation~~ ~~creation~~ or ~~Protection~~ ~~protection~~ of ~~Managed~~ ~~managed~~ ~~Resource~~ ~~resource~~ ~~Production~~ ~~production~~;
 - (d) The ~~Improvement~~ ~~improvement~~ or ~~Maintenance~~ ~~maintenance~~ of ~~Public~~ ~~public~~ ~~Health~~ ~~health~~ and ~~Safety~~ ~~safety~~; and
 - ~~(e)~~ ~~(e)~~ The ~~Creation~~ ~~creation~~ or ~~Protection~~ ~~protection~~ of ~~Public~~ ~~public~~ ~~Purpose~~ ~~purpose~~ and/or ~~Utility~~ ~~utility~~ ~~Infrastructure~~ ~~infrastructure~~;
- (7) The primary means by which goals in open space design are addressed are composition, accessibility, size, and shape.
- (8) The primary way to achieve these open space design goals is by the application of standards to these fundamental land characteristics:
 - (a) Composition

The natural and constructed features of land indicate what types of open-space goals it can support. For each of the listed open space goals, certain characteristics are required or preferred. Compositional requirements and preferences are stated throughout this section.
 - (b) Accessibility

All Flexible Development plans shall, unless the open space is to preserve conservation values that require minimal disturbance, provide open space access to the public at large and/or subdivision residents, in accordance with Section ~~7.13.3(D)~~7.12.4

(c) Size and Shape

The usefulness of open space can be lessened when it is fragmented or shaped in long narrow segments. The most functional open space is large enough to maximize the benefits to ecological, environmental, cultural, recreational and/or visual uses. -Size and shape requirements are listed in Section ~~7.13.6~~7.12.4.

- (9) An open space plan may use other land characteristics as well, if a direct link to the goals of (5) and (6) above is shown.

(C) Types of **Common Open Space**

The types of Common Open Space ~~open space conserved dedicated~~ through Flexible Development shall be consistent with the following standards and shall be comprised of two types of land: "Primary Conservation-Open Space Areas" and "Secondary Conservation-Open Space Areas".

(1) Primary Conservation-Open Space Areas

- (a) ~~These areas are reserved for passive uses (e.g., forests, pastures, meadows) and low impact active uses (e.g., trails, natural observation).~~
- (a) These areas have sensitive environmental features and/or significant cultural resource areas, which may make them legally or practically unbuildable.
- (b) These areas are the first open spaces to be chosen towards meeting the minimum 33% requirement.
- (c) For Major and Minor Subdivisions utilizing the Flexible Design Option, Secondary Open Space Conservation Areas may not be counted towards the 33% requirement unless all potential Primary Open Space Conservation Areas, other than those listed in (e) below, have been set aside.
- (d) Primary Conservation-Open Space Areas include:
- (i) Wetlands
Including, but not limited to, streams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas identified as part of:
- The National Wetlands Inventory Maps for the county, prepared by the U.S. Fish and Wildlife Service;
 - The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service;
 - The "Inventory of Natural Areas and Wildlife Habitats," as prepared by the Triangle Land Conservancy;
 - LANDSAT satellite data collected and analyzed under the Albemarle-Pamlico Estuarine Study;
 - A required environmental assessment or environmental impact statement; and/or
 - A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.
- (ii) Floodplains (100-year) and Alluvial Soils

Identified as part of:

- a. The "Flood Insurance Study: Orange County, N.C.," prepared by the Federal Emergency Management Agency (FEMA); and
- b. The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service.

(iii) Steep Slopes

Defined as those greater than 25%, identified as part of:

- a. The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service; and/or
- b. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey.

(iv) Natural Areas and/or Wildlife Habitats

As identified as part of:

- a. The "Inventory of Natural Areas and Wildlife Habitats," as prepared by the Triangle Land Conservancy;
- b. A required environmental assessment or environmental impact statement; and/or
- c. An independent site study conducted by a trained botanist and/or biologist.

(v) Historic and Archaeological Sites

Listed on the National Register of Historic Places or included on the state's national register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of:

- a. The "Chapel Hill Township Architectural Survey: Final Report";
- b. The "Orange County Multiple Property Documentation Form: Historic Resources of Orange County";
- c. "An Archaeological Survey of Portions of Orange County, N.C.";
- d. A required environmental assessment or environmental impact statement; and/or
- e. An independent site study conducted by a trained architectural historian or archaeologist.

Where a historic or archaeological site is to be set aside as a separate lot, and preserved and/or restored as part of a flexible development, the entire area within the lot may be credited toward meeting the minimum open space requirement.

(vi) Wildlife Corridors

As identified in the Orange County Comprehensive Plan.

- (e) A single, connected area of open space that meets one or more of the definitions of Primary ~~Open Space Conservation~~ Area in (d) above may be expanded by up to 20% of its area to provide an additional buffer.

Although the expanded area might not meet any other definitions of Primary ~~Conservation-Open Space~~ Area, it may be considered as such, except that:

- (i) Expansion areas may not be, in turn, expanded under this provision,
- (ii) Expansion areas may not be selected as Primary Conservation Open Space Area unless all site areas meeting any other Primary Conservation Open Space Area definition have already been selected as open space, and
- (iii) Expansion areas must be in the same natural state as the Primary Conservation Open Space Area that is being expanded.

(2) Secondary Conservation Open Space Areas

- (a) If there is not enough Primary Conservation Open Space Area acreage on-site to meet the mandatory 33% open space requirement, and if there are no off-site Primary Conservation Open Space Areas areas proposed, then Secondary Conservation Open Space Areas shall be used to complete the 33% requirement.
- (b) Secondary Conservation Open Space Areas have fewer restrictions, with regard to location, and allow more flexibility to improve overall open space design, and have more active uses, purpose. These areas, unless specified otherwise, receive full credit toward meeting the minimum open space requirement of Flexible Developments.
- (c) Secondary Conservation Open Space Areas may be proposed for the following attributes:
 - (i) Access
 - a. An area may be chosen as a Secondary Conservation Open Space Area because of its benefit in providing open space access to residential lots in accordance with regulations listed in 7.12.47.13.3(D).
 - b. Access areas shall also include desired compositional, size and shape attributes, as listed in this subsection (2).
 - (ii) Composition

Sites chosen for Secondary Conservation 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 Primary Open Space Area conservation area**-sites (see 7.132.3(C)(1)(d)(v) 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. Because they represent uses in which natural lands are cleared, graded and managed for intensive activities, only half (50%) of the land in this category may be credited toward meeting the minimum open space requirement.
 - ii. "Low-impact recreation areas" such as pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.
- f. Scenic Views
Natural and cultural features visible from designated scenic road corridors, including views from the road as well as views outward from potential home sites are particularly encouraged. Landscape buffers that screen the view of development and preserve the character of rural public roads are also included in this category.
- g. Pedestrian Open Space Area (POSA)

A POSA is a traversable corridor at least 50 feet wide, undeveloped except for pedestrian recreation amenities, and in common ownership.

- i. POSAs are not required to have constructed walking paths, but they must be reasonably passable on foot.
- ii. The final composition of a POSA shall be evaluated on the intent of the overall access plan in the subdivision.
- iii. If the POSAs connect active or low impact recreation areas, or if the POSAs are identified as a recreation amenity, then a constructed path can be required as a part of the approval process.
- iv. Landscaping to ensure compatibility with the natural and scenic goals of open space shall also be evaluated.
- v. POSAs shall not be used to connect significant habitat and wildlife open-space sections. Wildlife corridors are for this purpose.
- vi. All POSAs shall be connected to other types of open space.
- vii. In a Flexible Development subdivision, all existing access ways shall, if practicable, be connected into a single system.
- viii. Flexible Subdivisions shall also have at least one POSA and, when practicable, connect to at least one outside edge of the subdivided property, in order to preserve the ability to connect the POSA with future, adjacent projects.
- ix. POSAs may be used to satisfy up to 5% of the 33% open space requirement for flexible development (for example, in a subdivision containing 100 acres of total land area, up to 1.65 acres of the total POSA in the subdivision would count towards meeting the 33% (33-acre) open space requirement).

h. Roadside Buffers

Areas buffering public roads, when they are at least 75 feet in width, measured in one direction from the nearest edge of the right-of-way may be considered Secondary ~~Conservation~~ Open Space Areas.

- i. Roadside buffers must be composed of undisturbed natural vegetation or of enhanced vegetation if enhanced vegetation is installed as a condition of the approval.

i. Greenbelt Linkages

Areas that can be used as part of a connected greenbelt path, within an approved County Greenbelt program.

(d) Size and Shape

Secondary ~~Conservation-Common Open Space~~ Areas, to the extent possible, shall be part of substantially sized and/or contiguously linked open space sections and meet guidelines as stated in Section 7.13.12.8.

(D) Access to Common Open Space

- (1) General public accessibility to and within open space shall be encouraged as follows: evaluated on a case-by-case analysis of the goals and the intended use(s) of the open space in that particular development.
 - (a) Primary ~~Conservation-Open Space~~ Areas, due to their considerable recreation, scenic and cultural public values, shall be made available for the use of the public at large through access by public road. However, it will not be feasible for public use to be provided in all cases (e.g., fragile cultural sites, protected and/or private habitat areas, hazardous slopes and wetlands, etc.).
 - (b) Secondary ~~Conservation-Open Space~~ Areas shall be available to, at least, subdivision residents, particularly when it includes active and low impact recreation areas. In some cases, this level of public entry may not be appropriate (e.g. working timber or agricultural resource areas).
- (2) If less than half of designated open space is Primary ~~Conservation-Open Space~~ Area, the subdivision plan shall provide direct access to Primary or Secondary ~~Conservation-Open Space~~ Area to at least 75% of project lots. The remaining lots shall be within approximately 300 feet of an accessible point of Primary or Secondary ~~Conservation-Open Space~~ Area.
- (3) If the majority of open space is Primary ~~Conservation-Open Space~~ Area, the subdivision plan shall provide direct access to Primary or Secondary ~~Conservation-Open Space~~ Area to at least 50% of project lots. The remaining lots shall be within approximately 600 feet of an accessible point of Primary or Secondary ~~Conservation-Open Space~~ Area.

(E) Ownership of Common Open Space

Common Open space-Space within a flexible development may be owned and/or administered by any of the following methods, either individually or in combination. All open space shall be permanently restricted from further subdivision.

- (1) Fee simple dedication to the County, another unit of local government, the state or a private nonprofit land conservancy. The County may reject any proposed dedication at its discretion prior to or during the application process.
- (2) Dedication of conservation easements to the County, another unit of local government, the state or a private nonprofit land conservancy. Such easements may apply to a single property owned by a homeowner's association and/or to all or portions of individual lots owned by one or more property owners. The County may reject any proposed dedication at its discretion prior to or during the application process.
 - (a) Where conservation easements have been dedicated and accepted prior to application for approval of a flexible development proposal, the land subject to the easement may be counted toward satisfying the 33% open space requirement, provided that it is a portion of and in the same ownership as the land to be subdivided.
- (3) Ownership by a homeowner's association where specific development restrictions and maintenance requirements are included as part of its bylaws and as irrevocable articles of restrictive covenants.

- (4) Ownership by individual property owners, of estate lots only, where specific development restrictions and maintenance requirements are included as part of restrictive covenants and/or permanent conservation easements applicable to such lots.

(F) **Maintenance of Common Open Space**

- (1) Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, function or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include the following:
 - (a) Reforestation;
 - (b) Woodland management;
 - (c) Pasture or cropland management;
 - (d) Buffer area landscaping;
 - (e) Stream bank protection; and/or
 - (f) Wetlands management
- (2) Unless accepted for dedication or otherwise agreed to by the County, another unit of local government, the state or a private nonprofit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowner's association.

7.13.47.12.5 Development Standards

Plats for Major Subdivisions utilizing the Flexible Development ~~subdivision-plats~~Option shall be prepared in accordance with one or more of the following development options: Estate Lot Option; Conservation-Cluster Option; Village Option.

(A) **Estate Lot Option**

For lots created as part of an estate lot development, the following standards apply:

- (1) Each estate lot shall have a lot size of at least four acres.
- (2) For each estate lot, a building envelope (buildable area) shall be defined of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways, septic systems including repair areas and well sites.
- (3) The building envelope of an estate lot may not exceed 50% of the total lot area and shall not include designated Primary and/or Secondary Conservation-Open Space Areas.
- (4) Only the area outside of the building envelope of an estate lot may be counted toward meeting the minimum open space requirement. To the highest degree possible, the open space area shall be contiguous to open space designated on the adjacent lot(s) and shall not include required front yard and side yard setbacks unless the front or side yard contains significant ~~primary-or-secondary conservation areas~~Primary or Secondary Open Space Areas.
- (5) A septic system repair area and/or well can be located within the ~~secondary conservation~~Secondary Open Space Area area-provided the land designated for the septic system and/or well is not more than one quarter of the ~~secondary conservation~~Secondary Open Space Area area-of the lot. No septic system, repair area and/or well can be located in the ~~primary-conservation-area~~Primary Open Space Area of a lot.
- (6) Each building envelope on an estate lot shall adhere to the following spacing standards:

TABLE 7.13.4.A.6: BUILDING ENVELOPE SPACING STANDARDS FOR ESTATE LOTS	
Minimum spacing between building envelopes on adjacent lots	100 feet
Minimum spacing between building envelope and subdivision boundary or off-site public street right-of-way	150 feet
Minimum spacing between building envelope and on-site public or private street right-of-way	50 feet
Minimum spacing between building envelope and any other lot line	30 feet
Minimum spacing between building envelope and wetland or water bodies (lakes, ponds, streams, etc.)	100 feet

- (7) Provided the arrangement, design, and shape of estate lots is such that lots provide satisfactory and desirable sites for building; contribute to the preservation of designated Primary and/or Secondary Conservation-Open Space Areas; provide convenient access for emergency service vehicles; and satisfy all building envelope spacing standards, the minimum required lot frontage may be reduced to not less than 20 feet for flag lots, and lots fronting on culs-de-sac and "T" turnarounds.
- (8) Estate lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary Conservation-Open Space Areas located outside building envelopes shall be restricted against further development through conservation easements and/or deed restrictions.
- (9) Estate lot subdivision road(s) shall be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state maintained roads only via subdivision roads providing internal access to lots in the subdivision.
- (10) A 100-foot Type F buffer meeting the requirements of Section 6.8.6 shall be provided along the frontage of all existing state maintained roads adjacent to the subdivision boundaries.
 - (a) In areas of dense mature forest, existing vegetation may be used to fulfill the buffer requirements.
 - (b) If additional planting is required, new plant materials that satisfy the buffer requirements of Section 6.8.5 shall be installed and maintained in accordance with provisions of Section 6.8.

(B) Conservation-Cluster Option

A conservation-cluster subdivision is one in which building lots are grouped together through a transfer of allowable density within the subdivided tract provided the transfer of density within the subdivision does not increase the average density in any overlay zoning district.

In a conservation-cluster subdivision designed with density transfer, lots smaller than the minimum lot size permitted in the zoning district are allowed provided such lots and subdivisions are developed in accordance with the following standards:

- (1) Land saved through lot size reductions shall consist of designated Primary and/or Secondary Conservation-Open Space Areas.
- (2) The total amount of land set aside as Primary and Secondary Conservation-Open Space Areas shall equal the sum of all reductions in minimum lot area and shall comprise at least 33% of the total land area in the subdivision. For Minor subdivisions utilizing this option, the minimum amount of open space may increase beyond amount per UDO 7.12.4(A) (2).

- (3) Both Primary and Secondary ~~Conservation-Open Space~~ Areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision and, if possible, enjoyed visually by the general public. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, the majority of houselots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining houselots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance. The design must meet the criteria outlined in Section 7.1312.84 which sets forth conservation area design characteristics.
- (4) Where undivided open space is designated as separate non-contiguous parcels, no parcel shall consist of less than three acres in area, nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed for neighborhood commons or greens; playfields; buffers adjacent to wetlands, watercourses, and rural roads; wildlife corridors; or trail links.
- (5) Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, driveways, septic systems including repair areas and well sites. A septic system and/or well site may be located in a ~~secondary conservation open space area~~ Secondary Open Space Area provided it does not occupy more than one quarter of the ~~secondary conservation area~~ Secondary Open Space Area. No septic system, repair area and/or well can be located in the ~~primary conservation area~~ Primary Open Space Area.
- (6) Provided the arrangement, design, and shape of cluster lots is such that lots provide satisfactory and desirable sites for building, and contribute to the preservation of designated Primary and/or Secondary ~~Conservation-Open Space~~ Areas, minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced as set forth below.
- (a) ~~For Major Subdivisions, the m~~Minimum lot area requirements may be reduced by 65% of the minimum lot size permitted by the zoning district including any overlay district requirements; however, minimum lot area may not be smaller than 40,000 square feet within a watershed protection overlay district where lots are served by individual septic systems.
 - ~~(a)~~(b) ~~For Minor Subdivisions utilizing this option, the minimum amount of open space may increase beyond amount per UDO 7.12.4 (A) (2).~~
 - ~~(b)~~(c) Minimum lot width requirements may be reduced to 100 feet in the AR and R1 Districts. Minimum lot width requirements may be reduced by 30% in all other zoning districts.
 - ~~(c)~~ Minimum front, rear, and side setback requirements may be reduced by 25% but shall be no less than ten feet.
 - (d) Minimum lot frontage requirements may be reduced to 20 feet for lots fronting on culs-de-sac and "T" turnarounds.
 - (e) Minimum spacing between building envelopes and the subdivision boundary or off-site public street right-of-way shall be 100 feet and may be counted as open space.
- (7) ~~Conservation-cluster~~ Conservation Cluster subdivision road(s) shall be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state maintained roads only via subdivision roads providing internal access to lots in the subdivision.

- (8) Cluster lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary ~~Conservation-Open Space~~ Areas shall be dedicated to Orange County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association.

(C) **Village Option**³²

Villages represent a modified form of cluster development intended to serve as physical, social, and economic focal points in rural portions of the county. Consequently, villages are appropriate locations for civic uses, such as schools and churches, as well as a variety of economic functions, including stores and workshops, and residential building types designed to accommodate a range of socio-economic groups.

- (1) The location, size, and composition of each village will be a function of the development potential of the land associated with the settlement, including, but not limited to:
- (a) The zoning of the site, including the maximum allowable number of dwelling units;
 - (b) The method of water supply and sewage disposal, including the number of approved disposal sites;
 - (c) The presence of Primary and Secondary ~~Conservation-Open Space~~ Areas, including contiguous areas located on adjoining properties;
 - (d) The presence of existing and/or proposed transit routes and corridors, and areas of future urban growth; e.g., Transition Areas; and
 - (e) The presence of protected watersheds, including defined critical areas.

(2) Villages shall meet the following general standards:

(a) Village Proper

The village proper is the village, comprised of residential units with associated commercial, office, and service functions.

- (i) The village proper may not exceed 100 acres in size and shall be built in a compact manner so as to permit pedestrian accessibility to its center within a five minute walk.
- (ii) The village proper is to be distinguished from the village conservancy by a well-defined "edge" of closely spaced buildings in contrast with the open space of the conservancy.
- (iii) A village proper may not be located closer than one-half mile from the edge of another village proper, and every effort shall be made to keep the separate settlements visually distinct.
- (iv) The village proper is to be built in a generally rectilinear pattern of interconnecting streets, defined by buildings, street furniture, and landscaping, as places to be shared equally by pedestrians and automobiles.
- (v) A hierarchy of parks and squares is to be provided and distributed strategically throughout the village and culminate in a central civic space called the "Village Green."
- (vi) Village lots shall be restricted from further subdivision through deed restrictions and/or permanent conservation easements.

³² Staff had recommended this provision become a new Conditional Zoning district. This will be addressed as part of a future UDO amendment package. For now staff is recommending minor text changes to ensure consistency throughout the document.

(vii) The village proper may be composed of four uses: Storefront Uses, Townhouse Uses, single-family detached Residential Uses, and Workshop Uses. These uses and the standards applicable to each are described in (3) below.

(b) Village Conservancy

The village conservancy is a continuous open space area surrounding the village proper, representing the land from which dwellings have been transferred to the village proper.

- (i) In lieu of a continuous open space area, a village conservancy may consist of open space and estate lots, provided all estate lots meet the standards of (A) above.
- (ii) Open space within the village conservancy shall consist of designated Primary and/or Secondary **Conservation-Open Space** Areas.
- (iii) The amount of land set aside as open space in the village conservancy shall comprise at least 33% of the total land area in the subdivision and shall be no less than 100 feet in width at any place, except for short connecting links.
- (iv) Primary and Secondary **Conservation-Open Space** Areas within the village conservancy shall be restricted from further development through dedication to Orange County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association, including the recording of conservation easements.

(3) Village Development Standards

The specific standards applicable to the village proper and its component parts are described in the following tables.

TABLE 7.1312.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
GENERAL PROVISIONS	
Land Use	<ul style="list-style-type: none"> ▪ Land within a village shall be available for uses as provided in this subsection (C). ▪ Mixed uses of buildings is encouraged in central areas of the Village Proper, and single-story, single-use buildings are discouraged.
Land Allocation	<ul style="list-style-type: none"> ▪ Similar land use categories shall generally front across streets, and dissimilar categories may abut at rear property lines. ▪ Corner lots which front on streets of dissimilar use categories shall be designated the category with the greater intensity of use.
Lots & Buildings	<ul style="list-style-type: none"> ▪ Lot design and building placement within each area of the village proper should be varied to create a distinct character, and permit a range of activities and intensities of use. ▪ All buildings, except outbuildings, shall have their main entrance opening to a street or square. ▪ Stoops, open colonnades, and open porches may encroach into the front yard setbacks. ▪ Buildings placed less than five feet from a side property line shall be windowless on those sides (does not apply to front and back); provided, however, small ventilation windows and clerestory windows are permitted.

TABLE 7.12.4.C.3: VILLAGE DEVELOPMENT STANDARDS

Streets & Alleys	<ul style="list-style-type: none"> ▪ All lots and tracts within the village proper shall have access to pedestrian and vehicular routes. ▪ Every village proper shall have two access points to paved roadways designated as collector and/or arterial streets. ▪ There shall be a continuous network of alleys to the rear of the lots in the Village Proper. Alleys shall be 16 feet in paved width if two-way; 12 feet in paved width if one-way. ▪ Every village proper shall provide a pedestrian network which includes parks, squares, sidewalks along streets, and alleyways through blocks. The network shall link all parts of the village proper, making walking easier than driving. Wherever practicable, streets shall be aligned in such a way that they provide terminal vistas of parks, greens, commons, squares, and large buildings of a public, semi-public or civic nature. ▪ No block face shall have a length greater than 500 feet without an alley providing through access. ▪ Streetlamps, between eight and 15 feet in height, and equipped with incandescent or metal halide lights, shall be installed on both sides of streets at all street intersections and at mid-block where block lengths exceed 400 feet.
Parking	<ul style="list-style-type: none"> ▪ On-street parking directly fronting a lot shall count toward fulfilling the parking requirement. ▪ The number of required off-street parking spaces may be reduced by demonstrating the availability of shared parking. ▪ Parking lots shall be located at the rear or at the side of buildings. Such lots shall be screened from the sidewalk by a masonry wall or wood fence, no less than 75% opaque, built along the property line, and at least three feet in height. ▪ Street trees shall be installed within four feet of the property line abutting a street at no more than 40 foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet. ▪ Adjacent parking lots shall have internal vehicular connections.
PUBLIC & CIVIC USE PROVISIONS	
Land Use	<p>Land designated as part of Public and Civic Uses may include the following:</p> <ul style="list-style-type: none"> ▪ Parks and squares; and ▪ Community buildings and facilities, including meeting halls, libraries, post offices, schools, day care centers, churches, civic clubs, police and/or fire substations, recycling centers, maintenance facilities, and similar uses. ▪ Large scale recreational uses shall be located outside the village proper within the village conservancy.
Land Allocation	<ul style="list-style-type: none"> ▪ At least 10% of the land area in the village proper shall be set aside for Public and Civic Areas. ▪ Each village proper shall contain a central civic space or "village green" of at least one acre in size. The village green shall be surrounded on at least three sides by Storefront and/or Townhouse Areas which may include closely spaced, detached row houses, and storefront buildings or "shops". ▪ Each village proper shall contain a "meeting hall" located adjacent to the village green, designed and sized to accommodate a village meeting, constructed in the early stages of village development, and owned and operated by the residents of the village; e.g., the homeowners association. ▪ The requirement of providing a "meeting hall" may be satisfied through assurances that a community center, school or church may be used for and is of sufficient size to accommodate a village meeting. ▪ At least 5% of the land area in the village proper shall be arranged in a series of parks and squares designed to serve as focal points for residential neighborhoods, and linked together by a system of pedestrian sidewalks and avenues. Wherever possible, they shall be positioned to form "terminal vistas" at the ends of streets or along bends in the street alignment. ▪ At least 2% of the land area in the village proper shall be designated for other permitted public and civic uses such as schools, day care centers, churches, and similar uses. ▪ Land included in the village green, parks, and squares, may be counted toward satisfying the 33% open space requirement.
Lots & Buildings	<ul style="list-style-type: none"> ▪ Buildings located in Public and Civic Areas shall be subject to the same setback and height standards of uses on adjacent lots. For example, a meeting hall located adjacent to a Townhouse Area shall meet the same setback and building height standards as required for buildings in a Townhouse Area.
Streets & Alleys	<ul style="list-style-type: none"> ▪ Streets fronting on Public and Civic Area lots shall conform to the same standards as land uses across from or adjoining the lots. For example, the streets fronting a meeting hall located adjacent to a Townhouse Area shall meet the same standards as required in a Townhouse Area. ▪ Street trees shall be installed within four feet of the property line abutting a street at no more than 40 foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.

TABLE 7.12.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Parking	<ul style="list-style-type: none"> ▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ No fewer than 75% of the parking spaces shall be located to the rear of the building being served. The remaining spaces shall be accommodated in curbside parallel spaces and/or in side parking lots screened from the street.
STOREFRONT USE PROVISIONS	
Land Use	<p>Land designated for Storefront Uses may be used for the following purposes:</p> <ul style="list-style-type: none"> ▪ Personal service shops, including, but not limited to, barber and beauty shops, tailors, shoe repair, dry cleaners, and similar uses. ▪ Specialized retail stores, including, but not limited to, the sale of gifts, novelties, flowers, books, antiques, jewelry, apparel, toys and crafts, stationery, and similar uses. Corner groceries, general stores, hardware stores, and drug stores are also permitted. ▪ Restaurants, excluding fast food and/or drive-in establishments. ▪ Business and professional offices, including, but not limited to, real estate and insurance offices, travel agencies, medical and dental offices, opticians, banks and financial institutions (excluding drive-in windows), lawyers, engineers, and similar uses. ▪ Studios for art, dance, music, and photography. ▪ Accessory residential apartments built over stores and offices. Where provided, at least 25% of the floor area shall be designated for residential use.
Land Allocation	<ul style="list-style-type: none"> ▪ Not more than 5% of the land area in the Village Proper shall be designated for Storefront Area use. ▪ Storefront Area lots shall have a minimum lot frontage of 16 feet. ▪ A maximum of five lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	<ul style="list-style-type: none"> ▪ Buildings lots shall have their front facade; e.g., building wall facing the street, built to within five feet of the front property line along at least 70% of the lot frontage. ▪ The unbuilt portion of the lot frontage shall have a masonry wall or wood fence, no less than 75% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall have no setback from at least one side property line except on corner lots where the side yard setback adjacent to the street shall be five feet. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed three stories in height.
Streets & Alleys	<ul style="list-style-type: none"> ▪ Lots shall front on a street with a maximum right-of-way width of 70 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 12-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way or 16 feet if two-way. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet. ▪ Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line.
Parking	<ul style="list-style-type: none"> ▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ Not less than 75% of the parking spaces shall be located to the rear of the building. The remaining spaces shall be accommodated in curbside parallel spaces and in side parking lots screened from the street.
TOWNHOUSE USE PROVISIONS	
Land Use	<p>Land designated for Townhouse Uses may be used for the following purposes:</p> <ul style="list-style-type: none"> ▪ Attached dwellings including townhouses and apartments. ▪ Day care centers. ▪ Bed and breakfast establishments. ▪ Retirement centers. ▪ Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. ▪ An accessory residential apartment when located on the second floor of a permitted outbuilding.

TABLE 7.12.4.C.3: VILLAGE DEVELOPMENT STANDARDS

Land Allocation	<ul style="list-style-type: none"> ▪ Not more than 5% of the land area in the Village Proper shall be designated for Townhouse Area use. ▪ Townhouse Area lots shall have a lot frontage of 50 feet. ▪ A maximum of 12 lots may be combined for the purpose of constructing a single building containing apartments. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	<ul style="list-style-type: none"> ▪ When attached, townhouses shall generally not comprise more than 15% of the street frontage in a residential district. ▪ Buildings shall be set back either five feet or 15 feet from the front property line. ▪ The lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall have no required setback from side property lines except on corner lots where the side yard setback adjacent to the street shall be five feet. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed three stories in height. ▪ One outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not exceed two stories in height, and it is located within 30 feet of the rear property line and at least four feet from one side property line.
Streets & Alleys	<ul style="list-style-type: none"> ▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 6-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a pavement width of at least 12 feet if one-way or 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	<ul style="list-style-type: none"> ▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the rear of the building, with access through an alley only. On-street parking shall be provided in parallel spaces.

RESIDENTIAL USE PROVISIONS

Land Use	<p>Land designated for Residential Uses may be used for the following purposes:</p> <ul style="list-style-type: none"> ▪ Detached single-family dwellings. ▪ Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. ▪ An accessory residential apartment when located in a permitted outbuilding.
Land Allocation	<ul style="list-style-type: none"> ▪ At least 40% of the land area in the Village Proper shall be designated for House Area use. ▪ Densities within Residential Use areas should decrease as distance from the Village Center increases. ▪ House Area lots shall have an average lot frontage of 75 feet. ▪ A maximum of two lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	<ul style="list-style-type: none"> ▪ Buildings shall be set back between 15 feet and 25 feet from the front property line. ▪ On at least 30% of all Residential Use area lots, the lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall be set back from the side property lines equivalent (in total) to no less than 20% percent of the lot width. The entire setback may be allocated to one side. ▪ Buildings shall be set back no less than 30 feet from the rear property line. ▪ Building coverage may not exceed 50% of the lot area. ▪ Buildings may not exceed two stories in height. ▪ One outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not exceed two stories in height, and it is located at least four feet from one side property line. There is no setback requirement for outbuildings from the rear property line.

TABLE 7.13.12.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Streets & Alleys	<ul style="list-style-type: none"> ▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on one side, and a 5-foot sidewalk on one side. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way; 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any) and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	<ul style="list-style-type: none"> ▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the side or rear of the building. When access is through the lot frontage, garages and carports shall be located a minimum of 10 feet behind the front building wall line. Front-facing garage doors shall be painted to match the color of the main house.
WORKSHOP USE PROVISIONS	
Land Use	<p>Land designated for Workshop Uses may be used for the following purposes:</p> <ul style="list-style-type: none"> ▪ Farm service support establishments. ▪ Building and landscaping contractors. ▪ Establishments involved in the repair, assembly, and/or manufacture of products which require only hand or table mounted electrical tools. ▪ Automotive service uses, including the servicing and repair of automobiles, and sale of automobile parts, but excluding body repair shop and automobile storage. ▪ Warehousing and distribution establishments, provided all storage is conducted entirely within a building.
Land Allocation	<ul style="list-style-type: none"> ▪ Not more than 2% of the land area in the Village Proper shall be designated for Workshop Area use. ▪ Workshop Area lots shall be grouped together, located at the edge of the Village Proper, and be no closer than 500 feet to the Village Green. ▪ Workshop Area lots shall have a maximum lot frontage of 150 feet. ▪ A maximum of two lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	<ul style="list-style-type: none"> ▪ Buildings shall not be required to provide setbacks from front or side property lines. ▪ Workshop Area lots shall be separated from other types of use categories at the side or rear property lines (except an entry onto an alley) by a continuous masonry or wood wall of not less than 10 feet in height or by a landscaped buffer of 100 feet in width. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed two stories in height.
Streets & Alleys	<ul style="list-style-type: none"> ▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on one side, and 5-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way; 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any) and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	<ul style="list-style-type: none"> ▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the side or rear of the building. ▪ On-street parking spaces shall be curbside, and parallel to the curb.

7.13.57.12.6 Street Standards

All streets in Flexible Developments shall conform to the standards contained in Section 7.8.3 or 7.8.4 and 6.17 of this Ordinance, provided, however, private roads will be permitted as follows:

- (A) The number of lots served by a private road shall be limited as specified by the Orange County Private Road Standards in Section 7.8.4 of this Ordinance.

- (B) Where a Flexible Development has 12 lots or less, the street system may consist of different classes of private roads provided a logical hierarchy of private roads is planned, with those of lower classification connecting to those of higher classification.
- (C) Where a Flexible Development has more than 12 lots, the street system may consist of public streets and private roads provided:
 - (1) The street system in the development forms a logical hierarchy of thoroughfares with streets of lower classification connecting to streets of higher classification;
 - (2) The development contains no more than 50 lots;
 - (3) All entrance roads serving the development are public streets;
 - (4) All streets which stub-out at property lines to provide for the extension of or connection to future street systems are public streets; and
 - (5) Private roads are not proposed as part of a Village (Section ~~7.13.4 (G))~~7.12.5 (C)) except in the Village Conservancy portion of the development.
- (D) Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.
- (E) Existing street rights-of-way may not count toward the minimum 33% open space requirement. However, new street rights-of-way may be counted but only to the extent that they are required to pass through or by open space uses as defined herein to link one buildable portion of a site with another; and they are located and/or constructed so as to have no adverse impacts on Primary and Secondary ~~Conservation~~ Open Space Areas.

~~7.13.67.12.7~~ **Water Supply and Sewage Disposal Facilities**

~~Water supply and sewage disposal facilities to serve Flexible Developments may be provided through the use of:~~

- ~~(A) Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or~~
- ~~(B) A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules, regulations, and policies; or~~
- ~~(C) Connection to a water and/or sewage disposal system operated by a municipality, association, or water or sewer authority. System extensions are permitted only in accordance with applicable water and sewer, and land use policies and shall be sized only to serve the Flexible Development for which the system is extended; or~~
- ~~(D) A combination of the above alternatives.~~

~~7.13.77.12.8~~ **Design Guidelines**

- ~~(A) **Determining Density or Lot Yield**~~
 - ~~(1) Overall density shall be based upon the minimum lot size requirements of the zoning district in which the Flexible Development is to be located and on the basis of a Conventional Subdivision or "Yield" Plan conforming to the regulations governing lot dimensions, land suitable for development, and street design. Although such plans shall be conceptual in nature and are not intended to involve significant engineering or surveying costs, they must be realistic.~~
 - ~~(2) Potential building lots and streets must not be shown in areas that would not ordinarily be permitted in a Conventional Plan i.e., Special Flood Hazard Areas, wetlands, steep slopes, etc.).~~

- ~~(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 ~~Conservation-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 ~~Conservation-Open Space~~ Areas, both Primary and Secondary, shall be identified using a ~~Site-site Analysis-analysis Map map~~ as described in Section 7.14.2(A)(3).
- (b) Primary ~~Conservation-Open Space~~ Areas shall consist of those features described in Section ~~7.13.3(C)(1)-7.12.4~~.
- (c) Secondary ~~Conservation-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 ~~7.13.3(C)(2)-7.12.4~~.
- (d) Guidance as to which parts of the remaining land to classify Secondary ~~Conservation-Open Space~~ Areas shall be based upon on-site visits and the criteria contained in Section ~~7.13.8-7.12.4~~.

(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 ~~7.13-87.12.4~~.
- (c) Generally, house sites should be located no closer than 100 feet from Primary ~~Conservation-Open Space~~ Areas.
- (d) House sites may be situated 50 feet from Secondary ~~Conservation-Open Space~~ Areas to permit the enjoyment of scenic views without negatively impacting Primary ~~Conservation-Open Space~~ Areas.

(3) Street and Lot Layout

- (a) Proposed streets shall be aligned to provide vehicular access to each house in the most reasonable and economical manner.

- (b) When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary ~~Conservation-Open Space~~ Areas.
- (c) To the greatest extent practical, wetland crossings and streets traversing slopes over 15% shall be strongly discouraged unless such streets link one buildable portion of a site with another and no other means of access is available.

(4) Drawing in the Lot Lines

- (a) Lot lines shall be drawn around potential house sites.
- (b) Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways.
- (c) Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

7.13.87.12.9 Evaluation Criteria

(A) Generally

- (1) All open space planning shall show consideration of the specific physical characteristics of the land parcel being developed, meet open space design goals, and adhere to the three fundamental land characteristics of open space as set forth in Section ~~7.13.3(B)(5)-7.12.4.~~
- (2) At any given site, the types of resources may vary widely in character (e.g., a natural area compared to a historic site) and each type of resource may have areas of greater or lesser significance (e.g., a notable example of local vernacular building traditions compared to a much altered older home). Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, noteworthy, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.
- (3) In evaluating the layout of lots and open space, the criteria in (B) through (G) below will be considered as indicating design appropriate to the site's features and meeting the intent of the Flexible Development standards.
- (4) Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore to achieve the best possible relationship between development and preservation objectives.

(B) Criteria Applicable to all Flexible Development Projects

The following criteria apply to all Flexible Development projects:

- (1) The shape and placement of open space shall meet the following:
 - (a) Be reasonably contiguous;
 - (b) Be coherently configured;
 - (c) Shall abut existing or potential open space on adjacent properties;
 - (d) Be supportive of stated open space goals;
 - (e) Should not be overly fragmented as to minimize edges; and

Where the goal of the Flexible Development project is to conserve scenic views, the following criteria apply:

- (1) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider "no-build, no-plant" buffers along public roadways where views or vistas are prominent or locally significant.
- (2) In wooded areas where a sense of enclosure is a feature to be maintained, consider a "no-build, no-cut" buffer created through the preservation of existing vegetation.
- (3) Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding area.
- (4) Protect rural roadside character and scenic views by providing larger lots (e.g., two acres or more) adjacent to existing public roads.
- (5) Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads and limiting access to all lots from interior rather than exterior roads.
- (6) Unless buildings can be effectively screened or buffered with trees, avoid siting new construction on or close to prominent hilltops or ridges where rooflines are seen above the horizon.

(F) Historic and Archaeological Features

Where the goal of the Flexible Development project is to conserve historic and archaeological sites and structures, the following criteria apply:

- (1) Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.
- (2) New streets, driveways, fences, and utilities must be sited so as not to intrude unnecessarily on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.
- (3) New developments must include plantings which incorporate native species and historic landscape materials so as to harmonize with the character of the area.
- (4) Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

(G) Recreation Provision

Where the goal of the Flexible Development project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in Section 7.11 shall apply.

7.13.97.12.10 Density Bonuses for Major Subdivisions

For Major Subdivisions, the maximum number of building lots or dwelling units in a Flexible Development shall not exceed the number that could otherwise be developed by the application of the minimum lot size requirement and/or density standard of the zoning district or districts in which the parcel is located. However, increases in the number of building lots or dwelling units are permitted through at least one of the following two options.

(A) To Encourage Affordable Housing

A density increase is permitted pursuant to Section 6.18 of this Ordinance where the Flexible Development provides on-site or off-site housing opportunities for low or moderate-income families.

(B) To Encourage Additional Open Space

- (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 ~~Conservation-Open Space~~ Areas as defined in Section 7.13.31. The amount of the density increase shall be based on the following standards:
 - (a) For each five acres of Primary ~~Conservation-Open Space~~ Area preserved off-site, one additional building lot or dwelling unit is permitted.
 - (b) For each two acres of Secondary ~~Conservation-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 ~~Conservation-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:

- (A) Identify the development as a Flexible Development Subdivision.
- (B) Include a written site analysis accompanied by an illustrative site map, which identifies the following:
 - (1) Slopes 7½ - 15%.
 - (2) Slopes 15% and greater.
 - (3) Existing vegetation.
 - (4) Significant stands of trees.
 - (5) Significant examples of a particular species of tree occurring in a native stand and specimen trees.
 - (6) Drainage and waterways.
 - (7) Special flood hazard areas.
 - (8) Significant rock outcroppings.
 - (9) Significant scenic vistas.
 - (10) Soils with limitations for on-site wastewater systems and building development.
 - (11) The manner in which the plan makes adequate provision for water and wastewater treatment, and
 - (12) The relationship of the plan to the physical environment, the neighborhood in which it is proposed to be established, and the intent of the provisions providing for the establishment of a cluster subdivision.

Section 7.14: SECTION 7.13: SPECIFICATIONS FOR PLAT DRAWINGS

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

7.14.7.13.1 Minor Subdivisions

(A) Concept Plan

The required Concept Plan for Minor Subdivisions consists of:

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

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

(B) Final Plat

Final plats shall adhere to the specifications contained in Section 7.14.3.

7.14.27.13.2 Major Subdivisions

(A) Concept Plan

(1) In General

- (a) The required Concept Plan for Major Subdivisions consists of three parts:
 - (i) A Site Analysis Map;
 - (ii) A Conventional Subdivision Option; and
 - (iii) A Flexible Development Option.
- (b) The Concept Plan shall be prepared according to the “four-step” process for designing Flexible Development subdivisions, as described herein.
- (c) The Concept Plan shall be drawn in black ink or pencil to a scale of not less than 200 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.

(2) Required General Information

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

- (a) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;
- (b) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;

- (c) The total acreage to be subdivided, including tax map, block and lot number reference;
- (d) The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;
- (e) Scale, approximate north arrow and date of plat preparation; and
- (f) Name of subdivision.

(3) Site Analysis Map

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

(a) Primary ~~Conservation~~ Open Space Areas

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

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

(b) Secondary ~~Conservation~~ Open Space Areas

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

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

(c) Transportation and Utility Systems

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

- (i) Railroad and street rights-of-way.
- (ii) Easements for vehicular access, electric and gas transmission lines, and similar uses.

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

(6) Utility and Drainage Data

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

(7) Landscaping and Buffer Data

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

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

(8) Special Flood Hazard Area (SFHA) Standards

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

7.14.37.13.3 Final Plat Specifications

(A) Plat Preparation

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

(B) Title Block

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

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

(C) Vicinity Map

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

(D) Existing Site Data

Information on existing conditions shall be shown as noted below.

(1) Boundary Lines

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

(2) Other Conditions

- (a) If any portion of the final plat includes land referenced in the "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" it shall be shown on the plat.

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

(6) Open Space and Protection of Natural and Cultural Resource Areas

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

(F) Certificates and Endorsements

(1) General

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

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

Seal or Stamp

Surveyor Registration Number

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

(2) Certificates of Dedication and Maintenance

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

Child Care Facility

Includes child care centers, and any other child care arrangement not excluded by General Statute 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

- 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.

Church

A structure in which persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge, Private

An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

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 near major transportation routes that could be provided with public water and wastewater services and 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.

Commercial Transition Activity Node Land

Land 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, Common

~~Privately held land area set aside, dedicated, owned, and maintained for common use, access, and enjoyment benefit of multiple ownerslots. This type of open space is held within within a defined lot or a defined easement area for common usage. 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, Primary

~~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**~~

~~All open spaces areas other than Primary Open Space as defined above.~~

~~**Open Space, Utility**~~

~~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

A new or existing facility that is owned or operated by a non-profit group from the community for non-commercial activity.

Community Farmers' Market

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).

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..

Farm Equipment Rental, Sales and Service

An establishment engaged in the rental, sales, service, and/or repair of construction or farm equipment, including excavators, loaders, graders, bulldozers, farm tractors 50 horsepower or more in size and other large, heavy duty types of equipment used in the construction or farming industries but not including horse trailers, trucks, or other vehicles designed for use on public roads.

Farm Supply Store

An establishment engaged primarily in the sale or rental of farm tools, small farming equipment, and farm supplies. Retail sales of animal feed, grain, hardware, lumber, tack, riding attire, animal care products, and the like may be an ancillary activity.

Federal Emergency Management Agency (FEMA)

The agency of the federal government chiefly responsible for studying and mapping flood plains and developing guidelines limiting development therein.

Feed Mill

A building with machinery and apparatus for grinding and/or bagging grain.

Fertilizer

Any substance containing nitrogen or phosphorous which is used primarily for its plant food content.

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 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" approach-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 8.13.4; or
- b) A "conservation-cluster" approach-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 approach-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

Open Burning Of Trees, Limbs, Stumps And Construction Debris Associated With The Permitted Activity

The disposal of limbs, stumps and construction debris associated with the permitted activity by means of outdoor fires.

Open Space -- (flexible development)

"Primary Conservation Areas" and "Secondary Conservation Areas", as defined in Section 7.13, which are preserved through conservation easements or other restrictions in a flexible development subdivision.

Common Open Space, Common

Privately held land area set aside, dedicated, owned, and maintained for common use, access, and benefit of multiple lots. This type of open space is within a defined lot or a defined easement area for common useage. 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, Primary

These areas have sensitive environmental features and/or significant cultural resource areas, which limits their development potential.

Secondary Open Space Secondary

All open spaces areas other than Primary Open Space as defined above.

Open Space, Utility

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.

Open Space - (land use intensity)

- A. Open space is the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.
- B. Uncovered open space is total gross land area not covered by buildings, plus open exterior balconies and roof areas improved as recreation space.
- C. Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open sides is to be construed as 50% or more. Examples of covered space are covered balconies, covered portions of improved roof areas, or space under buildings supported on columns or posts or cantilevered. The square footage countable as covered open space shall not exceed the square footage of the open space sides.

Open Space Ratio

The minimum square footage of open space required for each square foot of gross land area. This area includes parking and vehicular access areas and it can also include balconies, and roofs improved for recreation.

Outdoor Advertising Industry

The organizations that provide outdoor displays or display space on a lease or rental basis.

Outdoor Lighting

Installation of lighting equipment, whether attached to poles, building structures, the earth, or any other location to allow for the illumination of a building and exterior area(s) within the confines of a defined property line. Included are open air spaces on a property, which are under a roof or other cover and not fully enclosed such as a canopy, pavilion, drive-through bay, or parking deck.

Outdoor Lighting, Cutoff Fixture

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 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 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 any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.