

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

Notes

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

The following color coding is used in this amendment package:

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

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

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

**Yellow Highlighted Text:** Denotes revisions made after the August 3<sup>rd</sup> Planning Board agenda was distributed.

Some of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large "X" is not proposed for deletion; proposed deletions are shown in **red-strikethrough** text.

<h1 style="margin: 0;">EDH-2</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE</h2>	<b>DIMENSIONAL STANDARDS</b>		
	Lot size, min./max., ( <del>acres</del> square feet)	<del>2</del> / <del>5</del> 30,000 <sup>1</sup>	
Lot Width, min. (feet)	200		
<b>PURPOSE</b>			
<p>The purpose of the Economic Development Hillsborough Limited Office (EDH-2) District is to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.</p>	Front Setback, from ROW, min. (feet)	50	
<b>APPLICABILITY</b>			
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> <li>This district will be applied in the Hillsborough Economic Development District.</li> <li>This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.</li> </ol>	Side Setback, min. (feet)	20 [1]	
	Corner Setback, min. (feet)	50 [1] [2]	
	Rear Setback, min. (feet)	40 [1]	
	Height, max. (feet)	60 [3]	
<p><b>DIMENSIONAL STANDARDS NOTES:</b>  [1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.  [2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).  [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.  [4] R = residential, NR = non-residential, CU = conditional use</p>	Floor Area Ratio, max.	R-CU [4] NR	.45
	NR-CU	.50	
	Required Open Space Ratio, min.	.55	
	Required Livability Space Ratio, min.	R-CU	.50
	Gross Land Area, min./max (square feet)	none	
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05
<b>EDH-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS</b>			
1. Uses shall be restricted to those indicated for the EDH-2 District in Section 5.2, unless a Conditional Use (CU) or			

<sup>1</sup> In order to promote economic development opportunities, Staff is suggesting removing the 5 acre maximum lot size and lowering the minimum lot size to 30,000 square feet (0.69 acres). A 2-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

- MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
- ~~7. A structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.~~
- ~~8. All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use.<sup>2</sup>~~
9. Any nonresidential use within two hundred feet of a residential subdivision a lot smaller than 2 acres in size with an existing dwelling unit shall require a Special Use Permit, Class A.<sup>3</sup>
10. ~~Direct driveway access to an arterial or major collector shall be prohibited. A frontage or service road shall be dedicated and constructed to provide access along all arterials or major collectors.~~ Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no-rise certification from the NC Department of Public Safety National Flood Insurance Program or, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.<sup>4</sup>
11. No drive through facilities may be constructed in this district.
12. A justification for any deviation to development standards must state a public benefit or purpose.
13. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
14. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
15. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
16. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

<sup>2</sup> In order to promote economic development opportunities, Staff is suggesting deletion of standards 7 and 8 which require a Class A Special Use Permit for projects above a certain size. Staff notes that standard #9 is suggested to remain in place; this standard requires a Class A Special Use Permit for any nonresidential use located within 200-foot of an existing residential use on a smaller lot size. Typically, SUPs are used to require that a specific type of use (e.g., utility substations or wireless communication towers) be required to prove, in a quasi-judicial setting, that the use will meet the standards found in Section 5.3.2 of the UDO. It is unusual to require any use that reaches a certain size or that is located on a lot smaller or larger than a certain size be required to obtain a SUP.

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

<sup>4</sup> Staff is suggesting revised language because existing language provides no by-right flexibility to the requirement for frontage (or backage) roads in cases where site features might warrant flexibility in the requirement. The terms limited access street and marginal access street are existing terms and definitions in the UDO. Additionally, staff will bring an Amendment Outline Form to the BOCC after the summer break to receive authorization to develop an Access Management Plan for Hillsborough EDD. Section 2.5.3(V) of the UDO requires that site plan be in compliance with adopted access management plans; having an adopted access management plan will allow staff to require that parcels reserve access easements for future connectivity.

<h1 style="margin: 0;">EDH-3</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH <del>LIMITED</del> OFFICE WITH RESIDENTIAL<sup>5</sup></h2>		DIMENSIONAL STANDARDS	
		PURPOSE	Lot size, min./max., (acres)
<p>The purpose of the Economic Development Hillsborough <del>Limited</del> Office with Residential (EDH-3) District is to provide locations for low to moderate intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain <del>low to moderate density multi-family</del> residential uses (<del>4-8 6-12</del> units per acre)<sup>7</sup>.</p>	Lot Width, min. (feet)	200	
	APPLICABILITY	Front Setback, from ROW, min. (feet)	50
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> <li>This district will be applied in the Hillsborough Economic Development District.</li> <li>This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. <del>EXCEPTION: Single-family lots located south of I-40 may use ground absorption septic systems on minimum size lots of 40,000 square feet provided at least 33% of the tract is preserved as open space.</del></li> </ol> <p>DIMENSIONAL STANDARDS NOTES:<sup>8</sup>  <del>[1] Resultant single family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer.</del>                      [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the</p>	Side Setback, min. (feet)	20 [2]	
	Corner Setback, min. (feet)	50 [2] [3]	
	Rear Setback, min. (feet)	40 [2]	
	Height, max. (feet)	R [4]	35 [5] [6]
Floor Area Ratio, max.	NR	60 [5]	
	R-CU [4] NR	.50 .60	
	NR-CU	.55 .65 <sup>10</sup>	
Required Open Space Ratio, min.	.50		

<sup>5</sup> Staff is suggesting a change in the name of this district, as indicated. As proposed revisions in Section 5.2 show, staff is recommending that single-family and two-family dwellings be removed as permitted uses in this district. As such, references on this page to these types of residential uses are being shown for deletion.

<sup>6</sup> In order to promote economic development opportunities, Staff is suggesting removing the 5 acre maximum lot size and lowering the minimum lot size to 1 acre. A 2-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

<sup>7</sup> This is the existing density stipulated in Section 5.2 for multi-family residential in the Hillsborough EDD. Staff is recommending that single-family and duplex residential uses be removed as a permitted use in this district and that multi-family uses would be permitted only as a small component of a multi-use development (see proposed Section 5.5.10)

<sup>8</sup> Removal of [1] will cause subsequent renumbering and updates to the relevant note number in the table to the right.

adjacent residential district. [3] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7). [4] R = Residential uses; NR = Non-residential uses. [5] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [6] Multi-family structures shall be limited to a <del>two</del> three-story maximum. <sup>9</sup>	Required Livability Space Ratio, min.	R-CU	.45
	Gross Land Area, min./max. (square feet)	none	
	Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

**EDH-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS**

1. Uses shall be restricted to those indicated for the EDH-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
- ~~3. Parcels existing as of April 17, 2001 containing cumulatively more than 2 acres shall only be developed through a MPD-CZ process or after obtaining a Special Use Permit, Class A approval.<sup>11</sup>~~
4. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
- ~~8. Single family uses shall adhere to the requirements for Flexible Development Subdivisions in Section 7.13.<sup>12</sup>~~
- ~~9. Duplex and multi-family uses shall be connected to a public water and public sewer system.<sup>13</sup>~~
- ~~10. A structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.~~
- ~~11. All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use. Any nonresidential use within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size shall require a Special Use Permit, Class A.<sup>14</sup>~~
12. No drive through facilities may be constructed in this district.
13. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no-

<sup>10</sup> Staff is suggesting increases in Floor Area Ratios (FAR) in this district. The suggested ratios are in keeping with the FAR allowed within the higher-intensity districts that can be applied to lands within the Commercial-Industrial Transition Activity Nodes (CITAN)

<sup>9</sup> Staff is suggesting that multi-family structures be allowed to be three stories tall rather than two. Three stories has become fairly typical in the region for this type of residential product.

<sup>11</sup> Staff is suggesting removal of this standard in order to better promote economic development opportunities.

<sup>12</sup> Because single-family residential uses are being proposed for removal as a permitted use in this zoning district, this standard would be obsolete.

<sup>13</sup> All development in this zoning district would be required to be connected to public water and sewer (see #2 in Applicability section), so this standard would be obsolete.

<sup>14</sup> In order to promote economic development opportunities, Staff is suggesting deletion of standards 10 and 11 which require a Class A Special Use Permit for projects above a certain size. However, in order to promote protection of existing residential subdivisions (which are specifically designated in existing language in EDH-2), Staff is suggesting that the new language in #11 be added.

rise certification from the NC Department of Public Safety National Flood Insurance Program or, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.<sup>15</sup>

14. A justification for any deviation to development standards must state a public benefit or purpose.
15. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
16. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
17. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
18. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

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<sup>15</sup> Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 4, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards.

<h1 style="margin: 0;">EDH-4</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE / RETAIL</h2>	<b>DIMENSIONAL STANDARDS</b>			
	Lot size, min., (acres)	4 <sup>1</sup> <sup>16</sup>		
Lot Width, min. (feet)	<del>300</del> 200			
<b>PURPOSE</b>				
<p>The purpose of the Economic Development Hillsborough Office / Retail (EDH-4) District is to provide locations for high intensity office uses and supporting <b>retail and services uses</b> in the designated Hillsborough Economic Development District.</p> <p>The district is intended to be located on large areas <b>as part of a cohesive development plan</b> and may contain <b>limited</b> commercial uses within employment centers.</p>				
<b>APPLICABILITY</b>				
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> <li>This district will be applied in the Hillsborough Economic Development District.</li> <li>This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.</li> </ol>				
<p><b>DIMENSIONAL STANDARDS NOTES:</b></p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential, CU = conditional use</p>	Side Setback, min. (feet)	20 [1]		
	Corner Setback, min. (feet)	50 [1] [2]		
	Rear Setback, min. (feet)	40 [1]		
	Height, max. (feet)	60 [3]		
	Floor Area Ratio, max.	R-CU[4] NR	.65	
		NR-CU	.75	
	Required Open Space Ratio, min.	.40		
	Required Livability Space Ratio, min.	R-CU	.45	
Gross Land Area, min./max. (square feet)	none			
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05		
<b>EDH-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS</b>				
<ol style="list-style-type: none"> <li>Uses shall be restricted to those indicated for the EDH-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the</li> </ol>				

<sup>16</sup> In order to promote economic development opportunities, Staff is suggesting lowering the minimum lot size to 1 acre. A 4-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

2. Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
3. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
4. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. Residential uses are not permitted in this district.
8. All outparcels within this district shall have internal access to the development.
9. No drive through facilities may be constructed in this district.
9. **Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no-rise certification from the NC Department of Public Safety National Flood Insurance Program or, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.**<sup>17</sup>
10. Justification for any deviation to development standards must state a public benefit or purpose.
11. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
12. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
13. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
14. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

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<sup>17</sup> Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards.

<h1 style="margin: 0;">EDH-5</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE/FLEX RESEARCH AND MANUFACTURING</h2>	<b>DIMENSIONAL STANDARDS</b>					
	Lot size, min., (acres)	4 2 <sup>18</sup>				
Lot Width, min. (feet)	<del>300</del> 200					
<b>PURPOSE</b>						
<p>The purpose of the Economic Development Hillsborough Office/Flex Research and Manufacturing (EDH-5) District is to provide locations for a wide range of research, assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District.</p> <p>Some commercial services are also permitted <del>accessory to industrial development</del> if they are part of a cohesive development plan that is predominantly comprised of permitted non-residential uses and provided all access is provided internally. The district is established to provide locations for research and industrial development which have little or no impact on adjoining properties.</p>	Front Setback, from ROW, min. (feet)	50				
<b>APPLICABILITY</b>						
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> <li>1. This district will be applied in the Hillsborough Economic Development District.</li> <li>2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.</li> </ol>	Side Setback, min. (feet)	20 [1]				
	Corner Setback, min. (feet)	50 [1] [2]				
	Rear Setback, min. (feet)	40 [1]				
	Height, max. (feet)	40 [3]				
<p><b>DIMENSIONAL STANDARDS NOTES:</b></p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential, CU = conditional use</p>	Floor Area Ratio, max.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">R-CU [4] NR</td> <td style="text-align: center;">.65</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.75</td> </tr> </table>	R-CU [4] NR	.65	NR-CU	.75
	R-CU [4] NR	.65				
	NR-CU	.75				
	Required Open Space Ratio, min.	.40				
	Required Livability Space Ratio, min.	R-CU	.45			
	Gross Land Area, min./max. (square feet)	none				
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05				

<sup>18</sup> In order to promote economic development opportunities, Staff is suggesting lowering the minimum lot size to 2 acres. A 4-acre minimum lot size for projects that must be located on public water and sewer (see #2 under Applicability) is relatively large.

**EDH-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS**

1. Uses shall be restricted to those indicated for the EDH-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. No drive through facilities may be constructed in this district.
8. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no-rise certification from the NC Department of Public Safety National Flood Insurance Program or, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.<sup>19</sup>
9. A justification for any deviation to development standards must state a public benefit or purpose.
10. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
11. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
12. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
13. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

<sup>19</sup> Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 4 districts. Insertion of this standard causes the automatic renumbering of remaining standards.

5.2.2 Table of Permitted Uses – Economic Development Districts

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
<b>AGRICULTURAL USES</b>									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
<b>CONSTRUCTION</b>									
Building contractors		*		*					
Construction (Sector 23) ( <del>Hillsborough EDD only;</del> a# All activities must be wholly within building) <sup>21</sup>									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
<b>FINANCE</b>									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	*
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					
Security and commodity brokers, and investment offices	*	*	*	*					
<b>GOVERNMENT USES</b>									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*

<sup>20</sup> Staff suggests adding clarifying language as to what “Sector X” refers to when referencing the rows that pertain to the Hillsborough EDD zoning districts.

<sup>21</sup> Staff suggests modifying the language as shown since the rows that have Sector Numbers pertain only to the Hillsborough EDD.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*
Parks, public and non-profit	*	*	*	*	*	*	*	*	*
Public Administration (Sector 92)									*
<b>INFORMATION</b>									
Information (Sector 51)								*	*
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>									
Manufacturing (Sector 31-33) ( <del>Hillsborough EDD, only; all</del> All activities must be wholly within building) <sup>22</sup>									*
Electronic Equipment (see listing below)									
• Communications equipment		*		*					
• Electric lighting and wiring equipment		*		*					
• Electric transmission and distribution		*		*					
• Electrical industrial apparatus		*		*					
• Electronic components and accessories		*		*					
• Household appliances		*		*					
• Radio and television receiving equipment		*		*					
Fabricated Metal Products (see listing below)									
• Cutlery and hand tools		*		*					
• Fabricated structural metal products		*		*					
• Heating equipment, except electric and warm air; and plumbing fixture		*		*					

<sup>22</sup> Staff suggests modifying the language as shown since the rows that have Sector Numbers pertain only to the Hillsborough EDD.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
• Metal cans and shipping containers		*		*					
• Nuts, bolts, screws, rivets, and washers		*		*					
Food Products (see listing below)									
• Bakery		*		*					
• Bottling plants		*		*					
• Dairy		*		*					
• Miscellaneous food preparation; e.g., coffee roasting, condiments, confectionary products, etc.		*		*					
Industrial Machinery (see listing below)									
• Engines and turbines		*		*					
• Farm/garden machinery and equipment		*		*					
• General industrial machinery and equipment; e.g., purification equipment, ball and roller bearings, etc.		*		*					
• Metalworking machinery and equipment		*		*					
• Office, computing, and accounting machines		*		*					
• Special industrial machinery; e.g., textile machinery		*		*					
Instruments (see listing below)									
• Measuring, analyzing, and controlling instruments		*		*					
• Photographic, medical, and optical goods		*		*					
• Watches and clocks		*		*					
Paper Products (see listing below)									
• Converted paper and paperboard products		*		*					

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>										
• Paperboard containers and boxes		*		*						
Furniture and Fixtures (see listing below)										
• Household and office furniture		*		*						
• Miscellaneous furniture and fixtures		*		*						
Pharmaceutical Products		*		*						
Printing and Publishing Establishments		*		*						
Rubber and Plastic Products (see listing below)										
• Miscellaneous plastic products; e.g., plastic pipe, packaging materials, etc.		*		*						
• Rubber and plastic footwear		*		*						
• Rubber and plastic hose and belting		*		*						
Stone, Glass, Clay, and Concrete Products (see listing below)										
• Cut stone products		C#		C#						
• Flat glass		*		*						
• Glass and glassware		*		*						
• Pottery and related products		*		*						
Transportation Equipment (see listing below)										
• Miscellaneous transportation equipment; e.g., motor vehicle components		*		*						
• Motorcycles, bicycles, and parts		*		*						
Miscellaneous Manufacturing Industries (see listing below)										
• Jewelry and silverware		*		*						
• Miscellaneous manufacturing industries; e.g., costume jewelry, novelties, buttons, etc.		*		*						

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
• Musical instruments		*		*					
• Pen, pencils, office, and artist supplies		*		*					
• Toys, sporting, and athletic goods		*		*					
<b>RECREATION</b>									
Arts, Entertainment & Recreation (Sector 71)								*	
<b>RESIDENTIAL</b>									
Dwelling, single-family			*				<u>*</u> <sup>23</sup>		
Dwelling, two-family			*				<u>*</u>		
Dwelling, multi-family (6-12 units per acre in the Hillsborough EDD)			*				*	*	
Dwelling, multi-family (6+ units per acre as part of mixed use development; maximum of 25% of development square footage)	*								
Dwelling, multi-family (6+ units per acre)	C#								
Dwelling, mobile home (For replacement of existing mobile home)			*						
<del>Temporary mobile home (For occupancy during construction of permanent residential unit and for 30 days after issuance of Certificate of Occupancy)</del> Temporary Use of a Residential Mobile Home <sup>24</sup>			*				<u>*</u>		

<sup>23</sup> Staff is suggesting removing single-family residential and two-family (e.g., duplex) uses as permitted uses within the Hillsborough EDD. This is being suggested in order to promote lands within the EDD predominantly for non-residential uses (multi-family uses would be permitted in the indicated districts but subject to the proposed use-specific standards in Section 5.5.10 which limits the scope of the use and requires that, in order to be permitted by-right, they be part of an overall development plan that includes other permitted use(s) as the dominant use. Stand-alone multi-family development could potentially still be permitted within the Hillsborough EDD through either the MPD-CZ process or as a Conditional Use District.

<sup>24</sup> Staff is suggesting renaming this use type to be consistent with the title used in Section 5.4.4 which contains the standards for this use type. Additionally, staff suggests deleting the use from EDH-3 since only multi-family uses are suggested for EDH-3.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
<b>RETAIL</b>									
Farm equipment sales	C#	C#		*					
Motor vehicle service station	C#	C#		*					
Motor vehicles, new and used, sales and rental	C#	C#		*					
Nightclubs, bars, and pubs (Only as accessory use to hotel, motel or restaurant)	*	*		*					
Restaurants (carry-out and general) when located in a service building, court or plaza, retail store, or enclosed mall consisting of multiple uses	*	*		*					
Restaurants (carry-out and general) in a separate, free-standing building	*	C#		*					
Restaurants (drive-in) in a separate, free-standing building	C#	C#		*					
Retail Trade (Sectors 44, 45; excluding Subsector 454 Non-store retailers) <del>(Only Hillsborough EDD through Conditional Use District or MPD-CZ)</del> <sup>25</sup>								*	*
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, in a separate, free-standing building	*	C#		*					
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, when located in a service building, court or plaza, or enclosed mall consisting of multiple uses.	*	*		*					
<b>SERVICES</b>									

<sup>25</sup> Staff is suggesting that retail trade be permitted in EDH-4 and EDH-5, subject to the proposed standards in Section 5.6.16 which limit the scope of retail uses allowed by-right and requires they be part of an overall development plan that includes other permitted use(s) as the dominant use. As is currently the situation, retail trade would be permitted as a stand-alone use in the Hillsborough EDD only if a CUD or MPD-CZ is approved.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>										
Accommodation and Food Service (Sector 72) <del>(Eating and drinking establishments are permitted only as accessory use to hotel, or motel or restaurant; Hillsborough EDD only)</del> <sup>26</sup>						*		*		* <sup>27</sup>
Administrative & Support Services (Sector 561)					*	*	*	*		*
Art/photographic studios	*	C#	*	*						
Assembly facility - 300 or more person capacity		C#		*						
Assembly facility - less than 300 person capacity		C#		*						
Beauty and barber shops	*	*	*	*						
Churches	*	*	*	*						
Clubs and lodges, and social, fraternal, and union clubhouses	C#	C#	C#	C#						
Community center	A	A	A	A						
Day care facility	B	B	*	*						
Educational Services (Sector 61)										
Funeral homes	C#	C#		*						
Golf driving and practice ranges		*		*						
Health Care & Social Assistance (Sector 62)					*	*	*	*		*
Health services, including doctors and dentists offices, and medical and dental laboratories	*	*	*	*						
Hotels and motels	*	C#		*	*	*	*	*		
Indoor theaters	*	C#		*	*	*	*	*		
Large day care home		B	*	*						

<sup>26</sup> Staff is suggesting this language be moved to Section 5.6.17 since the standards section is a more appropriate place for standards..

<sup>27</sup> Section 5.6.17 contains standards that would be permit this use in EDH-5 only if it is limited in scope and part of an overall development plan.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
Laundry, dry cleaning, and shoe repair services	*	C#	*	*					
Libraries	*	C#	*	*					
Management of Companies & Enterprises (Sector 53)					*	*	*	*	*
Motor vehicle maintenance and repair (body shop)		C#		*					
Other offices and personal services; e.g., attorneys, watch and jewelry repair, computer programming and data processing, employment and travel agencies, advertising agencies, and accounting, engineering, architectural, and surveying offices	*	*	*	*					
Professional, Scientific & Technical Services (Sector 54)					*	*	*	*	*
Recreational facilities	B	*	B	*					
Repair service, electronic and appliance	C#	C#	*	*					
Research facility		*		*					
Schools, dance, art, and music	*	C#	*	*					
Schools, elementary, middle, and high	A	A	*						
Schools, vocational	C#	C#		*					
Other Services (Hillsborough EDD only)					*		*	*	*
<b>TRANSPORTATION</b>									
Bus terminals and garages		C#		*					
Postal and parcel delivery services		*		*					
Rail/bus passenger shelter	*	*	*	*				*	
Surface and structure parking as principal use (When associated with a local or regional transportation goal such as mass transit or park-and-ride)		*		*				*	

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE	A = CLASS A SPECIAL USE		B = CLASS B SPECIAL USE		C = CONDITIONAL USE (REZONING & CLASS A SUP)					
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>										
Transportation and Warehousing (Sector 48, 49)										*
<b>WHOLESALE TRADE</b>										
Wholesale Trade (Sector 42)										*
Durable Goods (see listing below)										*
• Automotive parts and supplies (In an enclosed building)		*		*						
• Electrical goods		*		*						
• Furniture and home furnishings		*		*						
• Hardware, plumbing, and heating equipment and supplies		*		*						
• Lumber and other construction materials		*		*						
• Machinery, equipment, and supplies		*		*						
• Sporting, recreational, photographic, and hobby goods; toys and supplies		*		*						
Non-Durable Goods (see listing below)										
• Apparel and piece goods		*		*						
• Beer, wine, and distilled alcoholic beverages		*		*						
• Groceries and related products		*		*						
• Paper and paper products		*		*						
• Pharmaceuticals and cosmetics		*		*						
<b>MISCELLANEOUS</b>										
Accessory uses	*	*	*	*	*	*	*	*	*	* <sup>28</sup>

<sup>28</sup> Accessory uses are supposed to be allowed in all zoning districts. Staff believes it was an oversight to not allow them in the EDH districts and is suggesting making this correction.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) <sup>20</sup>									
Electric, Gas, and Liquid Fuel Transmission lines	B	B	B	B					
Elevated water storage tank (Permitted as accessory use without Special Use Permit)	B	B		B				*	*
Historic buildings for non-residential/mixed use	A	A	A	A					
Public utility stations and sub-stations, switching stations, and telephone exchanges	A	A	A	A				*	*
Radio and television transmitting and receiving towers	B	B		B					*
Solar Array – Large Facility	B	B	B	B					
Solar Array – Public Utility	A	A	A	A					
Storage and warehousing, inside building		*		*					
<del>Storage of goods, outdoors (Accessory only and subject to screening)</del> <sup>29</sup>		<del>*</del>		<del>*</del>					
Water and sanitary sewer pumping stations	*	*	*	*				*	*

<sup>29</sup> Staff is suggesting removing this use type because the Table of Permitted Uses is where principal uses are listed, not accessory uses which are permitted in all zoning districts if they are “customary and ancillary” to a permitted principal use. Section 6.4.10 (Service and Outdoor Storage) already addresses screening and other standards for outdoor storage.

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

### 5.5.10 Multi-Family<sup>30</sup>

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

- (1) Multi-family uses are permitted in the EDH-3 and EDH-4 zoning districts only in accordance with the following standards:
- (a) The multi-family use is part of an overall site plan that includes at least one other permitted **Principal Use**<sup>31</sup>.
- (i) The other permitted **Principal Use(s)** must be established prior to, or concurrent with, the multi-family use(s).
- (b) The square footage of the structure(s), or portion of structures, to be **used utilized**<sup>32</sup> for multi-family dwellings does not exceed 25% of the total square footage of all structures included on the overall site plan.
- (c) The square footage of the structure(s), or portion of structures, to be **used utilized** for uses that are subject to square footage restrictions in the pertinent zoning district(s), as detailed in Article 5 of this Ordinance, does not exceed 50% of the total square footage of all structures included on the overall site plan.

<sup>30</sup> These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly multi-family residential. Projects that contain a greater percentage of multi-family residential could still be permitted through the MPD-CZ or CUD process.

<sup>31</sup> The County Attorney's office suggested that "principal use" be capitalized in a different text amendment. Planning staff is changing it out in this text amendment in an attempt to keep language in the UDO as consistent as possible.

<sup>32</sup> The County Attorney's office suggested this wording in a different text amendment. Planning staff is changing it out in this text amendment in an attempt to keep language in the UDO as consistent as possible.

- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

#### 5.6.15 Sexually Oriented Businesses

##### (A) Submittal Requirements

- (1) In addition to the site plan submittal criteria detailed within Section 2.5 of this Ordinance the applicant shall submit proof a license has been issued allowing for the operation of a sexually oriented business in accordance with Chapter 8 of the Orange County Code of Ordinances.

##### (B) Standards of Evaluation

- (1) Sexually oriented business(es) shall not be located in any building, or portion thereof, that is:
- (a) Within 1,000 feet of an existing sexually oriented business.
  - (b) Within 1,000 feet of a:
    - (i) Residential land use including any open space established as part of the residential subdivision approval process,
    - (ii) Church and/or place of worship,
    - (iii) School (public, private, or specialty),
    - (iv) Public or private library,
    - (v) State licensed child care facility, or
    - (vi) Public park or recreational facility.
  - (c) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

#### 5.6.16 Retail Trade (Sectors 44, 45; excluding subsector 454 of the North American Industry Classification System [NAICS])<sup>33</sup>

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

- (1) Retail Trade uses are permitted in the EDH-4 and EDH-5 zoning districts only in accordance with the following standards:
- (a) The retail trade use(s) is part of an overall site plan that includes at least one other permitted **Principal Use**<sup>34</sup>.
    - (i) The other permitted **Principal Use(s)** must be established prior to, or concurrent with, the retail trade use(s).
  - (b) The square footage of structures(s), or portion of structures, to be **used utilized** for retail trade use(s) does not exceed 25% of the total square footage of all structures included on the overall site plan.
  - (c) The square footage of structures(s), or portion of structures, to be **used utilized** for uses that are subject to square footage restrictions in the

<sup>33</sup> These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly retail trade. Projects that contain a greater percentage of retail trade could still be permitted through the MPD-CZ or CUD process.

<sup>34</sup> The County Attorney's office suggested that "Principal Use" be capitalized in a different text amendment. Planning staff is capitalizing it here in order to keep the UDO as consistent as possible.

pertinent zoning district(s), as detailed in Article 5 of this Ordinance, does not exceed 50% of the total square footage of all structures included on the overall site plan.

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

**(A) Standards for EDH-2 and EDH-4 Zoning Districts<sup>35</sup>**

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

**(B) Standards for EDH-5 Zoning District<sup>36</sup>**

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

**SECTION 5.7: STANDARDS FOR RECREATIONAL USES**

**5.7.1 Recreational Uses as Accessory Uses**

**(A) Residential Land Uses**

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

**(1) General Standards**

- (a) Accessory recreational uses shall not be open to the public or serve as a recreation amenity for other lots.
- (b) Amenities, equipment, and/or facilities intended for spectators such as bleachers or public address systems shall not be permitted.
- (c) Outdoor sports field lighting, as detailed within Section 6.11, shall be prohibited.

**(2) Specific Standards**

<sup>35</sup> This restriction currently exists within the Table of Permitted Uses (Section 5.2.2). Staff has determined that the use-specific standards section is a more appropriate place for the standard.

<sup>36</sup> These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly hotels and restaurants. Projects that contain a greater percentage of accommodation and food service uses could still be permitted through the MPD-CZ or CUD process.

**(C) Development Standards**

**(1) Dimensional Requirements**

- (a) There are no minimum lot sizes within the MPD-CZ district; However, the Master Plan will set forth the individual lot setbacks in accordance with the General Dimensional Requirements established herein.

TABLE 6.7.5.C: SPECIFIC STANDARDS FOR HILLSBOROUGH EDD									
ZONING DISTRICT	MINIMUM ZONING LOT		MINIMUM SETBACKS					MAXIMUM IMPERVIOUS SURFACE COVER (%)	MAXIMUM HEIGHT (FEET)
	AREA (ACRE)	WIDTH (FEET)	FRONT (FEET)	REAR (FEET)	SIDE				
					ONE SIDE (FEET)	COMBINED (FEET)	STREET (FEET)		
MPD-CZ	-	200	60	40	20	40	40	50	60

- (b) Single-family and duplex residential uses following the flexible development guidelines established in Section 7.13 of this Ordinance, may reduce the minimum setbacks by 50% and the lot width by 60%.

**(2) Internal Access**

- (a) All outparcels within the MPD-CZ district shall have internal access to the development.
- (b) All parcels shall provide for interconnectivity between parking areas if determined necessary by staff.

- (3) No drive through facilities may be constructed in this district.
- (4) Consideration of lower cost and affordable housing shall be incorporated into any mixed use development.
- (5) A justification for any deviation to development standards must state a public benefit or purpose.

**(D) Plan Approvals**

- (1) If a MPD-CZ rezoning application is approved with a Master Plan, the approval does not obviate the need to obtain a Class A Special Use Permit or site plan approval for the individual “pods”/lots shown on the Master Plan in accordance with the provisions of this Ordinance.
- (2) ~~Tracts over 2.0 acres and/or structure(s) totaling cumulatively over 20,000 square feet on one zoning lot require a Class A Special Use Permit approved in accordance with the provisions of this Ordinance. Otherwise, the site plan may be approved in accordance with Section 2.5 of this Ordinance. A Class A Special Use Permit shall be required if any nonresidential use is located within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.~~<sup>37</sup>

<sup>37</sup> In order to promote economic development opportunities in the Hillsborough EDD, Staff is suggesting deletion of language that requires a Class A Special Use Permit for projects above a certain size. However, in keeping with how the EDH general use zoning districts operate, staff is suggesting that a MPD-CZ project within the Hillsborough EDD be required to obtain a Class A Special Use Permit if any nonresidential use located within 200-feet of existing dwellings on smaller sized lots.