

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 21, 2009

**Action Agenda
Item No.** 4-9

SUBJECT: Legal Advertisement for Quarterly Public Hearing – May 18, 2009

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. Proposed Legal Advertisement

INFORMATION CONTACT:
Craig Benedict, Planning Director,
245- 2592
Perdita Holtz, Planning Systems
Coordinator, 245-2611

PURPOSE: To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for May 18, 2009.

BACKGROUND: The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following items are proposed for consideration at the May 18, 2009 Quarterly Public Hearing and further detail on each item is provided in the legal advertisement in Attachment 1.

1. Proposed amendment(s) to Article Seven (7) *Planned Development* Section 7.2.8 *Time Limit of Start of Construction of Planned Development* of the Orange County Ordinance clarifying existing regulations governing the commencement of construction activities.
2. Proposed amendment(s) to Article Four (4) *Establishment of Permitted Use Table and Schedule* Section(s) 4.2.8 and 4.2.9 of the Orange County Zoning Ordinance to modify existing standards governing the acceptable level of non-residential zoned area permitted within Commercial activity, Rural Neighborhood, and Rural Community Activity Nodes.
3. Proposed amendment(s) to Article Six (6) *Application of Dimensional Requirements* Section 6.23.1 *Land Use Restrictions* to modify existing regulations prohibiting non-residential development within the University Lake Critical and Protected, Cane Creek Critical, and Upper Eno Critical Watershed Protection Overlay Districts.

FINANCIAL IMPACT: Other than advertising costs which are included in the FY 2008-09 Budget, there are no direct financial impacts associated with the approval of this item.

RECOMMENDATION(S): The Administration recommends the Board approve the proposed May 18, 2009 Quarterly Public Hearing legal advertisement.

**NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Central Orange Senior Center, 103 Meadowlands Drive, Hillsborough, North Carolina, on Monday, May 18, 2009, at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

A. PUBLIC HEARING ITEMS

1. Proposed amendment(s) to Article Seven (7) *Planned Development* Section 7.2.8 *Time Limit of Start of Construction of Planned Development* of the Orange County Ordinance clarifying existing regulations governing the commencement of construction activities.

Planned Development projects have a one-year time period in which to commence construction activities or face the revocation of any and all approvals. While this requirement may be realistic for a small-scale, single use, project it is not practical for large, multi-phase projects. In such instances, the necessary permits may take longer than a year for an applicant to obtain thereby delaying the commencement construction activities.

Staff will propose an amendment affording a developer additional time if he/she can demonstrate that the necessary permits have been applied for and the timeline for their review/approval will not allow for the commencement of construction activity within the one-year timeframe.

2. Proposed amendment(s) to Article Four (4) *Establishment of Permitted Use Table and Schedule* Section(s) 4.2.8 and 4.2.9 of the Orange County Zoning Ordinance to modify existing standards governing the acceptable level of non-residential zoned area permitted within Commercial activity, Rural Neighborhood, and Rural Community Activity Nodes.

There is currently a cap on the total amount of non-residential zoned property, based on acreage, within existing Nodes.

Staff will propose amendments that will increase the total allowable non-residential zoned property within Rural Community Activity Nodes, while keeping existing thresholds for others. Staff will also recommend adding language allowing for individuals seeking to develop non-residential land uses above and beyond these thresholds to propose a Planned Development in accordance with the standards contained within Article Seven (7).

3. Proposed amendment(s) to Article Six (6) *Application of Dimensional Requirements* Section 6.23.1 *Land Use Restrictions* to modify existing regulations prohibiting non-residential development within the University Lake Critical and Protected, Cane Creek Critical, and Upper Eno Critical Watershed Protection Overlay Districts.

Section 6.23.1 includes a prohibition on commercial or industrial uses from being developed within the aforementioned Protected and Critical Watershed Overlay Districts. Staff will propose amendments that will allow for non-residential

development within these areas in situations where a Rural Community Activity Node has been established in accordance with the provisions of the Orange County Comprehensive Plan and that comply with all applicable requirements of the Orange County Zoning Ordinance.

Non-residential development shall only be permitted on property within these various Watershed Protection Overlay districts that are located within the aforementioned Node.

Accommodations for individuals with physical disabilities can be provided if the request is made to the Director of Planning at least 48 hours prior to the Public Hearing by calling the appropriate number listed below. The full text of the changes may be obtained after May 8, 2009 from the Planning Department. Also, the text may be obtained at the County website www.co.orange.nc.us at the Meeting Agendas link prior to the meeting.

Questions regarding the proposals may be directed to the Orange County Planning Department located in the Planning and Agricultural Center, 306F Revere Road, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:

News of Orange
May 6, 2009
May 13, 2009

Chapel Hill Herald
May 6, 2009
May 13, 2009