

**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  
Wednesday, May 4, 2016  
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
1.		<b>CALL TO ORDER</b>
2.	3 - 4	<b>INFORMATIONAL ITEMS</b> a. Planning Calendar for May and June <ul style="list-style-type: none"> <li>• Quarterly Public Hearing on Monday, May 23 (Planning Board attendance expected)</li> </ul>
3.	5 - 8 6 - 15	<b>APPROVAL OF MINUTES</b> April 6, 2016 ORC Notes April 6, 2016 Regular Meeting
4.		<b>CONSIDERATION OF ADDITIONS TO AGENDA</b>
5.		<b>PUBLIC CHARGE</b> <b>Introduction to the Public Charge</b>  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.
		<b>Public Charge</b>  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.		<b>CHAIR COMMENTS</b>

No.	Page(s)	Agenda Item
7.	16 - 49	<b>2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS</b> - To make a recommendation to the BOCC on government-initiated amendments to the text of the Comprehensive Plan and UDO regarding revisions to the O/I (Office/Institutional) zoning district and establishment of a new permitted use type. This item is scheduled for the May 23, 2016 quarterly public hearing.  <b>Presenter:</b> Ashley Moncado, Special Projects Planner
8.	50 - 86	<b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT</b> - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding secondary uses. This item is scheduled for the May 23, 2016 quarterly public hearing.  <b>Presenter:</b> Ashley Moncado, Special Projects Planner
9.	87 - 112	<b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT</b> - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding sign regulations. This item is scheduled for the May 23, 2016 quarterly public hearing.  <b>Presenter:</b> Michael Harvey, Current Planning Supervisor
10.	113 - 145	<b>AFFORDABLE HOUSING STRATEGIC PLAN</b> - To receive a presentation on the draft Affordable Housing Strategic Plan and provide input and comments on the draft plan.  <b>Presenter:</b> Audrey Spencer-Horsley, Housing, Human Rights and Community Development Director
11.		<b>COMMITTEE/ADVISORY BOARD REPORTS</b> a. Board of Adjustment b. Orange Unified Transportation
12.		<b>ADJOURNMENT</b>

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR MICHAEL HARVEY (919-245-2597).**

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

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

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**SUMMARY NOTES**  
**ORANGE COUNTY PLANNING BOARD**  
**APRIL 6, 2016**  
**ORDINANCE REVIEW COMMITTEE**

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

**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Kim Piracci, At-Large;

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Ashley Moncado, Special Projects Planner, Meredith Pucci, Administrative Assistant II

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

*Lydia Wegman called meeting to order and introduced new member, Kim Piracci.*

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND NEW PERMITTED USE TYPE TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING REVISIONS TO THE O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND ESTABLISHMENT OF A NEW PERMITTED USE TYPE.**

**PRESENTER: ASHLEY MONCADO, SPECIAL PROJECTS PLANNER**

Ashley Moncado reviewed abstract

Craig Benedict presented information on map

Tony Blake: So the part that would be OI or OI/RM is the green/gray place but not Buckhorn? And you would not want residential in there at all?

Craig Benedict: The mixed use that we're promoting in this we checked with economic development department, the mixed use their interested in is employment centers and possibly retail, but there's other land uses in the Efland area that allow for multi-family and even single family. So, right now we want to protect our economic development zones as much as possible for non-residential because if you allow a multi-family or a single family, which was allowed in some of our other uses, if they happen to be the first proposals to come in and they were permitted by right in many cases we most likely would allow them. And then when the business comes in we have residential people saying they don't want that business there, even though the intent of the economic development zone was for jobs. Ninety-five percent of Orange County Planning jurisdiction allows residential, it's only about 5 percent within our power to focus on our economic development efforts, so we want to protect that from too much residential in that area.

Paul Guthrie: I have a basic question. How are you defining residential? I asked the question because I can think of a circumstance when a business that this area would be useful to be in might very well want to have a residential security manager or residential over-seerer for research or something like that where the residents would actually be on-site. How would you handle a situation like that?

55 Craig Benedict: We could allow that as an accessory use. We've had mini warehouses where they wanted an on-site  
56 resident and you could accommodate that as not a primary use but as an incidental and secondary use. And we can  
57 make sure that's allowed for big factories there might be some residential or over night component to it.

58  
59 Paul Guthrie: It just occurred to me that if you barred that completely it could give you a problem. On the other hand,  
60 if you allowed it then I think somebody could attack the whole principal on the basis.

61  
62 Craig Benedict: We're allowing hotels and motels, and someone might say that's residential but that's a commercial  
63 use.

64  
65 Michael Harvey: I would make the argument that's not a residential land use. The principal use of the property would  
66 be X and it's up to the applicant to justify, "I need this for this reason" and again I know we shouldn't be fixating on  
67 the examples, but in that example that's what I would say; that it's not functioning as a residential development, there  
68 is a component, but it's in support of the principal use which, let's say, is this research manufacturing unit.

69  
70 Lisa Stuckey: So if I drove through this, what would it look like?

71  
72 Craig Benedict: These would be more of a corporate park but, corporate parks and business parks and industrial  
73 parks have changed over the last 15-20 years. Our zoning, as evidence by office institutional, was very regimen. This  
74 is where you put your Class A office building, and then somewhere else you put your warehouse, and somewhere  
75 else you put your manufacturing, and somewhere else you have R&D. Now they don't do that anymore, they put  
76 everything in the same place. They'll have their clean office, they'll have their R&D Park they'll put it all together. This  
77 district will allow office, and research, manufacturing, and distribution. So, the buildings could be from 20,000 to  
78 100,000 square feet. So you could see a few of those buildings in there that have multiple activities. And by the  
79 secondary uses that are allowed means that somebody could come in with a business and say, "I don't see enough  
80 restaurants around here, how about if I bring as part of my master plan a Chili's with me?" and that's a bonus. When  
81 we were looking at another retail site, Cabella's, even though that was all retail they brought a hotel with them and a  
82 restaurant. We're definitely not having this as a retail focus, we're listing this stuff as secondary uses in there so we  
83 can keep that prime use as job based light industrial manufacturing.

84  
85 Lydia Wegman: Have we heard of any companies that are interested in this particular kind of land use? Or this is just  
86 to make us attractive to companies if one is interested?

87  
88 Craig Benedict: This is just to make us attractive. When the candy factory came, they were designated  
89 Office/Institutional, and it did say manufacturing was okay. I'd say it's a relatively small fix, as you were mentioning  
90 some of the economic development zones; we need to go into there and take a look at the way the uses are  
91 fashioned in there too. The next project that you'll hear from Perdita Holtz, probably in the next month or so, is in the  
92 Hillsborough Economic Development. Because we have a joint agreement with Hillsborough we're trying to align both  
93 our joint land uses and the zoning categories that can go within that land use. And right now, they're all over the  
94 place.

95  
96 Tony Blake: I have a question. I read through this and I read the column and what it allows and accessory use and all  
97 that stuff and I came down to the automotive/transportation and because I'm sort of passionate about the way we're  
98 doing our transit and thinking that BRT is a good rapid transit solution. I noticed that it would allow a bus passenger  
99 shelter, which I view as one of these little cubicles by the side of the road, but not a bus terminal or garage. And Bus  
100 Rapid Transit has a raised platform appeal, especially in an area where there's a concentrated number of transit  
101 people. Would that be allowed in this zone?

102  
103 Craig Benedict: Well, we can make it. It does make sense. I think what they were thinking about was kind of a simple  
104 city bus terminal, so we can make sure that our bus stops and level platforms and all stuff could be allowed. Because  
105 we do have our bus service that is going very close to this zone, if not through it, and if we get some employment  
106 concentrations we will modify that transit system.

107

108 Tony Blake: If you can. A lot of people live within walking distance; the least we could do is provide a good, raised  
109 platform sort of transit.

110  
111 Lisa Stuckey: What is raised platform?

112  
113 Tony Blake: The big slam against buses versus light rail is light rail you board and you walk directly from the platform  
114 onto the platform without steps. But BRT actually has the ability to pull a bus in at a raised platform and where you  
115 are walking directly onto the bus, the same way you would walk onto a light rail train. And it's being deployed and it's  
116 a lot cheaper than light rail and more flexible. And the travel lane down Martin Luther King will actually be able to be  
117 used for emergency vehicles as well.

118  
119 *Ashely Moncado continued with the presentation*

120  
121 James Lea: What would that do to the property owners? Would that raise their taxes?

122  
123 Craig Benedict: No. The property taxes are based on the properties of a similar zoning category sell over time. So,  
124 putting even sewer on a piece of property eventually would raise the value of it but changing the uses would not  
125 automatically, until somebody determines that this new use list is better and therefore more valuable but, we're a  
126 couple years from where that would ever matriculate into higher values.

127  
128 Lisa Stuckey: It leads to the potential of higher value, so higher taxes.

129  
130 Paul Guthrie: It could potentially. Property is less and less areas available for residential, for example, outside of that  
131 district if someone wanted to sell their house in that they would have, potentially, a sale of their house that would  
132 raise as assess valuation in the next re-evaluation.

133  
134 Craig Benedict: We have examined which districts have residential. If they sell their residential property for office  
135 research manufacturing and they get more money for it at some point in the future, they'd love that.

136  
137 Paul Guthrie: But you can't keep them from selling it for another residential person.

138  
139 Craig Benedict: Probably not.

140  
141 Paul Guthrie: This is a far out thing, but we're still in the area. I spent a good part of the afternoon reading about this  
142 other thing, the Supreme Court case, and these are the kinds of things you start getting trouble with down the road.

143  
144 Craig Benedict: One last thing about that, we addressed this in the Buckhorn EBB area. We asked the people if they  
145 would like the zoning rollback to residential one that would allow the house to be reconstructed and burned down or  
146 would you like it to remain Buckhorn District 2 that has higher value if you ever sell it, it was resounding to leave it  
147 EDB-2.

148  
149 Michael Harvey: One more thought in question when I read this. There's a demand right now. There's a lack of wet  
150 lab space in the area and this talks about laboratories, not limited laboratories, prototype production, general facilities  
151 but, wet labs sometimes have some pretty onerous stuff going on in them. Is there something that you would put in  
152 here to protect that or restrict that or change that? Basically, this is something I can see where somebody would want  
153 to come in and put in a wet lab and this thing they're dealing with some kind of biological agent or something like that  
154 and people go crazy, but it's permitted by right and so I'm just trying to air on the side of caution here.

155  
156 Craig Benedict: Two answers in there. There might be room to add something here. One is we tried not to legislate  
157 water consumption, even though there are some provisions in some of our economic development zones that talk  
158 about it, but it doesn't say that if you use over one galloon per square foot we're not going to allow you. So that's one  
159 element we try not to legislate uses by the water they use but, admittedly in all of our economic development zones  
160 we have limitations on water use because there's just not a lot of water. In Hillsborough there's some water limitation,  
161 also in Eno. The bigger restriction is the sewer outfall that comes from it, that's where the restriction is. So with the

162 sewer element of it there are some pre-treatment requirements that all utility providers have. And we could note that  
163 they must meet the environmental regulations of the utility. For example, Morinaga; there is a pre-treatment function  
164 so there's not high level organic matter that goes in the sewer that can create issues.

165  
166 Michael Harvey: I guess I was asking; is that covered somewhere else? Or because we're permitting this by right are  
167 we leaving the door open for a big use?  
168

169 Craig Benedict: I think either turn it into a policy, like a small area planning policy so that we have to be aware in of that  
170 and I agree if you have something permitted by right you better have some way to have it black and white; it's okay  
171 by the site plan or it's not okay by the site plan. So, I'll work with Michael and Ashley to see if there's a way to keep  
172 that in mind.  
173

174 Michael Harvey: Also, remember that just because something is permitted by right, there are still regulatory  
175 permitting processes that we may say we could use. But using this example, if a local utility or even the state says  
176 you can't do what you're proposing in this manner.  
177

178 Tony Blake: But given what's going on in politics right now, relying on the EPA or the state for things like that might  
179 not be the wisest.  
180

181 Craig Benedict: The one area we may consider is some of those performance measurements. Vibration, glare, and  
182 soot; maybe we could have some sort of sewer.  
183

184 Tony Blake: Yeah, or require them to contain whatever it is and dispose of it in some other way, elsewhere... What  
185 I'm worried about is somebody is going to come in here and do something that's potentially dangerous or harmful and  
186 not be properly regulated.  
187

188 Lydia Wegman: But as Michael says the EPA or the state. They would have to have some kind of hazardous waste  
189 disposal or incineration permit in order to do that.  
190

191 *Ashley Moncado continued presentation.*  
192

193 Craig Benedict: And the last thing, if you have any more comments on this or any of the other Board Members have  
194 comments send them to Ashley and before the next meeting we'll try to answer them. So feel free to send Ashley  
195 some additional comments.  
196

197 **AGENDA ITEM 3:                   ADJOURNMENT**  
198

199 *Meeting was adjourned by consensus.*  
200

**MINUTES  
PLANNING BOARD  
APRIL 6, 2016  
REGULAR MEETING**

**MEMBERS PRESENT:** Lydia Wegman-At-Large Chapel Hill Township (Chair); Tony Blake, Bingham Township Representative (Vice-Chair); Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Kim Piracci, At-Large; James Lea, Cedar Grove Township Representative; Patricia Roberts; Cheeks Township Representative;

**MEMBERS ABSENT:** Andrea Rohrbacher, At-Large Chapel Hill Township;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner; Meredith Pucci Administrative Assistant;

**OTHERS PRESENT:** None

**AGENDA ITEM 1: CALL TO ORDER**

*Lydia Wegman called meeting to order and introduced new member, Kim Piracci.*

**AGENDA ITEM 2: INFORMATIONAL ITEMS**

- a) Planning Calendar for April and May

*Lydia Wegman reviewed Calendar for next meetings.*

**AGENDA ITEM 3: APPROVAL OF MINUTES**

- a) March 2, 2016 Regular Meeting

**MOTION** by Buddy Hartley to approve the minutes. Seconded by Tony Blake.

**VOTE: UNANIMOUS**

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

*No changes to the 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 residents and business 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, decision, and recommendations.

**Public Charge**

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

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 61 **AGENDA ITEM 6: CHAIR COMMENTS**

62  
 63 *None.*

64  
 65 **AGENDA ITEM 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** - To make a  
 66 recommendation to the BOCC on government-initiated amendments to the text of the  
 67 UDO regarding sign regulations. This item is scheduled for the May 23, 2016 quarterly  
 68 public hearing and was most recently discussed by the Planning Board at its March  
 69 meeting.

70  
 71 **Presenter:** Michael Harvey, Current Planning Supervisor

72  
 73 *Michael Harvey reviewed the abstract.*

74  
 75 Paul Guthrie: Just to show everybody what these guys are talking about. This is the Supreme Court ruling that all of  
 76 this started. About 5 different justices taking a different take at it and they came together for a decision so that's  
 77 where it starts. And then tied after North Carolina law and whether it comes anywhere close to this or provides  
 78 municipalities of Counties with the ability to react to this is the swimming pool these guys are working in right now.

79  
 80 *Michael Harvey continued presentation.*

81  
 82 James Lea: When you say eliminate, what do you mean? Those churches now have to take those signs down?

83  
 84 Michael Harvey: I believe you are talking about the proposal to eliminate the allowance for off-site directional signage  
 85 for churches. The answer is no, those churches that already have signs up will be allowed to keep them consistent  
 86 with the non-conforming section of the UDO. What this means if a car happens to mow it down it cannot be replaced.  
 87 If the sign falls into disrepair to a certain dollar amount or is destroyed a certain percentage it can't be replaced. But,  
 88 they can continue to have them up until such time. And yes, there are going to be institutions that have enjoyed some  
 89 flexibility that are losing it now. Those churches without this signage will also be unable to erect them.

90  
 91 Lydia Wegman: So there will be no off site advertising prohibit?

92  
 93 Michael Harvey: Well right now, there's no off site advertising technically allowed period. Churches are losing their  
 94 exemption. Outdoor advertising, specifically billboards, is a totally different animal actually regulated by the state.

95  
 96 *Michael Harvey continued presentation.*

97  
 98 James Lea: Is that an issue just in North Carolina?

99  
 100 Michael Harvey: No, but communities are allowed to deal with sign regulations differently. For example, Alamance  
 101 County doesn't have some of the same standards we have with respect to setback and size of signs whereas Chapel  
 102 Hill, in certain circumstances, is more restrictive than we are currently.

103  
 104 James Lea: So it's a county issue?

105

106 Michael Harvey: Well it's a county and municipality issue. It is also a preference issue where communities adopt  
107 regulations forwarding their own concepts of acceptability.

108  
109 Tony Blake: Sounds like a DOT issue.

110  
111 Michael Harvey: It's a little bit of both. If the sign is on private property, DOT has no regulatory authority. We would.  
112 Signs erected in a public right-of-way are their purview.

113  
114 James Lea: So it looks like we're going to put a regulation outlining what constitutes a flashing sign meaning a sign  
115 can't flash but only so often in a day correct.

116  
117 Michael Harvey: Currently flashing, blinking signs are illegal. We are actually going to allow them so long as the  
118 message only changes a certain amount of times in a given hour. They're currently prohibited in Orange County.  
119 We're actually creating an allowance where you can have digital signage so long as the message doesn't change but  
120 a certain number of times an hour. Our problem currently is that we have no measureable standard to outline what is  
121 and is not legal.

122  
123 *Michael Harvey continued presentation.*

124  
125 Tony Blake: Would it make more sense to base the square footage of the signage on the amount of road frontage or  
126 the amount of area that's visible to the public? I'm just kicking that around because it seems like this is somewhat  
127 more arbitrary than what I would've expected and the other part of it is that you may be creating a market for signage.  
128 If I'm only using 150 square feet of my signage, can I sell my signage allotment to someone else?

129  
130 Michael Harvey: No, you can't.

131  
132 James Lea: What district does churches fall in on this table?

133  
134 Michael Harvey: Churches are allowed in every (general use zoning) district we have.

135  
136 James Lea: Because I know that some of them have nice signs that change.

137  
138 Michael Harvey: For example, a church developed in the LC1 zoning district could have 172 square foot signage. A  
139 church developed in the industrial district could have more signage.

140  
141 *Michael Harvey continued presentation.*

142  
143 Paul Guthrie: I think what would clarify and get focus on exactly where you're going... Understand what this case did.  
144 It was brought by a church that had no basic place for church services, so it moved around the community. They put  
145 up temporary signs for a period of days, time where it was going to be each Sunday. And those weren't taken down  
146 over time and they got cited over time. That was the original cite. So they went in to court on both freedom of speech  
147 and the fact that they were a church, and where the court got people in a pickle was this language, the sign content  
148 based restrictions do not survive strict scrutiny because the town has not demonstrated that the code differentiation  
149 between temporary directional signs and other types of signs further a compelling dominant interest and is narrowly  
150 taled to that ending. That's what he's playing with right now. Is trying to meet that standard, and it's a very tough  
151 standard to meet.

152  
153 Michael Harvey: Building on Paul's point... The town's ordinance (Reed versus Gilbert) said that if you have a  
154 temporary sign announcing a special event you could have it up 72 hours before the event and has to be removed  
155 within 24. If you have an off site directional sign it can only be up for 12 hours and has to be removed within the hour  
156 the event ceases. So the issue was what is the sign this church is erecting. Is it a special event? No. Is it directional?  
157 Yes, but it has this shelf life. So I, as the zoning officer, had to read the sign to determine what type of sign it was.  
158 And enforce the ordinance appropriately. So I was basing my determination on content, not on the size of the sign,  
159 not on what it was, or placement. And I was treating the signs of the same shape, size, everything different. Based on

160 the content of the wording. Our ordinance, with two or three notable exceptions, treated signage the same. It was  
161 universally the same. And again, there are two or three exceptions to that where what I just said is incorrect, and  
162 that's precipitated all of these changes. But, the further problem is as James and I have gotten into it is you're  
163 establishing a standard based on the content. For example, if we said you're allowed 8 square foot of signage on a  
164 residential building if it has to convey hazardous material being store on site.

165  
166 Tony Blake: That's a bad example because that's public safety.

167  
168 Michael Harvey: Unfortunately, that's not necessarily true. If you're saying you can have this sign because it's  
169 conveying this message, that's illegal. If you say you can have hazard identification signs that's perfectly legitimate.

170  
171 James Lea: So this ordinance now will be based on content.

172  
173 Michael Harvey: It's content neutral. Each district is going to be treated the same. Each land use in certain districts  
174 are going to be treated the same.

175  
176 Tony Blake: What's your reason for treating the rural buffer different than our 1 or our 2?

177  
178 Michael Harvey: Bluntly, it's the rural buffer. It is by definition, by law, a less intensive district than our R1 and AR  
179 zoning districts. And as a result, it has less allowable signage.

180  
181 Lisa Stuckey: Try to expect more non-commercial

182  
183 Michael Harvey: Correct... More single-family residential development versus any other allowed activity, yes... The  
184 reason for the difference is because the inherent nature of the district is different than the other.

185  
186 Lisa Stuckey: So that means that a sign for a temporary event is going to have the same status as a sign for a  
187 permanent situation. You're not able to make the distinction?

188  
189 Michael Harvey: We can establish regulations for temporary signage, for temporary events. And there are still  
190 standards that exist in here for that. But for example, what we have in here for the residential district is no sign on a  
191 residential land use can be bigger than 12 square feet. We can't even regulate political signs anymore.

192  
193 Tony Blake: So the difference would be you could have your standard real estate sign out front and Sunday you're  
194 having an open house, you could put in a bigger open house sign and then that would have to come down?

195  
196 Michael Harvey: Yes, because it's a temporary component.

197  
198 *Michael Harvey continued presentation.*

199  
200 Maxecine Mitchell: So if I put a sign up and it said, "I hate all white people" you can't come and tell me that I have to  
201 take it down based on the content?

202  
203 Michael Harvey: Correct. From a zoning stand point... Just because there's a zoning component that says we don't  
204 regulate the content doesn't mean that the sheriff's department or law enforcement entities don't have the authority to  
205 say that you're sign violates x,y, or z. This doesn't eliminate or stop the enforcement of other applicable regulation. It  
206 just says that the county, I, can't drive down your road and say, "I don't like that sign, it has to come up" based solely  
207 on the message it conveys.

208  
209 Maxecine Mitchell: One more question, Michael. I think we were talking about these topless bars and stuff, does that  
210 mean they'll be able to put up...?

211  
212 Michael Harvey: This was actually a 6 week argument. I took the position, and after James and I looked at court  
213 cases and we both agreed, that we could still say you cannot have a sign that contains lewd or lascivious letters,

214 words, displays, or characters. So you can't have the adult cabaret or .. that has suggestive descriptive sign. You can  
215 still have that regulation because there are actually court cases that say, you have the right as a community to not  
216 allow this. We're still allowing you to have your sign, but you can't have lewd or lascivious displays or characters.

217  
218 *Michael Harvey continued presentation.*

219  
220 Craig Benedict: What could be an issue is you have the flag exemptions. If somebody flies a confederate flag, that's  
221 not listed.

222  
223 Michael Harvey: Flags are the one issue that James and I are having a lot of... Craig is referring to page 36...  
224 problems with. Currently this proposal says United States, State of North Carolina, Orange County flags are exempt  
225 from regulations. It used to say flags, emblems or insignia of any national, state, or political subdivision. I don't  
226 consider the confederate flag to be a sign, I consider it to be a flag, I don't think it's an advertising material and I don't  
227 think it's necessarily regulated by the sign ordinance. Whether or not I think the sign should or shouldn't be flown is a  
228 different discussion. But, this is where we get into a content problem. What happens when McDonalds has a 500  
229 square foot flag that just has the big M on it? If you're exempting flags... If the whole goal of the sign ordinance is to  
230 say everyone is going to be operating from the same page in terms of allowable signage you do have to draw the line  
231 somewhere. And what constitutes advertising and what doesn't.

232  
233 Tony Blake: Why can't you regulate the size of the flag?

234  
235 Michael Harvey: You could probably establish a regulation that says flags only of this size...

236  
237 Tony Blake: Because over a certain size they do become an advertisement. They're a focal point.

238  
239 Michael Harvey: But I also would argue that if you say it's 32 square feet of flag, why can't I be patriotic and have a  
240 64 square foot American flag. Why are you limiting my ability to fly a larger American flag? And then I lose the court  
241 case on a totally different issue.

242  
243 James Lea: Not to mention in a residential area. Can residents fly flags? If so, how big, what kind?

244  
245 Lisa Stuckey: Also, you could have 22 flags. That's a sign.

246  
247 Michael Harvey: Again, I don't think that... You have a banner that has a kitten hanging from a tree in your garden,  
248 should I count that? I don't think I should.

249  
250 Paul Guthrie: I think limiting what you do with flags is probably a good idea. Because, for instance, you tell the  
251 counsel general or Guatemala that he can't fly the Guatemalan flag outside the consulate general's office. Of course  
252 not.

253  
254 Michael Harvey: Well that's a good example but it's a good example for a different reason. I would argue that when  
255 you have an embassy that's not technically regulated under local law anyway. It's covered in a diplomatic immunity.

256  
257 Paul Guthrie: It's immunity there but what do you say to a Quebec citizen who lives in Orange County and flies the  
258 Quebec Flag? What do you say to them? The only thing you can do is you're using content as the basis for your  
259 regulation.

260  
261 Kim Piracci: This is related to a question that keeps running through my head. Is there ever a problem with  
262 differentiating art and signage?

263  
264 Michael Harvey: I'm sure that there could be. What is it? If you have a piece of art that's meant to convey an  
265 advertising message, that's content, what's the purpose and intent of the structure? That's where we always get into  
266 a foul area of what do you do? And on page 36, you'll notice we've added the golden arches. The golden arches at

267 McDonald's are symbols and will be included in the computation of sign area. It's a brand. So we would say that's  
 268 part of the sign.

269  
 270 Paul Guthrie: Let me pose a similar thing. A couple of restaurants in Chapel Hill have commission on their walls  
 271 pieces of art that have a theme that makes you hungry and want to eat, outside, are they signs?

272  
 273 Michael Harvey: In my opinion it only becomes a sign if it says, "Eat at Spanky's" whereas if you paint a mural that  
 274 has this wonderful scene of people eating but Spanky's name isn't in it, I don't think it's a sign. It's a mural. It's art. I  
 275 don't think it ought to be regulated by this ordinance and I don't think the County has any business trying to do that.  
 276 What I have told businesses in Orange County is, you want to paint the side of your building, paint it as a mural and  
 277 do some intricate design. Great, go for it. What you can't do is exceed the sign allowance so if you have a 32 square  
 278 foot area where you say this that's fine because that's the sign limit, you just can't turn your whole side of your  
 279 building into a billboard because that's when I have to count the whole side of the building.

280  
 281 Lisa Stuckey: I do think within here there was one place that was very complicated. I think you lost track of which sub  
 282 a to sub b whatever and just want to encourage you to go through it very carefully.

283  
 284 Maxecine Mitchell: Have you spoke on community signs?

285  
 286 Michael Harvey: That's actually going to be covered, if you're doing a community/residential project like a subdivision  
 287 it's going to be covered under the non-residential project development because while it is a residential subdivision we  
 288 count it as a non-residential project. So they get that allowance for a freestanding sign for the entry and then all the  
 289 signage for internal, like park this way or remember that road/street signs are exempt, construction entrance is going  
 290 to be exempt because it's a directional sign. That's required by the County.

291  
 292 Lisa Stuckey: But why is it called non-residential?

293  
 294 Michael Harvey: Truly, it's either non-residential land uses or projects. A subdivision is a project. The individual  
 295 houses are residential development but the entity in and of itself is a project.

296  
 297 Tony Blake: What's the criteria for turning the thing over to a community board or homeowners association?

298  
 299 Michael Harvey: Well for me, once the subdivision is built out, the roads are in, and the subdivision's plated and here  
 300 it is, each individual lot is now going to be sold. It's each individual lot that falls to residential development and those  
 301 limitations. The subdivision in and of itself exists as an entity.

302  
 303 Paul Guthrie: Michael, how do you handle communities that have homeowner associations and don't have public  
 304 roads or signage?

305  
 306 Michael Harvey: Well, in this ordinance we've actually spelled out that if you're erecting street signs in a private  
 307 subdivision those are exempt because they serve a public safety purpose.

308  
 309  
 310  
 311

312 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS**

313 **A. Board of Adjustment**

314 None

315  
 316 **B. Orange County Transportation**

317  
 318 *Craig Benedict went over recent items from the OUTBoard and transportation division.*

319

320 Tony Blake: The one I was interested in was Orange Grove Road cutting through to 70, and that would take some of  
321 the pressure off Churton street in downtown Hillsborough.

322  
323 Craig Benedict: We're interested in the development that Hillsborough recently approved, Collin's Ridge, a thousand  
324 units that would be using that as the primary access point because that's the only... And they have to get additional  
325 right of way for that. We're trying to see if some contributions by the developer could accelerate that road.

326  
327 Paul Guthrie: Is the state still listing the train station...

328  
329 Craig Benedict: Yes, it's still on schedule. It's not 2017, I think it's 2019... That's an important link and if we can  
330 leverage all the money together it could accelerate that project. The developer of Colin's Ridge was going to make 8  
331 improvements on Churton by 2018 and 2022 Churton Street was going to be widened by DOT in 2023. And so our  
332 recommendations from the county were, why don't you take the money from the developer, give it to DOT and have  
333 them bring the whole project forward instead of .. And reconstruction and the waste of those 8 improvements... And  
334 we have a new finding that could make this even more feasible. They actually want to bend/change the curvature in  
335 that area and so what they could do is while they're building the new curvature which is shorter they can build the  
336 tunnel before they build the track on top of it which is a lot cheaper and it doesn't make the rail paranoid that you're  
337 tunneling underneath it in active traffic. That's something that we just got recently.

338  
339 Tony Blake: So one more question... I was reading today and I went to that meeting with the Chamber of Commerce  
340 in Chapel Hill and there was some talk about this, they used to call it the EDGE... And so is there any movement  
341 there in that joint planning area or is that still...

342  
343 Craig Benedict: It's Chapel Hill's decision... They changed. It was JPA but last year they turned to... They asked for  
344 comments from Orange County on that but the master plan developed had this wide range of approvals from 30%  
345 residential to 70% residential so the impacts for that wide range is quite a difference so we said 30% residential and  
346 70% non-residential tax base. It probably would be a good balance sheet for County purposes.

347 **AGENDA ITEM 9: ADJOURNMENT**

348  
349 Motion to adjourn made by Lisa Stuckey.

---

Lydia Wegman, Chair

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** April 6, 2016

**Action Agenda  
Item No. 7**

**SUBJECT:** Unified Development Ordinance (UDO) and Comprehensive Plan Amendments – O/I (Office/Institutional) Zoning District and Establishment of a New Permitted Use Type

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form</li> <li>2. Statement of Consistency</li> <li>3. Proposed Amendments</li> <li>4. Proposed Amendment Summary</li> <li>5. Draft April 4, 2016 Ordinance Review Committee Notes</li> </ol> | <p>Ashley Moncado, Planner II (919) 245-2589<br/>Craig Benedict, Director (919) 245-2575</p> |
|---|--|
- 

**PURPOSE:** To make a recommendation to the Board of County Commissioners (BOCC) on a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) and Comprehensive Plan regarding the O/I (Office/Institutional) Zoning District and establishment of a new permitted use type that would also be permitted in the Industrial Districts (I-1, I-2, and I-3).

**BACKGROUND:** Based on Board of County Commissioners' goals to promote economic sustainability through planning policies and orderly growth this amendment is proposed. In order to manage, accommodate, and review mixed use developments containing office, research, and manufacturing, the Planning Director has initiated a text amendment to the O/I (Office/Institutional) zoning district. The amendment proposes to:

- Rename the O/I (Office/ Institutional) zoning district to the O/RM (Office/Research and Manufacturing) zoning district.
- Allow for additional principal uses to be permitted by right in the modified O/RM district.
- Delete residential uses as a permitted use in the modified O/RM zoning district.
- Create a new permitted use type, Research and Manufacturing Facility, to allow for research facilities with advanced manufacturing operations in the modified O/RM and existing I-1, I-2, and I-3 (Industrial Light, Medium, and Heavy, respectively) zoning districts.

The proposed amendment was previously included as part of a combined amendment package with the secondary uses text amendment that is also on this agenda. Following a recommendation from the Orange County Attorney's Office, Planning staff separated the original amendment allowing for secondary uses to be presented as a second amendment package. This was recommended because the concept of secondary uses could be applied to a variety of zoning districts in the future. This original, combined item was presented for review and comment at the April 4, 2016 Ordinance Review Committee (ORC) meeting. Agenda materials

from that meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>. Draft summary notes from this meeting are included in Attachment 5. In addition, a public information meeting was held on April 20 to review the proposed amendments and accept public comment. No concerns about the proposal were expressed by attendees.

The Planning Department and Economic Development Departments have reviewed and discussed these amendments and find they further joint goals.

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. The table in Attachment 4 summarizes the proposed amendments to the Table of Permitted Uses.

These amendments are scheduled to be presented at the May 23 Quarterly Public Hearing.

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 FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**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 **May 23, 2016** Quarterly Public Hearing.

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

UDO / Zoning-2016-03

O/I (Office/Institutional) Zoning District

## A. AMENDMENT TYPE

### Map Amendments

Land Use Element Map:

From:

To:

Zoning Map:

From:

To:

Other:

### Text Amendments

Comprehensive Plan Text:

Section(s): Appendix F: Relationship Between Land Use Categories and  
Zoning Districts Matrix

UDO Text:

UDO General Text Changes

UDO Development Standards

UDO Development Approval Processes

Section(s): Section 3.4, *General Commercial Districts*  
Section 5.2, *Table of Permitted Uses*  
Section 6.4.3, *Noise*  
Section 6.4.4, *Vibrations*  
Section 6.8.6, *Land Use Buffers*  
Section 10.1, *Definitions*

Other:

## B. RATIONALE

### 1. Purpose/Mission

In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment related to the O/I (Office/Institutional) zoning district. The purpose of this amendment is to allow for

mixed use developments comprised of office, research, and manufacturing to be permitted by right on a parcel. An additional permitted use type would also be added to the modified O/RM zoning district and the existing I-1, I-2, and I-3 zoning districts.

## 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 order to accommodate and permit for new mixed use developments comprised of office, research, and manufacturing, the Planning Director is proposing to initiate a text amendment to the O/I (Office/ Institutional) zoning district. The amendment proposes to:

- Rename the O/I (Office/ Institutional) zoning district to the O/RM (Office/Research and Manufacturing) zoning district.
- Allow for additional principal uses to be permitted by right in the modified O/RM district.
- Delete residential uses currently permitted in the O/I zoning district.
- Create a new land use type, Research and Manufacturing, to allow for research facilities with advanced manufacturing operations in the O/RM, I-1, I-2, and I-3 zoning districts.

The Comprehensive Plan text amendment is necessary to ensure references to the current O/I (Office/Institutional) zoning district are modified to reflect the proposed O/RM (Office/Research and Manufacturing) zoning district.

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

### **Chapter 3: Economic Development Element - Section 3.5 Goals**

**Economic Development Overarching Goal:** Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

**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.

### **Chapter 5: Land Use Element - Section 5.6 Goals**

**Land Use Overarching Goal:** Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

**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 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, 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.

**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.

**Objective LU-3.1:**

Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

**4. New Statutes and Rules**

N/A

## C. PROCESS

**1. TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

March 22, 2016

- b. Quarterly Public Hearing

May 23, 2016

- c. BOCC Updates/Checkpoints

April 6 – Ordinance Review Committee (receive materials)

May 4 – Planning Board Recommendation (receive materials)

- d. Other

**2. PUBLIC INVOLVEMENT PROGRAM**

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

- a. Planning Board Review:

April 6, 2016 – Ordinance Review Committee

May 4, 2016 – Recommendation to the BOCC

b. Advisory Boards:  
 The proposed amendments were provided to the Economic Development Advisory Board for review and comment on April 5, 2016. No comments have been received.

c. Local Government Review:  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Notice Requirements  
 Consistent with NC State Statutes – legal ad prior to public hearing

e. Outreach:

General Public: A public information meeting was held on April 20, 2016 at the Efland-Cheeks Community Center from 6:00 p.m. to 7:30 p.m. to review the proposed amendments and accept public comment. Mailings were sent to property owners in the county who own property zoned as O/I (Office/Institutional) to inform them of the proposed amendment. An e-mail was sent to Efland-area residents who have previously attended meetings and provided an e-mail address. Additionally, the Efland-Mebane Small Area Plan Implementation Focus Group was notified of the meeting. Eleven people attended the meeting. No concerns about the proposal were expressed by attendees.

Small Area Plan Workgroup: \_\_\_\_\_

Other: \_\_\_\_\_

**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 FY2015-16 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**

Adoption of the proposed amendment will rename the existing O/I (Office/Institutional) zoning district to O/RM (Office/Research and Manufacturing) zoning district, allow for additional principal uses in the O/RM district, delete residential uses as a permitted use in the O/RM zoning district, and create a new land use type, Research and Manufacturing Facility. This amendment will allow for mixed use developments comprised of office, research, and manufacturing to be permitted by right on a parcel which will allow for a faster review process than would currently be required.

**E. SPECIFIC AMENDMENT LANGUAGE**

See Attachment 3

**Primary Staff Contact:**

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**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) regarding the O/I (Office/Institutional) Zoning District and establishment of a new permitted use type that would also be permitted in I-1, I-2, and I-3.

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.
- c. The amendment is consistent with applicable plans because it:

1. *Supports the following 2030 Comprehensive Plan goals and objectives:*

Chapter 3: Economic Development Element

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

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.

Chapter 5: Land Use Element

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

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 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, 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.

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.

Objective LU-3.1: Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

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

1. Supports and accommodates innovative and diverse economic development opportunities in the future.
2. Balances economic suitability with orderly, compact growth.
3. Promotes mixed use development in appropriate areas of the county served by water and sewer infrastructure which limits sprawl, protects the rural environment, and lessens land use conflicts.

The Planning Board of Orange County hereby adopts this Statement of Consistency and findings expressed herein.

---

Lydia N. Wegman, Chair

---

Date

## UNIFIED DEVELOPMENT ORDINANCE AND COMPREHENSIVE PLAN AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment regarding the existing O/I (Office/Institutional) Zoning District. The amendment package will modify Sections 3.4, 5.2, 6.4.3, 6.4.4, 6.8.6, and 10.1 of the Unified Development Ordinance (UDO) and Appendix F of the Comprehensive Plan.

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

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO and Comprehensive Plan.
- **Black Strikethrough Text:** Denotes existing text that staff is proposing to delete from the UDO and Comprehensive Plan.
- **\***: Denotes existing text that staff is proposing to delete from Section 5.2, *Table of Permitted Uses*, of the UDO.

Only those pages of the UDO and Comprehensive Plan 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 and Comprehensive Plan 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 modification.

**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 that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>. The full Comprehensive Plan is available at: [http://www.orangecountync.gov/departments/planning\\_and\\_inspections/2030\\_comprehensive\\_plan.php](http://www.orangecountync.gov/departments/planning_and_inspections/2030_comprehensive_plan.php).

<span style="font-size: 2em; font-weight: bold;">O/I O/RM</span> OFFICE / INSTITUTIONAL OFFICE / RESEARCH AND MANUFACTURING		DIMENSIONAL AND RATIO STANDARDS	
Lot Size, min. (square feet)	R [1]	None	
	NR NR-CU	5,000	
Lot Width, min. (feet)	R NR-CU	None	
	NR	50	
Front Setback from ROW, min. (feet)	R NR - CU	None	
	NR	25	
Side Setback, min. (feet)	R	None	
	NR	10 [2]	
	NR - CU	None [2]	
Rear Setback, min. (feet)	R	None	
	NR	10 [2]	
	NR - CU	None [2]	
Height, max. (feet)	35 [3]		
Floor Area Ratio, max.	R - CU NR	.40	
	NR-CU	.45	
Required Open Space Ratio, min.	.55		
Required Livability Space Ratio, min.	R-CU	.52	
Required Recreation Space Ratio, min.	R	.111	
	R-CU	.114	
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none	
	NR-CU	200,000/ none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05	
<b>O/I O/RM DISTRICT SPECIFIC DEVELOPMENT STANDARDS</b>			
1. Uses shall be restricted to those indicated for the O/I O/RM District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.			
2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.			
3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in			

- which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
  5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
  6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
  7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
  8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
  - ~~9. Normally, the maximum amount of land zoned to this district shall not exceed five acres.<sup>1</sup>~~
  10. The site shall be located near major transportation corridors and have access to adequate public roadway network.

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<sup>1</sup> Planning staff is proposing the removal of this standard in order to support larger economic development projects in the future.

**SECTION 5.2: TABLE OF PERMITTED USES**

**5.2.1 Table of Permitted Uses – General Use Zoning Districts**

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)																					
<b>AGRICULTURAL USES</b>																					
Agricultural Processing Facility ~																*		*	*	*	
Agricultural Processing Facility, Community ^	*	*								*	*					*		*			
Agricultural Services Uses													*			*					
Cold Storage Facility																A		*	*	*	
Community Farmers' Market ^	*	*								*	*	*	*			*					
Composting Operation, no grinding																A					
Composting Operation, with grinding ~																A					
Cooperative Farm Stand ^	*	*								*	*					*					
Equestrian Center		A																			
Farm Equipment Rental, Sales and Service ~													*	*		*		*	*	*	
Farm Supply Store										*	*	*	*			*					
Feed Mill ~																*		*	*		
Greenhouses with On Premises Sales ^		*									*	*	*	*		*					
Meat Processing Facility, Community ^	*	*								*	*					*		*			
Meat Processing Facility, Regional ~																A					
Non-Farm Use of Farm Equipment ^	*	*														*					
Stables, Commercial ~	B	B	B									B	B			B					
Stockyards / Livestock Markets ~																*					
<b>CHILD CARE &amp; EDUCATIONAL FACILITIES</b>																					

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! O/RM	AS	EI	I1	I2	I3
~ 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)																				
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*						
Libraries										*	*	*	*	*						
Non-Profit Educational Cooperative		A																		
Schools: Dance, Art & Music										*	*	*	*	*						
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A					A						
Schools: Vocational												*	*	*				*	*	
Universities, Colleges & Institutes	*	*	*									*	*	*						
<b>COMMERCIAL USES</b>																				
Banks & Financial Institutions										*	*	*	*	*						
Beauty & Barber Shops										*	*	*	*	*						
Country Store										*	*					*				
Drive In Theaters ~													*							
Funeral Homes ~												*	*							
Garden Center										*	*	*	*			*				
Hotels & Motels ~												*	*	*						
Junkyards ~													A					A	A	
Kennels, Class II ~ ^	B	B	B									B	B			B				
Laundry & Dry Cleaning Services										*	*	*	*	*						
Massage, Business of												*	*							
Microbrewery with Minor Events ^	B	B																B	B	B
Nightclubs, Bars, Pubs										*		*	*							
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*

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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)																					
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Sexually Oriented Businesses																			*	*	
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						±						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
<b>EXTRACTIVE USES</b>																					
Extraction of Earth Products ~		A															A		A	A	A

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! O/RM	AS	EI	I1	I2	I3
~ 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 USES																				
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Military Installations (National Guard & Reserve Army) ~											*	*	*	*	*					
MANUFACTURING, ASSEMBLY & PROCESSING																				
Assembly, and Packaging, and Distribution <sup>2</sup> Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*
Industrial, Heavy ~																				*
Industrial, Light ~															*		*	*	*	
Industrial, Medium ~																		*	*	
Microbrewery, production only ^	B	B													*			*	*	*
Printing & Lithography												*	*	*				*	*	*
Sawmills ~																*				
Winery, production only ^	B	B													*			*	*	*
MEDICAL USES																				
Health Services: Over 10,000 Sq. Ft. ~													*		*					
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*					
Hospitals ~													*		*					

<sup>2</sup> Modifications to this existing land use type are intended to clarify how distribution uses related to assembly and packing are classified in the table of permitted uses. The existing definition for assembly/packaging operations contained in Section 10.1 allows for merchandise distribution.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
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USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/ 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)																					
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
Veterinary Hospitals												*	*	*	*	*			*	*	
<b>RECREATIONAL USES</b>																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*		*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Recreational Facilities	B	B	B	B	B	B	B	B	B	B	B	*	*		B			*	*	*	
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
<b>RESIDENTIAL USES</b>																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*				*							
Dwelling; Multiple Family				*	*	*	*	*	*		*	*			*						
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*		*							
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*		*							
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~							A	A	A			A	A								
Rooming House						*	*	*	*						*						
<b>TELECOMMUNICATIONS</b>																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! 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)																						
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
<b>TEMPORARY USES</b>																						
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B							
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*																
<b>AUTOMOTIVE / TRANSPORTATION</b>																						
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*		*	*	*
Bus Terminals & Garages ~													*					*	*	*		
Motor Freight Terminals ~																		*	*	*		
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*								
Motor Vehicle Repair Garage ~												*	*									
Motor Vehicle Sales / Rental (New & Used)											*		*	*			*	*	*	*		
Motor Vehicle Services Stations										*	*	*	*	*								
Parking As Principal Use, Surface or Structure											*	*	*									
Petroleum Products: Storage & Distribution ~																		*	*	*		
Postal & Parcel Delivery Services												*	*		*							
<b>UTILITIES</b>																						
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B		B	B	B	B	B		B	B	B		
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	

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	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! 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)																					
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B			B	B	B	
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A
<b>WASTE MANAGEMENT</b>																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic~													A						A	A	
<b>MISCELLANEOUS</b>																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*		*									
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*						
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*			*					
Research and Manufacturing Facility															*			*	*	*	
Research Facility ~											*	*	*		*			*	*	*	

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USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! 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)																					
Research Lands & Installations, Non-profit																				*	
Rural Heritage Museum	B	B								B	B						B				
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

6.4.3 Noise

(A) General Standards

- (1) Sound levels shall be measured with an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.
- (2) All measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.
- (3) Impact Noises
  - (a) Impact noises are sounds that occur intermittently rather than continuously.
  - (b) Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10dba in excess of the figures listed in Table 6.4.3.B. This exception shall not apply from 7:00 pm to 7:00 am when the adjacent lot is used or zoned for residential purposes.
  - (c) The impact noise shall be measured using the fast response of the sound level meter.
- (4) Noise levels resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (5) Noise levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Zoning Districts

- (1) Within the LC-1, O-1, O/RM, EI, or I-1 district, no permitted Principal Use, Special Use or Accessory Use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.
- (2) The following table establishes the maximum permissible noise levels for permitted uses, special uses, conditional uses and accessory uses in the NC-2, CC-3, GC-4, EC-5, AS, I-2, I-3, and CZ districts:

TABLE 6.4.3.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS			
ZONING OF ADJACENT LOT OR TYPE OF USE IF CONDITIONAL OR "OTHER" DISTRICT	ZONING OF DEVELOPMENT SITE	NOISE LEVEL LIMITS [dBA] FOR GENERATING LAND USE	
		7:00 PM TO 7:00 AM	7:00 AM TO 7:00 PM
Residential	NC-2, I-2 [1]	50	60
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	50	60
Commercial	NC-2, I-2 [1]	60	65
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	65	70
Industrial	NC-2, I-2 [1]	65	70
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	70	75

NOTES:  
 [1] Measurements shall be taken at the boundary line of the zoning lot.  
 [2] Measurements shall be taken at the boundary line of the zoning district.

- (4) The values stated in Tables 6.4.4.B & 6.4.4.C may be multiplied by 2 for impact vibrations.
- (5) Vibrations resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (6) Vibration levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

**(B) Commercial, Industrial, and Conditional Districts**

- (1) No permitted Principal Use, Special Use or Accessory Use in LC-1, O/RM, EI, or I-1 districts may generate transmitted vibration that is perceptible to the human sense of touch, measured at the outside boundary of the structure occupied by the use generating the vibration.
- (2) No permitted Principal Use, Special Use, Conditional Use or Accessory Use in the NC-2, CC-3, GC-4, EC-5, I-2, I-3, and AS, and CZ districts may generate any ground transmitted vibration in excess of the limits set forth in the following table:

TABLE 6.4.4.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL DISTRICTS MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION		
ZONING OF ADJACENT LAND USE	ZONING OF DEVELOPMENT SITE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential	NC-2 & I-2 [1]	0.02
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
Non-residential	NC-2 & I-2 [1]	0.10
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
NOTES: [1] Measurements taken at the boundaries of the zoning district lot containing the use generating the vibrations. [2] Measurements taken at the zoning district boundaries		

**(C) Economic Development Zoning Districts**

**(1) Maximum Permitted Ground Transmitted Vibration**

TABLE 6.4.4.C: MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION	
RECEIVING LAND USE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential development	0.02
Non-residential development	0.10

**(2) Mitigation**

- (a) Design features used to mitigate vibration must be clearly identified on the site plan.
- (b) Applicants must provide documentation of the source and level of vibration, and the specific manner in which the design feature will reduce vibration to acceptable levels.

**TABLE 6.8.6.D: LAND USE BUFFERS**

		ZONING OR USE OF ADJACENT PROPERTIES											
		RB, AR, RI	R-2, R-3	R-4, R-5	R-8, R-13	MHP-CZ	Ø# O/RM, NC-2, LC-1	CC-3, GC-4, EC-5	EI, I-1, I-2, I-3, PID	INTERSTATE HIGHWAY	ARTERIAL STREET	COLLECTOR STREET	ACTIVE FARM/ AGRICULTURE
Zoning or Use of Subject Property	RB, AR, R1	-	A	A	B	F	E	F	F	F	E	B	B
	R-2 & R-3	A	-	A	B	F	D	F	F	F	D	B	B
	R-4 & R-5	A	A	-	B	F	C	E	E	F	C	B	B
	R-8 & R-13	B	B	B	-	F	B	D	D	F	C	B	B
	MHP-CZ	F	F	F	F	-	F	F	F	F	F	F	F
	Ø# O/RM, NC-2, LC-1	E	D	C	B	F	-	-	-	F	B	B	D
	CC-3, GC-4, EC-5	F	F	E	D	F	-	-	-	F	B	B	D
	EI, I-1, I-2, I-3, PID	F	F	E	E	F	-	-	-	F	B	B	D
AS, ASE-CZ	D	A	A	A	F	A	A	A	F	B	B	B	

Note: MPD-CZ buffers to be determined at time of approval.

**(E) Natural Buffers**

- (1) If there is existing, healthy, natural vegetation in the area of a required buffer, it must be preserved. If the vegetation is removed for any reason, other than in accordance with an approved landscape and tree preservation plan, the dimensions of the buffer shall be increased 50% and the number of required plantings shall be increased 50%.
- (2) The critical root zones of trees within the buffer must be protected if the applicant seeks credit for preservation of existing trees. For example, if a required buffer has a dimensional width of 30 feet, and the critical root zone extends beyond the 30 feet, the buffer will be extended to the edge of the critical root zone in the area around the tree.
- (3) If necessary, a natural buffer will be supplemented with additional plantings in order to meet the Constructed Buffers standards established herein.

**(F) Constructed Buffers**

- (1) If existing plantings are not sufficient to meet the buffer standards established in this Section, additional plantings shall be installed.
- (2) The plant units listed below will be considered comparable, and therefore interchangeable, as set forth below.
- (3) Option 2, Deciduous, shall not be permitted when the proposed use is non-residential and is proposed next to a residential district or use, unless employed with a wall, as set forth herein.

### Repetitive loss

Flood-related damages sustained by a structure on two separate occasions during any 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, or the tax value in the absence of recent comparative sales, of the structure before the damage occurred.

### Research and Manufacturing Facility

An enclosed structure which accommodates research and research applications as well as related light industrial uses. Facilities may include laboratories, offices, other facilities for research and development, and production facilities.

### Research Facility

An enclosed structure A facility which accommodates research and research applications. Facilities Such facilities may include laboratories, offices, and other facilities for research and development, as well as prototype production facilities for product creation. Prototype production shall be limited in scale to that necessary to fully analyze the merits of the product. ~~Facilities may be housed in multiple structures in a cohesive, campus-like design, provided all research and development activities are conducted wholly indoors.~~

### Reservoir, Class I

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.

### Reservoir, Class II

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.

### Residential Development

Buildings for residential use such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.

### Residential Floor Area

The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access.

Not countable as floor area are:

- a) Open terraces, patios, atriums, or balconies
- b) Carports, garages, breezeways, toolsheds
- c) Special-purpose areas for common use of occupants, such as recreation rooms of social halls
- d) Staff space for therapy or examination in care housing
- e) Basement space not used for living accommodations
- f) Any commercial or other non-residential space.

### Residential Land Area

All portions of a parcel or tract of land intended to support residential development of any classification (i.e. single-family, multi-family, etc), including accessory uses, and all land necessary to comply with the provisions of this Ordinance. With respect to subdivisions and Conditional District projects, this term shall be construed as including streets located entirely within the residential portion(s) of the development, common open space, lands accepted for dedication for public purposes, and accessory and commercial uses when developed as part of a mixed use development project.

### Residential Use

A use of property characterized by the use of a structure(s) for habitation by an individual, family, or group of unrelated individuals.

# 2030 Comprehensive Plan Amendments



## Appendix F: Land Use and Zoning Matrix

### Appendix F. Relationships Between Land Use Classifications and Zoning Districts

Per the Orange County Unified Development Ordinance, zoning districts are applied to Land Use classifications and overlays in accordance with this appendix. A matrix is provided at the end of this appendix that links the zoning districts to the land use classifications and overlays listed.

#### **TRANSITION LAND USE CLASSIFICATIONS**

##### **CHAPEL HILL AND CARRBORO TRANSITION**

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

##### **10-Year Transition**

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses, and Zoning Overlay Districts.

##### **20-Year Transition**

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses.

##### **COMMERCIAL TRANSITION ACTIVITY NODE**

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and ~~O/I (Office and Institutional)~~ **O/RM (Office/Research and Manufacturing)**.

##### **COMMERCIAL INDUSTRIAL TRANSITION ACTIVITY NODE**

Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed. The applied zoning districts include: I-1 (Light Industrial); I-2 (Medium Industrial); I-3 (Heavy Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3



## *Appendix F: Land Use and Zoning Matrix*

(Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).  
O/RM (Office/Research and Manufacturing).

### **ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE**

Identifies areas along major transportation corridors that may be in proximity to 10-Year or 20-Year Transition areas of the County which have been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning districts are EDB-1 (Economic Development Buckhorn Lower Intensity), EDB-2 (Economic Development Buckhorn Higher Intensity), EDE-1 (Economic Development Eno Lower Intensity), EDE-2 (Economic Development Eno Higher Intensity), EDH-1 (Economic Development Hillsborough Linear Office), EDH-2 (Economic Development Hillsborough Limited Office), EDH-3 (Economic Development Hillsborough Limited Office with Residential), EDH-4 (Economic Development Hillsborough Office), and EDH-5 (Economic Development Hillsborough Office/Flex).

### **RURAL LAND USE CLASSIFICATIONS**

#### **RURAL BUFFER**

Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

#### **RURAL RESIDENTIAL**

Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R-1 (Rural Residential).

#### **AGRICULTURAL RESIDENTIAL**

Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

#### **RURAL COMMUNITY ACTIVITY NODE**

Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

#### **RURAL NEIGHBORHOOD ACTIVITY NODE**

Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

#### **RURAL INDUSTRIAL ACTIVITY NODE**

Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I-1 (Light Industrial).

### **OVERLAYS**

#### **PUBLIC INTEREST AREA**

These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).



Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Overlays		ZONING DISTRICTS																							
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	04O/RM	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	ASE-CZ	MPD-CZ	MHP-CZ	
Transition	Chapel Hill Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement-																							
	Carrboro Transition	Contact appropriate Municipality for applicable Zoning Standards																							
	10-Year Transition			◆	◆	◆	◆														◆			◆	◆
	20-Year Transition			◆	◆	◆	◆														◆			◆	◆
	Commercial Transition Activity Node							◆	◆	◆	◆		◆								◆		◆	◆	
	Commercial-Industrial Transition Activity							◆	◆	◆	◆		◆	◆	◆	◆					◆		◆	◆	
	Economic Development Transition Activity Node																	◆			◆		◆		
Rural	Rural Buffer	◆																				◆		◆	
	Rural Residential			◆																		◆		◆	
	Agricultural Residential		◆																◆			◆		◆	
	Rural Community Activity Node							◆	◆													◆	◆		
	Rural Neighborhood Activity Node							◆	◆													◆			
	Rural Industrial Activity Node													◆								◆			
Overlay	Public Interest Area																				◆				

Amended 05-05-15

**Proposed Amendments to Section 5.2, Table of Permitted Uses**

	EXISTING STANDARDS	PROPOSED AMENDMENT
<b>COMMERCIAL USES</b>		
Hotels & Motels	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Tourist Home	Use currently permitted in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>		
Industrial, Light	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Microbrewery, production only	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Winery, production only	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
<b>MEDICAL USES</b>		
Health Services (Over 10,000 Sq. Ft.)	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
<b>RESIDENTIAL USES</b>		
Dwelling; Multiple Family	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Family Care Home	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Group Care Facility	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Rooming House	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
<b>UTILITIES</b>		
Elevated Water Storage Tanks	Use currently not permitted in the O/I Zoning District	Permitted in the modified O/RM Zoning District with an approved Class B Special Use Permit
<b>MISCELLANEOUS</b>		
Research and Manufacturing Facility		New use type to be permitted by right in the O/RM, I-1, I-2, and I-3 Zoning Districts.

**SUMMARY NOTES**  
**ORANGE COUNTY PLANNING BOARD**  
**APRIL 6, 2016**  
**ORDINANCE REVIEW COMMITTEE**

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

**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Kim Piracci, At-Large;

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Ashley Moncado, Special Projects Planner, Meredith Pucci, Administrative Assistant II

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

*Lydia Wegman called meeting to order and introduced new member, Kim Piracci.*

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND NEW PERMITTED USE TYPE TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING REVISIONS TO THE O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND ESTABLISHMENT OF A NEW PERMITTED USE TYPE.**

**PRESENTER:** ASHLEY MONCADO, SPECIAL PROJECTS PLANNER

Ashley Moncado reviewed abstract

Craig Benedict presented information on map

Tony Blake: So the part that would be OI or OI/RM is the green/gray place but not Buckhorn? And you would not want residential in there at all?

Craig Benedict: The mixed use that we're promoting in this we checked with economic development department, the mixed use their interested in is employment centers and possibly retail but, there's other land uses in the Efland area that allow for multi-family and even single family. So, right now we want to protect our economic development zones as much as possible for non-residential because if you allow a multi-family or a single family, which was allowed in some of our other uses, if they happen to be the first proposals to come in and they were permitted by right in many cases we most likely would allow them. And then when the business comes in we have residential people saying they don't want that business there, even though the intent of the economic development zone was for jobs. 95 percent of Orange County Planning jurisdiction allows residential, it's only about 5 percent within our power to focus on our economic development efforts, so we want to protect that from too much residential in that area.

Paul Guthrie: I have a basic question. How are you defining residential? I asked the question because I can think of a circumstance when a business that this area would be useful to be in might very well want to have a residential security manager or residential over-seerer for research or something like that where the residents would actually be on-site. How would you handle a situation like that?

52 Craig Benedict: We could allow that as an accessory use. We've had mini warehouses where they wanted an on-site  
53 resident and you could accommodate that as not a primary use but as an incidental and secondary use. And we can  
54 make sure that's allowed for big factories there might be some residential or over night component to it.  
55

56 Paul Guthrie: It just occurred to me that if you barred that completely it could give you a problem. On the other hand,  
57 if you allowed it then I think somebody could attack the whole principal on the basis.  
58

59 Craig Benedict: We're allowing hotels and motels, and someone might say that's residential but that's a commercial  
60 use.  
61

62 Michael Harvey: I would make the argument that's not a residential land use. The principal use of the property would  
63 be X and it's up to the applicant to justify, "I need this for this reason." and again I know we shouldn't be fixating on  
64 the examples but in that example that's what I would say; that it's not functioning as a residential development, there  
65 is a component but it's in support of the principal use which, let's say, is this research manufacturing unit.  
66

67 Lisa Stuckey: So if I drove through this, what would it look like?  
68

69 Craig Benedict: These would be more of a corporate park but, corporate parks and business parks and industrial  
70 parks have changed over the last 15-20 years. Our zoning, as evidence by office institutional, was very regimen. This  
71 is where you put your Class A office building, and then somewhere else you put your warehouse, and somewhere  
72 else you put your manufacturing, and somewhere else you have R&D. Now they don't do that anymore, they put  
73 everything in the same place. They'll have their clean office, they'll have their R&D Park they'll put it all together. This  
74 district will allow office, and research, manufacturing, and distribution. So, the buildings could be from 20,000 to  
75 100,000 square foot. So you could see a few of those buildings in there that have multiple activities. And by the  
76 secondary uses that are allowed means that somebody could come in with a business and say, "I don't see enough  
77 restaurants around here, how about if I bring as part of my master plan a Chili's with me?" and that's a bonus. When  
78 we were looking at another retail site, Cabella's, even though that was all retail they brought a hotel with them and a  
79 restaurant. We're definitely not having this as a retail focus, we're listing this stuff as secondary uses in there so we  
80 can keep that prime use as job based light industrial manufacturing.  
81

82 Lydia Wegman: Have we heard of any companies that are interested in this particular kind of land use? Or this is just  
83 to make us attractive to companies if one is interested?  
84

85 Craig Benedict: This is just to make us attractive. When the candy factory came, they was designated Office  
86 Institutional, and it did say manufacturing was okay... I'd say it's a relatively small fix, as you were mentioning some  
87 of the economic development zones, we need to go into there and take a look at the way the uses are fashioned in  
88 there too. This is not for any specific... The next project that you'll hear from Perdita Holtz, probably in the next month  
89 or so, is in the Hillsborough Economic Development. Because we have a joint agreement with Hillsborough we're  
90 trying to align both our joint land uses and the zoning categories that can go within that land use. And right now,  
91 they're all over the place.  
92

93 Tony Blake: I have a question. I read through this and I read the column and what it allows and accessory use and all  
94 that stuff and I came down to the automotive/transportation and because I'm sort of passionate about the way we're  
95 doing our transit and thinking that BRT is a good rapid transit solution. I noticed that it would allow a bus passenger  
96 shelter, which I view as one of these little cubicles by the side of the road, but not a bus terminal or garage. And Bus  
97 Rapid Transit has a raised platform appeal, especially in an area where there's a concentrated number of transit  
98 people. Would that be allowed in this zone?  
99

100 Craig Benedict: Well, we can make it. It does make sense. I think what they were thinking about was kind of a simple  
101 city bus terminal, so we can make sure that our bus stops and level platforms and all stuff could be allowed. Because  
102 we do have our bus service that is going very close to this zone, if not through it, and if we get some employment  
103 concentrations we will modify that transit system.  
104

105 Tony Blake: If you can. A lot of people live within walking distance, the least we could do is provide a good, raised  
106 platform sort of transit.

107  
108 Lisa Stuckey: What is raised platform?

109  
110 Tony Blake: The big slam against buses versus light rail is light rail you board and you walk directly from the platform  
111 onto the... without steps. But BRT actually has the ability to pull a bus in at a raised platform and where you are  
112 walking directly onto the bus, the same way you would walk onto a light rail train. And it's being deployed and it's a lot  
113 cheaper than light rail and more flexible. And the travel lane down Martin Luther King will actually be able to be used  
114 for emergency vehicles as well.

115  
116 *Ashely Moncado continued with the presentation*

117  
118 James Lea: What would that do to the property owners? Would that raise their taxes?

119  
120 Craig Benedict: No. The property taxes are based on the properties of a similar zoning category sell over time. So,  
121 putting even sewer on a piece of property eventually would raise the value of it but changing the uses would not  
122 automatically, until somebody determines that this new use list is better and therefore more valuable but, we're a  
123 couple years from where that would ever matriculate into higher values.

124  
125 Lisa Stuckey: It leads to the potential of higher value, so higher taxes.

126  
127 Paul Guthrie: It potentially... property is less and less areas available for residential, for example, outside of that  
128 district if someone wanted to sell their house in that they would have, potentially, a sale of their house that would  
129 raise as assess valuation in the next re-evaluation.

130  
131 Craig Benedict: We have examined which districts have residential and then they can remain... If they sell their  
132 residential property for office research manufacturing and they get more money for it at some point in the future,  
133 they'd love that.

134  
135 Paul Guthrie: But you can't keep them from selling it for another residential person.

136  
137 Craig Benedict: Probably not.

138  
139 Paul Guthrie: This is a far out thing but we're still in the area. I spent a good part of the afternoon reading about this  
140 other thing, the Supreme Court case, and these are the kinds of things you start getting trouble with down the road.

141  
142 Craig Benedict: One last thing about that, we addressed this in the Buckhorn EBB area. We asked the people if they  
143 would like the zoning rollback to residential one that would allow the house to be reconstructed and burned down or  
144 would you like it to remain Buckhorn District 2 that has higher value if you ever sell it, it was resounding to leave it  
145 EBB 2.

146  
147 Michael Harvey: One more thought in question when I read this. There's a demand right now. There's a lack of wet  
148 lab space in the area and this talks about laboratories, not limited laboratories, prototype production, general facilities  
149 but, wet labs sometimes have some pretty onerous stuff going on in them. Is there something that you would put in  
150 here to protect that or restrict that or change that? Basically, this is something I can see where somebody would want  
151 to come in and put in a wet lab and this thing they're dealing with some kind of biological agent or something like that  
152 and people go crazy, but it's permitted by right and so I'm just trying to air on the side of caution here and define what  
153 we're really...

154  
155 Craig Benedict: Two answers in there. There might be room to add something here. One is we tried not to legislate  
156 water consumption, even though there are some provisions in some of our economic development zones that talk  
157 about it, but it doesn't say that if you use over 1 galloon per square foot we're not going to allow you. So that's one

158 element we try not to legislate uses by the water they use but, admittedly in all of our economic development zones  
159 we have limitations on water use because there's just not a lot of water. In Hillsborough there's some water limitation,  
160 also in Eno. The bigger restriction is the sewer outfall that comes from it, that's where the restriction is. So with the  
161 sewer element of it there are some pre-treatment requirements that all utility providers have. And we could note that  
162 they must meet the environmental regulations of the utility. For example, Moronaga; there is a pre-treatment function  
163 so there's not high level organic matter that goes in the sewer that can create issues.

164  
165 Michael Harvey: I guess I was asking; is that covered somewhere else? Or because we're permitting this by right are  
166 we leaving the door open for a big...?

167  
168 Craig Benedict: I think either turn it into a policy, like a small area planning policy so that we have be aware in of that  
169 and I agree if you have something permitted by right you better have some way to have it black and white; it's okay  
170 by the site plan or it's not okay by the site plan. So, I'll work with Michael and Ashley on that to see if there's a way to  
171 keep that in mind.

172  
173 Michael Harvey: Also, remember that just because something is permitted by right, there are still regulatory  
174 permitting processes that we may say we could use... But using this example, if a local utility or even the state says  
175 you can't do what you're proposing in this manner.

176  
177 Tony Blake: But given what's going on in politics right now, relying on the EPA or the state for things like that might  
178 not be the wisest.

179  
180 Craig Benedict: The one area we may consider is some of those performance measurements. Vibration, glare, and  
181 soot; maybe we could have some sort of ALF sewer...

182  
183 Tony Blake: Yeah, or require them to contain whatever it is and dispose of it in some other way, elsewhere... What  
184 I'm worried about is somebody is going to come in here and do something that's potentially dangerous or harmful and  
185 not be properly regulated.

186  
187 Lydia Wegman: But as Michael says, the EPA or the state. They would have to have some kind of hazardous waste  
188 disposal or incineration permit in order to do that.

189  
190 *Ashley Moncado continued presentation.*

191  
192 Craig Benedict: And the last thing, if you have any more comments on this or any of the other Board Members have  
193 comments send them to Ashley and before the next meeting we'll try to answer them. So feel free to send Ashley  
194 some additional comments.

195  
196 **AGENDA ITEM 3:                   ADJOURNMENT**

197  
198 *Meeting was adjourned by consensus.*

4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 2) and proposed amendment package (Attachment 3) in time for the **May 23, 2016** Quarterly Public Hearing.

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: April 6, 2016

**Action Agenda  
Item No. 8**

**SUBJECT:** Unified Development Ordinance (UDO) Amendments – Secondary Uses

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form
2. Statement of Consistency
3. Proposed Amendments
4. Proposed Amendment Summary
5. Draft April 4, 2016 Ordinance Review Committee Notes

**INFORMATION CONTACT:**

Ashley Moncado, Planner II (919) 245-2589  
Craig Benedict, Director (919) 245-2575

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**PURPOSE:** To make a recommendation to the Board of County Commissioners (BOCC) on a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) establishing and permitting secondary uses in the UDO.

**BACKGROUND:** Currently, the UDO allows for accessory uses that are defined as customary and ancillary to the established principal use of a property in all zoning districts. For example, a proposed gas station may include a car wash as a permitted accessory use and be permitted by right in all applicable zoning districts. However, the UDO does not provide a similar by-right review process for proposed developments which include uses that may not be defined or viewed as customary or ancillary to the principal use. As a result, an office, research, and manufacturing business park which includes a restaurant primarily serving onsite employees could not be permitted by right in the O/RM zoning district. The O/RM zoning district is currently named the O/I (Office/Institutional) zoning district, but a separate amendment has been proposed to rename and modify the O/I zoning district. Instead the project would be required to follow either the Master Development Plan Conditional Zoning District (MDP-CZ) process or Conditional Use District process.

The purpose of this amendment is to establish secondary uses in the UDO and allow for specific uses, currently not permitted in the O/RM zoning district, to operate as secondary uses. Secondary uses are intended to primarily serve the needs of the business, facility, and employees involved in the principal use, however, they would be permitted to serve the general public therefore widening the demand market and strengthening the business model. These uses will be conducted only in conjunction with a specific permitted principal use (Industrial (Light), Research Facility, or Research and Manufacturing Facility) and be an incidental part of the total activity that takes place within a cohesive project. As a result, additional uses will be permitted in the O/RM district without overpowering the intended purpose of the district. In addition, the amendment will allow for a more efficient review process for future mixed use

developments. Minor revisions to existing accessory use standards are also proposed for clarification purposes.

The proposed amendment was previously included as part of a combined amendment package with the O/I text amendments that are also on this Planning Board agenda. Following a recommendation from the Orange County Attorney's Office, Planning staff separated the original amendment allowing for secondary uses to be presented as a second amendment package because the concept of secondary uses could be applicable to other zoning districts in the future. This amendment, in conjunction with the O/I text amendment, was approved as part of the original amendment form at the March 22 BOCC meeting. The original, combined amendment package was presented for review and comment at the April 4, 2016 Ordinance Review Committee (ORC) meeting. Agenda materials from that meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>. Draft summary notes from this meeting are included in Attachment 5. In addition, a public information meeting was held on April 20 to review the proposed amendments and accept public comment. No concerns about the proposal were expressed by attendees.

The Planning Department and Economic Development Departments have reviewed and discussed these amendments and find they further joint goals.

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. The table in Attachment 4 summarizes the proposed amendments to the Table of Permitted Uses.

These amendments are scheduled to be presented at the May 23 Quarterly Public Hearing.

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 FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**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 **May 23, 2016** Quarterly Public Hearing.

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

UDO / Zoning-2016-09

Secondary Uses

## A. AMENDMENT TYPE

### Map Amendments

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 3.4, *General Commercial Districts*  
Section 5.1.1, *Prohibited Uses*  
Section 5.2, *Table of Permitted Uses*  
Section 5.3, *Application of Use Standards*  
Section 5.5, *Standards for Residential Uses*  
Section 6.4, *Performance Standards*  
Section 6.11, *Outdoor Lighting*  
Section 10.1, *Definitions*

Other:

## 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 has initiated a text amendment related to secondary uses. The purpose of this amendment is to establish secondary uses in the UDO and allow for specific uses, currently not permitted in the O/RM zoning district, to operate as secondary uses

without overpowering the intended purpose of the district. A secondary use shall primarily serve the needs of the business, facility, and employees involved in the principal use, however, they will be permitted to serve the general public. These uses will be conducted in conjunction with a principal use and be an incidental part of the total activity that takes place within a cohesive project. Secondary uses will only be permitted in the O/RM zoning district when the principal use type of the overall project is Industrial (Light), Research Facility, or Research and Manufacturing Facility.

## **2. Analysis**

Currently, the UDO allows for accessory uses that are defined as customary and ancillary to the established principal use of a property in all zoning districts. For example, a proposed gas station may include a car wash as a permitted accessory use and be permitted by right in all applicable zoning districts. However, the UDO does not provide a similar review process for proposed developments that include uses that may not be defined or viewed as customary or ancillary to the principal use. As a result, an office, research, and manufacturing complex which includes a restaurant primarily serving onsite employees could not be permitted by right in the O/RM zoning district. Instead the project would be required to follow either the Master Development Plan Conditional Zoning District (MDP-CZ) process or Conditional Use District process.

The purpose of the amendment is to establish secondary uses in the UDO, allow for specific uses to operate as secondary uses in the O/RM zoning district, and provide a more efficient review of future mixed use developments. Minor revisions to existing accessory use standards are also being proposed for clarification purposes.

The proposed amendment was previously included as part of a combined amendment package with the O/I text amendments. Following a recommendation from the Orange County Attorney's Office, Planning staff separated the original amendment allowing for secondary uses to be presented as a second amendment package. This amendment, in conjunction with the O/I text amendment, was approved as part of the original amendment form at the March 22 BOCC meeting. The original amendment package was presented for review and comment at the April 4, 2016 Ordinance Review Committee (ORC) meeting.

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

### **Chapter 3: Economic Development Element - Section 3.5 Goals**

**Economic Development Overarching Goal:** Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

**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.

### **Chapter 5: Land Use Element - Section 5.6 Goals**

**Land Use Overarching Goal:** Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities

sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

**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 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, 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.

**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.

**Objective LU-3.1:**

Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

**4. New Statutes and Rules**

N/A

## C. PROCESS

**1. TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

March 22, 2016

- b. Quarterly Public Hearing

May 23, 2016

- c. BOCC Updates/Checkpoints

April 6 – Ordinance Review Committee (receive materials)

May 4 – Planning Board Recommendation (receive materials)

- d. Other

**2. PUBLIC INVOLVEMENT PROGRAM**

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

a. Planning Board Review:

April 6, 2016 – Ordinance Review Committee  
 May 4, 2016 – Recommendation to the BOCC

b. Advisory Boards:

The proposed amendments were provided to the Economic Development Advisory Board for review and comment on April 5, 2016. No comments have been received.

c. Local Government Review:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Notice Requirements

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

e. Outreach:

General Public: A public information meeting was held on April 20, 2016 at the Efland-Cheeks Community Center from 6:00 p.m. to 7:30 p.m. to review the proposed amendments and accept public comment. Mailings were sent to property owners in the county who own property zoned as O/I (Office/Institutional) to inform them of the proposed amendment. An e-mail was sent to Efland-area residents who have previously attended meetings and provided and e-mail address. Additionally, the Efland-Mebane Small Area Plan Implementation Focus Group was notified of the meeting. Eleven people attended the meeting. No concerns about the proposal were expressed by attendees.

Small Area Plan Workgroup:

Other:

**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 FY2015-16 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**

Adoption of the proposed amendment will establish secondary uses and allow for the review and permitting of these uses in the O/RM zoning district. As a result, mixed use developments which include a principal use type of Industrial (Light), Research Facility, or Research and Manufacturing Facility and permitted secondary uses will be permitted by right on a parcel allowing for a faster review process than would currently be required.

**E. SPECIFIC AMENDMENT LANGUAGE**

See Attachment 3

**Primary Staff Contact:**

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Planning Department

919-245-2589

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**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) in order to establish and permit secondary uses.

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.
- c. The amendment is consistent with applicable plans because it:
  1. *Supports the following 2030 Comprehensive Plan goals and objectives:*

Chapter 3: Economic Development Element

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

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.

Chapter 5: Land Use Element

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

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 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, 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.

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.

Objective LU-3.1: Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

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

1. Reduces barriers for future mixed use projects while expanding economic development opportunities in the county.
2. Balances economic suitability with orderly, compact growth.
3. Promotes mixed use development in appropriate areas of the county served by water and sewer infrastructure which limits sprawl, protects the rural environment, and lessens land use conflicts.

The Planning Board of Orange County hereby adopts this Statement of Consistency and findings expressed herein.

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Lydia N. Wegman, Chair

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Date

**UNIFIED DEVELOPMENT ORDINANCE AMENDMENT PACKET NOTES:**

The following packet details the proposed text amendment regarding the establishment and permitting of secondary uses. The amendment package will modify Sections 3.4, 5.1.1, 5.2, 5.3, 5.5, 6.4, 6.11, and 10.1 of the Unified Development Ordinance (UDO).

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

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO.
- **Black Strikethrough Text:** Denotes existing text that staff is proposing to delete from the UDO.
- **\***: Denotes existing text that staff is proposing to delete from Section 5.2, *Table of Permitted Uses*, of the UDO.

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 modification.

**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 that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>.

<span style="font-size: 2em; font-weight: bold;">O/I<sup>1</sup></span> <span style="font-size: 1.2em; font-weight: bold;">OFFICE / INSTITUTIONAL</span>		DIMENSIONAL AND RATIO STANDARDS	
<b>PURPOSE</b>	The purpose of the Office/Institutional (O/I) District is to provide locations for medium and high intensity office, service, institutional, and residential land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes.	Lot Size, min. (square feet)	R [1]      None
		Lot Width, min. (feet)	NR NR-CU      5,000
<b>APPLICABILITY</b>	This district will usually be applied where the following conditions exist:  1. Site is located in areas designated by the adopted Comprehensive Plan as Commercial Transition Activity Node or Commercial-Industrial Transition Activity Nodes.  2. Water and sewer mains are existing at the site or are to be made available during the development process.	Front Setback from ROW, min. (feet)	R NR - CU      None NR      25
		Side Setback, min. (feet)	R      None NR      10 [2] NR - CU      None [2]
<b>APPLICABILITY</b>	This district will usually be applied where the following conditions exist:  1. Site is located in areas designated by the adopted Comprehensive Plan as Commercial Transition Activity Node or Commercial-Industrial Transition Activity Nodes.  2. Water and sewer mains are existing at the site or are to be made available during the development process.	Rear Setback, min. (feet)	R      None NR      10 [2] NR - CU      None [2]
		Height, max. (feet)	35 [3]
<b>DIMENSIONAL STANDARDS NOTES:</b>  [1] R = residential, NR = non-residential, CU = conditional use. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.	Floor Area Ratio, max.	R - CU NR      .40 NR-CU      .45	
	Required Open Space Ratio, min.	.55	
	Required Livability Space Ratio, min.	R-CU      .52	
	Required Recreation Space Ratio, min.	R      .111 R-CU      .114	
	Gross Land Area, min./max. (square feet)	R-CU      5,000/ none NR-CU      200,000/ none	
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU      .05	
	<b>O/I DISTRICT SPECIFIC DEVELOPMENT STANDARDS</b>	<b>O/I DISTRICT SPECIFIC DEVELOPMENT STANDARDS</b>	
1. Uses shall be restricted to those indicated for the O/I District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.  2. <span style="color: red;">Secondary uses are permitted in the O/IM district when the principal use type of the overall project is Industrial (Light), Research Facility, or Research and Manufacturing Facility. Secondary uses, as indicated</span>	1. Uses shall be restricted to those indicated for the O/I District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.  2. <span style="color: red;">Secondary uses are permitted in the O/IM district when the principal use type of the overall project is Industrial (Light), Research Facility, or Research and Manufacturing Facility. Secondary uses, as indicated</span>		

<sup>1</sup> A separate text amendment has been proposed to change the name of the O/I zoning district to the O/IM zoning district.

- in Section 5.2, shall be limited to no more than 25% of the project's square footage.
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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
  3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
  4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
  5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
  6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
  7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
  8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
  9. Normally, the maximum amount of land zoned to this district shall not exceed five acres.
  10. The site shall be located near major transportation corridors and have access to adequate public roadway network.

## ARTICLE 5: USES

### SECTION 5.1: ESTABLISHMENT OF USE REGULATIONS

Except as otherwise provided herein, regulations governing the use of land and structures are hereby established as shown in the Table of Permitted Uses.

#### 5.1.1 Prohibited Uses

Uses of land or structures which are not expressly listed in the Table of Permitted Uses (Section 5.2), as Permitted Principal Uses, Permitted Accessory Uses, **Permitted Secondary Uses**, or Special Uses in a district are prohibited and shall not be established within that district.

#### 5.1.2 Uses Permitted As a Matter of Right

Within all districts the following uses are permitted as a matter of right:

- (A) Above ground and buried utility lines for local distribution of electricity, telephone, and cable television service, accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes.
- (B) Cabinetized telephone and/or fiber optic equipment associated with the local distribution of services. Setbacks from the right-of-way for such equipment may be reduced to 20 feet in the Agricultural Residential, Rural Residential and Rural Buffer zoning districts provided that the equipment is screened from view by landscape materials.
- (C) Bona fide farms.
- (D) Buildings and other temporary structures used in connection with the construction of a permanent building. (See Section 5.4.4).
- (E) Neighborhood utility facilities located within a public right of way with the permission of the owner of the right of way (State, City or Town).
- (F) Off street parking as a required accessory use to a permitted use.
- (G) Public and private streets and roads. Railroad rights of way.
- (H) Water and sanitary sewer lines, gas and liquid fuel distribution lines.
- (I) Telephone exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations. (See Section 5.9.1).
- (J) Electrical substations, switching and metering stations and associated transmission lines, where incoming voltage does not exceed 100 kilovolts (kv). (See Section 5.9.2).
- (K) Solid waste collection facilities owned and operated by a public agency for the purpose of disposal of household waste by Orange County residents. (See Section 5.11.1).
- (L) Borrow pits (including reclamation by landfilling) associated with a State or Federal highway project. (See Section 5.12.1).

#### 5.1.3 Special Uses

- (A) It is the intention of the Board of County Commissioners to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.
- (B) The Board of County Commissioners is aware of its responsibility to protect the public health, safety and general welfare and believe that certain uses which now or in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

**SECTION 5.2: TABLE OF PERMITTED USES**

**5.2.1 Table of Permitted Uses – General Use Zoning Districts**

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	OI	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) + Use may be permitted as a secondary use																					
<b>AGRICULTURAL USES</b>																					
Agricultural Processing Facility ~																*		*	*	*	
Agricultural Processing Facility, Community ^	*	*								*	*					*		*			
Agricultural Services Uses													*			*					
Cold Storage Facility																A		*	*	*	
Community Farmers' Market ^	*	*								*	*	*	*			*					
Composting Operation, no grinding																A					
Composting Operation, with grinding ~																A					
Cooperative Farm Stand ^	*	*								*	*					*					
Equestrian Center		A																			
Farm Equipment Rental, Sales and Service ~													*	*		*		*	*		
Farm Supply Store										*	*	*	*			*					
Feed Mill ~																*		*	*		
Greenhouses with On Premises Sales ^		*									*	*	*	*		*					
Meat Processing Facility, Community ^	*	*								*	*					*		*			
Meat Processing Facility, Regional ~																A					
Non-Farm Use of Farm Equipment ^	*	*														*					
Stables, Commercial ~	B	B	B									B	B			B					
Stockyards / Livestock Markets ~																*					
<b>CHILD CARE &amp; EDUCATIONAL FACILITIES</b>																					

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																				
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~ 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) + Use may be permitted as a secondary use																					
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*						
Libraries										*	*	*	*		*						
Non-Profit Educational Cooperative		A																			
Schools: Dance, Art & Music										*	*	*	*	*	*						
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A						
Schools: Vocational												*	*		*				*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*						
<b>COMMERCIAL USES</b>																					
Banks & Financial Institutions										*	*	*	*	*	+						
Beauty & Barber Shops										*	*	*	*	*	+						
Country Store										*	*					*					
Drive In Theaters ~													*								
Funeral Homes ~												*	*								
Garden Center										*	*	*	*			*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B			B					
Laundry & Dry Cleaning Services										*	*	*	*	*	+						
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*		+						
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
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~ 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) + Use may be permitted as a secondary use																					
Offices & Personal Services, Class 3												*	*		*					*	
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*		+					
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*		+					
Retail, Class 1										*	*	*	*	*		+					
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Sexually Oriented Businesses																			*	*	
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*												
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
<b>EXTRACTIVE USES</b>																					
Extraction of Earth Products ~		A															A		A	A	A
<b>GOVERNMENTAL USES</b>																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			*	*	*	*

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
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	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	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) + Use may be permitted as a secondary use																						
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*		
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*							
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>																						
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*		
Industrial, Heavy ~																				*		
Industrial, Light ~																	*	*	*	*		
Industrial, Medium ~																		*	*	*		
Microbrewery, production only ^	B	B																*	*	*		
Printing & Lithography												*	*	*	+			*	*	*		
Sawmills ~																*						
Winery, production only ^	B	B																*	*	*		
<b>MEDICAL USES</b>																						
Health Services: Over 10,000 Sq. Ft. ~													*									
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*							
Hospitals ~													*		*							
Veterinary Clinic		B								*	*	*	*	*	+	*		*	*	*		
Veterinary Clinic, mobile		B	B							*	*	*	*	*	+	*		*	*	*		
Veterinary Hospitals												*	*	*	*	*		*	*	*		
<b>RECREATIONAL USES</b>																						
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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	OI	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) + Use may be permitted as a secondary use																					
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Recreational Facilities	B	B	B	B	B	B	B	B	B	B	B	*	*		B			*	*	*	
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
<b>RESIDENTIAL USES</b>																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*			*							
Dwelling; Multiple Family				*	*	*	*	*	*		*	*			*						
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*		*							
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*									
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~								A	A	A			A	A							
Rooming House						*	*	*	*						*						
<b>TELECOMMUNICATIONS</b>																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<b>TEMPORARY USES</b>																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						

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	OI	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) + Use may be permitted as a secondary use																					
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
<b>AUTOMOTIVE / TRANSPORTATION</b>																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								
Motor Vehicle Sales / Rental (New & Used)											*	*	*	*			*	*	*	*	
Motor Vehicle Services Stations										*	*	*	*	*							
Parking As Principal Use, Surface or Structure											*	*	*								
Petroleum Products: Storage & Distribution ~																		*	*	*	
Postal & Parcel Delivery Services												*	*		*						
<b>UTILITIES</b>																					
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B		B	B	B		B		B	B	B	
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B	
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
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~ 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) + Use may be permitted as a secondary use																					
<b>WASTE MANAGEMENT</b>																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic~													A						A	A	
<b>MISCELLANEOUS</b>																					
<del>Accessory Uses<sup>2</sup></del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*		*									
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*						
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*			*					
Research Facility ~											*	*	*		*			*	*	*	
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

<sup>2</sup> Planning staff is proposing the removal of accessory uses from Section 5.2 since they are not intended as a principal use type.

## SECTION 5.3: APPLICATION OF USE STANDARDS

### 5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.17 establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts. **Principal use standards can be found in Section 6.2.5 and 6.2.6.<sup>3</sup>**

### 5.3.2 Special Uses

#### (A) General Standards

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

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

#### (B) Specific Standards

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

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

#### (C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD

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

<sup>3</sup> Planning staff is proposing the text above as a user friendly addition directing readers to other sections of the UDO related to principal uses.

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

### 5.3.3 Accessory Uses<sup>4</sup>

#### (A) General Standards of Evaluation

- (1) Accessory uses shall be conducted in conjunction with a permitted principal use.
- (2) Accessory uses shall not be located in any required front yard and shall comply with all dimensional and ratio standards for the district in which the accessory use is located.

<sup>4</sup> Currently located in Section 5.5.1. Staff has determined this is a more appropriate location.

**5.3.4 Secondary Uses**

**(A) General Standards of Evaluation**

- (1) Secondary uses, as indicated in Section 5.2, shall be conducted in conjunction with a permitted principal use.
- (2) Permitted principal use types of the overall project in the O/RM zoning district must be Industrial (Light), Research Facility, or Research and Manufacturing Facility.
- (3) Secondary uses shall be limited to no more than 25% of the project's overall square footage and shall be an incidental part of the total activity that takes place within a cohesive project.
- (4) Shall comply with all dimensional and ratio standards for the district in which the secondary use is located.

**SECTION 5.4: STANDARDS FOR TEMPORARY USES**

**5.4.1 Yard Sale**

**(A) General Standards for Evaluation**

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

**5.4.2 Temporary Fund Raising Activity**

**(A) General Standards for Evaluation**

- (1) Temporary fund raising activities are permitted in accordance with the Table of Permitted Uses provided that these activities do not exceed two days per month.

**5.4.3 Special Events**

**(A) Arts and Cultural Special Events**

- (1) All arts and cultural special events organized, conducted, and affiliated with a 501(c)(3) nonprofit organization or government entity, for example the annual Orange County Open Studio Tour, shall be exempt from the special event review and permitting process.

**(B) General Standards of Evaluation**

- (1) The application shall include a written description of the type of event planned, the number of participants for any single event, the frequency of the events, the anticipated hours of operation, the potential dates for the events, and the method and adequacy of sewage disposal, recycling and waste disposal, access, parking, lighting, and signage;
- (2) The plot plan shall be accompanied by written approval from the Orange County Division of Environmental Health regarding the adequacy of the water-supply and wastewater disposal;
- (3) The plot plan shall have written approval from the Orange County Fire Marshal;
- (4) The applicant shall submit a copy of notification sent to the Orange County Sheriff's Department stating the type of events, number of participants, date(s) and hours of operation, and emergency contact information. A location map must be attached to the notice provided to the Sheriff;
- (5) Lot size shall be adequate to accommodate all proposed activities including safe vehicular and pedestrian circulation;

- (2) Prior to placement of the temporary residential mobile home on-site 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.
- (3) The temporary residential mobile home must be removed within 90 days of receipt of the certificate of occupancy for the on-site residence.

#### 5.4.5 Buildings for Temporary Use

##### (A) Standards for Class B Special Use Permit

###### (1) Submittal Requirements –

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Site plan showing all existing and proposed structures on the site, existing and proposed topography at a contour interval of five feet, existing and proposed landscaping, parking areas, access points, any officially designated flood plains, and other site details.
- (b) A description of the exterior materials, color and construction details.
- (c) Statement of proposed use and length of time building will be in use.

###### (2) Standards of Evaluation –

- (a) The temporary building shall not be used for residential purposes.
- (b) The temporary building shall not be used by operations offering drive-in services.
- (c) The use of the building shall be only for the period of time specified and for the use specified.
- (d) The proposed use is a permitted use in the district in which it is located.

## SECTION 5.5: STANDARDS FOR RESIDENTIAL USES

### 5.5.1 Accessory Structures and Uses<sup>5</sup>

#### (A) General Standards of Evaluation

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

### 5.5.2 Efficiency Apartment

#### (A) General Standards of Evaluation

- (1) There shall be no more than one efficiency apartment, whether detached or attached, on any lot.

<sup>5</sup> Based on the proposed amendment, language related to accessory uses from Section 5.5.1 will be modified and moved to Section 5.3.

**6.3.5 Recreation Space**

- (A) The minimum recreation space required shall not be less than the number of square feet derived by multiplying gross residential land area by the recreation space ratio (RSR) applying to the zoning district, as established in Article 3 of this Ordinance.

**6.3.6 Pedestrian / Landscape Space**

- (A) The minimum pedestrian / landscape space shall not be less than the number of square feet derived by multiplying gross land area by the pedestrian/landscape ratio (PLR) applying to that zoning district, as established in Article 3 of this Ordinance.

**SECTION 6.4: PERFORMANCE STANDARDS**

**6.4.1 Applicability**

- (A) After the effective date of this Ordinance, any use established or changed to, and any building structure, or land developed, constructed or used for, any permitted principal use, special use, or conditional use, shall comply with all of the performance standards herein set forth for the district involved.
- (B) The performance standards contained herein shall apply in commercial, industrial, economic development, and conditional districts.
- (C) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.
- (D) Within 24 months of the effective date of this Ordinance, all presently existing uses of lands, buildings or other structures shall comply with the performance standards as herein set forth for the district subject to performance standards.

**6.4.2 Electrical Disturbance or Interference**

**(A) Commercial, Industrial, and Conditional Zoning Districts**

No Permitted Use, Special Use, Conditional Use, ~~or~~ Accessory Use, or Secondary Use shall:

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- (2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**(B) Economic Development Zoning Districts**

- (1) No use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and general welfare or interferes with the operation, equipment, or radio, television and/or telephone reception, beyond the boundaries of the lot on which the activity is conducted.
- (2) All establishments conducting uses, activities or processes which generate electric and/or magnetic fields are expected to comply with applicable Federal Communications Commission (FCC) regulations. Copies of all required FCC permits, including any conditions for reporting and monitoring, must be submitted with the comprehensive site development plan.
- (3) In the Hillsborough Economic Development District, residential development shall be discouraged near high voltage transmission lines.

6.4.3 Noise

(A) General Standards

- (1) Sound levels shall be measured with an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.
- (2) All measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.
- (3) Impact Noises
  - (a) Impact noises are sounds that occur intermittently rather than continuously.
  - (b) Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10dba in excess of the figures listed in Table 6.4.3.B. This exception shall not apply from 7:00 pm to 7:00 am when the adjacent lot is used or zoned for residential purposes.
  - (c) The impact noise shall be measured using the fast response of the sound level meter.
- (4) Noise levels resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (5) Noise levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Zoning Districts

- (1) Within the LC-1, O-I, EI, or I-1 district, no permitted Principal Use, Special Use, or Accessory Use, or Secondary Use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.
- (2) The following table establishes the maximum permissible noise levels for permitted uses, special uses, conditional uses, and accessory uses, and secondary uses in the NC-2, CC-3, GC-4, EC-5, AS, I-2, I-3, and CZ districts:

TABLE 6.4.3.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS			
ZONING OF ADJACENT LOT OR TYPE OF USE IF CONDITIONAL OR "OTHER" DISTRICT	ZONING OF DEVELOPMENT SITE	NOISE LEVEL LIMITS [dBA] FOR GENERATING LAND USE	
		7:00 PM TO 7:00 AM	7:00 AM TO 7:00 PM
Residential	NC-2, I-2 [1]	50	60
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	50	60
Commercial	NC-2, I-2 [1]	60	65
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	65	70
Industrial	NC-2, I-2 [1]	65	70
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	70	75

NOTES:  
 [1] Measurements shall be taken at the boundary line of the zoning lot.  
 [2] Measurements shall be taken at the boundary line of the zoning district.

- (4) The values stated in Tables 6.4.4.B & 6.4.4.C may be multiplied by 2 for impact vibrations.
- (5) Vibrations resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (6) Vibration levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

**(B) Commercial, Industrial, and Conditional Districts**

- (1) No permitted Principal Use, Special Use, or Accessory Use, or Secondary Use in LC-1, O/I, EI, or I-1 districts may generate transmitted vibration that is perceptible to the human sense of touch, measured at the outside boundary of the structure occupied by the use generating the vibration.
- (2) No permitted Principal Use, Special Use, Conditional Use, or Accessory Use, or Secondary Use in the NC-2, CC-3, GC-4, EC-5, I-2, I-3, and AS, and CZ districts may generate any ground transmitted vibration in excess of the limits set forth in the following table:

TABLE 6.4.4.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL DISTRICTS MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION		
ZONING OF ADJACENT LAND USE	ZONING OF DEVELOPMENT SITE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential	NC-2 & I-2 [1]	0.02
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
Non-residential	NC-2 & I-2 [1]	0.10
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
NOTES: [1] Measurements taken at the boundaries of the zoning district lot containing the use generating the vibrations. [2] Measurements taken at the zoning district boundaries		

**(C) Economic Development Zoning Districts**

**(1) Maximum Permitted Ground Transmitted Vibration**

TABLE 6.4.4.C: MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION	
RECEIVING LAND USE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential development	0.02
Non-residential development	0.10

**(2) Mitigation**

- (a) Design features used to mitigate vibration must be clearly identified on the site plan.

- (b) Applicants must provide documentation of the source and level of vibration, and the specific manner in which the design feature will reduce vibration to acceptable levels.

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#### 6.4.5 Air Pollution

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**(A) General Standards**

- (1) Any Permitted Principal Use, Special Use, Accessory Use, **Secondary Use**, or Conditional Use that emits any "air contaminant", as defined in G.S. 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.
- (2) No zoning compliance permit or building permit shall be issued with respect to any development covered by Subsection (1) until the State Division of Environmental Management has certified to the Planning Director that the appropriate State permits have been received by the applicant (as provided in G.S. 143-215.108) or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution control regulations.

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#### 6.4.6 Disposal of Liquid Wastes

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- (A) No permitted use in any district shall discharge any waste contrary to the provisions of N.C.G.S. 130A (Provisions for Sanitary Sewage Disposal).
- (B) No Permitted Principal Use, Special Use, Accessory Use, **Secondary Use**, or Conditional Use in any district shall discharge into the OWASA, Durham or Hillsborough sewage treatment facilities any waste that cannot be adequately treated by biological means.

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#### 6.4.7 Hazardous Materials

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**(A) General Standards**

Each permitted use, special use, accessory use, **secondary use**, and conditional use is required to comply with all applicable federal, state, and local rules and regulations governing the storage, use, and disposal of hazardous materials.

**(B) Additional Standards in Economic Development Districts**

- (1) Each site plan must be accompanied by a Hazardous Materials Management Plan (HMMP) consisting of the following information:
  - (a) A Materials Safety Data Sheet (MSDS) which lists the specific hazardous substances that a facility is handling and details its known health impacts, physical properties, and appropriate protective measures. a separate MSDS form must be submitted for each hazardous substance handled.
  - (b) A Tier Two form which indicates the precise location and quantity of hazardous materials within a plant or place of business.
  - (c) Building and site plans which indicate the precise location and quantity of hazardous materials.
- (2) An Environmental Assessment will be required for any use or facility which qualifies as a small or large generator of hazardous waste as defined by the N.C. Department of Environment and Natural Resources.
- (3) Any use or facility which is involved in the long-term storage or disposal of hazardous wastes will be required to submit a full Environmental Impact Statement.
- (4) Documentation must be provided as part of the HMMP confirming the following:

- (a) That hazardous wastes are being sent to an approved hazardous waste recycling, storage, treatment or disposal facility,
- (b) That an EPAID number has been obtained,
- (c) That only authorized transporters are used, and
- (d) That on-site storage is limited to 180 days (or up to 270 days if the waste is to be transported more than 200 miles).

#### 6.4.8 Utilities

##### (A) Economic Development Districts

- (1) Each permitted use, special use, ~~and~~ accessory use, and secondary use to be served by a public or private water or sewer system must be:
  - (a) Designed, sized, and constructed to the standards of the utility provider; and
  - (b) Assured of installation of such services at the time it is approved.
- (2) Each MPD-CZ Master Plan and site plan must be accompanied by documentation from the utility provider that it has reviewed and approved:
  - (a) Preliminary plans for the proposed water and/or sewer lines;
  - (b) The adequacy of the existing system(s) to which the connections(s) will be made;
  - (c) The capacity of the existing water and sewer treatment facilities;
  - (d) The carrying capacity of the discharge stream or discharge point; and
  - (e) The method of funding proposed extensions of water and sewer lines.
- (3) The approval by the utility provider must in the form of a resolution or other agreement adopted by its board of directors or governing board and must also contain a certification that service to the development project is authorized by any water management plan and discharge permit in effect at the time of approval.
- (4) Installation
  - (a) The location and size of easements for water and/or sewer lines must be approved by and dedicated in the form of a deed of easement to the utility provider.
  - (b) Where cuts in existing streets are made for water and/or sewer work, all cutting, backfilling, and paving shall be done in accordance with N.C. Department of Transportation and/or municipal specifications and procedures.
- (5) Water Use Limitations

Because of the size or remaining excess capacity of treatment plants for some utility providers, uses which require large quantities of water for manufacturing and/or processing operations will require the review and approval of the Board of County Commissioners as a Conditional Use District or CZ District in accordance with the following:

  - (a) Applicants for approval of a comprehensive site development plan must submit documented data for the proposed use or a comparable facility which justifies the projected water consumption rates.
  - (b) If the projected water consumption rates exceed 30,000 gallons per day, the applicant will be required to obtain development approval as a Conditional Use District or CZ District as established in this Ordinance.

**6.4.9 Solid Waste**

**(A) MPD-CZ and Economic Development Districts**

The following general provisions are applicable to MPD-CZ applications and each permitted use, special use, accessory use, **secondary use**, and conditional use in Economic Development Districts:

- (1) All uses and activities must provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities must be convenient to collection and must be appropriate to the type and size of use or activity being served.
- (2) All solid waste and recyclables storage facilities must be screened in accordance with Sections 6.4 and 6.8. of this Ordinance.
- (3) All uses and activities must remove recyclable materials from the solid waste generated and make them available for recycling. Recyclable materials, consisting of glass, metal cans, plastic containers, corrugated cardboard and white office paper, newspapers, and motor oil, must not be mixed with or disposed of with other solid waste.
- (4) All uses and activities shall remove or cause to be removed all solid wastes from the site or property before harborage of such waste creates a health hazard.
- (5) Each Master Plan and site plan must be accompanied by Solid Waste Management Plan, including a recycling plan and a plan for the management of construction and land clearing debris. The recycling plan must provide information regarding the type and quantity of recyclable materials generated each month, and the facilities to be provided for collection and storage. Management plans for construction and land clearing debris must identify the type and quantity of debris as well as its disposal location.

**6.4.10 Service & Outdoor Storage**

**(A) General Standards**

- (1) Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.
- (2) Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted to the front of a building.
- (3) If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.

**(B) Additional Standards in Economic Development Districts**

- (1) Exterior storage for materials, supplies, and equipment may only be located at the side or rear of a building and only in totally enclosed screened areas. Exterior storage areas must never be located to the front of any building unless screened from view through the use of fencing, walls and/or landscaping, in accordance with Section 6.8 of this Ordinance.
- (2) Ground level mechanical equipment such as air conditioning equipment, satellite dishes, utility meters and boxes, and tower type antennas (15 feet or less in height) must be screened from view through the use of landscaping, walls and/or fencing.

- (3) Any light fixture must be placed in such a manner that no lamp surface is visible from any residential area or public/private roadway.

**(B) Lighting for Vehicular Canopies**

In addition to the general standards established in this Section, lighting for vehicular canopies shall comply with the following standards:

- (1) Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot-candles (fc). Areas outside the vehicular canopy shall be regulated by Section 6.11.6.
- (2) Acceptable lighting methods include one or more of the following:
  - (a) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
  - (b) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself so that light is restrained to five degrees or more below the horizontal plane.
  - (c) Surface mounted fixture incorporating a flat glass that provides a semi-cutoff fixture or shielded light distribution.
  - (d) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

**(C) Outdoor Sports Field/Outdoor Performance Area:**

**(1) Purpose and Intent**

Outdoor sports field/performance area lighting serves a unique and specific purpose. The goal of such lighting is to provide performers adequate light to engage in approved activities at night and provide sufficient light levels allowing spectators to witness the activity.

The goal of these regulations is to allow for reasonable development and use of such lighting fixtures while attempting to mitigate potential ancillary impacts on adjacent property owners.

**(2) Standards**

In addition to the general standards established in this Section, Outdoor Sports Field/Outdoor Performance Area lighting shall comply with the following standards:

- (a) Outdoor Sports Field/Outdoor Performance Area lighting shall only be allowed for those principal, and accessory uses, and secondary uses needing such fixtures to properly function as intended during evening hours.
- (b) Maximum Height
  - (i) Within the urbanizing areas of the County, as defined herein, there shall be a limit on the allowable height of such fixtures to 100 feet.
  - (ii) In rural areas of the County as defined herein, there shall be a limit on the allowable height of such fixtures to 90 feet.
- (c) All outdoor sports field and outdoor performance area lighting fixtures shall be full cutoff fixtures and shall be equipped with a glare control package (louvers, shields, or similar devices). If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers one.

establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Class B SUP)

- C. **Country Inn:** A business, which offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guestrooms may range from four to no more than 24. The restaurant shall contain no more than 60 seats. (Class A SUP)

### Rural Heritage Museum

A facility which stores and exhibits objects of historical, agricultural, and/or cultural interest for the purpose of educating the public about the rural heritage of Orange County and surrounding areas.

### Rural Industrial Activity Node

Land focused on designated road intersections which serves as a nodal crossroads for the surrounding rural community and is an appropriate location for small-scale industrial uses which do not require urban type services.

### Rural Neighborhood Activity Node

Land focused on designated road intersections within a Rural or Agricultural Residential area that is appropriate for small-scale commercial uses.

### Rural Residential Land

Land in the rural areas of the County that is an appropriate location for low intensity and low density residential development which are not dependent on urban services.

### Rural Special Event

A temporary or seasonal commercial activity that occurs on a bona fide farm and which is expected to attract more than 20 people at any given time.

### Salvage yard

Property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or non-commercial, and including but not limited to vehicles, appliances and related machinery.

### Saw Mill

A facility where off-site logs or timber are sawn, planed or otherwise processed into lumber or other wood products; not including the processing of timber for use on the same parcel of property.

### Secondary Use

A use, identified in the Table of Permitted Uses, that primarily serves and supports the needs of a permitted principal use, is conducted in conjunction with a permitted principal use, and is an incidental part of the total activity that takes place within a cohesive project.

### Semi-Cutoff Fixture

An outdoor fixture shielded or constructed in such a manner that it emits no more than 5% of its light above the horizontal plane of the fixture, and no more than 20% of its light ten degrees below the horizontal plane of the fixture.

### Septic System, Alternative

Any approved ground absorption sewage treatment and disposal system other than an approved privy or an approved septic tank system.

### Septic Tank System

A subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.

### Setback

Yard space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward, except as specifically provided

**Proposed Amendments to Section 5.2, Table of Permitted Uses**

	EXISTING STANDARDS	PROPOSED AMENDMENT
<b>COMMERCIAL USES</b>		
Banks & Financial Institutions	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Beauty & Barber Shops	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Laundry & Dry Cleaning Services	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Nightclubs, Bars, Pubs	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Restaurants: Carry Out	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Restaurants: General	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Retail, Class 1	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>		
Printing & Lithography	Use currently not permitted in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
<b>MEDICAL USES</b>		
Veterinary Clinic	Use currently permitted by right in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District
Veterinary Clinic, mobile	Use currently permitted by right in the O/I Zoning District	Permitted as a secondary use in the modified O/RM Zoning District

**SUMMARY NOTES**  
**ORANGE COUNTY PLANNING BOARD**  
**APRIL 6, 2016**  
**ORDINANCE REVIEW COMMITTEE**

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

**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Kim Piracci, At-Large;

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Ashley Moncado, Special Projects Planner, Meredith Pucci, Administrative Assistant II

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

*Lydia Wegman called meeting to order and introduced new member, Kim Piracci.*

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND NEW PERMITTED USE TYPE TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING REVISIONS TO THE O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND ESTABLISHMENT OF A NEW PERMITTED USE TYPE.**

**PRESENTER:** ASHLEY MONCADO, SPECIAL PROJECTS PLANNER

Ashley Moncado reviewed abstract

Craig Benedict presented information on map

Tony Blake: So the part that would be OI or OI/RM is the green/gray place but not Buckhorn? And you would not want residential in there at all?

Craig Benedict: The mixed use that we're promoting in this we checked with economic development department, the mixed use their interested in is employment centers and possibly retail but, there's other land uses in the Efland area that allow for multi-family and even single family. So, right now we want to protect our economic development zones as much as possible for non-residential because if you allow a multi-family or a single family, which was allowed in some of our other uses, if they happen to be the first proposals to come in and they were permitted by right in many cases we most likely would allow them. And then when the business comes in we have residential people saying they don't want that business there, even though the intent of the economic development zone was for jobs. 95 percent of Orange County Planning jurisdiction allows residential, it's only about 5 percent within our power to focus on our economic development efforts, so we want to protect that from too much residential in that area.

Paul Guthrie: I have a basic question. How are you defining residential? I asked the question because I can think of a circumstance when a business that this area would be useful to be in might very well want to have a residential security manager or residential over-seerer for research or something like that where the residents would actually be on-site. How would you handle a situation like that?

52 Craig Benedict: We could allow that as an accessory use. We've had mini warehouses where they wanted an on-site  
53 resident and you could accommodate that as not a primary use but as an incidental and secondary use. And we can  
54 make sure that's allowed for big factories there might be some residential or over night component to it.  
55

56 Paul Guthrie: It just occurred to me that if you barred that completely it could give you a problem. On the other hand,  
57 if you allowed it then I think somebody could attack the whole principal on the basis.  
58

59 Craig Benedict: We're allowing hotels and motels, and someone might say that's residential but that's a commercial  
60 use.  
61

62 Michael Harvey: I would make the argument that's not a residential land use. The principal use of the property would  
63 be X and it's up to the applicant to justify, " I need this for this reason. " and again I know we shouldn't be fixating on  
64 the examples but in that example that's what I would say; that it's not functioning as a residential development, there  
65 is a component but it's in support of the principal use which, let's say, is this research manufacturing unit.  
66

67 Lisa Stuckey: So if I drove through this, what would it look like?  
68

69 Craig Benedict: These would be more of a corporate park but, corporate parks and business parks and industrial  
70 parks have changed over the last 15-20 years. Our zoning, as evidence by office institutional, was very regimen. This  
71 is where you put your Class A office building, and then somewhere else you put your warehouse, and somewhere  
72 else you put your manufacturing, and somewhere else you have R&D. Now they don't do that anymore, they put  
73 everything in the same place. They'll have their clean office, they'll have their R&D Park they'll put it all together. This  
74 district will allow office, and research, manufacturing, and distribution. So, the buildings could be from 20,000 to  
75 100,000 square foot. So you could see a few of those buildings in there that have multiple activities. And by the  
76 secondary uses that are allowed means that somebody could come in with a business and say, "I don't see enough  
77 restaurants around here, how about if I bring as part of my master plan a Chili's with me?" and that's a bonus. When  
78 we were looking at another retail site, Cabella's, even though that was all retail they brought a hotel with them and a  
79 restaurant. We're definitely not having this as a retail focus, we're listing this stuff as secondary uses in there so we  
80 can keep that prime use as job based light industrial manufacturing.  
81

82 Lydia Wegman: Have we heard of any companies that are interested in this particular kind of land use? Or this is just  
83 to make us attractive to companies if one is interested?  
84

85 Craig Benedict: This is just to make us attractive. When the candy factory came, they was designated Office  
86 Institutional, and it did say manufacturing was okay... I'd say it's a relatively small fix, as you were mentioning some  
87 of the economic development zones, we need to go into there and take a look at the way the uses are fashioned in  
88 there too. This is not for any specific... The next project that you'll hear from Perdita Holtz, probably in the next month  
89 or so, is in the Hillsborough Economic Development. Because we have a joint agreement with Hillsborough we're  
90 trying to align both our joint land uses and the zoning categories that can go within that land use. And right now,  
91 they're all over the place.  
92

93 Tony Blake: I have a question. I read through this and I read the column and what it allows and accessory use and all  
94 that stuff and I came down to the automotive/transportation and because I'm sort of passionate about the way we're  
95 doing our transit and thinking that BRT is a good rapid transit solution. I noticed that it would allow a bus passenger  
96 shelter, which I view as one of these little cubicles by the side of the road, but not a bus terminal or garage. And Bus  
97 Rapid Transit has a raised platform appeal, especially in an area where there's a concentrated number of transit  
98 people. Would that be allowed in this zone?  
99

100 Craig Benedict: Well, we can make it. It does make sense. I think what they were thinking about was kind of a simple  
101 city bus terminal, so we can make sure that our bus stops and level platforms and all stuff could be allowed. Because  
102 we do have our bus service that is going very close to this zone, if not through it, and if we get some employment  
103 concentrations we will modify that transit system.  
104

105 Tony Blake: If you can. A lot of people live within walking distance, the least we could do is provide a good, raised  
106 platform sort of transit.

107  
108 Lisa Stuckey: What is raised platform?

109  
110 Tony Blake: The big slam against buses versus light rail is light rail you board and you walk directly from the platform  
111 onto the... without steps. But BRT actually has the ability to pull a bus in at a raised platform and where you are  
112 walking directly onto the bus, the same way you would walk onto a light rail train. And it's being deployed and it's a lot  
113 cheaper than light rail and more flexible. And the travel lane down Martin Luther King will actually be able to be used  
114 for emergency vehicles as well.

115  
116 *Ashely Moncado continued with the presentation*

117  
118 James Lea: What would that do to the property owners? Would that raise their taxes?

119  
120 Craig Benedict: No. The property taxes are based on the properties of a similar zoning category sell over time. So,  
121 putting even sewer on a piece of property eventually would raise the value of it but changing the uses would not  
122 automatically, until somebody determines that this new use list is better and therefore more valuable but, we're a  
123 couple years from where that would ever matriculate into higher values.

124  
125 Lisa Stuckey: It leads to the potential of higher value, so higher taxes.

126  
127 Paul Guthrie: It potentially... property is less and less areas available for residential, for example, outside of that  
128 district if someone wanted to sell their house in that they would have, potentially, a sale of their house that would  
129 raise as assess valuation in the next re-evaluation.

130  
131 Craig Benedict: We have examined which districts have residential and then they can remain... If they sell their  
132 residential property for office research manufacturing and they get more money for it at some point in the future,  
133 they'd love that.

134  
135 Paul Guthrie: But you can't keep them from selling it for another residential person.

136  
137 Craig Benedict: Probably not.

138  
139 Paul Guthrie: This is a far out thing but we're still in the area. I spent a good part of the afternoon reading about this  
140 other thing, the Supreme Court case, and these are the kinds of things you start getting trouble with down the road.

141  
142 Craig Benedict: One last thing about that, we addressed this in the Buckhorn EBB area. We asked the people if they  
143 would like the zoning rollback to residential one that would allow the house to be reconstructed and burned down or  
144 would you like it to remain Buckhorn District 2 that has higher value if you ever sell it, it was resounding to leave it  
145 EBB 2.

146  
147 Michael Harvey: One more thought in question when I read this. There's a demand right now. There's a lack of wet  
148 lab space in the area and this talks about laboratories, not limited laboratories, prototype production, general facilities  
149 but, wet labs sometimes have some pretty onerous stuff going on in them. Is there something that you would put in  
150 here to protect that or restrict that or change that? Basically, this is something I can see where somebody would want  
151 to come in and put in a wet lab and this thing they're dealing with some kind of biological agent or something like that  
152 and people go crazy, but it's permitted by right and so I'm just trying to air on the side of caution here and define what  
153 we're really...

154  
155 Craig Benedict: Two answers in there. There might be room to add something here. One is we tried not to legislate  
156 water consumption, even though there are some provisions in some of our economic development zones that talk  
157 about it, but it doesn't say that if you use over 1 galloon per square foot we're not going to allow you. So that's one

158 element we try not to legislate uses by the water they use but, admittedly in all of our economic development zones  
159 we have limitations on water use because there's just not a lot of water. In Hillsborough there's some water limitation,  
160 also in Eno. The bigger restriction is the sewer outfall that comes from it, that's where the restriction is. So with the  
161 sewer element of it there are some pre-treatment requirements that all utility providers have. And we could note that  
162 they must meet the environmental regulations of the utility. For example, Moronaga; there is a pre-treatment function  
163 so there's not high level organic matter that goes in the sewer that can create issues.

164  
165 Michael Harvey: I guess I was asking; is that covered somewhere else? Or because we're permitting this by right are  
166 we leaving the door open for a big...?

167  
168 Craig Benedict: I think either turn it into a policy, like a small area planning policy so that we have be aware in of that  
169 and I agree if you have something permitted by right you better have some way to have it black and white; it's okay  
170 by the site plan or it's not okay by the site plan. So, I'll work with Michael and Ashley on that to see if there's a way to  
171 keep that in mind.

172  
173 Michael Harvey: Also, remember that just because something is permitted by right, there are still regulatory  
174 permitting processes that we may say we could use... But using this example, if a local utility or even the state says  
175 you can't do what you're proposing in this manner.

176  
177 Tony Blake: But given what's going on in politics right now, relying on the EPA or the state for things like that might  
178 not be the wisest.

179  
180 Craig Benedict: The one area we may consider is some of those performance measurements. Vibration, glare, and  
181 soot; maybe we could have some sort of ALF sewer...

182  
183 Tony Blake: Yeah, or require them to contain whatever it is and dispose of it in some other way, elsewhere... What  
184 I'm worried about is somebody is going to come in here and do something that's potentially dangerous or harmful and  
185 not be properly regulated.

186  
187 Lydia Wegman: But as Michael says, the EPA or the state. They would have to have some kind of hazardous waste  
188 disposal or incineration permit in order to do that.

189  
190 *Ashley Moncado continued presentation.*

191  
192 Craig Benedict: And the last thing, if you have any more comments on this or any of the other Board Members have  
193 comments send them to Ashley and before the next meeting we'll try to answer them. So feel free to send Ashley  
194 some additional comments.

195  
196 **AGENDA ITEM 3:                   ADJOURNMENT**

197  
198 *Meeting was adjourned by consensus.*

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: May 4, 2016

**Action Agenda  
Item No. 9**

**SUBJECT:** Unified Development Ordinance (UDO) Text Amendment – Sign Regulations

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Comprehensive Plan and Unified Development Ordinance Outline Form (UDO &amp; Zoning 2015-01)</li> <li>2. Statement of Consistency</li> <li>3. Proposed UDO Text Amendment</li> </ol> | <p>Michael D. Harvey, Planner III (919) 245-2597<br/>         Craig Benedict, Director (919) 245-2575<br/>         James Bryan, County Attorney (919) 245-2319</p> |
|--|--|

**PURPOSE:** To review and make a recommendation to the Board of County Commissioners (BOCC) on text amendments to the Unified Development Ordinance (UDO) initiated by the Planning Director modifying existing sign regulations.

**BACKGROUND:** As the Board is already aware, staff has been working on amendments to existing sign regulations for approximately 1 year focusing on expanding advertising needs for non-residential development on larger parcels, establishing uniform standards for digital signage, and ensuring consistency with the recent Reid versus Town of Gilbert US Supreme Court decision. Please refer to Section B of Attachment 1 for more background information.

At the recommendation of the County Attorney's office, amendments designed to address the impacts of the aforementioned US Supreme Court decision will not be included as part of this package. As a result the amendment package contained within Attachment 3 does the following:

1. Eliminates superfluous sign regulations contained in Section(s) 5.5.4 and 5.5.6 of the UDO;
2. Corrects identified grammatical errors and contradictory language in Section(s) 6.12.1 and 6.12.3;
3. Establishes standards defining what constitutes an electronic scrolling message sign in Section 6.12.6; and
4. Recommends the adoption of new standards allowing for larger signage within specific non-residential zoning districts based on the size and road frontage of a parcel of property.

The Attorney's office needs more time to review and discuss the impacts of the Gilbert court case before proceeding with a comprehensive amendment package.

The revised amendment package is scheduled to be presented at the May 23, 2016 quarterly public hearing.

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**: Please refer to Section C.3 of Attachment 1.

**SOCIAL JUSTICE IMPACT**: The following Orange County Social Justice Goals is applicable to this agenda item:

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

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

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

1. Review the proposed UDO amendments,
2. Deliberate on the amendments 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 May 23, 2016 quarterly public hearing.

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

UDO / Zoning-2015-01

UDO Text Amendment(s) clarifying allowable sign area.

## A. AMENDMENT TYPE

### Map Amendments

- 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):
- Other:

## 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 has initiated text amendment(s) to modify existing regulations governing allowable signage.

Current regulations do not offer a suitable distinction between various types of commercial development allowing for a sign of suitable size to accommodate a non-

residential project on a larger parcel of property.

The amendment was previously also attempting to revise existing regulations to address a US Supreme Court decision. After reviewing the issue with the County Attorney's office, work these revisions will be delayed to afford additional review time.

## **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'*.

There has been an increase in inquires and interest with respect to development of large-scale commercial operations within the County.

Current sign regulations limit the total allowable square footage for freestanding and wall signs for most non-residential general use zoning districts to 32 square feet (8 feet by 4 feet in size) regardless of the property's location, size of parcel, or amount of road frontage. The 'one-size fits all' sign limit may, in fact, be a deterrent to non-residential development.

There is also a noticeable lack of clarity within the UDO addressing what constitutes a blinking/flashing sign, or digital signage with scrolling messages, leading to enforcement concerns.

The amendments are necessary to address current concerns over advertising needs for non-residential development on larger parcels within the County and clarify the prohibition on the use of blinking/flashing signage by incorporating new definitions into the UDO.

As the Board is aware from past discussion, recent court decisions impact the County's sign regulations. In the Reid versus Town of Gilbert US Supreme Court case, the court found sign regulations cannot be seen as allowing/disallowing a sign based on its content. For more information on the case and its potential impacts please refer to the following: <http://canons.sog.unc.edu/?p=8167>.

While work had commenced on amendments designed to address the impacts of Gilbert, the Attorney's office has recommended additional time be allotted to the review and processing same. Staff will be bringing forward a new Amendment Outline Form in the near future outlining the timeline for completion and review of these revisions but is proceeding with an amendment package to address the concern(s) detailed herein.

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

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**

Proposed amendments are designed to offer clarity on existing regulations and expand advertising opportunities for large parcels of property. Future amendments will be necessary to address the impacts of the Reed versus Town of Gilbert US Supreme Court case.

## a. PROCESS

### 1. TIMEFRAME/MILESTONES/DEADLINES

#### a. BOCC Authorization to Proceed

January 22, 2015 – The BOCC authorized staff to proceed with the amendment.

#### b. Quarterly Public Hearing

May 23, 2016

STAFF COMMENT: This item was originally intended for presentation at the February 19, 2015 Quarterly Public Hearing, which was cancelled due to weather.

Further delays were the result of various court proceedings. For more information on recent court decisions relating to sign regulations please refer to the following: <http://canons.sog.unc.edu/?p=8167>.

#### c. BOCC Updates/Checkpoints

January 22, 2015 – Approval of Amendment Outline form authorizing staff to proceed with project.

April 1, 2015 Ordinance Review Committee (ORC) meeting (BOCC received materials).

December 2, 2015 Ordinance Review Committee (ORC) meeting (BOCC received materials).

STAFF COMMENT: this item was pulled from the ORC agenda the day of the meeting.

March 2, 2016 –Planning Board meeting (BOCC received materials).

April 6, 2016 –Planning Board meeting (BOCC received materials).

May 4, 2016 – Planning Board meeting (BOCC receives materials).

May 23, 2016 – Public Hearing.

#### 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:

January 26, 2015 – Planning Board members were e-mailed the amendment packet for initial review and comment.

April 1, 2015 – ORC. During this meeting the following comment(s) were made:

- A Board member asked if digital signs were dangerous?

*STAFF COMMENT:* Staff believes digital signs pose several issues for motorists due to the frequency of the sign's message being changed as well as the incorporation of a scrolling message. We believe they represent a distraction as motorists are frequently looking at the sign to see the next advertisement.

- A Board member asked how portable signs are addressed.

*STAFF COMMENT:* Portable signage is addressed in Section 6.12.6 of the UDO and are specifically banned.

- A Board member asked what constituted a snipe sign.

*STAFF COMMENT:* As detailed in Article 10 *Definitions* of the UDO a snipe sign is a small sign advertising services (i.e. 'We Buy Houses') or off-site signage advertising homes for sale.

December 2, 2015 – ORC. This item was pulled from the ORC agenda as staff was still working to address comments from the Attorney's office.

March 2, 2016 – Planning Board meeting. During this meeting the following comment(s) were made:

- A Board member observed that gas stations are using TV's and interactive menu screens for advertising and asked if they would be included as part of proposed sign allotments.

*STAFF COMMENT:* Such devices would be counted as part of a properties sign allotment.

- A Board member asked if the proposed amendments would prohibit flashing or blinking lights as part of a sign?

*STAFF COMMENT:* Section 6.12.6 *Prohibited Signs* contains language prohibiting flashing, blinking, moving, or pulsating signage.

- A Board member asked if real estate signs would still be allowed.

*STAFF COMMENT:* Real estate signs advertising the sale of property are still allowed.

- A Board member asked if the County could still regulate billboards.

*STAFF COMMENT:* We can still regulate the location of billboards (i.e. limiting them to specific zoning districts) we just cannot regulate their content.

- A Board member asked how special event signs would be handled.

*STAFF COMMENT:* The allowance of such signage is based on the underlying zoning of the property. Such signage is prohibited on residential property.

- The Planning Director asked if farms are exempt from sign regulations?

*STAFF COMMENT:* As farms are exempt from zoning regulations they would

be exempt from sign regulations.

- A Board member asked if the proposed sign regulations will be enforceable in public rights-of-ways?

*STAFF COMMENT:* The County does not have enforcement authority within rights-of-way maintained by the State.

April 6, 2016 – Review and recommendation. The Board delayed action until the County Attorney’s office had completed its review.

May 4, 2016 – Review and recommendation.

b. Advisory Boards:

N/A

_____	_____
_____	_____

c. Local Government Review:

N/A

_____	_____
_____	_____

d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO.

e. Outreach:

General Public: \_\_\_\_\_

Small Area Plan Workgroup: \_\_\_\_\_

Other: \_\_\_\_\_

**3. FISCAL IMPACT**

Modification of existing language will not require the outlay of additional funds by the County. Processing of the amendment shall be handled by staff utilizing existing budgeted funds.

**b. AMENDMENT IMPLICATIONS**

The amendment will allow for larger freestanding and wall signs for projects where there is adequate road frontage necessitating the development of additional advertising space and clarify what constitutes a blinking/flashing sign to aid in enforcement efforts.

**c. SPECIFIC AMENDMENT LANGUAGE**

Please refer to Attachment 3.

**Primary Staff Contact:**

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Planning

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**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 sign regulations.

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:  
 Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
- c. The amendment is reasonable and in the public interest because it:
  1. Clarifies regulations governing the use of electronic displays on signage.
  2. Provides additional sign area for non-residential projects on larger parcels.
  3. Eliminates identified contradictory sign regulations.

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

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Lydia N. Wegman, Chair

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Date

Attachment 3

f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.3.A(2)(e)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage Space

a. Up to 500 square feet of outdoor storage area may be permitted in conjunction with major home occupations provided that it is:

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

Entire section included for reference purposes only

5.5.4 Mobile Home Parks

(A) Standards for MHP-CZ

(1) Permitted Uses and Structures

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

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

(2) Mobile Home Stand Space Requirements

- (a) A mobile home park shall be divided into mobile home spaces, each having an area of at least 5,000 square feet and a minimum width of at least 50 feet. However, the Orange County Health Department may increase the minimum area requirements for the park and/or individual stand spaces where necessary to be consistent with groundwater resources and/or the limitations of providing sewage disposal systems for the proposed mobile home park.
- (b) Only one mobile home and its customary accessory buildings may be erected on any mobile home stand space at one time.

**(3) Mobile Home Stand Requirements**

Each mobile home must be placed on a permanent stand in accordance with the following specifications:

- (a) The location of each mobile home stand must be at an elevation, distance and angle in relation to the adjacent access drive or street such that placement and removal of the mobile home is practical by means of customary moving equipment.
- (b) The surface of each mobile home stand and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.
- (c) Each mobile home stand shall have a solid base surface consisting of at least three inches of compacted fill dirt, crusher run or Chapel Hill gravel, or paved slab, and it shall comply with those standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing. Prior to installation of the base surface, all top soil shall be removed from the area to be occupied by the mobile home stand.

**(4) Separation Requirements**

The following separation requirements shall pertain to every mobile home, single or double wide, within a mobile home park.

- (a) Each mobile home shall be located at least 20 feet from another mobile home and/or building within the mobile home park, external to the individual mobile home stand space. For purposes of determining separation requirements, all attached structures, including storage buildings, carports and covered porches, will be considered part of a mobile home.
- (b) Each mobile home shall be located at least 22 feet from the right of way line or edge of pavement of an access drive or street providing access to the space on which the mobile home is located, whichever is greater.
- (c) A detached accessory structure located within an individual mobile home stand space and intended for the use of the occupants of the space shall be located at least five feet from any mobile home or other building.

**(5) Installation of Individual Mobile Homes**

- (a) Each mobile home shall be set up and installed in accordance with standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing.
- (b) The owner/operator of a mobile home park shall designate a uniform type of solid foundation enclosure or skirting fully enclosing the crawl space beneath each mobile home in the mobile home park. Foundation enclosures or skirting must be installed in accordance with applicable standards of the North Carolina State Building Code and, in any event, within 90 days of placement of a mobile home on a mobile home space.

- (c) Access shall be provided to all entrances of a mobile home by way of steps (including handrails) installed in accordance with the standards of the North Carolina State Building Code. Where the residents of a mobile home choose to install decks adjacent to entrances, the mobile home will be required to have steps and handrails which meet the standards of the North Carolina State Building Code until the decks are completed.

**(6) Vehicular Access**

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

**(7) Signs**

~~(a) — There shall be no more than one double faced sign per park entrance announcing the name of the mobile home park, limited to 16 square feet in area with the top of such sign no higher than ten feet above ground level. In addition to the name of the mobile home park, such signs shall identify the name of the park owner/manager and his or her phone number.<sup>1</sup>~~

~~(b)~~(a) Any sign erected on-site shall comply with the standards established in Section 6.12 of this Ordinance.

~~(c)~~(b) Traffic control signs (stop, yield, speed limit, children playing signs, etc.) meeting the standards of the Uniform Traffic Control Manual shall be placed throughout the mobile home park where necessary. Cul-de-sacs shall have 'Dead End' street signs erected at the entrance to such streets.

### **(8) Street Names, Signs & Unit Numbering**

- (a) All street names shall be approved by the Orange County Planning Department and street signs shall be constructed to Orange County standards. All street signs must be installed outside the right-of-way at all intersections.
- (b) Each applicant must submit to the Planning Department for approval a mobile home space numbering/location system for the park, based on the equal interval house numbering system employed by Orange County. Upon approval of the mobile home park, the applicant shall submit an approved copy of the space numbering/location system to the emergency services/fire protection agency responsible for providing such services to the Mobile Home Park.
- (c) Each mobile home stand space shall have a permanent site number sign consistent with the following:
  - (i) The site number sign shall be composed of reflective materials or contrasting colors,
  - (ii) The number on the sign shall be at least six inches or greater in height,
  - (iii) The sign shall be affixed to the mobile home when the unit is placed on the stand space, at a point six feet or more above ground level, and
  - (iv) The number on the sign shall match that number assigned to the space on the approved space numbering/location system plan.

### **(9) Grounds and Buildings**

- (a) The grounds of a mobile home park shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.
- (b) Grounds, buildings and storage areas within the mobile home park shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds.

### **(10) Mail Facilities**

<sup>1</sup> There are already regulations governing the erection of mobile home park identification signs in Section 6.12.11. The language in subsection (a) is superfluous and is being eliminated.

- (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.
- (b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines.
- (c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.

#### 5.6.5 Kennels (Class II)

##### (A) Standards for Class B Special Use Permit

###### (1) Submittal Requirements –

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

###### (2) Standards of Evaluation –

- (a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.
- (b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel.
  - (i) The 150 foot setback established by this section shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
  - (ii) For Class II Kennels developed within the EDE-2 zoning district, this setback shall not apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.

- (iii) For Class II Kennels developed within the EDE-2 zoning district, all buildings, structures, dog runs, pens, or exercise yards in which animals are housed or exercised shall observe the principal setbacks established within Section 3.7 of the UDO in those instances where the property abuts other EDE-2 zoned property and US Highway 70.
- (c) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.
- (d) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.
- (e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.
- (f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.
- (g) ~~A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign. All proposed signage~~ shall comply with dimensional requirements as set forth within ~~this Ordinance~~ Section 6.12.<sup>2</sup>
- (h) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.

**5.6.6 Rural Guest Establishment: Bed & Breakfast**

**(A) General Standards**

**(1) Submittal Requirements**

- (a) A site plan, prepared in accordance with the requirements of Section 2.5, containing the following: (Per Section.2.5.2 professional design and certification is not required for Rural Guest Establishments with three guestrooms or less—bed & breakfasts.)
  - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
  - (ii) Location and dimensions of all on site signage.
  - (iii) Boundaries of the site.
  - (iv) Location of well and septic system.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
  - (i) Amount of area allocated to each use.
  - (ii) Number of full and part time employees.
  - (iii) Number of clients and/or occupants expected to use the facility.

<sup>2</sup> Again staff is eliminating contradictory language establish sign regulations inconsistent with Section 6.12.

It is the intent of this section to require minimum light levels during established business hours or in those instances where members of the general public will be on-site to ensure public safety.

- (B) Pedestrian walkways and plazas must be lighted and fixtures mounted at a lower height for security and to create an inviting pedestrian environment.
- (C) Accent lighting must also be provided to illuminate such key locations as building and driveway entries, and activity areas.
- (D) Lighting for the purpose of illuminating landmarks and unique features of the site is also encouraged.
- (E) All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.
- (F) Security lighting fixtures or floodlights must not project over the fascia or roof line of the building(s).
- (G) Parking area and driveway fixtures should be mounted at or below a maximum height of 25 feet above the surface of the parking area or driveway.
- (H) The design of light fixtures and structural supports must be compatible with the architecture of the principal building(s) and identification signs.
- (I) Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.
- (J) Ground-mounted lighting fixtures must be weather-proof and vandal resistant.
- (K) **Hillsborough EDD**

In addition to the standards established above, the following standards shall apply within the Hillsborough EDD:

- (1) Lighting must be high efficiency lighting systems and lighting levels must be reduced during non-use hours to promote energy conservation.
- (2) 12:1 minimum/maximum glare ratio.
- (3) Maximum footcandles = 80

## SECTION 6.12: SIGNS

### 6.12.1 Purpose and Intent

The purpose of this Section is to regulate the type, placement and physical dimensions of all signs in the interest of public health, safety and welfare, while recognizing ~~the their need for signs within the business community.~~<sup>3</sup>

It is the intent of this section to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as described on the ~~current tax roll official Zoning Atlas~~<sup>4</sup> ~~weather-whether~~<sup>5</sup> a sign is directly visible from a street right-of-way or not.

<sup>3</sup> This language was a 'holdover' from the old zoning ordinance. Signs are allowed throughout the County for various reasons having nothing to do with the 'business community'. The language is unnecessary and is being recommended for deletion.

<sup>4</sup> The 'current tax roll' has nothing to do with designating the zoning of a parcel of property. Language is being modified to identify the correct document containing same.

<sup>5</sup> Correcting a spelling error.

### 6.12.2 Outdoor Advertising

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards).

The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between County regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent.

In cases where there is no applicable State/Federal standard, then existing County regulations shall be enforced.

### 6.12.3 General Requirements

- (A) No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.
- (B) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on his property except in conformity with these regulations.
- (C) A Zoning Compliance Permit approved in accordance with the provisions of this Ordinance shall be required prior to erecting a sign, unless otherwise permitted.
- (D) A permit shall be required for change of copy of an existing sign, for any sign when the use of the premises changes, or when an existing sign is altered, however no permit will be required for change of copy on a changeable message or reader board sign.
- (E) In no case shall decorative features or landscaping at the base of a sign obstruct the view of motorists.
- (F) Sign Locations
  - (1) All signs shall be located outside the sight visibility triangle (see Section 6.2.10).
  - (2) No sign, including supporting frames or base, shall be located within five feet of a public right-of-way.
  - (3) No sign may be attached, affixed, or painted upon any utility poles, governmental signs, trees, rocks, or other similar natural object within the public right-of-way.
  - (4) No sign shall be permitted ~~on the side street frontage of a corner lot if the lot is located~~<sup>6</sup> within 100 feet of a residential district.
- (G) Illuminated Signs
  - (1) No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties.
  - (2) Signs shall be illuminated in accordance with the provisions of this Ordinance.

### 6.12.4 Determination of Sign Area

- (A) For the purposes of this Ordinance, the area of display surface of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combination of forms, comprising all of the display area of the surface and including all of the elements within the display area and the sign frame, including the lattice work, frame, border molding, lettering and display area incidental to the sign's

<sup>6</sup> This language was a holdover from the old zoning ordinance and created confusion. The regulation is being modified accordingly to ensure an enforceable standard.

- (2) A Zoning Compliance Permit shall not be required to allow for the placement of a political sign on private property.
- (3) There shall be no limit to the number of political signs that can be placed on private property so long as the placement of these signs complies with the provisions of this Ordinance and the signs do not create a public safety hazard.
- (4) Within residential zoning districts, political signs shall not exceed nine square feet in area or four feet in height.
- (5) Within non-residential zoning districts, political signs shall not exceed the maximum allowable sign area permitted for freestanding signs.
- (6) Political signs shall only be erected 90 days prior to the established date of a general election, school board election, referendum, special election, primary, or other similar political activity.
- (7) Political signs shall be removed within 21 days after an election.
- (8) Political signs shall be allowed within rights-of-way of the State highway system only in accordance with State law.
- (9) Political signs shall not be allowed on telephone poles, utility poles, trees, other similar natural objects, and other signs or sign structures.

#### 6.12.6 Prohibited Signs

The following signs are prohibited in all zoning districts:

- (A) Advertising signs resembling traffic signals, traffic signs, emergency vehicles' flashing lights, non-governmental sanctioned signs utilizing the words 'stop', 'slow', 'caution', 'danger', or any sign that is likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings or which by their distracting nature create a hazard to motorists;
- (B) Signs, except for off-premises signs allowed under this Section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of such activity. Upon failure of the owner to remove such signs within the prescribed time, the Planning Director shall take appropriate legal action to have such sign removed;
- (C) Flashing, blinking, pulsating, signs or signs with moving parts except for signs showing time of day and temperature that are part of an approved sign advertising a permitted business activity on a parcel of property;
- (D) Signs with electronic moveable copy, scrolling messages or other similar electronic displays designed to change display more than once an hour or a maximum of 8 times in a 24 hour period<sup>7</sup>;
- (E) Signs, other than traffic, governmental, street name signs, political signs erected in accordance with State law, or other official governmental or public agency sign, shall not be permitted within any street right-of-way;
- (F) Roof signs;
- (G) Snipe signs;
- (H) Beacon lights, animated signs, trailer signs and snipe signs;
- (I) Portable signs, unless approved for a special event in accordance with Section 6.12.11(D);

<sup>7</sup> Staff is proposing a universal standard for what constitutes electronic changeable copy to ensure proper enforcement.

- ~~(2) Signs shall not be placed within any public street right-of-way.  
(3) Signs must be removed after property has been transferred.~~

~~(I) **Landmark Signs**~~

~~Signs shall be erected only after the historical significance of the particular site has been verified and that proposed location of the sign has been approved by the Orange County Planning Department and all other related agencies (i.e. NC Department of Transportation).~~

**6.12.12 Signs Permitted in Specific Zoning Districts**

The following signs shall be permitted in the zoning districts indicated, in accordance with all other provisions of this Section and specific standards for each sign established herein:

**(A) On-Premise Commercial Signs**

- (1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
- (2) On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, MHP-CZ, ASE-CZ, REDA-CZ-1,<sup>8</sup> and all of the Economic Development zoning districts.
- (3) All on-premise commercial signs shall be setback ten feet from the front, side, and rear property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.
- (4) Number of Signs Permitted**
- (a) One on-premise commercial sign shall be permitted per parcel. However, one additional on-premise commercial sign may be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.
- (b) Under no circumstances shall more than one three-dimensional sign be permitted on-site.
- (c) For multi-tenant buildings and/or sites permitted as a conditional use or conditional zoning district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.
- (5) Height of Signs**
- (a) Pole signs shall be limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign
- (b) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign
- (6) The allowable area for on-premise commercial signs shall be determined as follows:**

<sup>8</sup> Staff is correcting for previous omissions by including Agricultural Support Enterprises Conditional Zoning (ASE-CZ) and the NC Highway 57 Speedway Area Rural Economic Development Area Conditional Zoning (REDA-CZ-1) in the list of allowable signage.

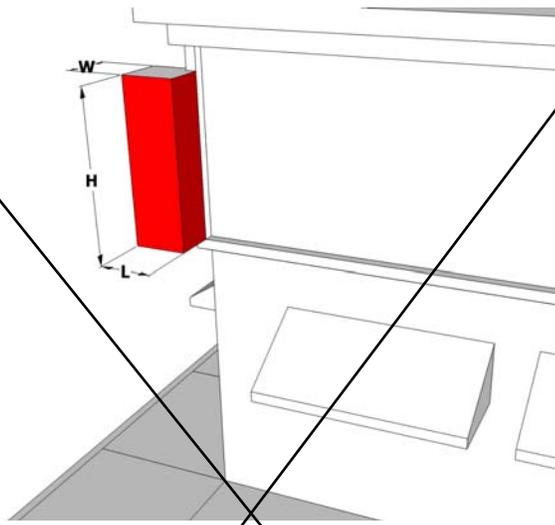
(a) Single or double-faced signs shall not exceed 32 square feet in area, per sign face. For parcels zoned CC-3, GC-4, OI, I-1, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 72 square feet in area for parcels that:

(i) Are larger than 60,000 square feet in area, and

~~(a)(ii)~~ Have more than 300 linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

(b) Three-dimensional signs shall not exceed a maximum volume of 54 cubic feet with no dimension exceeding six feet.

Figure 6.12.12.A.6: Three-Dimensional Sign Allowable Volume



NOTE:  $L \times W \times H$  may not exceed 54 cubic feet with no dimension exceeding 6 feet.

(7) An on-premise commercial sign may contain a changeable copy sign as defined in this Ordinance. However, the total sign area, including the area of changeable copy, shall not exceed the maximum allowable area established in Section 6.12.12(A)(6)(a) above.

(8) No on-premise commercial sign shall be oriented in such a manner as to be directly visible from a major transportation corridor as established in this Ordinance.

**(B) Off-Premise Commercial Signs**

(1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

(2) Off-premise commercial signs (billboards) shall be permitted within the GC-4, EC-5, I-1, and I-2 zoning districts.

(3) No electric tap outs allowing for an independent light source to receive power shall be allowed.

- (4) Off-premise commercial signs shall be considered the principal use of property. There shall be no additional principal uses allowed on the same parcel. Off-premise commercial signs shall not be permitted as accessory uses.
- (5) No off-premise commercial sign shall be located closer than 200 feet to the right-of-way of major thoroughfares (i.e. US 70, NC 86, NC 40, and NC 57) and 600 feet to the right-of-way for all other thoroughfares and streets.
- (6) The height of an off-premise commercial sign shall not exceed 25 feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of an off-premise sign shall not be less than eight feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less.
- (7) Off-premise commercial signs shall be limited to 480 square feet of sign area.
- (8) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.
- (9) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.
- (10) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:
  - (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
  - (b) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,
  - (c) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.

**(C) Wall Signs**

- (1) Shall either be mounted or painted on a building.
- (2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.
- (5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.
- (6) Number of Signs Permitted
  - (a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.
  - (b) For multi-tenant buildings permitted as a conditional use or conditional zoning district additional wall signs may be permitted by the Board of County Commissioners.
- (7) The allowable sign area shall be determined as follows:

One square foot of sign area for every  $\frac{1}{2}$  foot of building length facing a public right-of-way, not to exceed 32 square feet. For parcels zoned CC-3, GC-4, OI, I-2, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 64 square feet in area for parcels that:

- (a) Are larger than 60,000 square feet in area, and
- (b) Contain a structure with more than 100 linear feet of building length facing a public right-of-way, and
- (c) Have more than 300 feet of linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

- (8) A changeable copy sign may be utilized as a wall sign.
- (9) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

**(D) Projecting Signs**

- (1) Projecting signs shall be mounted on a building.
- (2) Projecting signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Projecting signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (4) Projecting signs shall adhere to the minimum setback requirements established for all structures within the zoning district in which it is located.
- (5) Only one projecting signs shall be permitted per building facade even in cases of a building located on a corner lot.
- (6) The allowable sign area shall be determined as follows:
  - (a) One square foot of sign area for every  $\frac{1}{2}$  foot of building length, facing a public right-of-way, not to exceed 32 square feet in area.
- (7) Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten feet above finished grade.
- (8) Projecting signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (9) Projecting signs shall not be located at the corner of a building except at right angles to the building façade.

**(E) Window Signs**

- (1) Window signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (2) Window signs shall be limited to a maximum of 30% of the total window area where the sign is to be located.
- (3) Window signs may be utilized for advertising specials or sales within the business, or displaying the name and other pertinent business information associated with the principal use.
- (4) Signs may be etched, painted or otherwise attached to be made a permanent addition to the pane of glass.

**(F) Awning Signs**

- (1) Awning signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ~~ASE-CZ, REDA-CZ-1~~ and all of the Economic Development zoning districts. See Section 6.12.14(E) for additional standards for Awning Signs located in Economic Development Districts.
- (2) Awning Signs shall be located above the main entrance to a nonresidential land use and shall contain the name of the use.
- (3) Awning Sign area shall be limited to a maximum of 50% of the total awning area erected over the entrance of a nonresidential land use. Where an awning sign is utilized at a multi-use development, the amount of sign area shall be computed as part of the overall sign area allotted to wall signs, not to exceed 50% of the total awning area.

**(G) Drive-Through Menu Signs**

- (1) Applicants must establish to the satisfaction of the Planning Director that a drive-through menu sign is considered a customary accessory use to the principal business on the property and is necessary for the normal operations of the commercial operation.
- (2) Signs shall be limited to 32 square feet in area.
- (3) No external illumination shall be permitted.
- (4) A land use that utilizes such a sign shall also be permitted an independent speaker box, no greater than 12 square feet in area with a height no greater than four feet.

**6.12.13 Sign Standards for Specific Uses**

In addition to the requirements contained herein, the following land uses shall adhere to these additional standards:

**(A) Changeable Copy Signs Utilized by Churches or Public Entities**

- (1) Shall not exceed 32 square feet in area.
- (2) Bulletin boards/reader boards may be internally illuminated.

**(B) Service Stations/Gas Station**

- (1) Signs may be erected above gas pumps subject to the following standards:
  - (a) No internal or external illumination shall be permitted;
  - (b) Signs shall be limited to four square feet in area; and
  - (c) Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property.
- (2) Signs may be erected on the canopy covering gas pumps subject to the following standards:
  - (a) Advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display.
  - (b) Such displays shall be limited to six square feet of area.

**(C) Yard Sales/Garage**

- (1) Signs shall be erected on the property where the sale is taking place.
- (2) Signs shall be limited to four square feet of area.
- (3) No off-site displays shall be permitted.

(4) Signs shall be removed no later than sunset of the day the event occurs.

**(D) Institutional Uses and Private Parks Located within Residential Zoning Districts**

(1) One ground and one wall sign shall be permitted;

(2) Maximum sign area shall be 32 square feet per sign face; and

(3) No ground sign shall exceed six feet in height.

**(E) Home Occupations**

(1) The Home Occupation shall have a valid Zoning Compliance Permit issued by Orange County;

(2) There shall only be one sign limited to eight square feet in area and four feet in height;

(3) Such sign shall not be illuminated by any means;

(4) Sign shall not be located within any public street right-of-way, sight visibility triangle, easement, vehicular area or other similar area; and

(5) The sign message shall be limited to the business name and telephone number.

**(F) Parks, Public and Non-profit; Recreational Facilities, Non-Profit; Recreational Facilities, Golf Courses; and Recreational Facilities, Profit**

**(1) Purpose and Intent**

(a) Unlike signs for non-residential development(s), signs for recreational land uses are intended to serve a different function and purpose. Signs within these types of land uses are intended to provide essential information concerning:

(i) Rules and regulations governing the operation of the facility;

(ii) Educational information identifying unique aspects of the facility, the property itself, or significant environmental features that are located on the property; and

(iii) Identification of sponsors or public/private partnerships that are responsible for the development, upkeep, and maintenance of existing recreational amenities.

(b) While some of this information could be construed as being advertising material, the County views such signs as identifying those responsible for the existence of the facility and allows for recognition of entities that have entered into partnerships with the operator of the facility to provide local residents with recreational opportunities.

**(2) Applicability**

The regulations included herein govern the erection of signs at the following:

(a) Parks, Public and Non-profit,

(b) Recreational Facilities, Non-Profit,

(c) Recreational Facilities, Golf Courses, and

(d) Recreational Facilities, Profit within the County.

**(3) Permitted Signs**

(a) Freestanding identification signs announcing the name of the facility/land use are subject to the following standards:

(i) There shall be only one freestanding identification sign per property,

- (ii) Freestanding identification signs shall be limited to 20 square feet of sign area. In Economic Development Districts, a maximum sign area of 32 square feet shall be permitted,
- (iii) The sign may be either a ground or pole sign,
- (iv) Freestanding identification signs shall be set back a minimum of ten feet from all property lines, and
- (v) Illumination of freestanding identification signs shall be permitted in accordance with the provisions of this Ordinance,

(b) Wall Signs

- (i) Shall either be mounted or painted on a building.
- (ii) All wall signs shall be offset a minimum of five feet from the corner of the building face on which it is mounted.
- (iii) Wall signs shall not protrude more than 12 inches from the side of building on which it is mounted.
- (iv) Only one wall sign shall be permitted per building except as follows:
  - a. In cases where a building is located on a corner lot, a second wall sign may be erected on the building wall facing the second street right-of-way subject to the requirements of this Ordinance.
  - b. If a building façade faces athletic fields or other similar recreational areas on the property, a second wall sign, up to 32 square feet in area, may be erected facing these facilities, not to exceed the allowable sign area as calculated herein,
  - c. Under no circumstances may more than one wall sign be located on the same building façade.
- (v) The maximum sign area shall be determined as follows:
  - a. One square foot of wall sign area for every  $\frac{1}{4}$  linear foot of building length along a right-of-way or facing an athletic field or similar recreational use, not to exceed 32 square feet in area.
- (vi) A changeable copy sign can be utilized as a wall sign.
- (vii) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (viii) The sign may be internally illuminated or have external illumination installed consistent with the provisions of this Ordinance.

(c) Informational Signs

- (i) Shall be allowed in an effort to provide information concerning individual recreational amenities available on the property and are limited to those signs necessary to identify the name of a specific recreational facility, amenity, or use.
- (ii) Signs shall be no larger than 20 square feet in area.
- (iii) The sign shall contain information identifying the recreational amenity.
- (iv) The number of signs shall be directly proportional to the number of individual recreational amenities present on the site.

disabilities and older adults. The remaining 500 units would be units provided for individuals and households that are at or below 50-80% of median income for the County and would include rental and homeownership units.

The AHSP has identified ten goals with strategies provided for each goal and action and recommendations to implement them. The thirty three: Actions (A)/Recommendations(R) are listed with each goal and set of strategies. Those numbered with (AR) are Actions/Recommendations staff is requesting to pursue immediately and or require funding decisions. With the Board's approval of the AHSP, staff will bring back to the Board detailed work plans and metrics in collaboration with community and municipal partners and County agencies.

The AHSP builds on the analyses, data, community-wide input, findings and strategies in the Orange County Five Year Consolidated Plan and the Analysis of Impediments to fair housing choice prepared for the Orange County Consortium that is comprised of Orange County and the Town of Carrboro, Town of Chapel Hill and Town of Hillsborough. (The BOCC has approved both the Five Year Consolidated Plan and the Analysis of Impediments.) The AHSP identifies the critical need for affordable housing for individuals and households of extremely and very low income and for population groups with special needs including the homeless, persons with physical and or mental disabilities and the elderly.

The AHSP reviewed existing affordable housing programs and tools of the County and covers an assessment of the county's housing stock. This assessment included examining mobile home parks of the County, a source of affordable housing; publicly owned land and other development opportunities and challenges for preserving and increasing the supply of affordable housing. Consideration was also given to the County's existing and planned infrastructure and access to transportation, employment, services and other community assets in preparing the assessment.

Community meetings and outreach have been planned and or conducted with nonprofit providers and various community organizations and County Boards. This provides an additional opportunity for the public, various agencies and other interested parties to have further input into the AHSP and comment on the goals, strategies and actions and recommendations.

The Proposed AHSP and community comments received are scheduled to be discussed at a Work Session of the BOCC on May 10<sup>th</sup> at Southern Human Services Center. The Executive Summary including goals, strategies, and action/recommendations are attached. The link to the entire draft AHSP document is:

[www.orangecountync.gov/draftashsp.pdf](http://www.orangecountync.gov/draftashsp.pdf)

**FINANCIAL IMPACT:** There is no financial impact regarding the review of the *Proposed 2016-2020 Affordable Housing Strategic Plan*.

**RECOMMENDATION(S):** Receive and share comments on the Draft of *the Proposed Orange County FY 2016-2020 Affordable Housing Strategic Plan*.

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: May 4, 2016

**Action Agenda  
Item No. 10**

**SUBJECT:** Proposed Orange County FY 2016 - 2020 Affordable Housing Strategic Plan

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**DEPARTMENT:** Housing, Human Rights and Community Development

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**ATTACHMENT(S):**

Draft of the Executive Summary of the *Proposed Orange County 2016-2020 Affordable Housing Strategic Plan*

**INFORMATION CONTACT:**

Audrey Spencer-Horsley, Housing, Human Rights and Community Development Director, (919)245-2492

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**PURPOSE:** To receive and share comments on the Draft of *the Proposed Orange County FY 2016-2020 Affordable Housing Strategic Plan*.

**BACKGROUND:** This *Proposed 2016-2020 Affordable Housing Strategic Plan* (AHSP) has been developed as the County's vision for addressing affordable housing needs over the next five (5) years. Affordable housing is a foundation for achieving self-sufficiency and promotes stronger, more inclusive communities.

The Orange County Board of Commissioners (BOCC) met on January 29, 2016 for an annual retreat. In reviewing the previous six goals the Board has used since 2009, affordable housing was a high priority under Goal 1: Ensure a community network of basic human services and infrastructure that maintains, protects, and promotes the well-being of all county residents. The Board stated that there be a priority for decent, standard housing options for all residents regardless of household level and that funds be used to develop a targeted number of units (set numerical goal) especially rentals. The AHSP addresses this priority of the Board.

In order to begin to meet the need for affordable housing in Orange County, particularly residents who are most cost burdened at 30% to 50% median income as discussed in the AHSP, the AHSP has an overarching shared countywide goal of creating 1,000 assisted affordable housing units in five years. The shared countywide goal of 1,000 assisted units are to be provided through acquisition, construction, urgent repair, assisted housing, and rehabilitation of the existing housing stock over the next five (5) years.

At least 500 of those units are recommended to be new assisted rental units that do not exist today. They would be created through the planned November 2016 \$5 million bond referendum for affordable housing and leveraging of those funds, in addition to federal, state, local and private funds that may be available. Of those 500 new units, twenty-five to thirty percent (25%-30%) will be targeted to serve extremely and very low income households, at or below 30% - 50% of median income. Another twenty-five to thirty percent (25%-30%) of the new units would be targeted to serve special needs populations including the homeless, persons with physical and/or mental

disabilities and older adults. The remaining 500 units would be units provided for individuals and households that are at or below 50-80% of median income for the County and would include rental and homeownership units.

The AHSP has identified ten goals with strategies provided for each goal and action and recommendations to implement them. The thirty three: Actions (A)/Recommendations(R) are listed with each goal and set of strategies. Those numbered with (AR) are Actions/Recommendations staff is requesting to pursue immediately and or require funding decisions. With the Board's approval of the AHSP, staff will bring back to the Board detailed work plans and metrics in collaboration with community and municipal partners and County agencies.

The AHSP builds on the analyses, data, community-wide input, findings and strategies in the Orange County Five Year Consolidated Plan and the Analysis of Impediments to fair housing choice prepared for the Orange County Consortium that is comprised of Orange County and the Town of Carrboro, Town of Chapel Hill and Town of Hillsborough. (The BOCC has approved both the Five Year Consolidated Plan and the Analysis of Impediments.) The AHSP identifies the critical need for affordable housing for individuals and households of extremely and very low income and for population groups with special needs including the homeless, persons with physical and or mental disabilities and the elderly.

The AHSP reviewed existing affordable housing programs and tools of the County and covers an assessment of the county's housing stock. This assessment included examining mobile home parks of the County, a source of affordable housing; publicly owned land and other development opportunities and challenges for preserving and increasing the supply of affordable housing. Consideration was also given to the County's existing and planned infrastructure and access to transportation, employment, services and other community assets in preparing the assessment.

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**RECOMMENDATION(S):** Receive and share comments on the Draft of *the Proposed Orange County FY 2016-2020 Affordable Housing Strategic Plan*.

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## Orange County Affordable Housing Strategic Plan: 2016 - 2020

### I. EXECUTIVE SUMMARY

#### A. NEED FOR AFFORDABLE HOUSING

Every resident of Orange County, North Carolina deserves a decent, safe, sound and affordable place to live, in a neighborhood that provides opportunities to succeed. The market alone is not always able to meet that need, and, accordingly, governments at all levels must work together to help. Orange County's shortage of affordable housing has reached a crisis. Much of the housing in Orange County is not affordable to low- and moderate-income households and working families who are oftentimes cost burdened by 30% or more in their housing costs.

This Orange County Affordable Housing Strategic Plan: 2016 -2020 (AHSP) has been developed as the County's long-range vision for addressing affordable housing needs over the next five (5) years. The AHSP analyzes the current housing market, examines trends in the housing market economic opportunities of Orange County, identifies shortcomings in affordable housing countywide, determines goals for the next five years, and proposes strategies to meet those goals.

The AHSP focuses on the status and interaction of four (4) fundamental conditions within the community:

- The rental and homeowner housing market;
- Economic trends, specifically in terms of household income;
- The provision of financial assistance for dwellings;
- Public policies and actions affecting affordable housing;

The methodology employed to undertake the AHSP includes:

- **Research**

Demographic data for the County for purposes of analysis included:

- the U.S. Census, American Community Survey and the HUD Comprehensive Housing Affordability Strategy (CHAS) data and tables and other federal and state programs and local data sources
  - A review of the affordable housing objectives and policies of Orange County, Chapel Hill, Carrboro, and Hillsborough
  - A review of local real estate and mortgage practices
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- **Interviews & Meetings**

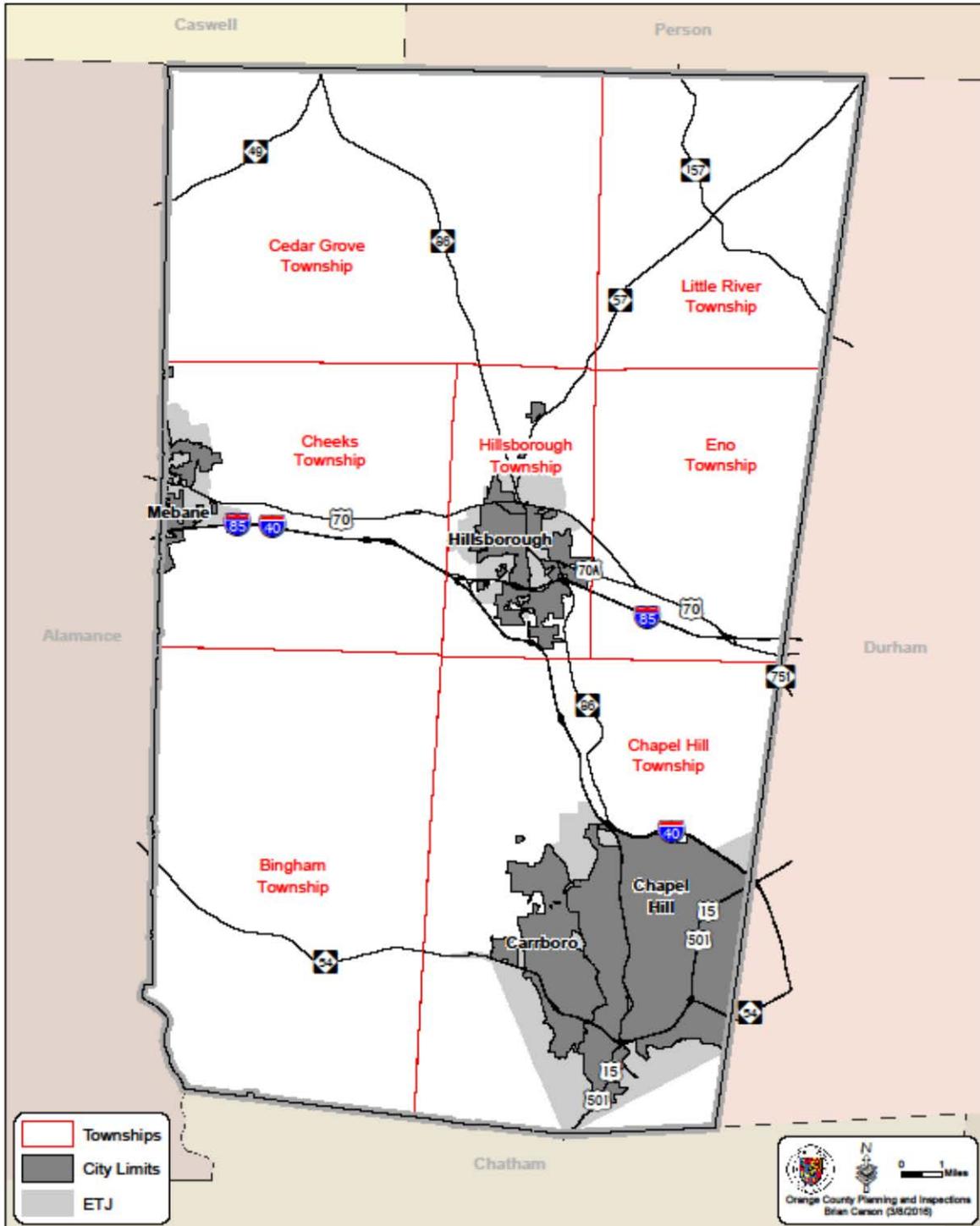
- Meetings and/or interviews were conducted with County Staff, representatives from Chapel Hill, Carrboro, and Hillsborough, public housing providers in Orange County and the Town of Chapel Hill, community and social service/advocacy agencies for the disabled, housing providers, the local Board of Realtors, and home builders.

Because this analysis involves four entities, data will be presented in the following order when available: Orange County (or Durham-Chapel Hill, NC MSA where appropriate), the Town of Chapel Hill, the Town of Carrboro, and finally the Town of Hillsborough (see the map on the following page, Municipalities of Orange County, NC). This AHSP provides an broad view of the County and affordable housing needs and related strategies and recommendations recognizing that actions in one area may affect the actions in the other areas requiring on going collaboration and engagement of the community, affordable housing providers and municipal partners.

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# Municipalities of Orange County, North Carolina

## Orange County, NC



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## **B. COUNTY GOALS AND PRIORITIES:**

The Orange County Board of County Commissioners adopted the following five County Goals and Priorities for Fiscal Year 2009 and has reaffirmed them through to 2016. While this AHSP most specifically addresses Goal One, it connects to and supports each of these five goals.

**Goal One: Ensure a community network of basic human services and infrastructure that maintains, protects and promotes the well-being of all County residents.**

**Goal Two: Promote an interactive and transparent system of governance that reflects community values.**

**Goal Three: Implement planning and economic development policies which create a balanced, dynamic local economy, and which promote diversity, sustainable growth and enhanced revenue while embracing community values.**

**Goal Four: Invest in quality County facilities, a diverse work force, and technology to achieve a high performing County government.\**

**Goal Five: Create, preserve, and protect a natural environment that includes clean water, clean air, wildlife, important natural lands and sustainable energy for present and future generations.**

The Orange County Board of Commissioners (BOCC) met on January 29, 2016 for an annual retreat. In reviewing the five county goals of the BOCC above, affordable housing was a high priority under Goal 1: Ensure a community network of basic human services and infrastructure that maintains, protects, and promotes the well-being of all county residents. The Board further stated that there be a priority for decent, standard housing options for all residents regardless of household income level and that funds be used to develop a targeted number of units (set numerical goal), especially rentals. The AHSP addresses this priority of the Board.

## **C. AFFORDABLE HOUSING NEEDS:**

In developing an Affordable Housing Strategic Plan in Orange County, the demographic and socio-economic characteristics of the County were evaluated as a basis for determining and identifying affordable housing issues in the County. Some of the findings as presented in the tables,

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maps, data and analyses of the AHSP are summarized below and include the following:

### **Income and Poverty**

- The median income for Orange County has continued to be well above that for the state and neighboring jurisdictions. In 2011 the median household income for Orange County was \$56,055, compared to \$46,291 for North Carolina.
  - Based on a comparison between the 2000 Census and 2007-2011 American Community Survey estimates, Orange County's population increased by 11.5% between 2000 and 2011. The median household income of the area increased almost threefold compared to the population increase, 32.3%. This indicates that a higher percentage of higher income persons moved into the area. *New housing construction (and existing housing developments upgrading) has responded predominately to the higher income market. As a result rents have continued to climb and the number of affordable units to decline shutting lower income households out of the market for affordable decent, safe and sound housing.*
  - In comparison, to an increase in median household income, nearly forty percent (39.74%) of all residents in Orange County were considered low- to
  - moderate-income at the time of the 2010 U.S. Census. In the Town of Chapel Hill, approximately 37.44% of the residents were considered low- to moderate-income at the time of the 2007-2011 American Community Survey. The Town of Carrboro had a 46.07% low- to moderate-income population percentage, while 46.43% of the Town of Hillsborough was low- to moderate-income.
  - *Over fifteen percent 16.9% (20,542 individuals) of the population in Orange County was living below the poverty level in 2011, according to the 2007-2011 American Community Survey. This was up from 14.1% (15,318 individuals) in 1999.*
  - As median income has gone up so have the number of residents in poverty and in unstable and or substandard housing; and the number faced with the option of last result--moving out of their community and the county for affordable housing. *Worse still are*
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*the extremely limited to non-existent options for those residents at risk or already experiencing homelessness.*

- The County's poverty statistics for families with children are significant, particularly for single mothers. The chart in the housing market analysis of the AHSP illustrates the poverty statistics for families living in Orange County. At the time of the 2007-2011 American Community Survey, the percentage of some families with children living below the poverty level was as follows:
  - Families with related children under the age of 18 was 14.5%.
  - Female-headed families with related children under the age of 18 was 35.2%.
  - Families with a householder who is White is 6.1%
  - Families with a householder who is Black or African American is 20.6%.
  - Families with a householder who is Asian is 15.4%.
  - Families with a householder who is Hispanic or Latino is 29.4%.
- In 2011, approximately 8.7% of all families in the Town of Chapel Hill lived below the poverty level; of the female householders, 28.3% were below the poverty level and 30.9% of those with children under 18 years were below poverty.
- In the Town of Carrboro, approximately 10.1% of all families were below the poverty level; of the female head of households, 27.7% were below poverty level and 31.3% lived with related children under 18 years.
- *In the Town of Hillsborough, approximately 23.7% of families lived below the poverty level in 2011; of the female householders, 70.3% lived below the poverty level, with 77.0% of those living with children under 18 years living below poverty.*
- *There are 9.9% (5,016) of all individuals on limited incomes from social security, supplemental social security and public assistance.*

### **Rental and Owner Occupied Housing Stock and Housing Costs**

- According to the 2007-2011 American Community Survey, there were 50,837 households in Orange County; compared to the 2000
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Census that reported 45,863 households in the County. Of the households in 2011, 60.2% were owners and 39.8% were renters, whereas in 2000, 57.6% were owners and 42.4% were renters; there was a small increase in homeownership over the decade.

- Of the three jurisdictions, Hillsborough has the highest percentage of owner-occupied units at 55% and Chapel Hill is closer to an equal distribution between owner-occupied units at 49.1% and 50.9% respectively. Carrboro has the largest percentage of rental housing stock, 64.5%. Hillsborough in relation to its overall housing stock has the highest percentage of older housing, 25% built before 1960. This is more recently being balanced by new construction; however there is still the need to improve and preserve the existing affordable housing stock.
  - According to the 2007-2011 American Community Survey, there are 55,315 housing units in Orange County, of which 50,837 (91.9%) are occupied; this leaves a vacancy rate of 8.1% in the County. *Most of the vacant units are located in the northwestern and southeastern portions of the County, and in the central portion of Chapel Hill and most require some level of rehabilitation. According to the U.S. Census and the American Community Survey data, over 27% (1,209) of all vacant units are not habitable.*
  - The median value of owner-occupied homes in Orange County in 2000 was \$179,000, compared to \$108,300 for the State of North Carolina. The median value of owner-occupied homes in Orange County in 2011 was \$270,300 compared to \$152,700 for the State of North Carolina. The values of the housing stock in Orange County continue to be substantially higher than those of the State of North Carolina as a whole and of neighboring jurisdictions. *The increasing cost of acquiring existing properties and land makes land banking a valuable tool in preserving and developing affordable housing for present and future residents.*
  - Just over a quarter of all owner-occupied households (28.6%) with a mortgage are paying over 30% of their monthly income on housing, indicating a moderate percentage of owners whose housing is not considered affordable. The median mortgage expense in Orange County for 2000 was \$1,333, compared to \$1,831 in 2011.
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- Residents of Hillsborough had the lowest median monthly housing costs among the three jurisdictions for owner-occupied units, paying \$1,383. Carrboro had the highest monthly housing cost for homeowners of the three jurisdictions at \$1,873 per month. Chapel Hill has monthly housing costs of \$1,673 per month.
  - *The median monthly rent in Orange County increased by 22.81% between 2000 and 2011, from \$684 to \$840, respectively.* The median monthly housing cost for Chapel Hill in 2011 was \$1,095; the median monthly housing cost for Carrboro was \$885; the median monthly housing cost for Hillsborough was \$964. While rents in the past were relatively more affordable in Hillsborough the trend is much higher increases in rent.
  - *The monthly housing costs for 48.2% of all renter-occupied households in Orange County exceeded 30% of monthly income in 2000, indicating an even higher percentage of renters whose housing is not considered affordable. In 2011, that amount increased to 53.8%, which is a 5.6% increase from 2000.*
  - According to the 2007-2011 American Community Survey (ACS) data, there were 50,837 households in 2011 in Orange County. Based on this data, 14,494 (28.5%) of all households were single person households living alone.

### Cost Burdened

- A central housing problem facing many households in Orange County is a lack of affordable housing and many of the County's lower income households are paying more than 30% (cost burdened) to more than 50% (severely cost burdened) of their total household income on the monthly cost for housing.
  - According to the 2007-2011 ACS data, 44.1% of all renter households are cost burdened by 30% or more, and 12.1% of all owner households are cost burdened by 30% or more. In addition, 28.4% of all renter households are cost burdened by 50% or more, and 7.7% of all owner households are cost burdened by 50% or more. *This means in whole numbers that 7,629 households were cost burdened by 30% to 50%, and 8,751 households were cost burdened by greater than 50%.*
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- In Chapel Hill, 53.5% of all renter households are cost burdened by 30% or more, and 19.8% of owner-occupied households are cost burdened by 30% or more. Additionally, 35.8% of renter households are cost burdened by 50% or more and only 9.4% of owner-occupied households are cost burdened by 50% or more.
  - In Carrboro, 47.9% of all renter households are cost burdened by 30% or more, and 30.7% of owner-occupied households are cost burdened by 30% or more. Additionally, 23.9% of renter households are cost burdened by 50% or more and only 9.3% of owner-occupied households are cost burdened by 50% or more.
  - In Hillsborough, 43.4% of all renter households are cost burdened by 30% or more, and 39.0% of owner-occupied households are cost burdened by 30% or more. Additionally, 34.4% of renter households are cost burdened by 50% or more and only 9.8% of owner-occupied households are cost burdened by 50% or more.

### **Mobile Homes (Manufactured Housing)**

- *In 2000, Mobile (manufactured) homes made up 10.4% of the housing stock; a source of affordable housing in the county. By 2011, mobile (manufactured) homes had decreased and make up 7.9% of the housing stock.* There was also a slight decline in multi-family units of twenty or more units (down from 9.1% to 7.1%).
  - Mobile home parks in Orange County are geographically located throughout the entire County but most are clustered along the major state and federal highway corridors. *Approximately sixty-five (65) of the mobile home parks (65%) are located within 3,000 feet of a major roadway: Route 54; Route 86; Route 70; Route 70A; Route 40; Route 85; and I-85/40. The majority of the remaining thirty-four (34) are located within one (1) mile of these major roadways.* Fifty-four (54) of the mobile homes are located in the southern half of the county which includes the portions of the County south of Hillsborough. There are only three (3) mobile home parks located in the northernmost quarter of the county.
  - In January 2016, the condition of each of the 2,017 mobile homes in the 100 mobile home parks of the County was analyzed as to the
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scope of rehabilitation work needed to make the mobile home safe, sound, and secure, and to bring it up to minimum code standards. It was determined that:

- 378 (18.74%) mobile homes are in sound condition
  - 990 (49.08%) mobile homes are in need of minor repairs
  - 580 (28.76%) mobile homes are in need of major repairs
  - 69 (3.42%) mobile homes are economically infeasible to repair
  - A total of 55 mobile home parks had vacant spaces (250 vacant spaces). Of those parks with vacancies, the average number of vacancies is 4.6 spaces with the largest number of vacancies at one park of 28 spaces available with room to expand.
- According to the 2010-2014 American Community Survey, there are an estimated 4,089 mobile homes in Orange County, 7.3% of the total housing units. This indicates that roughly half of all mobile homes are located outside of mobile home parks.
  - The average sales price for manufactured housing also has continued to steadily increase with the smallest unit costing approximately \$39, 500 in 2010 to \$45,000 in 2014 for 1,115 sq. ft. unit and larger units ranging from \$65,300 (\$45.41/sq. ft.) to \$82,000 for a 1710 sq. ft. unit (\$47.95/sq. ft.). *The cost and or lack of financing along with the cost of insurance makes even this purchase difficult for low income households and has caused this to become more of a rental option for land owners and residents of the mobile home parks.* A comparison of other manufactured housing with stick built was also examined in the AHSP. The AHSP recommends that the county continue to pursue ways to work with landowners and owners of individual units to preserve and expand this stock of housing where feasible and environmentally suitable.

### **Persons with Disabilities**

The 2007-2011 ACS data showed the number of disabled individuals in Orange County to be approximately 11,180 or 8.4% of the total population over the age of 5 (126,228). This is an indicator of the need for housing for the disabled which are mainly low- and moderate-income, and do not have housing resources that are accessible and/or affordable.

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- Of persons with disabilities between ages five and seventeen (1,079), most have cognitive difficulties, followed by individuals that have self-care difficulties.
  - Of persons with disabilities between ages eighteen to sixty-four (6,326), the disabilities for high numbers of persons span the range of difficulties including difficulty with independent living.
  - *Of the population age 65 and older (12,749), 29.6% (3,775) have a disability that also span a range of difficulties including hearing, cognitive, ambulatory and vision among other difficulties.*

### **Housing Needs of Seniors**

- More affordable housing options for seniors are also greatly needed. In sum, to serve a county with 22,123 residents over 60 years of age Orange County has approximately 1,534 designated senior-specific housing units across the continuum of care. *Further, it is most often the case that for each type of current housing option for seniors, there are few to no vacancies (waiting lists from one to several years) despite costs that would be out of reach for many seniors.*
- Single person households aged 65 and over comprised 3,277 households, or 6.4% of all single person households. It is expected that as these seniors continue to age in place, additional accommodations and special needs housing will be necessary for this portion of the County's population. The County will need to assist in obtaining and providing funding and work with housing service and senior support agencies to provide more programs, activities, and accommodations for this growing population of the county.

### **Homeless**

- *Specific needs of the extremely low-income that are housed, but are at imminent risk of becoming unsheltered or living in shelters are: food, clothing, transportation and job training with housing.*
  - Another housing issue is the lack of continuous and coherent housing supportive services.
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### Live and Work Pattern

The following data highlights patterns in residency and employment in the County (data was not available for Hillsborough): the population that live and work in the jurisdiction is 20.11% (19,698) in Orange County; 10.56% (6,435) in Chapel Hill and 4.75% (540) Carrboro.

### Other Housing Problems

- A household is considered to have a housing problem if it is cost burdened by more than 30% of their income, experiencing overcrowding, or having incomplete kitchen or plumbing facilities. The four severe housing problems are lacks complete kitchen facilities; lacks complete plumbing facilities; more than 1.5 persons per room; and cost burdened over 50%.
  - According to the 2006-2010 Comprehensive Housing Affordability Strategy (CHAS) data (the most current complete set of the data): *Throughout Orange County, the number of renter households experiencing one of the four housing problems is greater than the number of owner-occupied households experiencing a housing problem.* This trend is much more pronounced in the Town of Chapel Hill where renter households are almost three times more likely to experience a housing problem than owner-occupied households.
  - The 2006-2010 HUD CHAS data for Orange County reveals that, 43.4% of renter households and 32.5% of owner-occupied households experienced one of the four housing problems (incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burdened by 30% or more).
  - *According to CHAS data (2007 – 2011) over 5,000 households at 0%-30% median income have one of more of the four housing problems; however, the overwhelming problem was housing cost burden greater than 50% of income (4,245).*
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- 47% of all disabled renters have a housing problem that includes cost burdened by 30% or more or another type of housing problem. 32% of disabled homeowners have a housing problem that includes cost burdened by 30% or more or another type of housing problem.
  - In Carrboro 51.1% of renter households and 30.7% of owner occupied households experienced a housing problem.
  - In Chapel Hill 54.9% of renter households and 20.5% of owner-occupied households experienced a housing problem.
  - In Hillsborough 47.3% of renter households and 39.0% of owner-occupied households experienced a housing problem.
  - According to the 2007-2011 American Community Survey (the most current complete set of census estimates): When comparing homeowners and renters by race, “White” households represent the largest percentage of homeownership (84.1%) with “Black or African American” households comprising (9.4%) of the total homeowners.
  - In examining housing needs and patterns to help determine goals and strategies, analysis included the extent to which any racial/ethnic group has a greater need in comparison to the County’s overall population need. Data detailing information by racial group and Hispanic origin has been compiled from the CHAS data and the 2010 U.S. Census. Disproportionate need is defined as a group having at least 10 percentage points higher than the percentage of persons in that group as a whole. The following are some of findings of disproportionate needs in Orange County. Some of the findings with regards to homeownership, access to credit and financing among others was:
    - The number of White, non-Hispanic middle-income applicants significantly outnumbers the number of minority applicants, and minority households have a lower origination rate and almost double the denial rate.
    - Of the total number of “White” households, 65.52% are homeowners and 34.48% are renters. In comparison, of all “Black and African American” households, 42.85% are homeowners and 57.15% are renters.
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- According to the Home Mortgage Disclosure Act (HMDA) data: The percentage of total applications by Whites accounts for almost three-quarters (74.3%) of the total number of applications, regardless of income.
  - Loan origination rates are higher for White applicants than for minority applicants as a whole, and minority denial rates are higher than White denial rates.

In summary, the extremely and very low-income residents of the county (0 to 30% to 50% of median income) including seniors, the homeless and persons at-risk of homelessness and persons with disabilities are the most adversely affected by the high cost of housing and the great lack of affordable housing in Orange County. The lack of affordable housing that is decent, safe, and sound forces these residents of the county into substandard housing and a life of instability that also affects education, health and employment outcomes for families and individuals and the community.

In providing a continuum of affordable housing, the county's goals should include other special needs housing such as a place for persons who are victims of domestic violence and having a shelter(s) that can appropriately serve a mix of families and individuals. Goals should include strengthening planning and coordination of resources for emergency situations where families and individuals become homeless due to life events, acts of nature or involuntary displacement to help them return to or obtain as quickly and effectively as possible stable housing and independence. The following section (Section D.) provides the proposed Orange County Strategic Plan Goals and Strategies: 2016 – 2020 and respective actions and recommendations.

#### **NOTE: AFFORDABLE HOUSING PRIMER**

For your information and convenience, at the following links is the website for an ***Affordable Housing Primer*** that is a helpful basic reference and educational tool produced by the North Carolina Housing Coalition on affordable housing including affordable housing terms and programs:

[http://www.nchousing.org/research-data/affordable-housing-primer/2009-affordable-housing-primer/Affordable Housing Primer 2009 final.pdf](http://www.nchousing.org/research-data/affordable-housing-primer/2009-affordable-housing-primer/Affordable_Housing_Primer_2009_final.pdf)

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<http://www.nchousing.org/research-data/affordable-housing-primer> (by Table of Contents)

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## D. STRATEGIC PLAN GOALS AND STRATEGIES: 2016 - 2020

Affordable Housing is the foundation for achieving self-sufficiency and promotes stronger, more inclusive communities.

The AHSP is intended to be a “living” affordable housing plan that provides a framework for moving forward in addressing the affordable housing needs of current and future County residents. The successful implementation of the AHSP is based in the expectation and more importantly in the commitment to work together collaboratively with the County’s municipal, state and federal and other public and private community partners, Advisory Boards, Authorities and Commissions and the community at large to meet the affordable housing needs of the County. There will be many additional opportunities for public and private entities and the community to have further input into the AHSP and implementation of the goals, strategies and actions and recommendations.

The ASHP builds upon the analyses, data, community-wide input, findings and strategies in the Orange County Consolidated Plan and the Analysis of Impediments to fair housing choice prepared for the Orange County HOME Consortium that is comprised of Orange County and the Town of Carrboro, Town of Chapel Hill and Town of Hillsborough. The AHSP identifies the critical need for affordable housing for individuals and households of extremely and very low income and for population groups with special needs including the homeless, persons with physical and or mental disabilities and the elderly.

The AHSP reviews existing affordable housing programs and tools of the County and assessments of the county’s housing stock. This included examining mobile home parks of the County which provides a significant source of affordable housing, publicly owned land and other development opportunities and challenges for preserving and increasing the supply of affordable housing. The development opportunities and challenges were examined with consideration given to the County’s existing and planned infrastructure and access to transportation, employment, services and other community assets.

The AHSP identifies goals for the next five years, and proposes strategies and opportunities through a list of proposed actions and recommendations to meet those goals. This includes the proposed county-wide shared goal of 1,000 affordable housing units provided through acquisition, construction, urgent repair, assisted housing, and rehabilitation of the existing housing stock, over the next five (5) years.

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In order to begin to meet the need for affordable housing in Orange County, particularly residents who are most cost burdened at 30% to 50 % median income as discussed in the AHSP, the ASHP has a proposed overarching shared countywide goal of 1,000 affordable housing units. The shared countywide goal of 1,000 units are to be provided through acquisition, construction, urgent repair, assisted housing, and rehabilitation of the existing housing stock, over the next five (5) years. At least

500 of those units is recommended to be new assisted rental units through the proposed five million dollar Bond for affordable housing in addition to other county and public and private resources.

The AHSP proposes that of the 1000 units goal 25 – 30% of the units be rental units serving extremely low and very low income households, at or below 30% – 50 % of median income (using the federal definition) and another 25 - 30% serving special needs populations including the homeless, persons with physical and or mental disabilities and seniors. The highest priority is recommended for these populations and then for individuals and households that are at or below 50 - 80% of median income for the County.

The AHSP has identified ten goals with strategies provided for each goal and action and recommendations to implement them. The thirty-three Actions (A)/Recommendations(R) are listed with each goal and set of strategies. Those numbered with both A and R (AR) are Actions/Recommendations county staff is requesting to pursue immediately and or require funding decisions. With the Board's approval of the AHSP, the Director of the Department of Housing and Community Development in consultation and collaboration with other county staff and approval of the County Manager will bring back to the BOCC detailed work plans and metrics in collaboration with the community, municipal partners, Advisory Boards and County agencies as appropriate.

The format of the following table presents the ten goals, by each goal and the respective plan strategies and actions (A)/recommendations (R). The actions (A)/recommendations (R) are listed and grouped with the respective goal and related strategies and are also numbered consecutively across all goals providing thirty-three actions/recommendations in all. Those numbered with both A and R (AR) are actions/recommendations county staff is requesting to pursue immediately and or require more funding decisions.

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## Orange County Affordable Housing Strategic Plan Goals: 2016 - 2020

**Affordable housing is the foundation for achieving self-sufficiency and stronger more inclusive communities.**

**2016 – 2020 Five Year Countywide Shared Goal:  
1,000 Affordable Housing Units\***

\*New Acquisitions, Construction, Urgent Repairs, Newly Assisted and or Rehabilitated

**GOAL 1: Provide a continuum of decent, sound and safe affordable housing with a diversity of housing types, densities and choice throughout the County that promotes inclusive communities and full access to its assets for current and future populations.**

### Strategies

### Action/Recommendation

**1.1:** Identify publically owned land or property located within the County that may be used to address affordable housing needs identified in the Plan.

**1.2:** Identify and pursue local, state, federal and private resources including partnering with university communities to leverage available resources (that include publicly owned land and surplus facilities and financial support) for development of permanent affordable housing at a level that is “key” to meeting the basic need of decent safe and sound affordable housing for a broad cross section (age and income) of the residents of Orange County.

**1.3:** Promote an innovative approach to multi-family and special needs housing that is responsive to the needs of Orange County, makes effective use of technology, addresses financial and environmental sustainability, and provides quality developments with balanced focus on reducing construction and maintenance costs.

**1.4:** Locate affordable housing units/developments in areas that are proximate to needed services, shopping, schools, transportation options, and employment centers.

**1.5:** Support the development of permanent affordable workforce housing options including creative and non-traditional options in design (amenities, size, number of units and cost) for young adults and other single individuals starting careers and families with members in modest paying professional careers (such as teachers, service workers and medical assistants).

**AR1:** Provide county or other publicly owned property through a RFP for the immediate development of single family attached, detached, and multi-family housing units. Based on the SWOT analysis of publicly owned land, the County owned, small-parcel property (3 acres or less) will be provided for the development of small scale, single family detached and attached (duplex, triplex) units for sale or rent to qualified buyers and/or occupants through partner affordable housing non-profits.

**AR2:** Implement a competitive process for evaluating proposals for development and maintenance of affordable housing inventory. The proposals will be evaluated by the Orange County Housing Authority and and/or the Affordable Housing Advisory Board as appropriate. These bodies will make recommendations to the BOCC on the distribution of any county funds.

**1.6:** Support a range of affordable housing initiatives in partnership with non-profit organizations and outreach to the broader community to leverage state and federal funds to provide a range of housing opportunities for County residents.

**1.7:** Preserve and monitor the affordable housing stock that exists by developing strategies, tools and partnerships that allow the County to retain the supply of decent, safe, sound, and accessible housing that is affordable to low- and moderate-income owners and renters including manufactured homes.

**1.8:** Plan for possible displaced homeowners and renters of manufactured housing that may have difficulty finding other sources of affordable housing due to rising land costs and rent, expected particularly in Chapel Hill and Carrboro.

**1.9:** 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.

**1.10:** Improve the public infrastructure through rehabilitation, reconstruction, and new construction that will facilitate affordable housing and economic development.

**1.11:** Evaluate the feasibility of incentives and utilize them to stimulate the development/ production of needed affordable low income housing and increase participation and or private investment by lenders, landlords, apartments, developers and faith-based organizations.

**AR3:** The County should negotiate an agreement with the Orange County Housing Authority to manage and maintain affordable housing inventory owned by the County.

**AR4:** Through a Design Competition create and implement an innovative development plan and designs for the larger county-owned parcel(s) including the Southern Human Services Center site that will include a mix of affordable housing uses including workforce housing and or special needs housing and services as suited to the site and identified priority needs.

**A5:** Assess land use planning efforts to identify and provide greater opportunities for the joint location of affordable housing and employment centers near existing or near term construction of public utilities and transportation which reduces commuting times, traffic congestion on roadways, air emissions, and generally improve quality of life for families and individuals.

**A6:** Assess land use planning efforts in consultation with the developer community (for profit/nonprofit) to identify potential barriers to development and to identify effective incentives for Orange County to increase affordable housing options including exploring the success of other communities and evaluating Chapel Hill's efforts to encourage developers to build affordable units as part of new developments.

**A7:** Utilize planning and development opportunities, related to northern and western Orange County that include the NC 57/Speedway Small Area Plan, the Efland-Mebane Small Area Plan, Economic Development Zoning Districts, and the Efland Sewer Project, as well as regulations and practices contained in the Orange County Unified Development Ordinance and the Comprehensive Land Use Plan.

**AR8:** With the completion of a conditions survey and SWOT analysis of mobile home parks in the County, immediately pursue opportunities to preserve the inventory, expand and or improve this source of affordable housing through acquisition, land banking and partnership opportunities. This may include and is not limited to minor to moderate repairs and or conversion of underutilized parks to modular housing, cottages, and or small (micro/tiny) homes.

**A9:** Encourage blending of development that can be supported by on-site/individual wastewater and utility systems (i.e. individual septic and wells) to afford use of underutilized mobile parks and small sites where feasible.

**A10:** Examine increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

**ART 1:** Develop in collaboration with community service providers:

- 1) a community plan to respond to housing emergencies due to acts of nature, life events, etc.;
- 2) a coordinated community-wide service model for intake of homeless individuals and families seeking assistance; and a displacement plan for larger housing displacement events due to new development and or sale of property affecting households of low income and no immediate alternative housing options and to minimize housing instability, loss of personal property and an adverse impact on families and individuals and particularly on vulnerable populations.

**GOAL 2: Increase the quantity and quality of affordable housing, and help low-income families acquire needed information, knowledge, and skills to improve their employment opportunities and reduce the number of families falling below the poverty level.**

Strategies	Action/Recommendation
<p><b>2.1:</b> Continue and strengthen collaboration between Agencies (public/private) and with municipalities in and neighboring to the County to support existing and new initiatives to meet affordable housing and related service needs and to promote maximum empowerment and self-sufficiency of all income groups and households.</p> <p><b>2.2:</b> Promote the development of affordable, decent, safe and sound rental housing that avoids the creation of areas of low-income concentration.</p> <p><b>2.3:</b> Implement the County’s Analysis of Impediments, the Consolidated Plan and the Housing Authority Plans.</p> <p><b>2.4:</b> Improve the parks, recreational centers, trails, libraries, and all public and community facilities in the County to provide access to these resources by all residents of the County.</p> <p><b>2.6:</b> Increase public safety, community policing, municipal services, and public service programs in distressed/problem areas of the County.</p> <p><b>2.7:</b> Remove and eliminate blighting conditions through demolition of vacant, abandoned and dilapidated structures infeasible for rehabilitation and provide replacement housing where determined feasible and or consider for land banking.</p> <p><b>2.8:</b> Promote neighborhood revitalization in strategic areas to improve communities of low wealth and substandard conditions through acquisition, demolition, rehabilitation, code enforcement, infrastructure, infrastructure improvements, housing construction, public and community facilities improvements, and educational and employment developmental opportunities.</p>	<p><b>ART 2:</b> 1) Continue to strengthen the intra- and inter- agency collaboration and community engagement for addressing specific needs and shared and or related goals that include affordable housing. Some of these include the Family Success Alliance staffed by the Health Department; Master Aging Plan, initiatives for the Partnership to End Homelessness, working with OWASA to reduce water consumption and increase cost savings for tenants and homeowners, transportation, and land use.</p> <p>2) In consultation with our community partners, fully utilize our community human capital assets, areas of expertise and unique capacities and special powers to facilitate carrying out the goals and strategies and of the <i>Orange County Affordable Housing Strategic Plan: 2016 -2020</i>. This may include requesting our community partners, particularly in areas of expertise, to participate in developing guiding principles, general guidelines and or design criteria/considerations for the different types of housing needed and planned over the five year period of the Plan. This will include engaging our Advisory Boards, Authorities and Commissions and other public and private partners in their areas of expertise such as the Orange County Housing Authority under AR3 above to, our Municipal Partners and the collective leadership of the Board of Orange County Commissioners (BOCC).</p>

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**A13:** 1) Assist low- and moderate-income households including Section 8 Housing Choice Voucher Program households through the Housing Authority in becoming homeowners by providing down payment assistance, closing cost assistance, and pre and post housing counseling training. 2) Develop a similar model for successful obtainment, maintenance and retention of rental housing and providers of rental housing particularly for the Housing Choice Voucher Program.

**A14:** Provide a Family Self-Sufficiency Program for Section 8 Housing Choice Voucher participants.

**A15:** Accommodate the development of group homes, foster care facilities, transitional housing facilities and other housing types in appropriate locations to provide increased opportunities for social interaction, a de-institutionalized lifestyle, and gainful employment.

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**GOAL 3: Provide permanent and temporary housing and community and supportive services for populations with special needs that include the homeless, older residents, disabled, mentally ill, and persons with acquired immune deficiency syndrome.**

Strategies	Action/Recommendation
<p><b>3.1:</b> Support the coordinated strategies undertaken by the Partnership to End Homelessness for housing and support services for homeless persons, and persons who are at risk of becoming homeless.</p> <p><b>3.2:</b> Increase the number of accessible permanent housing units through new construction and through rehabilitation of existing housing units and through financial or development incentives on available vacant and developable land in the County.</p> <p><b>3.3:</b> Continue to enforce the ADA and Fair Housing requirements for landlords to permit reasonable accommodations to their rental properties so they become accessible to tenants who are disabled.</p> <p><b>3.4:</b> Support the local Continuum of Care’s (Coca) efforts to provide emergency shelter, increase support for rapid rehousing, and permanent supportive housing for persons and families who are homeless or who are at risk of becoming homeless.</p>	<p><b>AR16:</b> Assist and participate in collaborative efforts in partnership with the local Continuum of Care and the affordable housing community and partners to address the following unmet community needs:</p> <ol style="list-style-type: none"> <li>1) an adequate emergency shelter (s) that can accommodate individuals and families of mixed composition and sex and for men;</li> <li>2) a Domestic Violence shelter according to best practices and expertise in meeting the needs of victims;</li> <li>3) more permanent supportive housing for disabled homeless people including creative and non-traditional affordable housing options that reduce cost and provide for more affordable units; and service needs of unaccompanied minors/youth.</li> </ol> <p><b>A17:</b> Make full use of performance data from the HMIS to help drive program decision-making and to monitor, evaluate, and report program and system-wide performance and gaps of the housing and service delivery system for the homeless.</p> <p><b>A18:</b> Continue to work collaboratively and review other success models and evidence based approaches and or programs to address the following challenges:</p> <ol style="list-style-type: none"> <li>1) Identifying landlords willing to rent to formerly homeless people, with either short-term rental assistance or assistance via a rapid rehousing program or long-term rental assistance via permanent supportive housing tenant-based voucher programs;</li> <li>2) Bringing rapid rehousing approaches to scale and providing adequate funding for rapid rehousing initiatives; and</li> </ol>

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	3) Engaging homeless people in developing a permanent “housing plan” and in working to improve their own self-sufficiency, using
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**Goal 4: Provide an adequate supply of affordable and suitable housing options for older residents to age in place, for those over housed and or priced out due to market forces, maintenance and other uncontrollable costs and promote and develop a range of affordable housing design choices and locations that allow them to remain in their community of choice in Orange County.**

Strategies	Action/Recommendation
<p><b>4.1</b> Expand assistance in the retrofitting, repair, and maintenance of existing homes owned by financially challenged households, particularly those that are senior residents.</p> <p><b>4.2:</b> Provide financial and educational assistance to qualified homebuyers; providing education and advocacy regarding tenants' rights; and providing financial assistance to homeowners wanting to install indoor plumbing and/or connect their properties to public water and sewer facilities.</p> <p><b>4.3</b> Increase the supply of affordable, decent, safe, sound and accessible housing for senior residents, persons with disabilities, and persons with other special needs through rehabilitation of existing buildings and new construction.</p> <p><b>4.4</b> Improve the accessibility of owner occupied housing through rehabilitation and improve renter occupied housing by making reasonable accommodations for the physically disabled and or develop programs to promote improvement of substandard renter properties.</p> <p><b>4.5</b> Support social service programs and facilities for the elderly, persons with disabilities, and persons with other special needs.</p>	<p><b>AR19.</b> Expand the County's Urgent Repair Program to serve 50 to 60 senior residents and or persons with disabilities, thereby substantially reducing or practically eliminating a long waiting list to serve this population for urgent housing repair needs. This would require an additional \$150,000 to \$200,000 to the current fiscal year funding level of \$75,000 allocated to complete approximately 25 owner-occupied housing units of senior households and or households with persons with a disability.</p> <p><b>A20.</b> Implement a priority that of a total number of assisted units of a project or program, a certain percentage should serve extremely low (30% AMI) and very low income (50%AMI) elderly persons and persons with a disability.</p>

**GOAL 5: Preserve the current supply of rental housing stock that is aging and in need of rehabilitation and upgrading to maintain the existing supply of affordable units into the future and to prevent the loss of more affordable housing.**

<b>Strategies</b>	<b>Action/Recommendation</b>
<p><b>5.1:</b> Continue to provide financial assistance to low- and moderate income homeowners to rehabilitate their existing owner-occupied housing.</p> <p><b>5.2:</b> Continue to require that all new housing built or located in Orange County continues to meet the minimum standards specified in the State of North Carolina Building Code, the Orange County Unified Development Ordinance, the US Department of Housing and Urban Development and the USDA Rural Development Agency when appropriate.</p> <p><b>5.3:</b> Enforce state and local codes and ordinances to bring buildings into compliance with the standards through systematic enforcement.</p> <p><b>5.4:</b> Conduct Lead Based Paint (LBP) inspections and assessments as necessary for full compliance with all applicable LBP regulations and to control or reduce, to the extent feasible, all LBP hazards in all older housing of the County.</p>	<p><b>AR21:</b> Leverage maximum funding through the North Carolina Housing Finance Agency Single-Family Rehabilitation Loan Pool (SFRLP) funds. Each recipient of SFRLP funds is now eligible with recent program changes for up to \$500,000 (instead of \$170K) to conduct financially-feasible, moderate housing rehabilitation for households that are below 80% AMI. Due to the extent of rehabilitation required for typical older homes of Orange County applicants, few homes can be completed based on the state requirement of only \$45K to bring each home up to code. Additional funds of \$200,000 - \$250,000 will allow the County to complete approximately 10 homes instead of three (3) homes and fully and more effectively leverage the state funding.</p> <p><b>A22:</b> Review the County’s Minimum Housing Standards Ordinance in coordination with the Affordable Housing Advisory Board to provide recommendations to the BOCC on making it an effective tool as intended in fostering compliance with the Ordinance and preserving the County’s housing stock of decent safe and sound housing.</p>

**Goal 6: Affirmatively further fair housing, promote fair housing choice and improve community wide knowledge and awareness of the Fair Housing Act, related laws, regulations, and requirements throughout the County.**

<b>Strategies</b>	<b>Action/Recommendation</b>
<p><b>6.1:</b> Improve the public's, landlords', realtors', bankers' and other lenders', and local officials' knowledge and awareness of the Fair Housing Act, related laws, regulations, and requirements to affirmatively further fair housing in the community.</p> <p><b>6.2:</b> Strive for better intergovernmental cooperation between Federal and State partners, County, local officials, as well as community groups, to effectively identify and address potential barriers to affordable housing choice in the Orange County Consortium Area.</p> <p><b>6.4:</b> Educate and promote that all residents have a right to live outside impacted areas.</p> <p><b>6.5:</b> Require all public, private, and non-profit housing developers to abide by provisions of the Fair Housing Act in the development of housing in Orange County.</p> <p><b>6.6:</b> The County Planning Department should monitor, review and revise within the limits of state statutes the local zoning ordinances as applicable to assure compliance with the Fair Housing Act.</p>	<p><b>A23:</b> Continue to strengthen educational and outreach programs so all persons will become aware of their rights under the Fair Housing Act and the County's Human Relations Ordinance and raise community awareness and implementation to address the full meaning of affirmatively further fair housing choice, especially for low-income residents, minorities and the disabled population.</p>

**GOAL 7: Provide increased access to job opportunities and skill development for low income residents which will increase household income, and help promote fair housing choice.**

Strategies	Action/Recommendation
<p><b>7.1:</b> Strengthen partnerships and program delivery that provides increased employment, self-sufficiency, education, job training, and technical assistance and economic empowerment of low and moderate income residents in the County.</p> <p><b>7.2:</b> Enhance the County’s businesses and industries, expand its tax base, and create a more sustainable economy for residents and businesses.</p> <p><b>7.2:</b> Support and enhance workforce development and skills training that result in a “livable” wage and increases job opportunities, especially for low and moderate-income individuals.</p> <p><b>7.3:</b> Support programming that enhances entrepreneurship and small business development, expansion, and retention within low- and moderate income areas and minority neighborhoods.</p> <p><b>7.4:</b> Promote and encourage economic development to increase employment opportunities.</p> <p><b>7.5:</b> Increase access to areas of education and employment through housing choice and viable transportation options.</p>	<p><b>AR24:</b> Study, plan, and develop additional bus routes to provide more public transportation to business “nodes” for low-income workers and to have better access to jobs, services, community amenities and work force development opportunities</p>

**GOAL 8: Continue to provide staffing at a high level and quality of service for the County with a commitment to excellence to meet the need for 1) planning, administering, managing, leveraging and providing oversight of federal, state, private and local funded programs and projects and 2) increasing cooperation and collaboration among public, private and municipal partners and communities in addressing affordable housing preservation and development needs of the region that ultimately affect the quality of life for all residents.**

### Strategies

**8.1: Provide program management and oversight for the successful administration and leveraging of federal, state, private and local funded programs and projects; for support of collaborative initiatives, community engagement; for support of various Advisory Boards and Authorities and for research and planning services, special studies and meeting various environmental, fair housing, and other compliance requirements with all federal, state, and local laws and regulations.**

### Action/Recommendation

**AR25:** Provide leadership and or support to staff and the community as needed to implement the strategies and recommendations of this Strategic Plan and related County Plans and activities with the guidance and approval of the County Manager and BOCC as needed and required and with broad community involvement including the County's many stakeholders.

**AR26:** 1) Continue to strengthen internal management of funded programs and projects including policies and procedures, best practices, learning, training and information sharing, reporting and intra and interagency practices and coordination by the Department. This includes listening to, seeking to understand, continuous engagement and responsiveness to our many customers and or partners.

2) Strive to ensure maximum leveraging of resources, funding and programs to meet the current and future affordable housing needs of County residents.

**AR27:** Monitor, track and report activities and results of this Strategic Plan to the BOCC by the Department of Housing, Human Rights and Community Development in cooperation and collaboration with other County Agencies, municipal partners and the community.

**GOAL 9: Continue to pursue available resources (financial and non-financial) and assess and implement a County dedicated funding source(s) needed to provide the financial resources necessary to address the widening gap in affordable housing needs and available housing to meet that need in the County recognizing that lack of a reliable and on-going source of funding:**

- 1) adversely impacts an increasing amount of residents that are low and modest income, seniors, with a disability and the most vulnerable;
- 2) seriously constrains and minimizes community efforts to meet that need;
- 3) Orange County values inclusive, caring, strong communities with opportunities for all residents to become self-sufficient and that affordable housing provides a fundamental foundation; and
- 4) available land and existing units loss are opportunities that may not be regained.

Strategies	Action/Recommendation
<p><b>9.1:</b> Encourage support for the planned County Bond Issue for schools and affordable housing and continue to increase community understanding of the need and benefit to the entire County; that the proposed Bond will not only meet critical education capital and affordable housing needs of the County, but will also:</p> <ol style="list-style-type: none"> <li>1) provide an increase in jobs,</li> <li>2) reduce blight and unsafe housing conditions and strengthen and improve communities;</li> <li>3) contribute to the local economy by attracting and retaining a talented, diverse and skilled workforce needed by employers; and finally,</li> <li>4) add to the quality of life by reducing the number of residents who must commute or leave the County to have affordable housing.</li> </ol> <p><b>9.2:</b> Continue to support and provide an increased source of funding beyond federal HOME funding (that still provides an important resource but has been significantly and increasingly reduced over the past several years) to the extent practicable for on-going affordable housing programs and projects by the County’s local non-profit housing providers and continue to ensure priority needs are being met as well as encouraging maximum leveraging and sustainability.</p> <p><b>9.3:</b> Continue to provide and maintain a set aside of funding for land banking and acquisition opportunities for current and future affordable housing development.</p>	<p><b>AR28:</b> The County Manager will assess and recommend to the BOCC a dedicated funding source(s) needed and a plan of implementation to provide a source of reliable funds for affordable housing starting with FY2016-17.</p> <p><b>AR29:</b> Provide and maintain a set aside of funding for land banking and acquisition opportunities and keep this fund opportunity driven.</p> <p><b>AR30:</b> Seek and support opportunities to partner with community and municipal partners on: 1) major projects and or funding applications to federal, state and private funders and 2) building a stronger and more productive relationship with local and regional financial institutions.</p> <p><b>AR31:</b> Seek and support opportunities to partner with community and municipal partners in carrying out the strategies and actions of this Plan.</p>

**GOAL10: Encourage and support intergovernmental coordination, cooperation and collaboration in the provision of affordable housing in Orange County recognizing the greatest success, efficiencies and benefit County and region wide to all our current and future residents will be achieved through multi-jurisdictional efforts now and into the future.**

Strategies	Action/Recommendation
<p><b>10.1:</b> Continue to expand collaboration among staff, communities, educational institutions and elected officials of municipalities in the region to meet the critical human and region wide need of affordable housing and to support where feasible the goals and strategies of this Strategic Plan.</p> <p><b>10.2:</b> Continue to build on the relationships between the County and Towns and neighboring jurisdictions as applicable to ensure that future housing meets the broad range of needs of our communities and that these needs are met in the most efficient, effective, and equitable manner, and that new affordable housing developments and improvements enhance the County's and each municipalities' unique quality of life and community character.</p> <p><b>10.3:</b> Work collaboratively with municipal partners, the university community, the nonprofit community and the private sector to develop effective outreach and community building strategies that increase public, private and for-profit investment and support for affordable housing in the region.</p>	<p><b>AR32:</b> Continue and strengthen the County's and Towns' joint assessment and planning to obtain federal and other funding and public and private resources sources to provide assistance as needed to households earning lower incomes and or to residents with special needs and to our extremely vulnerable residents.</p> <p><b>AR33:</b> Continue collaboration and information exchange and to seek opportunities for joint efforts between the jurisdictions in addressing community needs and in maximizing utilization of resources and community benefit. This includes where feasible funding, planning, training, problem solving, civic engagement and identifying and building other community partnerships as needed to meet affordable housing and related community wide needs.</p>