

**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, September 7, 2016
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **3 - 4** **INFORMATIONAL ITEMS**
 - a. Planning Calendar for September and October
- 3. **5 - 20** **APPROVAL OF MINUTES**
August 3, 2016 Regular Meeting
- 4. **CONSIDERATION OF ADDITIONS TO AGENDA**
- 5. **PUBLIC CHARGE**
Introduction to the Public Charge

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

Public Charge

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

- 6. **CHAIR COMMENTS**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
7.	21 - 55	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To review revisions suggested by the Attorney's office after the August 3 Planning Board meeting (where this text amendment was previously acted upon) and make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would modify existing regulations that pertain to the Hillsborough Economic Development District. This item is scheduled for the September 12, 2016 quarterly public hearing. Presenter: Perdita Holtz, Planning Systems Coordinator
8.	56 - 69	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To review revisions suggested by the Attorney's office after the August 3 Planning Board meeting (where this text amendment was previously acted upon) and make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would establish use standards to allow certain principal uses to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district. This item is scheduled for the September 12, 2016 quarterly public hearing. Presenter: Ashley Moncado, Special Projects Planner
9.		COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation
10.		ADJOURNMENT

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

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

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

**MINUTES
ORANGE COUNTY PLANNING BOARD
AUGUST 3, 2016
REGULAR MEETING**

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

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

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

OTHERS PRESENT: Sharon Mace; Dan Way; Austin Seifts; Annie Seifts; Nathan Robinson; Chris Cole; Franklin Garland; Jimmy Garland; Javier Latre Gorbe; George Horton; Jim Parker.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Tony Blake called the meeting to order.

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for August and September

Lydia Wegman arrived and assumed chair duties.

AGENDA ITEM 3: APPROVAL OF MINUTES
MAY 4, 2016 REGULAR MEETING
JULY 6, 2016 ORC NOTES

MOTION by Lisa Stuckey to approve the May 4, 2016 Planning Board minutes and July 6, 2016 ORC notes, seconded by Laura Nicholson.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

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 57

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 64 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
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 68 **AGENDA ITEM 6: CHAIR COMMENTS**
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70
 71 **Agenda Item 7: Application For A Class A Special Use Permit:** To make a recommendation to the Board
 72 of County Commissioners on a Special Use Permit application seeking to develop a solar
 73 array/public utility station on a 52 acre parcel of property (PIN 9835-02-9137, no address
 74 assigned yet) which is accessed via an easement from 6519 U.S. Highway 70 West within
 75 the Cheeks Township. This item is scheduled for the September 12, 2016 quarterly public
 76 hearing
 77 **Presenter:** Patrick Mallett, Planner II
 78

79 *Patrick Mallett reviewed abstract.*

80
 81 *Javier Gorbe (Oakwood Solar Farm) gave presentation.*

82
 83 *Michael Harvey reviewed attachments and packet contents.*
 84

85 Lydia Wegman: On page 167-168 are your recommended additional conditions. Can you walk through those?
 86

87 Michael Harvey: I would suggest we review the conditions at the end of the presentation once we walk the Board
 88 through the required findings.
 89

90 Tony Blake: How many megawatts is this?
 91

92 Javier Gorbe: 5 megawatts.
 93

94 Tony Blake: I noticed that this is a Mebane address. There are no plans to have this annexed into Mebane?
 95

96 Michael Harvey: No, sir, it's just in the Mebane zip code for postal service.
 97

98 Tony Blake: I noticed on one of the plats that pointed out some waste is going to be cleaned up?
 99

100 Patrick Mallett: The portions I believe that are being currently used the Mace commercial operations will be
 101 removed, cleared out, and dealt with.
 102

103 Patricia Roberts: Why don't we put solar panels on top of buildings? We have a big storage building facility, why not
 104 put those on top
 105

106 Javier Gorbe: In some states it's more favorable to do those types of installations. Those states have the possibility
 107 of use... electricity. When you have states that the utility has too much control then the utilities ban anybody else to
 108 sell electricity so they don't have competition. So in the state of North Carolina you cannot sell electricity.

109
110 Patricia Roberts: So what do you do with this electricity?
111
112 Javier Gorbe: You have to give it back to the grid... You cannot sell to a customer. You cannot sell to commercial
113 building. You cannot sell to a farmer. You have to sell it back to the grid and the rules to do that are in the state
114 rules and regulations.
115
116 Patrick Mallett: Those are typically used to power the building they're on, or the near area versus this type of facility
117 that throws the power in with the grid system.
118
119 Patricia Roberts: I have solar panels on my house and Duke Power does not... It's all in their favor, and
120 summertime we do okay. The wintertime, they may even charge you money to have to come read your meter.
121
122 Patrick Mallett: From a legal perspective, I believe, your power goes to the grid and you get a credit.
123
124 Kim Piracci: It's my understanding that if you've put a solar array on the ground you can put it on the optimal space.
125 If it's on the building it might be sub-optimal.
126
127 Javier Gorbe: You have some other problems to put them on the building, so if the building is from the 1990's or
128 earlier there are regulations that are less strict than now. So the buildings don't meet the actual code so you cannot
129 put anything on the roof because they don't meet the local standards anyway. And you can still do solar, but the
130 way you do solar is more complicated.
131
132 Kim Piracci: 5 megawatts; can you put that in terms of how many houses it could run?
133
134 Javier Gorbe: Depending on the power of the house I can't say. But, we will generate, here, 1,450 kilowatt hours
135 each kilowatt that we stow.
136
137 Michael Harvey: I just wanted to state the our ordinance doesn't preclude the placement of solar panels on top of
138 building roofs, but again it has to handle load. We would encourage it but the building has to be able to handle the
139 load of panels.
140
141 Patricia Roberts: So there's rows in between these, why not have them plant grapes or something?
142
143 Javier Gorbe: It's about liability. You can really do anything between the panels, and again, North Carolina is one of
144 the best places to have a good layer of grass between the panels. Normally this is an investment so to plant
145 anything there, normally we don't go that route because it's a liability issue.
146
147 Lisa Stuckey: Chapel Hill just recently had a big push to get solar panels on top of peoples houses and several
148 hundred people did.
149
150 Paul Guthrie: Where is the connection going to be to the grid?
151
152 Javier Gorbe: There is an existing line here, running through 70 and this is the entrance to the site and the line is
153 parallel to the road.
154
155 Paul Guthrie: What extent will there need to be construction activity in making that connection?
156
157 Javier Gorbe: The line comes up to here and then goes this way, up to the site. We will have to do a new line. But,
158 from here to the road is up to Duke to decide how they want to refurbish the line, if they have to or put any new
159 equipment.
160
161 Paul Guthrie: Will there need to be any extensive use of land that's not in that drawing, it's a different ownership is
162 the reason I'm asking?

163
164 Javier Gorbe: No, the connection has fuses and protection equipment like you can have in your house. But, it's not
165 extensive.
166
167 Michael Harvey: Paul, let me just add that we asked a similar question that Duke indicated to us that they would not
168 have to alter their existing utility lines in the area to accommodate this project. It would be a higher gauge utility line
169 but it would be just a utility line like you see a regular power line.
170
171 Lydia Wegman: I have a couple of questions. Have any of the neighbors or nearby residences expressed concern
172 about this?
173
174 Javier Gorbe: We had a community meeting last week and what they were wanting to know was the noise level,
175 and I think we addressed that. We had another call from somebody that didn't want to give a name, and it was the
176 question so we talked and addressed that.
177
178 Patrick Mallett: In addition to material Rachel and Molly spent a lot effort putting together a neighborhood
179 informational meeting. It's 4 pages sort of outlining the general discussion. I would say the vast majority of the
180 discussion was, " Can I see it? Can I hear it?". The general principle, once you go 150 feet away and the distance
181 here is over 500 feet, roughly. The residences are thousands of feet away. The closest residence here called and
182 asked. Once I walked the gentleman through the mechanics and understanding that it's on the other side of the
183 pond, I think he was satisfied with concerns about noise and sight. There was another residence over in this
184 general area here that had some questions about some earthwork that was being done over here; I explained that it
185 had nothing to do with the request from the solar facility. They all seemed to be satisfied. And these Minutes will be
186 entered into the record at the public hearing, along with all the application materials.
187
188 Lydia Wegman: And Javier, you mentioned that a site-specific assessment was going to be done, appraisal. Was
189 that the Kirkland one?
190
191 Javier Gorbe: Yes, that's already done.
192
193 Lydia Wegman: And can you just explain to me again, what your North Carolina experience is. Are you actually
194 running solar arrays now in this state?
195
196 Javier Gorbe: Yes, so, ESA came here in 2010 and we are a U.S. company. We just met a farmer that wanted to do
197 solar in North Carolina and we established doing solar in North Carolina in 2010, there were no companies doing
198 solar at the time. Since then we have build around 10 sites in North Carolina, and have been operating for many
199 years. Now, we have around 35 sites that we are developing that haven't been built yet.
200
201 Lydia Wegman: And you work with ESA? Is that an independent company or is that owned by another company?
202
203 Javier Gorbe: Yes, ma'am. And it's an independent private company. It's independent but the stakeholders are
204 Spanish and American.
205
206 Craig Benedict: My understanding, there's an ESA USA and an ESA Spain.
207
208 Lydia Wegman: Is ESA USA a subsidiary of ESA Spain. Is ESA Spain the stakeholder who own ESA USA?
209
210 Javier Gorbe: ESA Renewables is owned by ESA USA, it's an American company. And ESA Spain, I, and another
211 stakeholder own that company.
212
213 Tony Blake: I have one more question, this is a lease arrangement and it's a 15-year lease on this land, and is
214 there an automatic renewal?
215
216 Javier Gorbe: Correct... It's not automatic; it's a 5-year renewal after that.

217
218 Lydia Wegman: I saw in your slides that you're planning to do maintenance between May and September. And I'll
219 just note that in North Carolina you might need to do maintenance between March and November. There's a lot of
220 growth that occurs in early spring around here.
221
222 Javier Gorbe: Right. Normally we modify that per site but we tend not to do the maintenance in the winter just
223 because the temperatures and sometimes it's less productive than doing it in the summer. We tend to cut the grass
224 during the summer and between those we do the maintenance to make sure that everything works correctly.
225
226 Craig Benedict: Earlier slides you mentioned for every dollar invested there's \$1.93 that comes back in revenue. Is
227 there any more information in your packet somewhere that shows where that came from?
228
229 Javier Gorbe: I'm not the best person to talk about financial numbers but I can certainly address that in the future
230 and send you the information, if that's okay.
231
232 Craig Benedict: I know that for a certain period they're not taxed fully. So, it would just be interesting to see the stuff
233 that's behind that.
234
235 Patricia Roberts: I do think they get a break on Orange County Property Taxes too.
236
237 Javier Gorbe: The difference is that when you produce electricity from a conventional point of view the .. drop from
238 outside the country or outside the state. In this case the solar panels; the only thing they do is produce energy and
239 they are here providing it so they tax them; they have a grade but their revenue between conventional power and
240 renewables is much bigger.
241
242 Patricia Roberts: Where are the solar panels made?
243
244 Javier Gorbe: They are made everywhere. One of the companies that was American made was bought by a
245 Chinese company. There is only one company that if you really want to buy American that meets all the criteria. I
246 believe it's called BAA, By American Act. And there is only one company in the whole of the U.S. and that company
247 has 400 workers. If you buy those panels you are not able to do solar in North Carolina. The difference in pricing
248 doesn't allow you to do solar. So those panels are made for residents because they are high end, they can get
249 more radiation when they are not in the optimal angle and they have more power per square foot to allow
250 residences that don't have a big roof.
251
252 Lydia Wegman: Any other questions? I think that's all we have right now Javier, thank you.
253
254 *Patrick Mallett went over attachment 4.*
255
256 Kim Piracci: I have a question about the sign, or more of a statement. There's too much information on the sign.
257 You're driving by and you can't really read what the sign says. So I didn't know if there's any way of making...
258
259 Patrick Mallett: The sign has to contain what, why, and where.
260
261 *Patrick Mallett continued reviewing attachment 4.*
262
263 Tony Blake: And this would still apply at the end of the 15 years or whenever the lease is terminated?
264
265 Patrick Mallett: As long as it's there.
266
267 *Michael Harvey went over recommendations and conditions that are included in the packet.*
268
269 Patrick Mallett: Just two quick notes. So as we pointed out in the neighborhood information meeting this is the SUP
270 part of the process, which has 3 subparts to it. If approved the applicant would then move on to the next step. The

271 next step is they have to submit a site plan that's reviewed for zoning compliance and then used with construction
 272 drawings that are reviewed for submittal of a storm water permit and erosion control permits. In this case, the
 273 erosion control and storm water folks have looked at this site and said, "Because of the amount of area they're
 274 using and the potential protection of environmental features, the site could probably qualify for a low impact design.
 275 Which means they can take care of runoff nutrient removal without injecting manmade ponds, temporary driveways.

276
 277 Lydia Wegman: Michael, is there any cutting down of existing trees?

278
 279 Michael Harvey: Other than what is already logged, no.

280
 281 *Patrick Mallett showed where the trees would be preserved.*

282
 283 *Michael Harvey went over the rest of the conditions.*

284
 285 Lydia Wegman: Thank you. Any further questions?

286
 287 Laura Nicholson: Is there anybody else here for this that wants to speak up?

288
 289 *No one came forward.*

290
 291 **MOTION** by Tony Blake to recommend approval of the Class A SUP to promote the development of the solar array in
 292 accordance with the section 2.7 SUP and section 5.9.6 Solar Array Public Utility of the Orange County UDO with
 293 conditions 1-11. Seconded by Patricia Roberts.

294 **VOTE: UNANIMOUS**

295
 296 **MOTION** by Tony Blake that the use will maintain or promote public health safety and general welfare if located where
 297 proposed and developed and operated according to the plan as submitted. Seconded by Laura Nicholson.

298 **VOTE: UNANIMOUS**

299
 300 **MOTION** by Tony Blake the use will maintain or enhance the value of contiguous property, unless the use is in a public
 301 necessity in which case the use need not maintain or enhance the value of contiguous properties. Seconded by
 302 Patricia Roberts.

303 **VOTE: UNANIMOUS**

304
 305 **MOTION** by Tony Blake that the location in character for the use being developed according to the plan will be in
 306 harmony with the area in which it is being located, and the use is in compliance with the plan for the physical
 307 development of the County as embodied in these regulations in the comprehensive plan or portion thereof adopted
 308 by the BOCC. Seconded by Patricia Roberts.

309 **VOTE: UNANIMOUS**

310
 311
 312 **Agenda Item 8: Town of Hillsborough/ Orange County Central Orange Coordinated Area Land Use**
 313 **Plan Amendment To** make a recommendation to the BOCC on a Land Use Plan
 314 amendment involving five parcels south of Interstate 40 in the vicinity of Old Highway 86.

- 315 • Four parcels totaling approximately 166.2 acres are proposed to be changed from
- 316 "Suburban Office Complex" to "Employment".
- 317 • One parcel totaling 34.58 acres is proposed to be changed from "Mixed
- 318 Residential Neighborhood" to "Suburban Office Complex".

319 This item is scheduled for the September 12, 2016 quarterly public hearing.

320 **Presenter: Perdita Holtz, Planning Systems Coordinator**

321
 322 *Perdita Holtz presented.*

323
 324 Lisa Stuckey: What is on these parcels now?

325
326 Perdita Holtz: They're undeveloped.
327
328 Patricia Roberts: As an interstate exit, is there any plan for gas stations?
329
330 Perdita Holtz: That's not really envisioned with these parcels. That's not to say in the future something couldn't
331 happen on other parcels.
332
333 Craig Benedict: If you could show the map, there's some areas that were not effecting change that would allow
334 those types is uses.
335
336 Patricia Roberts: What is the pink on the map?
337
338 Perdita Holtz: It's neighborhood mixed use.
339
340 Patricia Roberts: So if somebody wanted to put a gas station they would have to get a SUP?
341
342 Perdita Holtz: It would depend on the zoning and the zoning of those parcels are EDH-2. So I would need to look up
343 and see.
344
345 Lisa Stuckey: Would it be allowed in employment?
346
347 Perdita Holtz: Well the land use classification is just the general thing; it's the zoning that's going to allow or
348 disallow a particular use.
349
350 Paul Guthrie: Where is the water line going?
351
352 Perdita Holtz: The sewer line is currently in the vicinity of Cornwallis Hills and it would be coming down through
353 here, under the interstate where the sewer line is. The water line actually exists on Old 86 right now.
354
355 Paul Guthrie: And the sewer line, I assume, will be using the outflow structure that serves the hospital as well?
356
357 Craig Benedict: That's correct. When the hospital was built the sewer came closer to the parcels to the south. Part
358 of our capital improvement initiative is to assist in economic development in this area by bringing it underneath the
359 interstate, which is a high-end effort. We want to ensure that before we bring utilities to the south we'll be in
360 agreement with Hillsborough that says we provide these economic development infrastructure incentives that we
361 will have primarily non-residential uses that have tax based employment.
362
363 Paul Guthrie: And if I remember correct, the elevations are such that at least until you get to Old 86 you would have
364 flow into the Hillsborough system for sewers, correct?
365
366 Craig Benedict: That's correct. The sewer shed is where it flows downhill and there's a ridgeline roughly at Davis
367 Road that flows north all the way into their system. So there's a water and sewer boundary map that guides a lot of
368 our decisions about where you can more easily put public water/sewer versus not, and it shows this area as going
369 towards Hillsborough.
370
371 Paul Guthrie: I assume that Hillsborough has the water pumping capacity for drinking water to also go to that same
372 area?
373
374 Craig Benedict: Yes, they do. And part of the inter-local agreement will be somewhat of a reservation of water and
375 sewer capacity for this area, to ensure that if we escorted economic development and they'll say "how much water
376 does the water and sewer purveyor treatment operate?" and we have to have a good idea of what it is. Even with
377 Hillsborough there are limitations. There's sometimes users that have a very large amount of water usage and
378 sewage and we have to gauge. So we do have that in mind, that there is capacity for treatment and water.

379

380 Paul Guthrie: One last question. Existing owners of residential properties- when and if those water systems are in
381 place would they be eligible to connect?

382

383 Craig Benedict: They would be able to. The design for the system to bring it south of the interstate would be enough
384 to accommodate all the growth in that area.

385

386 Lydia Wegman: Okay, let me turn to the public.

387

388 Chris Cole (member of the public): My name's Chris Cole, I live right about there. A couple of things; First of all, I
389 wanted to make you aware that according to the town officials there is no plan to extend water and sewer south of
390 40 at this point. Of course, everything's subject to change but there is no plan in place. Second, if you could back
391 up one slide... Employment, and this is in your packets, includes manufacturing. I just wanted to point out a couple
392 of items that would be considered permissible, if this were zoned for manufacturing. Rendering a new by-product
393 processing, poultry processing, seafood product, preparation and packaging, leather and hide tanning and finishing,
394 asphalt paving mixture and block manufacturing, chemical manufacturing, explosives manufacturing, fertilizer
395 manufacturing. That's all the kinds of things that would be permissible changing this zoning to employment. And, a
396 lot of stuff that would be really good but, as a person who lives here I'm worried about my water and I'm worried
397 about my air. Thank you.

398

399 Franklin Garland - Garland Truffles (member of the public): I pretty much expressed my opinion last week when I
400 was here. I have a worse problem than him. I received a letter from you guys that said that I wasn't going to be
401 affected somehow. And I was told that's a legal term. How am I not going to be affected? Now, when Cedar Ridge
402 High School went in there I was told I'm not going to be affected. I'm affected. You should see the traffic on Orange
403 Grove now. When I-40 was put in there, I was told I'm not going to be affected. I have trucks rolling down there all
404 night long, motorcycles and everything. So there's not such thing as not being affected. It's a legal term, so I don't
405 understand how I'm not going to be affected in this. I don't particularly want --- plant down there. I mean someone
406 can do that. Who exactly wants this property? There's wet lines down there. A good portion of this is in a flood
407 plain. So somebody's influencing somebody in this planning commission out here, to say we want to put something
408 in that place. Somebody has something in mind. I don't know who it is. I know when the transfer facility was being
409 placed out there the study that was done at the time said the number one prime location for the transfer facility,
410 right here, that was the number one site until we spoke up and said that's in the flood plain. I mean how can
411 somebody who got paid 5 million dollars to do research on this and find this a number one site for this. That's
412 possibly the worst environmental site to put a garbage facility. Because somebody put a garbage dump next to my
413 property. On top of it, it's in the flood plain. That's the first thing I want to say, is this even suitable? So someone
414 obviously wants this property for commercial development. Now, let me clarify something; I have mixed feelings
415 about this. I live next door. I'm a farmer. I have an orchard, a successful nursery out there. I'm a resident. It's going
416 to affect this residence, a lot. At the same time you guys decide to approve this, my land value goes up. I'm on
417 prime land. The whole property... if I want to get out of here. I've built my own house, I live there, I put up the whole
418 farm and a whole industry in this country. That gets affected by turning this into a manufacturing facility. Which is
419 exactly where it's going, it's not offices that are going to go there. There's somebody that wants to put
420 manufacturing in there. Otherwise, they wouldn't change it. And I would really like to know who it is. I find it very
421 disturbing. That's going to change my taxes, there's going to be water and sewer there, which I could care less. I
422 don't want city water. There are a lot of people on the opposite side of this out here. And again, mixed feelings.
423 You're going to run a water line there because it's going to have to go up I-40 and I'm going to have to be paying
424 city taxes, which you guys want that. I'm on the outskirts of the city; I don't want to do that. That's why I live there to
425 begin with. That's why I bought rural property when I did, back in 1975. I like my privacy. I don't want some plant or
426 some office building next to me. Now, offer me the right amount of money then go right to it. So, I'm not saying
427 but... this is something you guys need to take into consideration. Somebody is pushing for this, and who is that?
428 This doesn't just happen. It's not a convenient place to develop. It doesn't have water, it doesn't have sewer, it has
429 to go through the interstate to do that, it's limited capacity to get to that point, it's not going to come for free, and on
430 top of that a good deal of it is wetland. It's on a flood plain. To me that's saying something else is going on around
431 here. And somebody has self-interest in this. There's really no need for it out there. There's better use to it. Make it

432 protected wilderness. Because that's what it is right now. There could be a better application. Or a little park or
 433 something. And I know that there's good economic development out there but it's really poor land.

434
 435 Nathan Robinson- (member of the public): My name's Nathan Robinson, and we have a property that's located just
 436 here on the south, right by Davis Road. So it's about a 13-acre parcel and I understand the purpose of what this
 437 proposed amendment is intended to do if they extend the sewer and water down there. I recognize that the bigger
 438 picture is really to make these southern quadrants on the south of 40 generate more capacity and make sure
 439 there's a water tap. I think it's a good idea. I don't know if you have a map anywhere where the rural buffer zone is;
 440 do you have that map?... So if you come off of 40, obviously those are the parcels you're talking about, this is the
 441 Davis Road and, I think you two gentlemen were speaking back and forth, the flow of the watershed this way goes
 442 south and this way goes north. These properties right here. The conversations about the gas stations were relevant
 443 because I think it seems if there was a 10-year transition zone the use of these properties is intended not to be
 444 residential anymore. I think that was said in the beginning, that there are parts of this area that are envisioned to be
 445 non-residential. As a result what's going to happen, and what I would really encourage you guys to participate in, is
 446 you're going to be left with some orphaned properties along the bottom here. And these orphaned properties,
 447 currently, are zoned R1. And those R1 properties have water coming already and it makes sense to fill out this
 448 quadrant to encompass those types of uses. It makes sense from the watershed area to include those into the
 449 zoning amendment. If that was to be the purpose... I did a little bit of learning about this and the learning I
 450 understood is it typically when you have these type of zonings and bunt up against a rural buffer zone that they are
 451 all included in one same use that was your solution for --- otherwise you'd have a manufacturing type usage that
 452 bunts in --- residential, and it just messes up uses of property. So, I think my objective is to make sure that the uses
 453 of these properties down here, I know that we have other neighbors who are along here and I know they've been
 454 approached for their property to be purchased for a large roadway to come through here. So I know there is the
 455 development of these properties and it isn't going to be without some flow of traffic for commercial uses. I think if
 456 you do look down the road 10 years from now, I think then you guys are thinking right but this area and these
 457 quadrants are going to be commercial and so I request to you guys to include these properties here and don't
 458 orphan these off. Particularly as they naturally flow into the economic development zone that you guys are
 459 intending to create here.

460
 461 Lydia Wegman: So you're asking for an expansion?

462
 463 Nathan Robinson: I would say to extend it down here, naturally. So that as the rural buffer doesn't end, that the use
 464 of this property flows through without creating these little R1's right in the middle.

465
 466 Lydia Wegman: Ok, thank you.

467
 468 Perdita Holtz: Including the area between the EDD and Rural Buffer wouldn't be possible with this amendment
 469 because the Water and Sewer Planning, Boundary, and Management Agreement would have to be amended to
 470 designate the area as primary service area, but it's something we can keep in mind for the future.

471
 472 Craig Benedict: Chair, just what we can do for the audience and for the Board, all these questions are being written
 473 down and we'll have our thoughts moving forward to both the Commissioners for something such as suggested we
 474 would engage Hillsborough. It's part of their growth area. And as Perdita mentioned, the transition area that we are
 475 talking about; the transition means going from a rural to an urban transition. Where the public water and sewer go
 476 and where it cannot go. So, we'll make recommendations as we are starting to see the growth potential with the
 477 hospital, bringing sewer closer to this area. Maybe it is time to re-engage with Hillsborough again. It's been 12 plus
 478 years since we designated development to say what's happening to the south and our uses and areas. So we will
 479 be answering all the questions that are coming up tonight.... We can give some brief answers tonight but as an
 480 outcome of what we're hearing tonight if it directly affects the amendments we'll of course make some
 481 recommendations. Some may come back to you; some may be for future projects.

482
 483 Lydia Wegman: Well, that's what I'm wondering. In light of what we've heard, you're still asking for us to make a
 484 recommendation to the BOCC tonight even though we won't have the answers to some of these questions?

485

486 Craig Benedict: Once we've gone through all of them I can give you the ones that we can answer now.
 487
 488 Lydia Wegman: Does anyone else from the public want to speak this evening?
 489
 490 Tony Blake: I have some more questions... Who is driving the rezoning here? Is this a joint effort by Hillsborough
 491 and the County?
 492
 493 Perdita Holtz: The Land Use plan is a joint Hillsborough-Orange County plan.
 494
 495 Tony Blake: But there's no specific property owner that's saying, I want this re-zoning?
 496
 497 Perdita Holtz: Right, this is a County initiated rezoning.
 498
 499 Tony Blake: And Brantley doesn't have anybody in the hopper for development or anything like that?
 500
 501 Perdita Holtz: We have been talking about rezoning these parcels for many months. As you know this isn't
 502 something that just happens in a month in Orange County. And I do believe that once people found out that land is
 503 available and the County might be interested that that has generated interest among people. And people are going
 504 out and seeing what's possible.
 505
 506 Tony Blake: I agree, I just wanted to clear the air and make sure there wasn't a horse or a cart that was out of place
 507 here. I just wanted to make sure that we fully understood from the Planning Board perspective.
 508
 509 Perdita Holtz: Our Economic Development staff has interest in marketing this property.
 510
 511 Franklin Garland: It's a really odd place.. Like, why this? I can't understand it. I'm just curious what initiated this
 512 particular parcel?
 513
 514 Tony Blake: Well I spoke to Steve Brantley about this sort of thing a year or two ago, back when the tax was put in
 515 for economic development and asked him what were the attractive places, and he mentioned these places, a while
 516 ago. I just wanted to make sure that my understanding hadn't changed.
 517
 518 Chris Cole: So no one has expressed interest in having these rezoned, outside the County? Has anyone expressed
 519 an interest in having these rezoned outside the County staff?
 520
 521 Perdita Holtz: Not that I'm aware of.
 522
 523 Lisa Stuckey: I have a question. Would you take the little light and show us where the Hillsborough EDD is, and it's
 524 my understanding it's been there since at least the early 80's. I mean this is not a new initiative, this is something
 525 that's been designated for a while.
 526
 527 Perdita Holtz: The Hillsborough EDD, it's kind of a scattered thing. It's not as cohesive as the other two that are all
 528 contiguous but it's along Old 86 here, it's all the purple lands. Waterstone used to be County EDD land, and then
 529 Hillsborough annexed it so now it's part of Hillsborough and it's shown as gray. And then there's some parcels up
 530 here near the Wal-Mart, and there's a couple parcels here zoned EDH2 and then also along New 86, in the vicinity
 531 of Waterstone.
 532
 533 Lisa Stuckey: So since at least 1994 this has been clearly identified as economic development land, prior to that it
 534 was Commercial Transition.
 535
 536 Perdita Holtz: Yes, there have been no changes in the boundaries of the EDDs.
 537
 538 Lisa Stuckey: So if people had investigated they would have known that Hillsborough and the County have been
 539 envisioning this land for economic development sometime in the future.

540
541 Perdita Holtz: That would be correct.

542
543 Franklin Garland: The question here is if people had investigated, not if they would have been notified. No one was
544 notified. I've been there since 1975. No one was notified. And that would make more sense. Let me explain
545 something, you say I'm not affected because --- and I got notified because I'm within 1,000 feet. Well 1,000 feet I
546 can walk back and forth ten times in this room and that's 1,000 feet. So I am affected. But I wasn't notified.

547
548 Lisa Stuckey: My question was simply whether this land had been identified for Economic Development for many
549 decades.

550
551 Craig Benedict: On both the Orange County land use map and on our zoning map and also on the Hillsborough-
552 County joint land use map we do note where there are flood zones and we restrict development in there. So you
553 can see that, so yes, part of that 160 acres is encumbered by a flood plain and we recognize that and no
554 development can occur there. But there are other lands that would be available.

555
556 Perdita Holtz: I'm wondering if it might be helpful since these 3 items are inter-related to go on and do the
557 presentation on the second and third items because it might answer some of the questions and then we'll wait to
558 act on each of them until after the presentations. Would that be helpful?

559
560 Lydia Wegman: Yes, I do. Thank you.

561
562 **MOTION** [later in the evening, after all three related items had been presented] by Lydia Wegman. Seconded by Lisa
563 Stuckey.

564 **VOTE: 7-1 OPPOSED- GUTHRIE**

565
566 Paul Guthrie: I am uncertain, which is why I voted no.

567
568 Lydia Wegman: I am voting in favor because I think there is a benefit to diversify land use.

569
570
571 **Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment:** To make a recommendation to
572 the BOCC on government-initiated amendments to the text of the UDO that would modify
573 existing regulations that pertain to the Hillsborough Economic Development District. This
574 item is scheduled for the September 12, 2016 quarterly public hearing
575 **Presenter:** Perdita Holtz, Planning Systems Coordinator

576
577 *Perdita Holtz presented item.*

578
579 Lisa Stuckey: So you're going to allow apartments but not single family or duplexes? Why?

580
581 Perdita Holtz: Well because the purpose of the EDDs is to promote non-residential uses. Multi family, although it is
582 residential, it is actually taxed differently than single family residential. It's considered more of a commercial use so
583 there is some diversification of the tax base that occurs with multi family.

584
585 Lisa Stuckey: I think I read some place that there is a worry that if you permit single family that the land will actually
586 get eaten up by that. That there's a tendency for subdivisions.

587
588 Craig Benedict: Part of the Waterstone development, it's called planned development, part of the County plan was
589 more non-residential and over the years the market, because of the recession, the non-residential component was
590 more muted and after the recession faster residential growth comes back so some conversions were made there.
591 So residential is easier and so it's good that these areas were preserved. EDH3 now allows single family. We had a
592 proposal, some of the Board members may remember, that some of these lands were going to be part of
593 Hillsborough's extra territorial jurisdiction. Mainly the ones north of I-40. And they were going to afix their zoning

594 category to it and they were going to consciously say which areas were going to be residential and non-residential.
 595 They didn't do that because part of the cooperative agreement didn't go forward. That's why we're here 2 years
 596 later saying, well we need to put a zoning category on it that fits exactly, as close to possible, what the intent of our
 597 Economic Development District. Mixed use as we mentioned is supportive of non-residential, jobs, employment,
 598 multi-family does have a good mix. But it's true, single family chews up more land and creates more fiscal impacts
 599 and costs than the non-residential.

600
 601 Lisa Stuckey: And I think the sort of philosophical thing about this sort of siloing residential versus non, that people
 602 are separated from their jobs and they have to commute and that has a bad impact on our quality of life when you
 603 pull things apart like that. That comes with it's own set of problems.

604
 605 Craig Benedict: One other thing that was mentioned a little bit earlier was how these categories and things evolve
 606 over time about how you use zoning. And zoning 10, 20, 30 years ago was very siloed. This is manufacturing. This
 607 is retail. This is office. And you saw from our amendments that went through the last 3 or 4 months that we have
 608 these categories such as office, research, and manufacturing. They put them all in one building. This EDH4 and
 609 EDH5 that we're looking at is one of those combined districts where somebody can come in and do office and some
 610 assembly and some R&D and we're also suggesting some retail so that if you have the jobs they don't have to go
 611 too far to go to a restaurant or bank. And really even thought this will probably be developed in these little zones,
 612 this whole area of all 4 quadrants of the interchange is going to be mixed use. We don't need to mix it completely
 613 on every parcel but somebody living in a multi family on the south side can easily get over to the hospital if they
 614 were working there.

615
 616 Tony Blake: This is why RTP's putting in all the residential.

617
 618 Craig Benedict: That's correct.

619
 620 Lisa Stuckey: That's the flip of it.

621
 622 Craig Benedict: That's the conventional zoning ideas back in the 60s.

623
 624 Tony Blake: So just to talk directly to the first gentleman's concerns, this would not preclude a Gorilla Manufacturing
 625 or an asphalt plant or anything like that. There are other components to the UDO that would address those. But this
 626 particular zone would not prevent it.

627
 628 Perdita Holtz: You mean the EDH5 zone?

629
 630 Tony Blake: Yes.

631
 632 Perdita Holtz: They could theoretically be located in EDH5, but practically, with all the development standards that
 633 the UDO contains, it's not likely.

634
 635 Craig Benedict: This isn't in the UDO but this is in the practice that all cities and counties are doing in the region.
 636 There's demand for quality growth and our Commissioners and Economic Development Department targets
 637 industries and if it's the appropriate industries that give us the tax base and the high paying jobs, there's incentives.
 638 Jobs or businesses that are not fulfilling that targeted market are not likely to get incentives and therefore the
 639 pressure for them to locate here is lessened. Meaning that some of those higher intensity uses that are listed in that
 640 manufacturing category, we're not going to be escorting those in with incentive packages.

641
 642 Lisa Stuckey: There's also small businesses that it seems to me that some of what you were just talking about
 643 would really... that there's not much land that's available right now to do this kind of construction in Orange County,
 644 really.

645
 646 Craig Benedict: That's correct. There are not too many interchanges and everyone that we have, besides the one in
 647 North Chapel Hill, New Hope Church interchange- nothing can happen there. And this is within proximity of our

648 University even. And there are other Economic Development zones in Efland and Buckhorn. Very prime. The
 649 developers and businesses that are looking for properties in Orange County, they are surprised that there's still
 650 available land at some of these interchanges. Why hasn't it developed in the past? There hasn't been good zoning
 651 there or infrastructure. And so we are trying to prepare the appropriate places where there's good transportation
 652 access also.

653
 654 Chris Cole: Can I make one comment? Lisa... She raises the fact that there are not many opportunities to put a
 655 manufacturing facility in Orange County, and that's true. And I'd like to point out that businesses are aware of that
 656 too and sometimes they go out and pay a premium... 12 years ago, maybe, next to Euro Sport, someone
 657 purchased an option on land to put an asphalt plant next door to them. It cost the town of Hillsborough \$300,000 to
 658 make them go away. They supposedly weren't allowed to do that there either.

659
 660 Craig Benedict: We're familiar with the lawsuit.

661
 662 Tony Blake: But that, I believe, was addressed in the zoning. There was a hole in the zoning that allowed that to
 663 happen. If my understanding... But I believe that's been closed since.

664
 665 *Perdita Holtz continued presentation.*

666
 667 MOTION [later in the evening, after all three related items had been presented] by Buddy Hartley to approve the
 668 Statement of Consistency. Seconded by Tony Blake.

669 VOTE: 7-1 OPPOSED- GUTHRIE

670
 671 MOTION [later in the evening, after all three related items had been presented] by Buddy Hartley to approve the
 672 amendment package. Seconded by Laura Nicholson.

673 VOTE: 7-1 OPPOSED- GUTHRIE

674
 675 *Paul Guthrie opposed because he is uncertain.*

676
 677 **Agenda Item 10: Zoning Atlas Amendment-** To make a recommendation to the BOCC on government-
 678 initiated amendments to the Zoning Atlas that would rezone:

679 • Four parcels totaling approximately 166.2 acres and 17.05 acres of Interstate right-of-way
 680 from EDH-3 (Economic Development Hillsborough Limited Office with Residential [current
 681 name]) to EDH-5 (Economic Development Hillsborough Research and manufacturing
 682 [proposed name]). The parcels are located immediately south of Interstate 40 and west of
 683 Old Highway 86.

684 • One parcel totaling 34.58 acres and 8.92 acres of Interstate right-of-way from EDH-2
 685 (Economic Development Hillsborough Limited Office) to EDH-4 (Economic Development
 686 Hillsborough Office / Retail [proposed name]). The parcel is located immediately south of
 687 Interstate 40 and east of Old Highway 86.

688 This item is scheduled for the September 12, 2016 quarterly public hearing.

689 **Presenter:** Perdita Holtz, Planning Systems Coordinator

690
 691 Perdita Holtz presented.

692
 693 Nathan Robinson (member of the public): In terms of the recognition that's coming for those areas, they're existing
 694 residential now, they come down just south on Old 86; would there be a way to include the zoning that needs to be
 695 consistent with this action so that this process doesn't have to be repeated in the future?

696
 697 Perdita Holtz: There is not a way to include it at this time. And we've mentioned to you about the water and sewer
 698 boundary agreement that in order to be 10 year transition area the water and sewer boundary agreement would
 699 need to be revised, the County's land use plan would need to be revised, and then ultimately zoning would need to
 700 be applied. And the thing that would need to happen first would be water and sewer management boundary
 701 agreement adjustments. And that requires the approval of the five signatory parties.

702

703 Craig Benedict: And what we do if there's comments that come from the public, in the future public hearing on
704 September 12th the Commissioners can say, " Craig and Staff, can you provide a report about how this would be
705 accomplished". It doesn't mean they'd want us to proceed or not, and to come up with what departments are
706 involved, what maps have to change, and we give that back to them on what we call a future amendment outline.
707 An outline of how'd we'd get it done and that we involved Hillsborough, etcetera. And then we bring that back to
708 them and the public's available to talk at those meetings, also. And they say please proceed or not proceed. It is an
709 overlapping, multi layer process, as Perdita said.

710

711 Perdita Holtz: What happens here does get presented at the public hearing, and the Minutes for this meeting are
712 included, so the BOCC will be aware that that's something that you brought up.

713

714 Nathan Robinson: Okay, because we literally just bought the property 6 months ago. We literally were playing with
715 the plans to put single-family residences here. And just for the sake of everyone else, we have spoken with Perdita
716 and Craig. So we had to modify our plans based on what the wave of the future is. We get that, and that's cool but
717 as we modify we don't want to get stuck between a hard decisions if say this is going to stay R1 forever. Because
718 then we feel like we're going to get stuck with our only use being our one usage, but that's not what the whole
719 quadrant is tending toward.

720

721 Lydia Wegman: Thank you.

722

723 Franklin Garland: I have a quick question. How hard is it to get land use changed? I mean, my farm is for sale. But
724 I've been approached by people that want it for commercial property.

725

726 Perdita Holtz: It requires the same type of process that we're going through now. If you wanted to do it as an
727 individual...

728

729 Franklin Garland: But the same thing as Nathan's, it's like being between a rock and a hard place.

730

731 Perdita Holtz: Any property owner can apply to amend any of these documents. The land use plan, the zoning map,
732 the UDO. In order to have the County do a County initiated action it's something that we can potentially talk about. I
733 can tell you that a County initiated amendment will take more than a year.

734

735 Lydia Wegman: Thank you. Do you have any discussion?

736

737 Paul Guthrie: I'm still unsure exactly. I would comment that I think if we can avoid stacking so many of these things
738 on a meeting at one time, I understand there were reasons for that, it would be helpful. After 200 pages of material
739 of which was changed at least twice and reading it, coming here and then having 2 hours of discussion, I still feel
740 uncomfortable. And I'm not sure exactly, when you ask for my vote, I'm not sure what I'm going to do. It's not that
741 I'm for or against, I'm just not sure in my own mind exactly what the best option is given all of the variables that are
742 involved. So I just want to state that.

743

744 Kim Piracci: I'm just clarifying a question, all these changes are being driven by the desire to increase the tax base;
745 is that correct?

746

747 Perdita Holtz: They're being pursued to diversify the tax base, not necessarily increase it.

748

749 Tony Blake: In other words, to have the County less reliant on residential housing taxes, and have a little more
750 diversity in the base. In case there's changes in the economy you have less of an impact.

751

752 Craig Benedict: And the underlying analysis is non-residential property pays more taxes than it costs in services. So
753 there's a little bonus there. And residential, in most cases, costs more than what we get in tax, unless it's a real
754 expensive house. So Orange County is overly reliant on their residential property owners to provide those services
755 that everybody loves. And that's for schools, that's for social services and health services. So our comprehensive

756 plan which is how to promote growth in the right areas and match the uses to their locations. This has been for 40
 757 years, an area at an interchange. We knew that it was coming that we needed to preserve and promote it for
 758 primarily non-residential uses. That's why one of the recommendations here was to bring down the single family
 759 potential since it's happening everywhere else, that there are limited areas that are prime, and interest from the
 760 non-residential development sector that they're looking for. And they've looked at interchanges. They look at
 761 visibility on the interstate and interchange and infrastructure. It wasn't until we got that quarter sales tax, part of it
 762 going to schools, part of it going to promote economic development, that we start putting infrastructure out there, so
 763 what prompts this whole process is there's been a lot of work done from Efland back to Mebane with infrastructure,
 764 we have something on the edge of Durham that's underway, and this has been the last area. And what has slowed
 765 us down a little bit was not wanting to put a million dollars of infrastructure in and have it turn to residential.
 766 Residential now is in EDH3 is by right. There's been some interest in the development community to do something
 767 out there. They may use EDH3 or 4 or 5, or they may come in with a master plan development which would be an
 768 additional zoning and they might have to go through this process again. But at least this will be a guide of what can
 769 be done out there. And if they go through that conditional zoning district process there's public meetings, what uses
 770 exactly go out there, so the 41 pages that Perdita listed will be there.

771
 772 Lydia Wegman: Are there comments? I'll just say with Paul, I'm a little uncertain about how exactly to proceed, as
 773 well but your recommendation is important.

774
 775 **MOTION** by Lisa Stuckey to approve the Statement of Consistency. Seconded by Tony Blake.

776 **VOTE: 7-1 OPPOSED- GUTHRIE**

777
 778 **MOTION** by Laura Nicholson to recommend approval of the amendments to the Orange County zoning atlas.
 779 Seconded by Buddy Hartley.

780 **VOTE: 7-1 OPPOSED- GUTHRIE**

781
 782 *Paul Guthrie opposed because he was uncertain.*

783
 784
 785 **Agenda Item 11: Unified Development Ordinance (UDO) Text Amendment:** To make a recommendation to
 786 the BOCC on government-initiated amendments to the text of the UDO that would establish
 787 use standards to allow certain principal uses to include a small component of other specific
 788 uses in the O/RM (Office/Research and Manufacturing) zoning district. This item is
 789 scheduled for the September 12, 2016 quarterly public hearing.

790 **Presenter:** Ashley Moncado, Special Projects Planner

791
 792
 793 *Ashley Moncado reviewed abstract.*

794
 795 **MOTION** by Laura Nicholson to approve the Statement of Consistency. Seconded by Lisa Stuckey.

796 **VOTE: UNANIMOUS**

797
 798 **MOTION** by Laura Nicholson to recommend approval of the proposed text amendment. Seconded by Lisa Stuckey.

799 **VOTE: UNANIMOUS**

800
 801
 802 **AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS**

- 803
 804 a) Board of Adjustment
 805 b) Orange Unified Transportation

806
 807
 808 **AGENDA ITEM 13: ADJOURNMENT**

809

810 Planning Board meeting was adjourned by consensus.
811
812

Lydia N Wegman, Chair

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: September 7, 2016

**Action Agenda
Item No. 7**

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

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT: (919)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form 2. Statement of Consistency 3. Proposed Amendments | Perdita Holtz, Planner III, 245-2578
Craig Benedict, Director, 245-2575 |
|---|--|
-

PURPOSE: To review revisions suggested by the Orange County Attorney’s office after the August 3 Planning Board meeting (where this text amendment was previously acted upon) and make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would modify some development standards, types of permitted uses, and use standards within the Hillsborough Economic Development District (EDD).

BACKGROUND: After the August 3 Planning Board meeting, the Orange County Attorney’s Office completed review of the proposed text amendments. As a result of the review, edits were made to the proposed amendments. The edits made after the August 3 meeting are identified with yellow highlighting in Attachment 3. Due to the edits made to the proposed text amendment package following the Planning Board recommendation, the Orange County Attorney’s Office determined the amendments would need to be presented to the Planning Board for a second review and recommendation before the September Quarterly Public Hearing.

Agenda materials from the August 3 Planning Board meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>. Draft minutes from the meeting are included as Item #3 of this agenda package as they are to be acted upon at the September 7 Planning Board meeting. The Planning Board voted 7-1 to recommend approval of the amendments, as presented on August 3.

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.

These amendments are scheduled to be presented at the September 12 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 FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Review the proposed amendments,
2. Deliberate on the petition as desired,
3. Consider the Planning Director's recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 2) and proposed amendment package (Attachment 3) in time for the **September 12, 2016** Quarterly Public Hearing.

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

UDO / Zoning-2016-02

**Text Modifications to Regulations Pertaining to the Hillsborough
Economic Development District**

A. AMENDMENT TYPE

Map Amendments

Future Land Use Map:

From:

To:

Zoning Map:

From:

To:

Other:

Text Amendments

Comprehensive Plan Text:

Section(s):

UDO Text:

UDO General Text Changes

UDO Development Standards

UDO Development Approval Processes

Section(s): Section 3.7 – Economic Development Districts

Section 5.2.2 – Table of Permitted Uses – Economic Development Districts

Section 5.5 – Standards for Residential Uses

Section 5.6 – Standards for Commercial Uses

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

Other:

B. RATIONALE

1. Purpose/Mission

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

2. Analysis

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

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

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

Other modifications to the Table of Permitted Uses (Section 5.2.2) have been proposed and are included in the amendment package in Attachment 3. Additionally, Attachment 4 includes a summary of proposed amendments to the Table of Permitted Uses.

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

Objective ED-1.5:

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

Objective ED-2.1:

Encourage compact and higher density development in areas served by water and

sewer. (See also Land Use Objective LU-1.1 and Water and Wastewater Objective WW-5.)

Objective ED-2.5:

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

Objective ED-2.7:

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

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

Objective LU-1.1:

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

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

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

April 19, 2016

- b. Quarterly Public Hearing

September 12, 2016

- c. BOCC Updates/Checkpoints

July 6, 2016 – Planning Board ORC (Ordinance Review Committee) (BOCC receives agenda)

August 3, 2016 – Planning Board Meeting for Recommendation (BOCC receives

agenda)
 September 7, 2016 – Planning Board Meeting for Recommendation on edits made after August 3 meeting (BOCC receives agenda)

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

July 6, 2016 – Ordinance Review Committee (ORC) – Approved Notes are included in Attachment 6.
 August 3, 2016 – Recommendation – Substantial discussion, including public comment that encompassed all three related items but was related primarily to the proposed rezoning action, occurred at the Planning Board meeting. Six people attended the Planning Board meeting for the three related Hillsborough EDD items.
 September 7, 2016 – Recommendation on edits made after August 3 meeting

b. Advisory Boards:

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

c. Local Government Review:

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

d. Notice Requirements

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

e. Outreach:

General Public: A public information meeting (PIM) that covered all three related items (modifications to the joint plan with the Town of Hillsborough, a related rezoning action, and the proposed text amendments) was held on July 26, 2016. Notices

regarding the PIM and Planning Board meetings were mailed to affected and adjacent (1,000-foot boundary) property owners on July 11. Five people attended the PIM. Signs for the related rezoning advertising the Planning Board meeting were posted in the area affected by the proposed amendments on July 21.

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

Small Area Plan Workgroup:

Other:

3. **FISCAL IMPACT**

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

D. AMENDMENT IMPLICATIONS

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

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3.

Primary Staff Contact:

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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 some development standards, types of permitted uses, and use standards within the Hillsborough Economic Development District (EDD).

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

Objective ED-1.5:

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

Objective ED-2.1:

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

Objective ED-2.5:

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

Objective ED-2.7:

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

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

Objective LU-1.1:

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

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

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

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

Lydia N. Wegman, Chair

Date

Attachment 3

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

Notes

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

The following color coding is used in this amendment package:

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

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

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

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

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

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

¹ 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.²
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. ³
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.⁴
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.

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

³ 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.

⁴ 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 LIMITED OFFICE WITH RESIDENTIAL⁵</h2>		DIMENSIONAL STANDARDS					
PURPOSE		Lot size, min./max., (acres)	2-5 [1] ⁶				
<p>The purpose of the Economic Development Hillsborough Limited Office with Residential (EDH-3) District is to provide locations for low to moderate intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain low to moderate density multi-family residential uses (4-8 6-12 units per acre)⁷.</p>		Lot Width, min. (feet)	200				
		Front Setback, from ROW, min. (feet)	50				
APPLICABILITY		Side Setback, min. (feet)	20 [2]				
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. EXCEPTION: Single-family lots located south of I 40 may use ground absorption septic systems on minimum size lots of 40,000 square feet provided at least 33% of the tract is preserved as open space. 		Corner Setback, min. (feet)	50 [2] [3]				
		Rear Setback, min. (feet)	40 [2]				
		Height, max. (feet)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">R [4]</td> <td style="width: 50%; text-align: center;">35 [5] [6]</td> </tr> <tr> <td style="text-align: center;">NR</td> <td style="text-align: center;">60 [5]</td> </tr> </table>	R [4]	35 [5] [6]	NR	60 [5]
R [4]	35 [5] [6]						
NR	60 [5]						
<p>DIMENSIONAL STANDARDS NOTES:⁸ [1] Resultant single family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the</p>		Floor Area Ratio, max.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">R-CU [4] NR</td> <td style="width: 50%; text-align: center;">.50 .60</td> </tr> <tr> <td style="text-align: center;">NR-CU</td> <td style="text-align: center;">.55 .65¹⁰</td> </tr> </table>	R-CU [4] NR	.50 .60	NR-CU	.55 .65 ¹⁰
		R-CU [4] NR	.50 .60				
NR-CU	.55 .65 ¹⁰						
		Required Open Space Ratio, min.	.50				

⁵ 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.

⁶ 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.

⁷ 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)

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

adjacent residential district. 3 Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7). 4 R = Residential uses; NR = Non-residential uses. 5 Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. 6 Multi-family structures shall be limited to a two three -story maximum. ⁹	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.¹¹~~
- 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 7.13.¹²~~
- ~~9. Duplex and multi-family uses shall be connected to a public water and public sewer system.¹³~~
- ~~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.¹⁴

¹⁰ 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)

⁹ 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.

¹¹ Staff is suggesting removal of this standard in order to better promote economic development opportunities. **It should be noted the deletion of standards 3, 8, 9, and 10 and insertion of #13 will cause the automatic renumbering of the list (e.g., existing #4 will become #3, and so on).**

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

¹³ 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.

¹⁴ 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.

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-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.¹⁵
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.

¹⁵ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 4, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #13 became #14, and so on).

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

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

- Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
 3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
 4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
 5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
 6. Residential uses are not permitted in this district.
 7. All outparcels within this district shall have internal access to the development.
 8. No drive through facilities may be constructed in this district.
 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.¹⁷
 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.

¹⁷ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 5 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #9 became #10, and so on).

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

¹⁸ 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.¹⁹
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.

¹⁹ Staff is suggesting the addition of this standard because it is generally good planning practice to minimize the number of curb cuts along major roadways. This language is identical to the proposed language for the EDH-2, 3, and 4 districts. Insertion of this standard causes the automatic renumbering of remaining standards (e.g., existing #8 became #9, and so on).

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) ²⁰									
AGRICULTURAL USES									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
CONSTRUCTION									
Building contractors		*		*					
Construction (Sector 23) (Hillsborough EDD only; all activities must be wholly within building) ²¹									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
FINANCE									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	*
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					
Security and commodity brokers, and investment offices	*	*	*	*					

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

²¹ In the amendment version the Planning Board reviewed on Aug. 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent *Byrd v. Franklin County* judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) ²⁰									
GOVERNMENT USES									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*
Parks, public and non-profit	*	*	*	*	*	*	*	*	*
Public Administration (Sector 92)									*
INFORMATION									
Information (Sector 51)								*	*
MANUFACTURING, ASSEMBLY & PROCESSING									
Manufacturing (Sector 31-33) (Hillsborough EDD only; all activities must be wholly within building) ²²									*
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		*		*					

²² In the amendment version the Planning Board reviewed on Aug 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent *Byrd v. Franklin County* judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision.

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)										
USE TYPE	GENERAL USE ZONING DISTRICTS									
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD					
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5	
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU) Note: The Hillsborough EDD utilizes Sector Numbers as Defined in the North American Industry Classification System (NAICS) ²⁰										
Fabricated Metal Products (see listing below)										
• Cutlery and hand tools		*		*						
• Fabricated structural metal products		*		*						
• Heating equipment, except electric and warm air; and plumbing fixture		*		*						
• Metal cans and shipping containers		*		*						
• Nuts, bolts, screws, rivets, and washers		*		*						
Food Products (see listing below)										
• Bakery		*		*						
• Bottling plants		*		*						
• Dairy		*		*						
• Miscellaneous food preparation; e.g., coffee roasting, condiments, confectionary products, etc.		*		*						
Industrial Machinery (see listing below)										
• Engines and turbines		*		*						
• Farm/garden machinery and equipment		*		*						
• General industrial machinery and equipment; e.g., purification equipment, ball and roller bearings, etc.		*		*						
• 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		*		*						

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS										
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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) ²⁰										
• Photographic, medical, and optical goods		*		*						
• Watches and clocks		*		*						
Paper Products (see listing below)										
• Converted paper and paperboard products		*		*						
• Paperboard containers and boxes		*		*						
Furniture and Fixtures (see listing below)										
• Household and office furniture		*		*						
• Miscellaneous furniture and fixtures		*		*						
Pharmaceutical Products		*		*						
Printing and Publishing Establishments		*		*						
Rubber and Plastic Products (see listing below)										
• Miscellaneous plastic products; e.g., plastic pipe, packaging materials, etc.		*		*						
• Rubber and plastic footwear		*		*						
• Rubber and plastic hose and belting		*		*						
Stone, Glass, Clay, and Concrete Products (see listing below)										
• 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		*		*						

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) ²⁰									
Miscellaneous Manufacturing Industries (see listing below)									
• Jewelry and silverware		*		*					
• Miscellaneous manufacturing industries; e.g., costume jewelry, novelties, buttons, etc.		*		*					
• Musical instruments		*		*					
• Pen, pencils, office, and artist supplies		*		*					
• Toys, sporting, and athletic goods		*		*					
RECREATION									
Arts, Entertainment & Recreation (Sector 71)								*	
RESIDENTIAL									
Dwelling, single-family			*				* ²³		
Dwelling, two-family			*				*		
Dwelling, multi-family (6-12 units per acre in the Hillsborough EDD)			*				*	*	
Dwelling, multi-family (6+ units per acre as part of mixed use development; maximum of 25% of development square footage)	*								
Dwelling, multi-family (6+ units per acre)	C#								
Dwelling, mobile home (For replacement of existing mobile home)			*						

²³ 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.

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) ²⁰										
Temporary mobile home (For occupancy during construction of permanent residential unit and for 30 days after issuance of Certificate of Occupancy) Temporary Use of a Residential Mobile Home ²⁴			*				*			
RETAIL										
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) (Only Hillsborough EDD through Conditional Use District or MPD-CZ) ²⁵								*	*	

²⁴ 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.

²⁵ 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) ²⁰										
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, in a separate, free-standing building	*	C#		*						
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, when located in a service building, court or plaza, or enclosed mall consisting of multiple uses.	*	*		*						
SERVICES										
Accommodation and Food Service (Sector 72) (Eating and drinking establishments are permitted only as accessory use to hotel, or motel or restaurant; Hillsborough EDD only) ²⁶						*		*		* ²⁷
Administrative & Support Services (Sector 561)					*	*	*	*		*
Art/photographic studios	*	C#	*	*						
Assembly facility - 300 or more person capacity		C#		*						
Assembly facility - less than 300 person capacity		C#		*						
Beauty and barber shops	*	*	*	*						
Churches	*	*	*	*						
Clubs and lodges, and social, fraternal, and union clubhouses	C#	C#	C#	C#						
Community center	A	A	A	A						
Day care facility	B	B	*	*						
Educational Services (Sector 61)										
Funeral homes	C#	C#		*						

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

²⁷ 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) ²⁰									
Golf driving and practice ranges		*		*					
Health Care & Social Assistance (Sector 62)					*	*	*	*	*
Health services, including doctors and dentists offices, and medical and dental laboratories	*	*	*	*					
Hotels and motels	*	C#		*	*	*	*		
Indoor theaters	*	C#		*	*	*	*		
Large day care home		B	*	*					
Laundry, dry cleaning, and shoe repair services	*	C#	*	*					
Libraries	*	C#	*	*					
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)					*		*	*	*

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) ²⁰									
TRANSPORTATION									
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)		*		*				*	
Transportation and Warehousing (Sector 48, 49)									*
WHOLESALE TRADE									
Wholesale Trade (Sector 42)									*
Durable Goods (see listing below)									*
• Automotive parts and supplies (In an enclosed building)		*		*					
• Electrical goods		*		*					
• Furniture and home furnishings		*		*					
• Hardware, plumbing, and heating equipment and supplies		*		*					
• Lumber and other construction materials		*		*					
• Machinery, equipment, and supplies		*		*					
• Sporting, recreational, photographic, and hobby goods; toys and supplies		*		*					
Non-Durable Goods (see listing below)									
• Apparel and piece goods		*		*					
• Beer, wine, and distilled alcoholic beverages		*		*					
• Groceries and related products		*		*					

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) ²⁰									
• Paper and paper products		*		*					
• Pharmaceuticals and cosmetics		*		*					
MISCELLANEOUS									
Accessory uses	*	*	*	*	*	*	*	*	* ²⁸
Electric, Gas, and Liquid Fuel Transmission lines	B	B	B	B					
Elevated water storage tank (Permitted as accessory use without Special Use Permit)	B	B		B				*	*
Historic buildings for non-residential/mixed use	A	A	A	A					
Public utility stations and sub-stations, switching stations, and telephone exchanges	A	A	A	A				*	*
Radio and television transmitting and receiving towers	B	B		B					*
Solar Array – Large Facility	B	B	B	B					
Solar Array – Public Utility	A	A	A	A					
Storage and warehousing, inside building		*		*					
Storage of goods, outdoors (Accessory only and subject to screening) ²⁹		*		*					
Water and sanitary sewer pumping stations	*	*	*	*				*	*

²⁸ 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.

²⁹ In the amendment version the Planning Board reviewed on August 3, this language was suggested for deletion. Due to subsequent comments from the Attorney’s office, staff is suggesting the language remain as is because of concerns related to the recent Byrd v. Franklin County judicial decision. This language may be modified at a later date as staff is currently working on comprehensive amendments to the Tables of Permitted Uses to address the outcome of the referenced judicial decision.

- (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-Family³⁰

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

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

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

(c) Multi-family dwellings shall not exceed 25% of the total square footage of all structures on the site.³¹

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

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

5.6.2 Massage Business

(A) General Standards for Evaluation

- (1) Must comply with the Ordinance for the Control of Massage and Massage Establishments
- (2) The submittal of construction plans for all existing and proposed buildings housing the massage business. The construction plans shall include floor plans and cross sections showing the proposed use of all portions of such buildings.
- (3) For existing buildings, certification by the Orange County Building Inspector that the structure(s) complies with the North Carolina Building Code and all related construction codes.

5.6.3 Garden Center

(A) General Standards for Evaluation

- (1) Outdoor display and storage of goods will be permitted.
- (2) Outdoor storage of bulk goods shall be located to the rear or side of the primary building and screened on three sides by an eight foot high opaque wall or fence.
- (3) Outdoor storage for bulk goods shall be limited to 1,500 square feet per acre of the zoning lot.

5.6.4 Junkyards

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements –

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

- (a) Detailed plans and specifications for the site screening proposed.
- (b) Description of type and number of motorized machines to be employed upon site.
- (c) Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles

(2) Standards for Evaluation -

- (a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.

³¹ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.6.15 Sexually Oriented Businesses

(A) Submittal Requirements

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

(B) Standards of Evaluation

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

5.6.16 Retail Trade (Sectors 44, 45, ~~excluding subsector 454~~³² of the North American Industry Classification System [NAICS])³³

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

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

³² The version of the amendments the Planning Board reviewed included this language but did not include standard (2). The language was revised based on comments made by the Attorney's office; the intent of the language is unchanged.

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

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

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

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

~~(a) The site plan must identify the square footage of each building by type of use.~~

~~(b) A permitted Principal Use must be established on at least 50% of the total square footage of structures on the site.~~

~~(c) Retail Trade uses shall not exceed 25% of the total square footage of all structures on the site.³⁴~~

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

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

~~(A) Standards for EDH-2 and EDH-4 Zoning Districts³⁵~~

~~(1) ~~Eating and drinking establishments~~ Food Services and Drinking Places³⁶ (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 District³⁷~~

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

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

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

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

³⁴ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

³⁵ This restriction currently exists within the Table of Permitted Uses (Section 5.2.2). Staff has determined that the use-specific standards section is a more appropriate place for the standard. Subsequent to the Planning Board's August 3rd recommendation, the Attorney's office suggested deletion of this language regarding accessory uses because, by definition, accessory uses are allowed in all zoning classifications, provided the permitted Principal Use can demonstrate that a proposed accessory use meets the definition of accessory use in Article 10. This revised standard would continue to prohibit stand-alone food service and drinking places but would allow such uses as accessory uses to principal uses for which a food service and drinking place is a customary and ancillary use.

³⁶ Language updated to use exact term in the NAICS listing.

³⁷ These standards are being proposed in order to allow for some by-right mixed-use projects in the Hillsborough EDD while ensuring the scope of the overall project is not predominantly hotels and restaurants. Projects that contain a greater percentage of accommodation and food service uses could still be permitted through the MPD-CZ or CUD process.

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

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

(a) The site plan must identify the square footage of each building by type of use.

(b) A permitted Principal Use must be established on at least 50% of the total square footage of structures on the site.

(c) Accommodation and Food Service uses shall not exceed 25% of the total square footage of all structures on the site.³⁸

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Uses as Accessory Uses

(A) Residential Land Uses

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

(1) General Standards

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

(2) Specific Standards

- (a) Motor Cross and Go-Kart Tracks
 - (i) All tracks and/or paths shall be located a minimum of 100 feet from a property line.
 - (ii) A track or path shall not cross over active septic fields.
 - (iii) A Type B Land Use Buffer, as detailed in Section 6.8, shall be required around the portion of the property where the track is located.

(B) Non-residential Land Uses

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

- (1) Uses shall not constitute Recreational Facilities.

5.7.2 Recreational Facilities

(A) General Standards of Evaluation

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

³⁸ Attorney's office staff has suggested the replacement language in (a), (b), and (c). It accomplishes the same intent as the previously proposed language.

(C) Development Standards

(1) Dimensional Requirements

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

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

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

(2) Internal Access

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

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

(D) Plan Approvals

- (1) If a MPD-CZ rezoning application is approved with a Master Plan, the approval does not obviate the need to obtain a Class A Special Use Permit or site plan approval for the individual “pods”/lots shown on the Master Plan in accordance with the provisions of this Ordinance.
- (2) ~~Tracts over 2.0 acres and/or structure(s) totaling cumulatively over 20,000 square feet on one zoning lot require a Class A Special Use Permit approved in accordance with the provisions of this Ordinance. Otherwise, the site plan may be approved in accordance with Section 2.5 of this Ordinance. A Class A Special Use Permit shall be required if any nonresidential use is located within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.~~³⁹

³⁹ 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.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: September 7, 2016

**Action Agenda
Item No. 8**

SUBJECT: Unified Development Ordinance (UDO) Amendments – Modify Use Standards

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form 2. Statement of Consistency 3. Proposed Amendments 4. Adopted July 6, 2016 Ordinance Review Committee Notes | <p>Ashley Moncado, Planner II (919) 245-2589
Craig Benedict, Director (919) 245-2575</p> |
|---|--|

PURPOSE: To review revisions suggested by the Orange County Attorney’s office after the August 3 Planning Board meeting (where this text amendment was previously acted upon) and make a recommendation to the BOCC on government-initiated amendments to the text of the UDO that would establish use standards to allow certain principal uses to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district.

BACKGROUND: After the August 3 Planning Board meeting, the Orange County Attorney’s Office completed review of the proposed text amendments. As a result of the review, edits were made to the proposed amendments. The edits made after the August 3 meeting are identified with yellow highlighting in Attachment 3. Due to the edits made to the proposed text amendment package following Planning Board recommendation, the Orange County Attorney’s Office determined the amendments would need to be presented to the Planning Board for a second review and recommendation before the September Quarterly Public Hearing.

The proposed amendment was presented for review and comment at the July 6, 2016 Ordinance Review Committee (ORC) meeting. Adopted summary notes from this meeting are included in Attachment 4. Agenda materials from the August 3 Planning Board meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>. Draft minutes from the meeting are included as Item #3 of this agenda package as they are to be acted upon at the September 7 Planning Board meeting. The Planning Board voted unanimously to recommend approval of the amendments, as presented on August 3.

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.

These amendments are scheduled to be presented at the September 12 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 FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Review the proposed amendments,
2. Deliberate on the petition as desired,
3. Consider the Planning Director's recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 2) and proposed amendment package (Attachment 3) in time for the **September 12, 2016** Quarterly Public Hearing.

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

UDO / Zoning-2016-09
Modify Use Standards

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 5.14, *Standards for Manufacturing, Assembly, and Processing*
Section 5.17, *Standards for Miscellaneous Uses*

- 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 that would establish use standards to allow certain principal uses (Industrial (Light), Research Facility, or Research and Manufacturing Facility) to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district. This amendment will allow for uses that primarily serve and support the needs of the business, facility, and employees involved in the principal use without overpowering the intended purpose of the O/RM zoning district.

2. Analysis

In working with site selection specialists for various economic development projects, Planning staff has noted that the County could be more competitive in attracting economic development projects if the UDO were to include a by-right process that allows for mixed use developments. Currently, an office, research, and manufacturing business park which includes, for example, a restaurant primarily serving onsite employees, but is also open to the public could not be permitted by right in the general use zoning districts. Instead the project would be required to follow either the Master Development Plan Conditional Zoning District (MDP-CZ) process or Conditional Use District process. In order to make the County more competitive in the site selection process for these types of multi-use projects, Planning staff is proposing to allow for additional uses to be permitted in conjunction with, but not before, a specific identified principal use as part of an overall project development plan.

Originally, this text amendment package was envisioned to establish and permit secondary uses in the UDO. Following a recommendation from the Orange County Attorney's Office, Planning staff revised the amendment in order to permit the uses initially proposed as secondary uses in a more concise manner. As a result, the secondary use concept will not be established in the UDO; however, the same outcome is expected to be achieved by amending the use standards contained in Article 5. Proposed standards will allow additional uses (banks, beauty and barber shops, laundry and dry cleaning services, restaurants, etc.) to be permitted in the O/RM zoning district when the principal use type is Industrial, Light, Research Facility, or Research and Manufacturing Facility and the cumulative additional uses do not exceed 25% of the total square footage of all structures.

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

June 7, 2016

- b. Quarterly Public Hearing

September 12, 2016

- c. BOCC Updates/Checkpoints

July 6, 2016 – Ordinance Review Committee (receive materials)

August 3, 2016 – Planning Board Recommendation (receive materials)

September 7, 2016 – Recommendation on edits made after August 3 meeting (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:

July 6, 2016 – Ordinance Review Committee

August 3, 2016 – Recommendation to the BOCC

September 7, 2016 – Recommendation on edits made after August 3 meeting

b. Advisory Boards:

_____	_____
_____	_____

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 for a previous amendment which included the “secondary use” concept 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. 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 FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

Adoption of the proposed amendment will allow for additional uses that serve and support permitted principal 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 identified additional 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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**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 modify use standards to allow certain principal uses to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district.

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.

Lydia N. Wegman, Chair

Date

UNIFIED DEVELOPMENT ORDINANCE AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment regarding the modification of existing use standards. The amendment package will modify Sections 5.14 and 5.17 of the Unified Development Ordinance (UDO).

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

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO.
- **Red Highlighted Text:** Denotes revisions made after the August 3rd Planning Board meeting.

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>.

from the property line.

- (3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

5.14.4 Winery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR or RB zoning district, the winery must be located on a bona fide farm.
 - (a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.14.5 Industrial, Light

(A) Standards for the O/RM Zoning District

- (1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Industrial, Light and adhere to the standards of Section 5.14.5(A)(2):
 - (a) Banks & Financial Institutions
 - (b) Beauty & Barber Shops
 - (c) Laundry & Dry Cleaning Services
 - (d) Nightclubs, Bars, Pubs

- (e) Restaurants: Carry Out
- (f) Restaurants: General
- (g) Retail, Class 1
- (h) Printing & Lithography
- (2) Multiple Uses, identified in Section 5.14.5(A)(1), are permitted in the O/RM zoning district only in accordance with the following standards:
 - (a) The site plan must identify the square footage of each structure by type of use.
 - (b) The Principal Use type of Industrial, Light must be established on the site.
 - (c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used)

- (A) **Submittal Requirements**
 - (1) In addition to the information required by Section 2.5, the site plan shall show the area for the display of vehicles for sale or rental.
- (B) **General Standards**
 - (1) Property shall have frontage and direct access onto a State maintained roadway.
 - (2) Areas of the property designated for the display of vehicles for sale or rent shall be improved with an all-weather surface (i.e. concrete, asphalt, gravel) and shall not be used for any other purpose.
 - (3) Additional vehicles, other than those offered for sale, rent or staff/customer designated parking as required under Section 6.9 of this Ordinance, can be stored on-site and shall be screened from view from adjacent properties and public rights-of-way. Such vehicles shall not be included in the display limit calculation.
- (C) **Standards for the NC-2, EC-5, and E-1 Zoning Districts**
 - (1) The display of vehicles outdoors shall be limited to 32 vehicles per acre of property.
- (D) **Standards for GC-4, I-1, I-2, I-3, EDB-1, EDB-2, and EDE-2**
 - (1) The display of vehicles outdoors shall be limited to 45 vehicles per acre of property.

SECTION 5.16: STANDARDS FOR MEDICAL USES

5.16.1 Veterinary Clinic

- (A) **Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District**
 - (1) In the AR and ASE-CZ zoning districts, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
 - (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.17.9 Research Facility

(A) Standards for the O/RM Zoning District

(1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Research Facility and adhere to the standards of Section 5.17.9(A)(2):

- (a) Banks & Financial Institutions
- (b) Beauty & Barber Shops
- (c) Laundry & Dry Cleaning Services
- (d) Nightclubs, Bars, Pubs
- (e) Restaurants: Carry Out
- (f) Restaurants: General
- (g) Retail, Class 1
- (h) Printing & Lithography

(2) Multiple Uses, identified in Section 5.17.9(A)(1), are permitted in the O/RM zoning district only in accordance with the following standards:

- (a) The site plan must identify the square footage of each structure by type of use.
- (b) The Principal Use type of Research Facility must be established on the site.
- (c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.

5.17.10 Research and Manufacturing Facility

(A) Standards for the O/RM Zoning District

(1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Research and Manufacturing Facility and adhere to the standards of Section 5.17.10(A)(2):

- (a) Banks & Financial Institutions
- (b) Beauty & Barber Shops
- (c) Laundry & Dry Cleaning Services
- (d) Nightclubs, Bars, Pubs
- (e) Restaurants: Carry Out
- (f) Restaurants: General
- (g) Retail, Class 1
- (h) Printing & Lithography

(2) Multiple Uses, identified in Section 5.17.10(A)(1), are permitted in the O/RM zoning district only in accordance with the following standards:

- (a) The site plan must identify the square footage of each structure by type of use.
- (b) The Principal Use type of Research and Manufacturing Facility must be established on the site.
- (c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.

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

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

MEMBERS PRESENT: Lydia Wegman-At-Large Chapel Hill Township (Chair); Tony Blake, Bingham Township Representative (Vice-Chair); Paul Guthrie, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Kim Piracci, At-Large; Buddy Hartley, Little River Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Tom Altieri, Current Planning Supervisor; Perdita Holtz, Planning Systems Supervisor; Ashley Moncado, Special Projects Planner; Meredith Pucci Administrative Assistant;

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – MODIFY USE STANDARDS

To review and comment upon proposed amendments to the UDO that would establish use standards to allow certain principal uses to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district.

Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado delivered presentation.

Tony Blake: Does this now permit drive-thrus? I think I remember that there were no drive-thrus.

Ashley Moncado: I believe that is correct.

Tony Blake: I kind of drew this thing on the board when we took the O/RM blob there and divided up into the three possible primary uses and then the secondary uses. The language that I'm missing here is where it talks about multi-family there's a line in there that says, "The multi-family use is part of an overall site plan that includes at least 1 other permitted..." That language is missing here for me. That language that says we need an overall site plan and what I'm afraid to end up with is 25% here and 25% here and 25% here and 25% here, as opposed to a central master plan. It seems to lend itself more towards this cut up view. Now maybe that's on purpose but that was what struck me when reading this.

Perdita Holtz: It's not; that language is part of the next item though. We can probably just put in language indicating that it needs to be part of an overall site plan.

Tony Blake: And that's what I was thinking. Because you could conceivably have all three of these different uses inside this O/RM and you don't know. Say this guy builds industrial and then they want to start building these accessory uses. You don't know what the overall square footage is going to be in this whole thing so you can't say what 25% of that is. And it just starts to get complicated and hard to figure out for a developer.

Craig Benedict: I think that would help during this site plan process to allocate an area of the site that maybe they're not building retail in phase 1 but they could say here's part of the site.

Paul Guthrie: In terms in whether it's language or not, whether you can describe in a neat form that's understandable of what you've just gone through. I'm wondering if the way to deal with the kind of would be to say that after the initial development or something of the whole area any future, additional changes for some of these accepted uses inside the area must go through the whole process again to make sure that they are not more than 25% of the area.

55 Perdita Holtz: The intent of this was for a cohesive development project overall site plan.

56

57 Paul Guthrie: I understand that, but I think that's one of my worries through the whole paper. All of this is the initial
58 thing. What's going to happen ten years from now? Because the natural order of things in development is that you
59 devolve, and then you re-develop, and then you re-develop if you can't get land outside to do it all over again. And
60 I'm wondering if somehow there could be a clause that the lawyers would accept that at a certain point you have to
61 basically reinterpret this whole original area that was zoned that way and developed in that definition.

62

63 Craig Benedict: When we do a site plan, for let's say a ten acre site, but they're only using six acres, but yet that
64 original site was a ten acre site and somebody wants to develop something we call that a site plan modification. So
65 that we're still including what happened in phase 1 so maybe something along those lines.

66

67 Tony Blake: I'm trying to stay with the overall purpose and background, which is to streamline things. To make it
68 easier to develop and I know a lot of times you guys come up with a conceptual plan for something but the developer
69 wants to move things around and that's when the real discussions happen. But, if the thing is based on square
70 footage it seems like that's a cumbersome method of doing it and if you wanted to streamline the process you would
71 make it based on square acres or land or something.

72

73 Craig Benedict: We've considered the square footage versus acreage and some projects could use up a lot more
74 acreage by not keeping it to square footage so we don't want a lot of our economic development zones to have too
75 much residential so the square footage is a value. So for now we're going square footage and we'll evaluate this as it
76 comes through.

77

78 Tony Blake: Would food trucks be permitted?

79

80 Craig Benedict: Yes.

81
