

**SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 2, 2015
ORDINANCE REVIEW COMMITTEE**

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

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Tony Blake, Bingham Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative;

MEMBERS ABSENT: Lydia Wegman-At-Large Chapel Hill Township (Vice Chair); Maxecine Mitchell, At-Large Bingham Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

STAFF PRESENT: Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner;

**AGENDA ITEM 1: CALL TO ORDER
UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS
CAR SALES/RENTAL OPERATIONS**

To review and comment upon proposed amendments to the UDO regarding car sales and rental operations.

Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey presented the item and reviewed handouts.

Lisa Stuckey: To me this hard to imagine without being able to drive by and count the cars.

Michael Harvey: I would encourage you to do that, but I can also provide pictures from various examples in the county.

Lisa Stuckey: That would be helpful to see what the problem is.

Pete Hallenbeck: Are these showing an example of where vehicles are parked in the setback area or too close to the road?

Michael Harvey: Yes

Lisa Stuckey: If you go to page 9, I think it would be helpful if you explained what .17 and .24 is referring to.

Michael Harvey: That is referring to an acreage ratio. That can be addressed.

Herman Staats: How did you arrive at the .17 and .24?

Michael Harvey: I took a typical one acre lot and figured out required buffers, septic requirements, the minimum building size allowed in the district, which is another ratio standard, and tried to figure out what would be fair to allow open space, separation, and building size.

Tony Blake: That is in the footnote?

Michael Harvey: Yes.

Tony Blake: How would this impact or affect impervious surface? Seems like you could go over your allotment.

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56 Michael Harvey: You could, but in the urban areas of the county you have the capability to do more impervious with a
57 storm water feature.

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59 James Lea: Is there a way to find out how many businesses this will affect in the rural area?

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61 Michael Harvey: Sure

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63 James Lea: And to know what these businesses will be faced with? What changes they will have to make?

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65 Michael Harvey: Any existing motor vehicle business in operation legally doesn't have to comply with this ordinance
66 and can continue to operate subject to Article 8, Non Conformities, of the UDO. Business owner will be not penalized,
67 however, if they expand their business it would need to be brought into compliance at that time. If one goes out of
68 business and another opens, they would have to comply. I can get a list of businesses.

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70 **AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS**
71 **SEXUALLY ORIENTED BUSINESSES**

72 To review and comment upon proposed amendment to the UDO regarding sexually
73 oriented businesses.

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75 **Presenter:** Michael Harvey, Current Planning Supervisor

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77 Michael Harvey presented item and background information.

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79 Michael Harvey: On page 27 it states no sexually oriented business shall be located in a building or on a premises
80 where alcohol or alcoholic beverages are sold or in a building or on a premises that allows alcohol or alcoholic
81 beverages to be consumed.

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83 Tony Blake: Where is the case law for this?

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85 Michael Harvey: The State Law granting us the authority to regulate sexually oriented businesses specifically
86 mentions that we have the ability to modify ABC permitting requirements. The County Attorney's office will review the
87 case law and you will be updated if it is removed.

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89 Tony Blake: What about the existing business on Highway 86?

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91 Michael Harvey: Closed. In fact we are about to issues letters to two businesses that they have been closed for more
92 than 180 days and as a result they have lost their nonconforming status and cannot open as a sexually oriented
93 business.

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95 Lisa Stuckey: Were those the only two in the county?

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97 Michael Harvey: There was also Dixie's Truckstop, but that is also closed.

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99 James Lea: Currently there are no zoned properties in Orange County that would allow this?

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101 Michael Harvey: There are no I-2 or I-3 zoned properties, but there are several Eno Economic Development District
102 properties that would allow this use.

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104 Tony Blake: Will there be issues with proposing this use in the Eno Economic District?

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106 Michael Harvey: Due to the proposed use, it would face opposition in every district. When you look at the current
107 makeup of land uses allowed in the Eno Economic District, there are more industrial uses and less residential uses
108 compared to existing uses in the Buckhorn Economic District.

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James Lea: What is the economic development impact to the county from this use?

Michael Harvey: To some it is like a night club or video store. There is also an aversion that people and businesses do not want to be near it because of perceptions and would not want to see it.

Lisa Stuckey: Is this use considered blight in other communities where it is regulated?

Michael Harvey: It can be depending on how it is regulated and maintained.

AGENDA ITEM 3: ADJOURNMENT