

**ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD**

QUARTERLY PUBLIC HEARING AGENDA

September 9, 2013

7:00 P.M.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, North Carolina

NOTE: Information is available on-line at the “Meeting Agendas” link at:

<http://www.orangecountync.gov/>

and also in the Planning Department or the County Clerk’s Office

NOTICE TO PEOPLE WITH IMPAIRED HEARING: Audio amplification equipment is available on request. If you need this assistance, please call the County Clerk’s Office at (919) 245-2130.

A. OPENING REMARKS FROM THE CHAIR

B. PUBLIC CHARGE

The Board of Commissioners 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. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

C. PUBLIC HEARING ITEMS

1. Zoning Atlas Amendment – To review a property owner-initiated amendment to the Zoning Atlas to rezone a 2.67 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1).

2. Zoning Atlas Amendment – To review a property owner-initiated amendment to the Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from Rural Residential (R-1) to Light Industrial (I-1).

The parcels are undeveloped and without an assigned street address but are located east and south of the USA Dutch property at 3604 Southern Drive.

3. Unified Development Ordinance (UDO) Text Amendment – To review government-initiated amendments to the Unified Development Ordinance (UDO) to add a new Section 2.24 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections accordingly, and modify the ‘government’ land use category within Section 5.2.2 *Table of Permitted Uses – Economic Development District* to add the term ‘uses’. References to renumbered sections occur throughout the UDO and are proposed to be updated.

4. **Eno Economic Development District Access Management Plan** - To review a proposed access management plan for the Eno EDD (Economic Development District). The proposed access management plan involves approximately 550 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County).
5. **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan** – To review future land uses proposed for areas of County jurisdiction located within the Town’s Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

D. ADJOURNMENT OF PUBLIC HEARING

E. BOCC WORK SESSION

(The Planning Board is encouraged to stay for the work session in order to hear the discussion of this topic, which is scheduled to come to the Planning Board for initial comment in the next month or two)

1. **Agricultural Support Enterprises** – To review materials related to “Agricultural Support Enterprises” and provide direction/input to staff on specific issues.

**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 9, 2013**

**Action Agenda
Item No. C.1**

SUBJECT: Zoning Atlas Amendment – Keizer Rezoning of 2.7 acre parcel

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

- 1. Zoning Application Packet
- 2. Vicinity Map
- 3. Notification Materials

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2592

PURPOSE: To hold a public hearing on an owner-initiated general use district rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: An application (see Attachment 1) has been submitted to rezone an approximately 2.7 acre parcel of property:

FROM: Rural Residential (R-1) / Light Industrial (I-1)

TO: Light Industrial (I-1).

Pertinent facts of the application include the following:

Applicant: Maria Keizer Ronald Keizer
3604 Southern Drive same
Efland, North Carolina 27243 same

Rezoning Location: 3604 Southern Drive, approximately 1,070 feet east of the intersection of Southern Drive and Mt. Willing Road (SR 1120) and south of the railroad tracks.
Please refer to Attachment 2 for a vicinity map denoting the subject parcel.

- Parcel Information:
- a. **PIN** – 9844-86-5155.
 - b. **Size of Parcel** – 2.7 acres.
 - c. **Zoning of Parcel** -- Rural Residential (R-1) and Light Industrial (I-1).
 - d. **Township** – Cheeks.
 - e. **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity Node.

- f. **Growth Management System Designation** -- Urban.
- g. **Existing Conditions** -- The property is developed and utilized to support a metal fabrication business.
- h. **Access** -- The property has direct access onto Southern Drive.

Surrounding Land Uses:

- a. **North** – Southern Drive, Railroad tracks, R-1 zoned property north of the tracks.
- b. **East** – Undeveloped R-1 zoned property.
- c. **South** – Undeveloped R-1 zoned property.
- d. **West** – R-1 zoned property, one with a single-family residence.

Please refer to Attachment 2 for a vicinity map denoting the subject parcel and surrounding properties.

Proposal: The property is currently split zoned. As detailed within Attachment 1, the purpose of the amendment is to extend the I-1 zoning designation over the entire property.

Required parking area and septic system serving the existing industrial operation is located on the R-1 zoned portion of property.

The applicants are concerned over their continued ability to have septic and parking supporting the existing industrial operation on the residentially zoned portion property. They are seeking to rectify the problem by extending the existing industrial zoning to ensure their perpetual ability to maintain the existing infrastructure necessary for the business.

As some people may recall, when zoning was originally established former staff recommended extending non-residential zoning designations only on those portions of property actively utilized to support non-residential activity, typically only around building area(s). As a result, required parking, septic areas, land use buffers, etc. were more than often not included as part of the non-residentially zoned parcel. This creates problems for owners of these non-residentially zoned properties as current staff interpretation is 'residentially' zoned property cannot be used to support non-residential land uses. In many instances property owners find it difficult to maintain the infrastructure necessary to keep their non-residential operations functioning.

This is a situation that occurs throughout the County. Staff will be presenting a solution to address these problems at a future meeting. Staff did not, however, want to delay the applicants any further and agreed to work with them to bring this request to the BOCC for action.

Staff Analysis: In accordance with Section 2.8 of the UDO, the Planning Director is required to '*cause an analysis to be made of the application*' and forward that analysis on to the reviewing body. In completing the required analysis, the Planning Director has found:

1. The application has been deemed complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to the I-1 zoning designation.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map and the adopted the Growth Management System map.

4. The rezoning is consistent with the intent of the adopted Efland-Mebane Small Area Plan.

Notification Procedural Requirements: In accordance with Section 2.8.7 of the UDO, the public hearing for this item was advertised consistent with the requirements of the Ordinance. Legal ads were placed in two newspapers of general circulation in the County for two (2) successive weeks; notices were mailed via certified mail to property owners within 500-feet of affected properties; and a sign was posted on the affected property, in accordance with State statutes. The notice was mailed on August 23, 2013. For additional information please refer to Attachment 3.

FINANCIAL IMPACT: This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION: The Planning Director recommends the Board:

1. Receive the proposal to amend the Zoning Atlas.
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the **November 5, 2013** BOCC regular meeting.
4. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.



Orange County Planning and Inspections Department

APPLICATION FOR ZONING ATLAS AMENDMENT GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:

Date: 5/14/2013
 Applicant: Ronald/Maria Keizer Phone: (919) 732-4956
 Address: 3604 Southern Drive Cell Phone: _____
Effland NC 27243 E-mail: _____

PROPERTY SUBJECT TO REQUEST:

Parcel Identification Number (PIN): 9844-86-5155
 Address of property: 3604 Southern Drive Owner of property: Maria Keizer
 Current Zoning Designation: Blond 17 Requested Zoning Designation: Just 1-1

**** If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. ****

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

- 1) A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
- 2) A legal description of the property(s) proposed for rezoning
- 3) A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
- 4) A detailed narrative denoting the following:
 - a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
 - b. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
 - c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
- 5) In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
 - a. An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
 - b. A 'No-impact' analysis for a letter of map revision
- 6) The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

Ronald Keizer
 Applicant

5/14/2013
 Date:

Applicant

Date:

To: Orange County Commissioners

From: Ronald Keizer, Owner
USA Dutch, Inc.

USA Dutch, Inc. is pleased to submit this rezoning request in an effort to address a problem with the zoning at our property located at 3604 Southern Drive in Efland.

This property was developed for commercial/industrial use by Mr. Sim Efland sometime in the 1950's or 1960's. We purchased the property in 1993 for the expansion of our metal fabrication business. Our business focuses on making metal parts that go into a variety of manufactured products including electronics, woodworking equipment, ambulances, and more. We currently have 26 employees working in our 13,000 square foot facility.

In March of 2013 we approached the County Planning Department for the purpose of investigating a proposed expansion of our existing business.

We learned that our proposed expansion was not feasible given the size and orientation of our property. We were also informed our property was split zoned, with the building zoned I-1 and the land zoned R-1.

Though seemingly unusual, we were told by Planning staff that this is not a unique occurrence, and that this situation apparently exists throughout the County. Apparently, when most of the County was initially zoned, only those portions of a property used in support of commercial/industrial activities were actually zoned as such. The remaining portion(s) of the property were actually zoned for residential use.

Unfortunately for us our parking, septic, and required buffer areas are now located in a residential zoning district.

County planning staff have assured us our operation is not in jeopardy of being forced to shut down or cease due to the location of required parking/septic areas on a residentially zoned portion of property. We have been informed, however, that maintenance of these areas will be limited due to the residential zoning designation.

According to staff, residentially zoned property cannot be used to support industrially zoned property or activities. As we understand the situation, we could experience difficulty in expanding or making repairs to our septic system, for example, in support of our operation. This of course is untenable, and we respectfully request a zoning change to correct the situation.

If approved the rezoning request would accomplish the following:

1. The entire parcel would be zoned I-1.
2. The existing parking and septic areas would be zoned consistent with the existing manufacturing operation, thereby allowing them to be maintained for such purpose.

3. Our operation would be considered 'conforming' as the building would now have adequate land area to meet setback and land use buffer requirements. (NOTE: We have been informed by staff that all land use buffer issues would not be resolved with the rezoning, but that it would eliminate several potential problems for us.)

To: Orange County Commissioners

From: Rita Keizer

I am owner of the land and building located at 3604 Southern Drive in Efland. This property is rented to USA Dutch, Inc., which is owned by my son, Ronald Keizer.

I hereby authorize Ronald Keizer to apply for a rezoning to this property on my behalf.



Orange County, NC GIS



1 inch = 1000 feet

Search Results (1)

shape	ESRI.ArcGIS.ADF.Web.Geometry.Polygon
PIN	9844865155

PINSTATUS	ACTIVE
OWNER_TYPE	
IOFLAG	
OWNER1_LAST	KEIZER
OWNER1_FIRST	MARIA S
OWNER2_LAST	
OWNER2_FIRST	
ADDRESS1	3604 SOUTHERN DR
ADDRESS2	
CITY	EFLAND
STATE	NC
ZIPCODE	272439704
TOWNSHIP	3
SIZE	2.67
UOM	A
CALC_ACRES	2.72
SUBCODE	0
LEGAL_DESC	#2 REV FIRST SOUTH BANK INC P71/58
RATECODE	03
LANDVALUE	42373
BLDGVALUE	314532
BLDGCNT	2
VALUATION	356905
TAXSTATUS	A
FARMUSE	
USEVALUE	0
DEEDREF	1326/519
LEGALREF	
DATESOLD	2/15/1995 12:00:00 AM
TAXSTAMPS	30
STAMPVALUE	15000
YEARBUILT	
SQFT	800
SUBDIVISION_NAME	
SCHOOL_SYSTEM	Orange County Schools
TOWNSHIP_NAME	CHEEKS
SHAPE.fid	15762
shape.area	118321.840679043

Created on 8/26/2013. Orange County, North Carolina.



PIN#: 9844865155
 MARIA S KEIZER
 3604 SOUTHERN DR
 EFLAND, NC 272439704

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- | | | | |
|----------------------------|------------------------|---------------------------------------|--|
| USGS Water Feature | Parcels | Zoning | 100 YR Floodplain (Effective 02/02/07) |
| Soils Survey Water Feature | Township | City Limits | Floodway (Effective 02/02/07) |
| OC Updated Water Feature | School System Boundary | ETJ | 500 YR Floodplain (Effective 02/02/07) |
| Water Body | Contours | Conservation Easements Held by Others | Buildings |
| River Basins | County Boundary | Water and Sewer Boundary | |
| Watershed | Soils | Orange County | |



1 inch = 97.73 feet

0 37.5 75 150

Buffer: 500 Feet on Search Results (1)

Name
Buffer 1

=====

[Buffer selection in Parcels \(Table\)](#)

PIN	OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST	ADDRESS1	CITY
9844881230	EFLAND	MILDRED			PO BOX 207	EFLAND
9844887024	EFLAND HOISERY MILL	INC			PO BOX 246	EFLAND
9844884079	LINER	WILLIAM DAVID	LINER	MARILYN E	P O BOX 231	EFLAND
9844883012	MARION	DAVID	null	null	211 LAWRENCE RD	Hillsborough
9844778312	ENOCH	GILBERT			3904 SOUTHERN DR	EFLAND
9844873438	EFLAND	SIMPSON L HRS			4918 ANDREA AVE	ANNANDALE
9844970543	MAY	CLIFTON CARL			205 CENTER ST	EFLAND
9844877368	MCDONALD	DANIEL G ETAL	MCDONALD	BETTY J	313 FIELDSTONE DR	BURLINGTON
9844865155	KEIZER	MARIA S			3604 SOUTHERN DR	EFLAND
9844970156	HAMLIN	STEPHEN FLINT			5801 SNEED RD	ROUGEMONT
9844879067	EFLAND	SIMPSON HRS			4918 ANDREA AVE	ANNANDALE
9844861573	EFLAND	SIMPSON L HRS			4918 ANDREA AVE	ANNANDALE
9844884284	EFLAND PRESBYTERIAN	CHURCH			PO BOX 219	EFLAND
9844870924	MARION	DAVID R	null	null	211 LAWRENCE RD	Hillsborough
9844874973	DALTON	BYRON A	DALTON	SUELLYN	PO BOX 187	EFLAND
9844873578	EFLAND	SIMPSON HRS			4918 ANDREA AVE	ANNANDALE
9844970317	MAY	CARL CLIFTON	MAY	MARGARIETTE	205 CENTER ST	EFLAND
9844879543	CARVER	JAMES	CARVER	MARILYN	5635 HIDEAWAY DR	CHAPEL HILL
9844768882	EFLAND	SIMPSON L HRS			4918 ANDREA AVE	ANNANDALE
9844867573	MCDONALD	DANIEL G ETAL	MCDONALD	BETTY J	2555 ST JAMES DR SE	SOUTHPORT
9844971003	FORREST	DAVID CAMERON			215 CENTER ST	EFLAND
9844972545	EFLAND	SIMPSON HRS			4918 ANDREA AVE	ANNANDALE
9844970237	MAY	CARL CLIFTON	MAY	MARGARIETTE	205 CENTER ST	EFLAND

9844960792	SHANKLE	JAMES W SR	null	null	PO BOX 84	EFLAND
9844981114	EFLAND LEASING COMPANY A	LLC			PO BOX 246	EFLAND

=====

X MILDRED EFLAND
PO BOX 207
EFLAND, NC 272430207

X EFLAND HOISERY MILL INC
PO BOX 246
EFLAND, NC 27243

X WILLIAM DAVID LINER
MARILYN E LINER
P O BOX 231
EFLAND, NC 27243

X DAVID MARION
211 LAWRENCE RD
Hillsborough, NC 27278

X GILBERT ENOCH
3904 SOUTHERN DR
EFLAND, NC 272439692

X SIMPSON L EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X CLIFTON CARL MAY
205 CENTER ST
EFLAND, NC 27243

X DANIEL G MCDONALD ETAL
BETTY J MCDONALD
313 FIELDSTONE DR
BURLINGTON, NC 272154638

X MARIA S KEIZER
3604 SOUTHERN DR
EFLAND, NC 272439704

X STEPHEN FLINT HAMLIN
5801 SNEED RD
ROUGEMONT, NC 275729131

X SIMPSON EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X SIMPSON L EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X EFLAND PRESBYTERIAN CHURCH
PO BOX 219
EFLAND, NC 27243

X DAVID R MARION
211 LAWRENCE RD
Hillsborough, NC 27278

X BYRON A DALTON
SUELLYN DALTON
PO BOX 187
EFLAND, NC 27243

X SIMPSON EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X CARL CLIFTON MAY
MARGARIETTE MAY
205 CENTER ST
EFLAND, NC 272439549

X JAMES CARVER
MARILYN CARVER
5635 HIDEAWAY DR
CHAPEL HILL, NC 27516

X SIMPSON L EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X DANIEL G MCDONALD ETAL
BETTY J MCDONALD
2555 ST JAMES DR SE
SOUTHPORT, NC 28461

X DAVID CAMERON FORREST
215 CENTER ST
EFLAND, NC 27243

X SIMPSON EFLAND HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

X CARL CLIFTON MAY
MARGARIETTE MAY
205 CENTER ST
EFLAND, NC 272439549

X JAMES W SHANKLE SR
PO BOX 84
EFLAND, NC 272430084

X EFLAND LEASING COMPANY A LLC
PO BOX 246
EFLAND, NC 27243

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____, 19____
Signed: _____

FILED
15 FEB 1995, at 04:39:19PM
Book 1326, Page 521 - 522
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

Recordi.

Tax Lot No. 3.40.F.2C Parcel Identifier No. 9844-86-5155

Verified by _____ County on the _____ day of _____, 19____

by _____

Mail after recording to Douglas Hargrave, P.O. Drawer 1529, Hillsborough, NC 27278

This instrument prepared by G. Rhodes Craver, Esquire, PO Box 51579, Durham, NC 27717-1579

Brief Description for the index

NORTH CAROLINA DEED OF TRUST

THIS DEED OF TRUST made this 14 day of February, 1995, by and between:

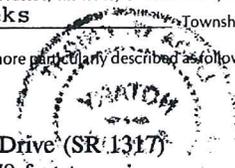
GRANTOR	TRUSTEE	BENEFICIARY
MARIA S. KEIZER (Divorced)	DOUGLAS HARGRAVE P.O. Drawer 1529 Hillsborough, NC 27278	ROBERT L. GIGGEY (Divorced)

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas the Grantor is indebted to the Beneficiary in the principal sum of One Hundred Fifteen Thousand and no/100ths---- and non-compete agreement payments as shown on agreement dated January, 1995 Dollars (\$ 115,000.00), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is January 31, 2002

NOW, THEREFORE, as security for said indebtedness, advancements and other sums expended by Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys fees as provided in the Promissory Note) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in the City of _____, Cheeks Township, Orange County, North Carolina, (the "Premises") and more particularly described as follows:



Beginning at an existing iron pipe in the south right-of-way line of Southern Drive (SR:1317) as shown on the plat hereinafter referred to; thence South 88 deg. 15' East 170 feet to an iron pipe; thence South 00 deg. 10' 55" West 665.34 feet to an iron pipe; thence North 89 deg. 49' 05" West 99.49 feet to an iron; thence South 00 deg. 21' 05" West 43.09 feet to an iron; thence North 89 deg. 38' 55" West 69.14 feet to an iron; thence North 00 deg. 01' 51" West 318.34 feet to an iron pipe; thence North 00 deg. 10' 55" East 394.54 feet to the point and place of Beginning and containing 2.67 acres, more or less, and being shown as Lot 2 of re-division of Lots 1 and 2, First South Bank, Inc., on plat entitled "Property of First South Bank, Inc.," by Simmons Engineering and Surveying, Inc., dated 4/25/94 and recorded at Plat Book _____, Page _____, Orange County Registry.

NGHK:32356_1

TO HAVE AND TO HOLD said Premises with all privileges and appurtenances thereunto belonging, to said Trustee, his heirs, successors, and assigns forever, upon the trusts, terms and conditions, and for the uses hereinafter set forth.

If the Grantor shall pay the Note secured hereby in accordance with its terms, together with interest thereon, and any renewals or extensions thereof in whole or in part, all other sums secured hereby and shall comply with all of the covenants, terms and conditions of this Deed of Trust, then this conveyance shall be null and void and may be cancelled of record at the request and the expense of the Grantor. If, however, there shall be any default in the payment of any sums due under this Deed of Trust or any other instrument securing the Note and such default is not cured within ten (10) days from the due date, or if there shall be default in any of the other covenants, terms or conditions of the Note secured hereby, or any failure or neglect to comply with the covenants, terms or conditions contained in this Deed of Trust or any other instrument securing the Note and such default is not cured within fifteen (15) days after written notice, then and in any of such events, without further notice, it shall be lawful for and the duty of the Trustee, upon request of the Beneficiary, to sell the land herein conveyed at public auction for cash, after having first giving such notice of hearing as to commencement of foreclosure proceedings and obtained such findings or leave of court as may then be required by law and giving such notice and advertising the time and place of such sale in such manner as may then be provided by law, and upon such and any resales and upon compliance with the law then relating to foreclosure proceedings under power of sale to convey title to the purchaser in as full and ample manner as the Trustee is empowered. The Trustee shall be authorized to retain an attorney to represent him in such proceedings.

The proceeds of the Sale shall after the Trustee retains his commission, together with reasonable attorneys fees incurred by the Trustee in such proceeding, be applied to the costs of sale, including, but not limited to, costs of collection, taxes, assessments, costs of recording, service fees and incidental expenditures, the amount due on the Note hereby secured and advancements and other sums expended by the Beneficiary according to the provisions hereof and otherwise as required by the then existing law relating to foreclosures. The Trustee's commission shall be five percent (5%) of the gross proceeds of the sale or the minimum sum of \$ _____, whichever is greater, for a completed foreclosure. In the event foreclosure is commenced, but not completed, the Grantor shall pay all expenses incurred by Trustee, including reasonable attorneys fees, and a partial commission computed on five per cent (5%) of the outstanding indebtedness or the above stated minimum sum, whichever is greater, in accordance with the following schedule, to-wit: one-fourth (1/4) thereof before the Trustee issues a notice of hearing on the right to foreclosure; one-half (1/2) thereof after issuance of said notice; three-fourths (3/4) thereof after such hearing; and the greater of the full commission or minimum sum after the initial sale.

And the said Grantor does hereby covenant and agree with the Trustee as follows:
1. INSURANCE. Grantor shall keep all improvements on said land, now or hereafter erected, constantly insured for the benefit of the Beneficiary against loss by fire, windstorm and such other casualties and contingencies, in such manner and in such companies and for such amounts, not less than that amount necessary to pay the sum secured by this Deed of Trust, and as may be satisfactory to the Beneficiary. Grantor shall purchase such insurance, pay all premiums therefor, and shall deliver to Beneficiary such policies along with evidence of premium payment as long as the Note secured hereby remains unpaid. If Grantor fails to purchase such insurance, pay premiums therefor or deliver said policies along with evidence of premium payment thereon, then Beneficiary, at his option, may purchase such insurance. Such amounts paid by Beneficiary shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary. All proceeds from any insurance so maintained shall at the option of Beneficiary be applied to the debt secured hereby and if payable in installments, applied in the inverse order of maturity of such installments or to the repair or reconstruction of any improvements located upon the Property.

2. TAXES, ASSESSMENTS, CHARGES. Grantor shall pay all taxes, assessments and charges as may be lawfully levied against said Premises within thirty (30) days after the same shall become due. In the event that Grantor fails to so pay all taxes, assessments and charges as herein required, then Beneficiary, at his option, may pay the same and the amounts so paid shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary.
3. ASSIGNMENTS OF RENTS AND PROFITS. Grantor assigns to Beneficiary, in the event of default, all rents and profits from the land and any improvements thereon, and authorizes Beneficiary to enter upon and take possession of such land and improvements, to rent same, at any reasonable rate of rent determined by Beneficiary, and after deducting from any such rents the cost of reletting and collection, to apply the remainder to the debt secured hereby.
4. PARTIAL RELEASE. Grantor shall not be entitled to the partial release of any of the above described property unless a specific provision providing therefor is included in this Deed of Trust. In the event a partial release provision is included in this Deed of Trust, Grantor must strictly comply with the terms thereof. Notwithstanding anything herein contained, Grantor shall not be entitled to any release of property unless Grantor is not in default and is in full compliance with all of the terms and provisions of the Note, this Deed of Trust, and any other instrument that may be securing said Note.

5. WASTE. The Grantor covenants that he will keep the Premises herein conveyed in as good order, repair and condition as they are now, reasonable wear and tear excepted, and will comply with all governmental requirements respecting the Premises or their use, and that he will not commit or permit any waste.
6. CONDEMNATION. In the event that any or all of the Premises shall be condemned and taken under the power of eminent domain, Grantor shall give immediate written notice to Beneficiary and Beneficiary shall have the right to receive and collect all damages awarded by reason of such taking, and the right to such damages hereby is assigned to Beneficiary who shall have the discretion to apply the amount so received, or any part thereof, to the indebtedness due hereunder and if payable in installments, applied in the inverse order of maturity of such installments, or to any alteration, repair or restoration of the Premises by Grantor.

7. WARRANTIES. Grantor covenants with Trustee and Beneficiary that he is seized of the Premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that he will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:
8. SUBSTITUTION OF TRUSTEE. Grantor and Trustee covenant and agree to and with Beneficiary that in case the said Trustee, or any successor trustee, shall die, become incapable of acting, renounce his trust, or for any reason the holder of the Note desires to replace said Trustee, then the holder may appoint, in writing, a trustee to take the place of the Trustee; and upon the probate and registration of the same, the trustee thus appointed shall succeed to all rights, powers and duties of the Trustee.

THE FOLLOWING PARAGRAPH, 9. SALE OF PREMISES, SHALL NOT APPLY UNLESS THE BLOCK TO THE LEFT MARGIN OF THIS SENTENCE IS MARKED AND/OR INITIALED.

9. SALE OF PREMISES. Grantor agrees that if the Premises or any part thereof or interest therein is sold, assigned, transferred, conveyed or otherwise alienated by Grantor, whether voluntarily or involuntarily or by operation of law (other than: (i) the creation of a lien or other encumbrance subordinate to this Deed of Trust which does not relate to a transfer of rights of occupancy in the Premises; (ii) the creation of a purchase money security interest for household appliances; (iii) a transfer by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety; (iv) the grant of a leasehold interest of three (3) years or less not containing an option to purchase; (v) a transfer to a relative resulting from the death of a Grantor; (vi) a transfer where the spouse or children of the Grantor become the owner of the Premises; (vii) a transfer resulting from a decree of a dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the spouse of the Grantor becomes an owner of the Premises; (viii) a transfer into an inter vivos trust in which the Grantor is and remains a beneficiary and which does not relate to a transfer of rights of occupancy in the Premises), without the prior written consent of Beneficiary, Beneficiary, at its own option, may declare the Note secured hereby and all other obligations hereunder to be forthwith due and payable. Any change in the legal or equitable title of the Premises or in the beneficial ownership of the Premises, including the sale, conveyance or disposition of a majority interest in the Grantor if a corporation or partnership, whether or not of record and whether or not for consideration, shall be deemed to be the transfer of an interest in the Premises.

10. ADVANCEMENTS. If Grantor shall fail to perform any of the covenants or obligations contained herein or in any other instrument given as additional security for the Note secured hereby, the Beneficiary may, but without obligation, make advances to perform such covenants or obligations, and all such sums so advanced shall be added to the principal sum, shall bear interest at the rate provided in the Note secured hereby for sums due after default and shall be due from Grantor on demand of the Beneficiary. No action or proceeding brought against the Trustee or Beneficiary or if any suit or proceeding be brought which may affect the value or title of the Premises, Grantor shall defend, indemnify and hold harmless and on demand reimburse Trustee or Beneficiary from any loss, cost, damage or expense and any sums expended by Trustee or Beneficiary shall bear interest as provided in the Note secured hereby for sums due after default and shall be due and payable on demand.

11. INDEMNITY. If any suit or proceeding be brought against the Trustee or Beneficiary or if any suit or proceeding be brought which may affect the value or title of the Premises, Grantor shall defend, indemnify and hold harmless and on demand reimburse Trustee or Beneficiary from any loss, cost, damage or expense and any sums expended by Trustee or Beneficiary shall bear interest as provided in the Note secured hereby for sums due after default and shall be due and payable on demand.

12. WAIVERS. Grantor waives all rights to require marshalling of assets by the Trustee or Beneficiary. No delay or omission of the Trustee or Beneficiary in the exercise of any right, power or remedy arising under the Note or this Deed of Trust shall be deemed a waiver of any default or acquiescence therein or shall impair or waive the exercise of such right, power or remedy by Trustee or Beneficiary at any other time.

13. CIVIL ACTION. In the event that the Trustee is named as a party to any civil action as Trustee in this Deed of Trust, the Trustee shall be entitled to employ an attorney at law, including himself if he is a licensed attorney, to represent him in said action and the reasonable attorney's fee of the Trustee in such action shall be paid by the Beneficiary and added to the principal of the Note secured by this Deed of Trust and bear interest at the rate provided in the Note for sums due after default.

14. PRIOR LIENS. Default under the terms of any instrument secured by a lien to which this Deed of Trust is subordinate shall constitute default hereunder.

15. OTHER TERMS.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name) _____
By: _____ (SEAL)
President _____ (SEAL)
ATTEST: _____ (SEAL)
Secretary (Corporate Seal) _____ (SEAL)

NORTH CAROLINA, Orange County.
I, a Notary Public of the County and state aforesaid, certify that Maria S. Keizer (Divorced) Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14th day of February, 19 95.
My Commission expires: 1-1-96 Linda W. Knight Notary Public



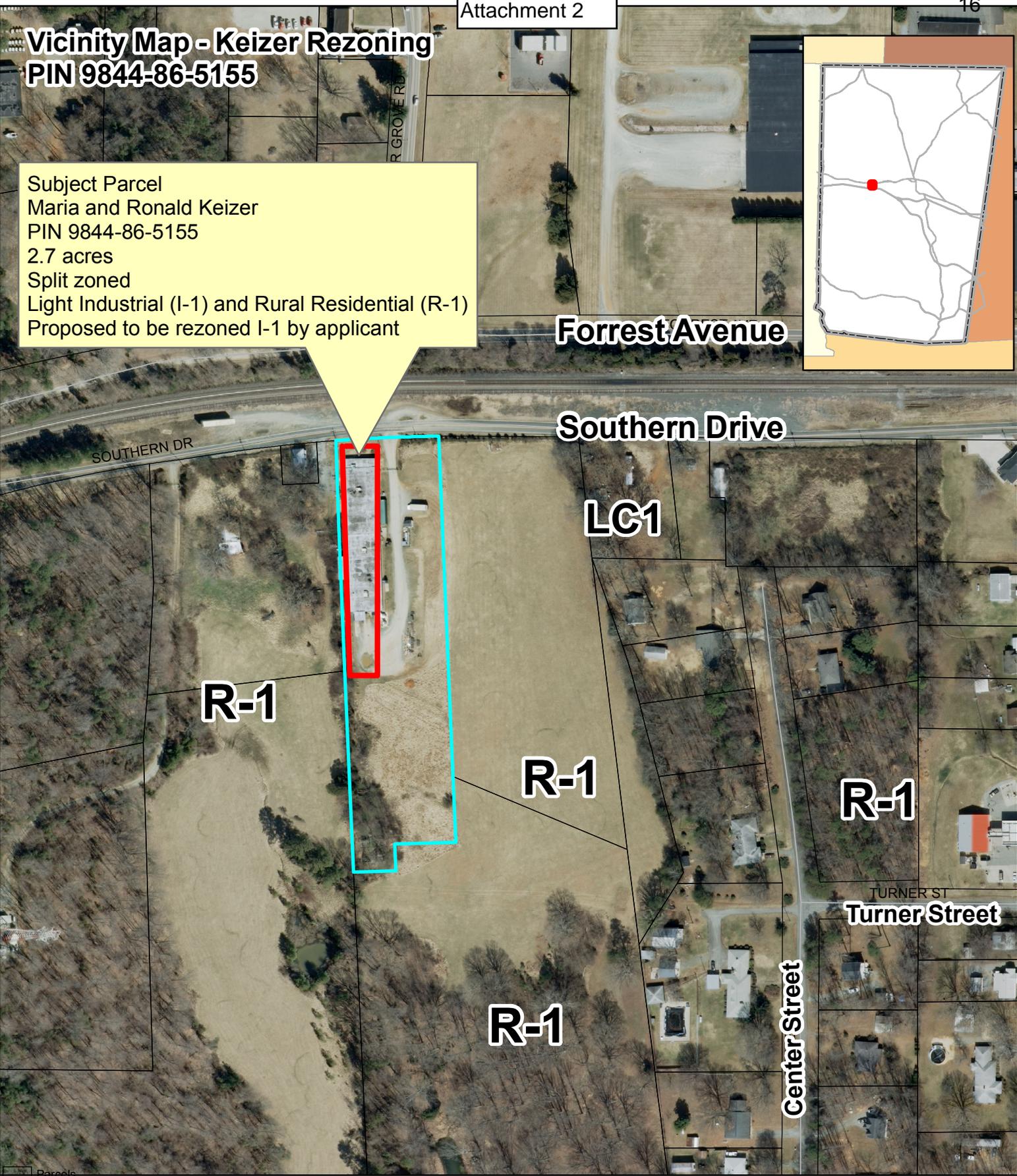
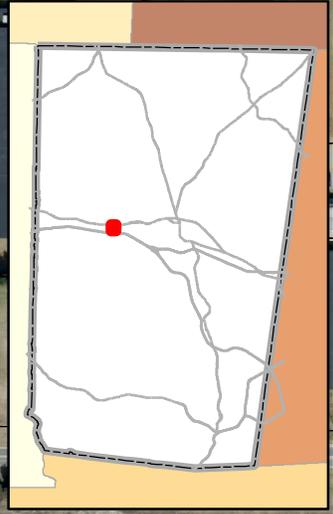
NORTH CAROLINA, _____ County.
I, a Notary Public of the County and state aforesaid, certify that _____ personally appeared before me this day and acknowledged that _____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary, Witness my hand and official stamp or seal, this _____ day of _____, 19 _____.
My Commission expires: _____ Notary Public

The foregoing Certificate of Linda W. Knight a Notary Public of Durham County, NC

is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. This is the day of Feb 1995 Betty Jane Hayes REGISTER OF DEEDS FOR Orange COUNTY
By Preserved O. Payne Deputy/Assistant Register of Deeds.

Vicinity Map - Keizer Rezoning PIN 9844-86-5155

Subject Parcel
 Maria and Ronald Keizer
 PIN 9844-86-5155
 2.7 acres
 Split zoned
 Light Industrial (I-1) and Rural Residential (R-1)
 Proposed to be rezoned I-1 by applicant



- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1 inch = 208 feet

Orange County Planning and Inspections Department
5/30/2013

Attachment 3

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 W. Margaret Lane
Suite 201
P O Box 8181
Hillsborough, NC 27278



CERTIFICATION OF MAILING

ZONING ATLAS AMENDMENT
ORANGE COUNTY, NORTH CAROLINA

I, Michael D. Harvey, Current Planning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of Public Hearing to be held regarding the processing of a Zoning Atlas Amendment application submitted by Ms. Maria Keizer and Mr. Ronald Keizer requesting the rezoning of a parcel of property located at 3604 Southern Drive further identified with Orange County Parcel Identification Number (PIN) of 9844-86-5155:

FROM: Rural Residential (R-1) and Light Industrial (I-1)
TO: Light Industrial (I-1)

The owners were identified according to the Tax Records and as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notice specified the date, time, place and subject of the Public Hearing.

WITNESS my hand, this 23rd day of August 2013.

Michael D. Harvey, AICP
 Current Planning Supervisor

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Current Planning
 (919) 245-2575
 (919) 644-3002 (FAX)
 www.co.orange.nc.us



131 West Margaret Lane
 P O Box 8181
 Hillsborough,
 North Carolina, 27278



August 23, 2013

RE: NOTIFICATION of PUBLIC HEARING to review an application to amend the ORANGE COUNTY ZONING ATLAS.

To Whom It May Concern:

This letter is being sent to inform you that the Orange County Board of Commissioners and the Planning Board have scheduled a **JOINT PUBLIC HEARING** to review an application submitted by Ms. Maria Keizer and Mr. Ronald Keizer (hereafter 'the applicants') to change the zoning designation on their property at 3604 Southern Drive (PIN 9844-86-5155) in the Cheeks Township of Orange County.

Specifically, in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), the applicants are seeking to rezone their 2.7 acre split zoned property:

FROM: Rural Residential (R-1) / Light Industrial (I-1)

TO: Light Industrial (I-1).

The property is currently utilized to support a sheet metal fabrication business. The building housing the operation is on the I-1 zoned portion of the aforementioned property while the septic and parking areas supporting the business are located within the R-1 zoned portion of property.

The applicants are concerned over their continued ability to have septic and parking supporting the existing industrial operation on the residentially zoned portion of the subject property. They are seeking to rectify the problem by extending the existing industrial zoning and ensure their perpetual ability to maintain the existing infrastructure necessary for the business.

The property subject to this petition is located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

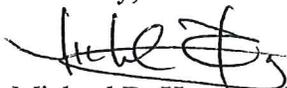
According to County and State law, we are obligated to notify all property owners within 500 feet of a parcel being rezoned of the public hearing date and time. You are receiving this notice because your property falls within this prescribed area. Interested persons are invited to address the boards with their comments regarding the proposed rezoning at this Joint Public Hearing.

Maps and other information regarding the proposed zoning change can be viewed at the following website after Friday, August 30, 2013:

<http://www.co.orange.nc.us/planning/SpecialProjects.asp>

The PUBLIC HEARING will be held at the Department of Social Services, Hillsborough Commons Shopping Center, located at 113 Mayo Street, Hillsborough North Carolina on **Monday September 9, 2013 at 7:00 p.m.** If you require additional assistance, or have questions, please contact staff at (919) 245-2575.

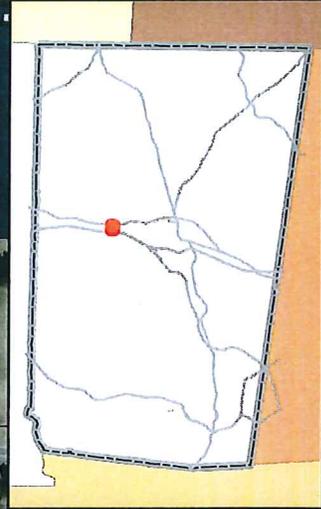
Sincerely,



Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor
Planner III
Orange County Planning

Vicinity Map - Keizer Rezoning PIN 9844-86-5155

Subject Parcel
 Maria and Ronald Keizer
 PIN 9844-86-5155
 2.7 acres
 Split zoned
 Light Industrial (I-1) and Rural Residential (R-1)
 Proposed to be rezoned I-1 by applicant



Forrest Avenue

Southern Drive

LC1

R-1

R-1

R-1

R-1

Turner Street

Center Street

- Township Boundary
- City Limits
- ETJ
- 2010 Images
- RGB
- Red: Band_1
- Green: Band_2




1 inch = 208 feet

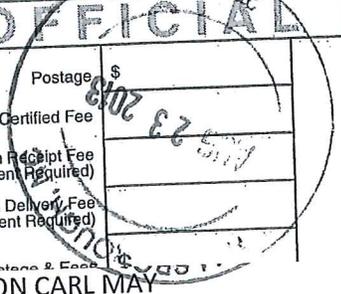
Orange County Planning and Inspections Department
5/30/2013

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 EFLAND, NC 27243

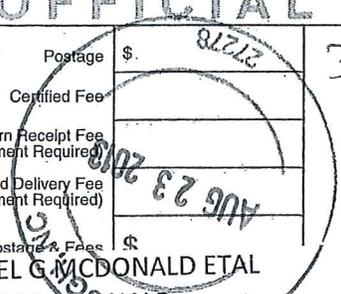
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DANIEL G MCDONALD ETAL
 BETTY J MCDONALD
 2555 ST JAMES DR SE
 SOUTHPORT, NC 28461

3604 Southern Drive
 Case

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MARIA S KEIZER
 3604 SOUTHERN DR
 EFLAND, NC 272439704

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 ROUGEMONT, NC 275729131

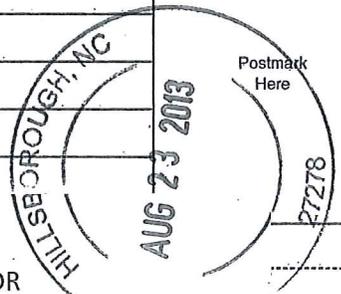
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JAMES CARVER
 MARILYN CARVER
 5635 HIDEAWAY DR
 CHAPEL HILL, NC 27516

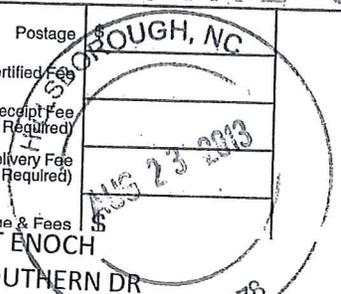
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 EFLAND, NC 272439692

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EFLAND, NC 272430084

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BYRON A DALTON
SUELYN DALTON
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DANIEL G MCDONALD ETAL
BETTY J MCDONALD
313 FIELDSTONE DR
BURLINGTON, NC 272154638

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MARGARIETTE MAY
205 CENTER ST
EFLAND, NC 272439549

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DAVID CAMERON FORREST
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Marilyn E Liner
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Hillsborough, NC 27278

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ANNANDALE, VA 22003

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EFLAND, NC 272430207

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EFLAND, NC 27243

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**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 9, 2013**

**Action Agenda
Item No. C.2**

SUBJECT: Zoning Atlas Amendment – Keizer Rezoning of 2 parcels totaling 16.1 acres

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

- 1. Zoning Application Packet
- 2. Vicinity Map
- 3. Notification Materials

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2592

PURPOSE: To hold a public hearing on an owner-initiated general use district rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: An application (see Attachment 1) has been submitted to rezone 2 parcels of property totaling approximately 16.1 acres in area:

FROM: Rural Residential (R-1)

TO: Light Industrial (I-1).

Pertinent facts of the application include the following:

Applicant: Maria Keizer Ronald Keizer
3604 Southern Drive same
Efland, North Carolina 27243 same

Owner: Daniel McDonald ETAL
Betty McDonald
2555 St James Drive SE
Southport, NC 28461

The applicant has the properties under contract for purchase on the condition they can be rezoned. Please refer to Attachment 1 for additional information.

Rezoning Location: Both properties are east of 3604 Southern Drive, approximately 990 feet east of the intersection of Southern Drive and Mt. Willing Road (SR 1120) and south of the railroad tracks.

Please refer to Attachment 2 for a vicinity map denoting the subject parcels.

Parcel Information: a. **PINs** – 9844-87-7368 and 9844-86-7573.

- b. **Size of Parcels** – 3.6 acres (PIN 9844-87-7368).
12.5 acres (PIN 9844-86-7573).
- c. **Zoning of Parcels** -- Rural Residential (R-1). A portion of the 12.5 acre parcel is also within the Major Transportation Corridor (MTC) Overlay District.
- d. **Township** – Cheeks.
- e. **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity Node.
- f. **Growth Management System Designation** -- Urban.
- g. **Existing Conditions** – Both properties are undeveloped. The 3.6 acre parcel has no vegetation while the larger parcel is heavily vegetated with varying topography.
- h. **Access** -- The 3.6 acre parcel has direct frontage along Southern Drive. The larger parcel has no road frontage.

Surrounding Land Uses:

- a. **North** – Southern Drive, Railroad tracks, R-1 zoned property north of the tracks.
- b. **East** – LC-1 zoned property, R-1 zoned property with single-family residences.
- c. **South** – Undeveloped R-1 zoned property, Interstate Highway 85/40.
- d. **West** – 3604 Southern Drive owned by the Keizer's, split zoned R-1 and I-1, utilized to support a sheet metal fabrication business.

Please refer to Attachment 2 for a vicinity map denoting the subject parcel and surrounding properties.

Proposal: As detailed within Attachment 1, the purpose of the amendment is to extend the I-1 zoning designation over both parcels.

The Keizer's have made an offer to purchase the properties in an effort to expand their existing non-residential operation located at 3604 Southern Drive (PIN 9844-86-5155). They believe the request represents a logical extension of the existing I-1 zoning district and will allow for the expansion of an existing industrial operation consistent with the various policies of the adopted 2030 Comprehensive Plan.

If approved, the applicants plan to re-combine these 2 properties with their parcel at 3604 Southern Drive to create a single, I-1 zoned, parcel.

It should be noted the approval of the rezoning request will not confer automatic development rights to the applicant. Any proposed expansion of the existing sheet metal operation will still be required to seek site plan approval in accordance with Section 2.5 of the UDO and demonstrate compliance with various development standards, including parking, setbacks, land use buffers, impervious surface limits, etc.

Staff Analysis: In accordance with Section 2.8 of the UDO, the Planning Director is required to 'cause an analysis to be made of the application' and forward that analysis on to the reviewing body. In completing the required analysis, the Planning Director has found:

1. The application has been deemed complete in accordance with the requirements of Section 2.8 of the UDO.
2. The properties are of sufficient size to be rezoned to the I-1 zoning designation.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map and the adopted the Growth Management System map.
4. The rezoning is consistent with the intent of the adopted Efland-Mebane Small Area Plan.

Notification Procedural Requirements: In accordance with Section 2.8.7 of the UDO, the public hearing for this item was advertised consistent with the requirements of the Ordinance. Legal ads were placed in two newspapers of general circulation in the County for two (2) successive weeks; notices were mailed via certified mail to property owners within 500-feet of affected properties; and a sign was posted on the affected property, in accordance with State statutes. The notice was mailed on August 23, 2013. For additional information please refer to Attachment 3.

FINANCIAL IMPACT: This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION: The Planning Director recommends the Board:

1. Receive the proposal to amend the Zoning Atlas.
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the **November 5, 2013** BOCC regular meeting.
4. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.



Orange County Planning and Inspections Department

APPLICATION FOR ZONING ATLAS AMENDMENT GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:
Date: 5/14/2013Applicant: Ronald/Maria KeizerPhone: (919) 732-6956Address: 3604 Southern Dr.
Efland NC 27243

Cell Phone: _____

E-mail: _____

PROPERTY SUBJECT TO REQUEST:
Parcel Identification Number (PIN): 9844-87-7368 and 9844-86-7573Address of property: Not assigned Owner of property: Denise McDonald SkeltonCurrent Zoning Designation: R-1 Requested Zoning Designation: I-1

**** If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. ****

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

- 1) A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
- 2) A legal description of the property(s) proposed for rezoning
- 3) A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
- 4) A detailed narrative denoting the following:
 - a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
 - b. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
 - c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
- 5) In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
 - a. An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
 - b. A 'No-impact' analysis for a letter of map revision
- 6) The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

Ronald Keizer
Applicant

5/14/2013
Date:

Applicant

Date:

To: Orange County Commissioners

From: Ronald Keizer, Owner
USA Dutch, Inc.

USA Dutch, Inc. is pleased to submit a request to rezone 2 parcels of property to I-1 for the purpose of expanding our existing operation at 3604 Southern Drive in Efland. These parcels are east of our existing operation and share a common property line. Both parcels are undeveloped, with heavy vegetation along the southern boundary line adjacent to the Interstate.

USA Dutch has been in operation since 1993 at the aforementioned address. We chose this area because of its proximity to our original location in the County's Commercial Industrial Transition Activity Node.

Our business has had the good fortune to grow over the last few years. Since the beginning of 2009, we have increased our sales from \$1.8 million to \$3.9 million per year, and increased our workforce from 17 employees to 26. To accommodate further growth, we would like to expand our facilities by approximately 30,000 square feet. If our business continues to grow as planned, we would anticipate adding 15-20 employees over the next 5-10 years.

If the rezoning is approved, we plan to re-combine these 2 parcels with our existing property in support of our proposed company expansion. We have been informed by Planning staff of the development criteria associated with the property, specifically setbacks, required land use buffers, etc., as well as the process to obtain approval of the expansion request with the submittal of a professionally prepared site plan.

As we understand the situation from Planning staff, our property is located in an area where the County is interested in promoting additional commercial and industrial development.

In reviewing your adopted Comprehensive Plan, we believe the request will comply with several goals/policies including:

1. **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.
2. **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.

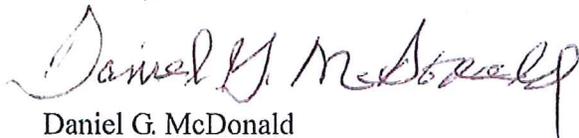
August 19, 2013

Re: 3616 Southern Drive in Efland, NC 27243

To Whom It May Concern:

Ronald Keizer at USA Dutch has made an Offer to Purchase our property located at 3616 Southern Drive in Efland, North Carolina (NC PIN 9844867573 & 9844877368). A condition of the Offer is Site Plan Approval which requires rezoning of our property to accommodate the expansion of their existing business next door to construct a larger facility. I hereby authorize Ronald Keizer to file for rezoning to further the terms of the Purchase Agreement. Please feel free to call me at 336.516.4842. Thanks in advance for your consideration.

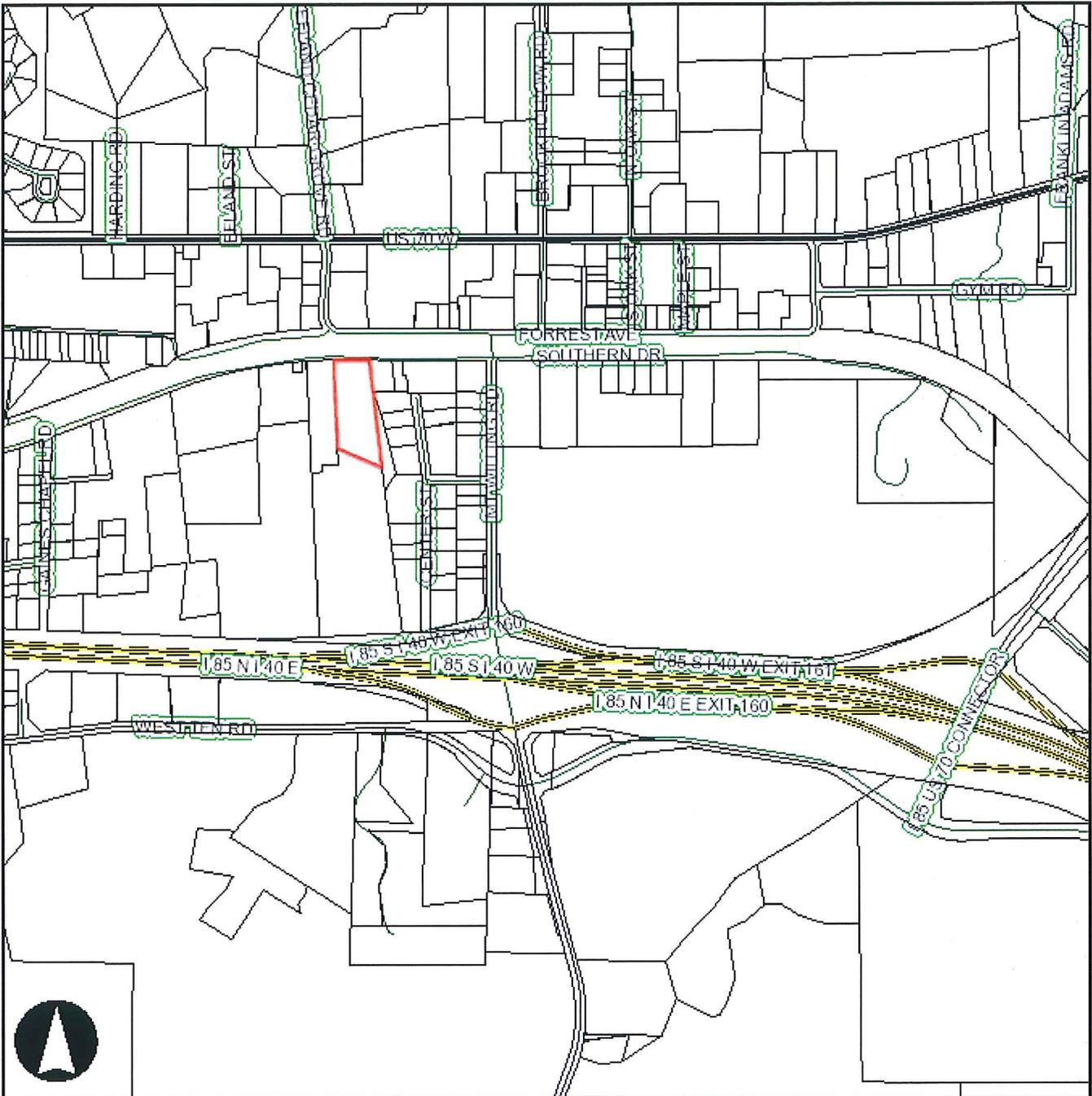
Sincerely,

A handwritten signature in cursive script that reads "Daniel G. McDonald". The signature is written in dark ink and is positioned above the printed name.

Daniel G. McDonald



Orange County, NC GIS



1 inch = 1000 feet

Search Results (1)

shape	ESRI.ArcGIS.ADF.Web.Geometry.Polygon
PIN	9844877368

PINSTATUS	ACTIVE
OWNER_TYPE	
IOFLAG	YES
OWNER1_LAST	MCDONALD
OWNER1_FIRST	DANIEL G ETAL
OWNER2_LAST	MCDONALD
OWNER2_FIRST	BETTY J
ADDRESS1	313 FIELDSTONE DR
ADDRESS2	
CITY	BURLINGTON
STATE	NC
ZIPCODE	272154638
TOWNSHIP	3
SIZE	3.67
UOM	A
CALC_ACRES	3.64
SUBCODE	0
LEGAL_DESC	1 FIRSTSOUTH BANK INC P74/168
RATECODE	03
LANDVALUE	53582
BLDGVALUE	0
BLDGCNT	
VALUATION	53582
TAXSTATUS	A
FARMUSE	
USEVALUE	0
DEEDREF	4891/336
LEGALREF	
DATESOLD	1/22/2010 12:00:00 AM
TAXSTAMPS	0
STAMPVALUE	0
YEARBUILT	
SQFT	NaN
SUBDIVISION_NAME	
SCHOOL_SYSTEM	Orange County Schools
TOWNSHIP_NAME	CHEEKS
SHAPE.fid	15761
shape.area	158462.011789149

Created on 8/26/2013. Orange County, North Carolina.



PIN#: 9844877368
 DANIEL G ETAL MCDONALD
 BETTY J MCDONALD
 313 FIELDSTONE DR
 BURLINGTON, NC 272154638

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

USGS Water Feature	Parcels	Zoning	100 YR Floodplain (Effective 02/02/07)
Soils Survey Water Feature	Township	City Limits	Floodway (Effective 02/02/07)
OC Updated Water Feature	School System Boundary	ETJ	500 YR Floodplain (Effective 02/02/07)
Water Body	Contours	Conservation Easements Held by Others	Buildings
River Basins	County Boundary	Orange County	Water and Sewer Boundary
Watershed	Soils		

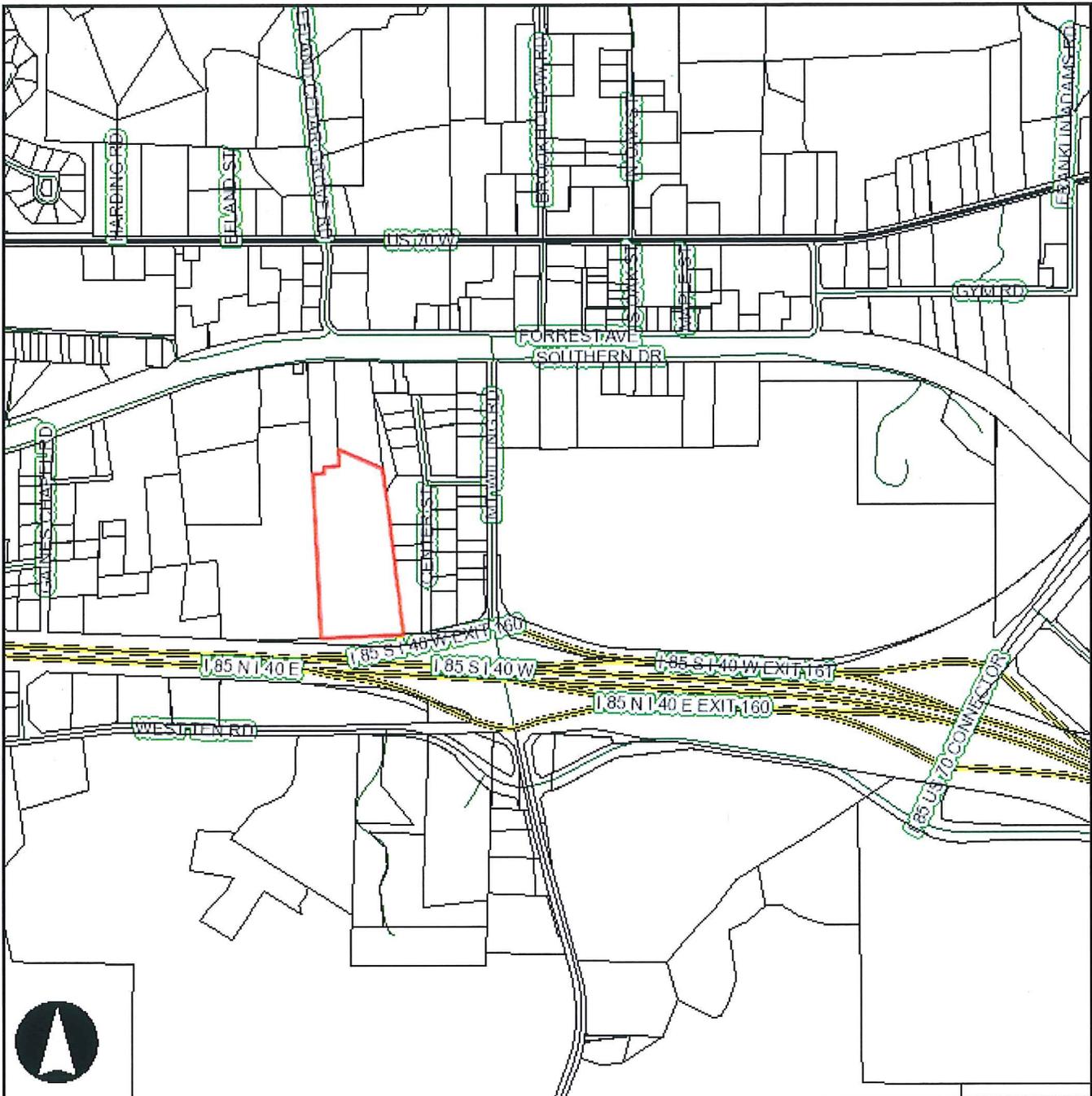



1 inch = 97.73 feet

0 37.5 75 150



Orange County, NC GIS



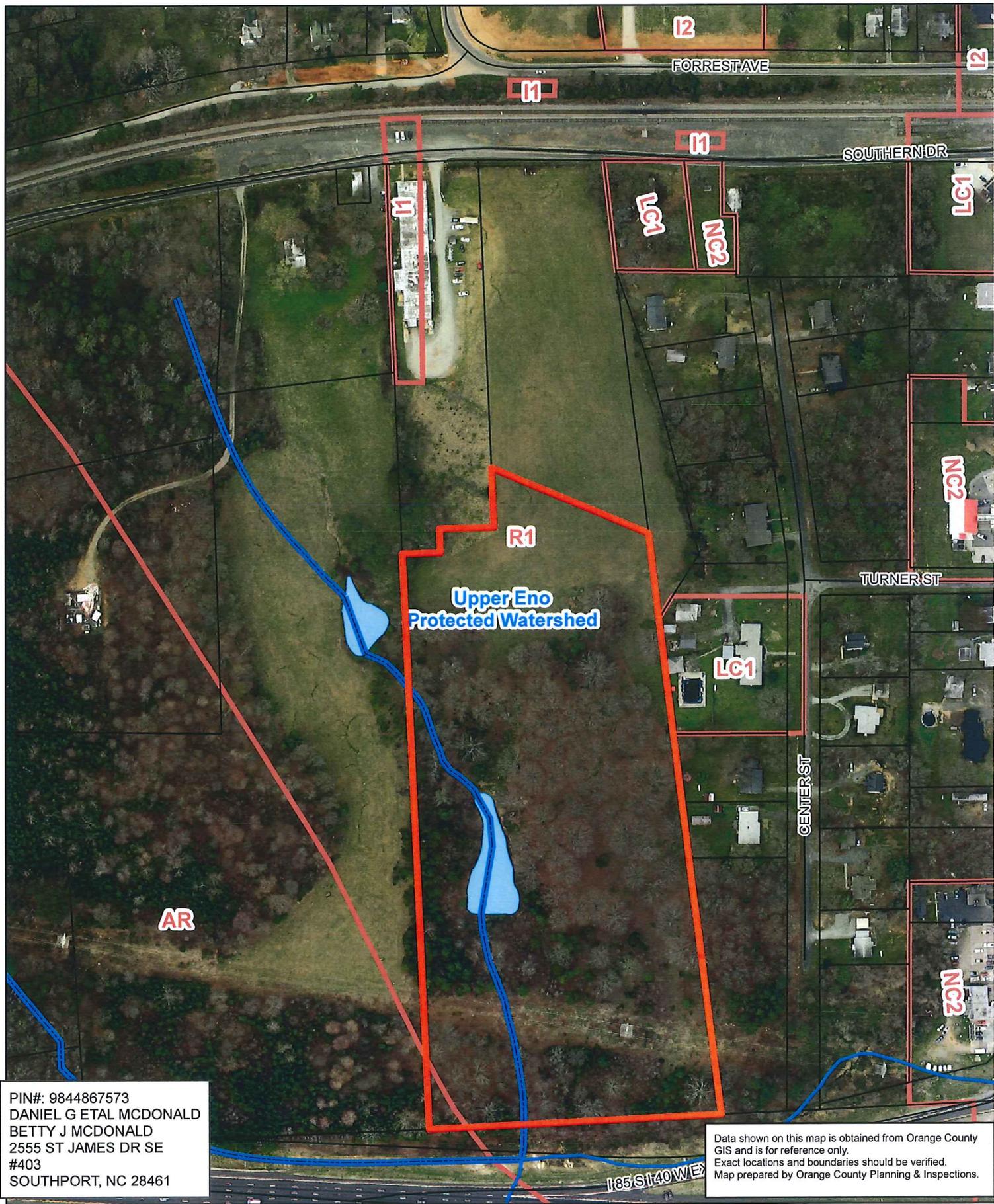
1 inch = 1000 feet

Search Results (1)

shape	ESRI.ArcGIS.ADF.Web.Geometry.Polygon
PIN	9844867573

PINSTATUS	ACTIVE
OWNER_TYPE	
IOFLAG	YES
OWNER1_LAST	MCDONALD
OWNER1_FIRST	DANIEL G ETAL
OWNER2_LAST	MCDONALD
OWNER2_FIRST	BETTY J
ADDRESS1	2555 ST JAMES DR SE
ADDRESS2	#403
CITY	SOUTHPORT
STATE	NC
ZIPCODE	28461
TOWNSHIP	3
SIZE	12.58
UOM	A
CALC_ACRES	12.67
SUBCODE	0
LEGAL_DESC	2 FIRSTSOUTH BANK INC P74/168
RATECODE	03
LANDVALUE	121875
BLDGVALUE	0
BLDGCNT	
VALUATION	121875
TAXSTATUS	A
FARMUSE	
USEVALUE	0
DEEDREF	4891/336
LEGALREF	
DATESOLD	1/22/2010 12:00:00 AM
TAXSTAMPS	0
STAMPVALUE	0
YEARBUILT	
SQFT	NaN
SUBDIVISION_NAME	
SCHOOL_SYSTEM	Orange County Schools
TOWNSHIP_NAME	CHEEKS
SHAPE.fid	14912
shape.area	551957.353599478

Created on 8/26/2013. Orange County, North Carolina.



PIN#: 9844867573
 DANIEL G ETAL MCDONALD
 BETTY J MCDONALD
 2555 ST JAMES DR SE
 #403
 SOUTHPORT, NC 28461

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

USGS Water Feature	Parcels	Zoning	100 YR Floodplain (Effective 02/02/07)
Soils Survey Water Feature	Township	City Limits	Floodway (Effective 02/02/07)
OC Updated Water Feature	School System Boundary	ETJ	500 YR Floodplain (Effective 02/02/07)
Water Body	Contours	Conservation Easements Held by Others	Buildings
River Basins	County Boundary	Water and Sewer Boundary	
Watershed	Soils	Orange County	

1 inch = 231.282 feet

0 90 180 360

OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST
CARTER	LATONIA YVETTE		
CARVER	JAMES	CARVER	MARILYN
CARVER	JAMIE		
COOPER	TIERRE L		
COPPLE PROPERTIES	LLC		
DALTON	BYRON A	DALTON	SUELLYN
DEPARTMENT OF	TRANSPORTATION		
DEPARTMENT OF	TRANSPORTATION		
EFLAND	SIMPSON HRS		
EFLAND HOISERY MILL	INC		
EFLAND LEASING COMPANY A	LLC		
EFLAND PRESBYTERIAN	CHURCH		
ENOCH	GILBERT		
FORREST	DAVID CAMERON		
FORREST RESOURCES	LLC		
FOWLER M M INC #230	EFLAND		
FOWLER M M INC LOC	#230		
GALLAGHER	KELLY L		
GRAHAM	AUBREY D HRS		
GROVES	RONNIE CARROL		
HAMLIN	JEFFREY FORREST		
HAMLIN	STEPHEN FLINT		
KEIZER	MARIA S		
KIRCHNER	ROGER L		
LAWS	CARLTON A TRUSTEE	LAWS-TR	LYNNE J
LAWS	JULIE A		
LINER	WILLIAM DAVID	LINER	MARILYN E
LOVE	VIRGINIA G		
MACE	KIMBERLY A		
MARION	DAVID		
MARION	DAVID R		
MAY	CARL CLIFTON	MAY	MARGARIETTE
MAY	CLIFTON CARL		
MAY	CARL CLIFTON	MAY	MARGARIETTE
MCDONALD	DANIEL G ETAL	MCDONALD	BETTY J
MCDONALD	DANIEL G ETAL	MCDONALD	BETTY J
RAMARGE	STEVEN M		
SHANKLE	JAMES W SR		
TALBERTS FOOD MART #3	INC		
TRAVIS	MARY H		

ADDRESS1	CITY	STATE	ZIPCODE
202 CENTER ST	EFLAND	NC	27243
5635 HIDEAWAY DR	CHAPEL HILL	NC	27516
320 CENTER ST	EFLAND	NC	27243
312 CENTER ST	EFLAND	NC	27243
213 MT WILLING RD	EFLAND	NC	27243
PO BOX 187	EFLAND	NC	27243
PO BOX 25201	RALEIGH	NC	27611
331 W MAIN ST-SUITE 100	DURHAM	NC	27701
4918 ANDREA AVE	ANNANDALE	VA	22003
PO BOX 246	EFLAND	NC	27243
PO BOX 246	EFLAND	NC	27243
PO BOX 219	EFLAND	NC	27243
3904 SOUTHERN DR	EFLAND	NC	272439692
215 CENTER ST	EFLAND	NC	27243
P O BOX 322	EFLAND	NC	27243
4220 NEAL RD	DURHAM	NC	27705
4220 NEAL RD	DURHAM	NC	27702
300 CENTER ST	EFLAND	NC	27243
3201 US 70W	EFLAND	NC	27243
317 CENTER ST	EFLAND	NC	27243
5801 SNEED RD	ROUGEMONT	NC	275729131
5801 SNEED RD	ROUGEMONT	NC	275729131
3604 SOUTHERN DR	EFLAND	NC	272439704
313 CENTER ST	EFLAND	NC	27243
1300 FAUCETTE MILL RD	HILLSBOROUGH	NC	27278
206 CENTER ST	EFLAND	NC	27243
P O BOX 231	EFLAND	NC	27243
5644 THOM RD	Mebane	NC	27302
PO BOX 127	EFLAND	NC	272430071
211 LAWRENCE RD	Hillsborough	NC	27278
211 LAWRENCE RD	Hillsborough	NC	27278
205 CENTER ST	EFLAND	NC	272439549
205 CENTER ST	EFLAND	NC	27243
205 CENTER ST	EFLAND	NC	272439549
2555 ST JAMES DR SE	SOUTHPORT	NC	28461
313 FIELDSTONE DR	BURLINGTON	NC	272154638
PO BOX 155	EFLAND	NC	27243
PO BOX 84	EFLAND	NC	272430084
1480 CRAWFORD DAIRY RD	CHAPEL HILL	NC	27516
PO BOX 144	EFLAND	NC	272430144

LATONIA YVETTE CARTER
202 CENTER ST
EFLAND, NC 27243

JAMES CARVER
MARILYN CARVER
5635 HIDEAWAY DR
CHAPEL HILL, NC 27516

JAMIE CARVER
320 CENTER ST
EFLAND, NC 27243

TIERRE L COOPER
312 CENTER ST
EFLAND, NC 27243

COPPLE PROPERTIES LLC
213 MT WILLING RD
EFLAND, NC 27243

BYRON A DALTON
SUELLYN DALTON
PO BOX 187
EFLAND, NC 27243

DEPARTMENT OF TRANSPORTATION
PO BOX 25201
RALEIGH, NC 27611

DEPARTMENT OF TRANSPORTATION
331 W MAIN ST-SUITE 100
DURHAM, NC 27701

EFLAND SIMPSON HRS
4918 ANDREA AVE
ANNANDALE, VA 22003

EFLAND HOISERY MILL INC
PO BOX 246
EFLAND, NC 27243

EFLAND LEASING COMPANY A LLC
PO BOX 246
EFLAND, NC 27243

EFLAND PRESBYTERIAN CHURCH
PO BOX 219
EFLAND, NC 27243

GILBERT ENOCH
3904 SOUTHERN DR
EFLAND, NC 272439692

DAVID CAMERON FORREST
215 CENTER ST
EFLAND, NC 27243

FORREST RESOURCES LLC
P O BOX 322
EFLAND, NC 27243

EFLAND FOWLER M M INC #230
4220 NEAL RD
DURHAM, NC 27705

FOWLER M M INC LOC #230
4220 NEAL RD
DURHAM, NC 27702

KELLY L GALLAGHER
300 CENTER ST
EFLAND, NC 27243

AUBREY D GRAHAM HRS
3201 US 70W
EFLAND, NC 27243

RONNIE CARROL GROVES
317 CENTER ST
EFLAND, NC 27243

JEFFREY FORREST HAMLIN
5801 SNEED RD
ROUGEMONT, NC 275729131

STEPHEN FLINT HAMLIN
5801 SNEED RD
ROUGEMONT, NC 275729131

MARIA S KEIZER
3604 SOUTHERN DR
EFLAND, NC 272439704

ROGER L KIRCHNER
313 CENTER ST
EFLAND, NC 27243

CARLTON A LAWS TRUSTEE
LYNNE J LAWS-TR
1300 FAUCETTE MILL RD
HILLSBOROUGH, NC 27278

JULIE A LAWS
206 CENTER ST
EFLAND, NC 27243

WILLIAM DAVID LINER
MARILYN E LINER
P O BOX 231
EFLAND, NC 27243

VIRGINIA G LOVE
5644 THOM RD
Mebane, NC 27302

KIMBERLY A MACE
PO BOX 127
EFLAND, NC 272430071

DAVID MARION
211 LAWRENCE RD
Hillsborough, NC 27278

DAVID R MARION
211 LAWRENCE RD
Hillsborough, NC 27278

CARL CLIFTON MAY
MARGARIETTE MAY
205 CENTER ST
EFLAND, NC 272439549

CLIFTON CARL MAY
205 CENTER ST
EFLAND, NC 27243

CARL CLIFTON MAY
MARGARIETTE MAY
205 CENTER ST
EFLAND, NC 272439549

DANIEL G MCDONALD ETAL
BETTY J MCDONALD
2555 ST JAMES DR SE
SOUTHPORT, NC 28461

DANIEL G MCDONALD ETAL
BETTY J MCDONALD
313 FIELDSTONE DR
BURLINGTON, NC 272154638

STEVEN M RAMARGE
PO BOX 155
EFLAND, NC 27243

JAMES W SHANKLE SR
PO BOX 84
EFLAND, NC 272430084

TALBERTS FOOD MART #3 INC
1480 CRAWFORD DAIRY RD
CHAPEL HILL, NC 27516

MARY H TRAVIS
PO BOX 144
EFLAND, NC 272430144

Plat Book 74 @ pg. 168

Health Department Approval

General approval is hereby granted for lots as shown hereon as being suitable for subsurface sewage disposal, before the initiation of construction, the location of the house or other structure and plans for the subsurface sewage disposal system shall be approved by the Orange County Health Department.

Don Hoelt 6-8-95
Environmental Health Officer Date

Certificate of Dedication and Maintenance

The undersigned owner hereby certifies that the land shown hereon is located within the subdivision - regulation jurisdiction of Orange County and hereby freely dedicates all rights - of - way, easements, streets, recreation area, open space, common area, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood homeowners association or similar legal entity.

Way W. Wooley Jr June 9, 1995
Owner Date

MAXIMUM IMPERVIOUS SURFACE DATA		
LOT #1	0.44 ACRES	
LOT #2	1.66 ACRES	

55110 3 74 1 59

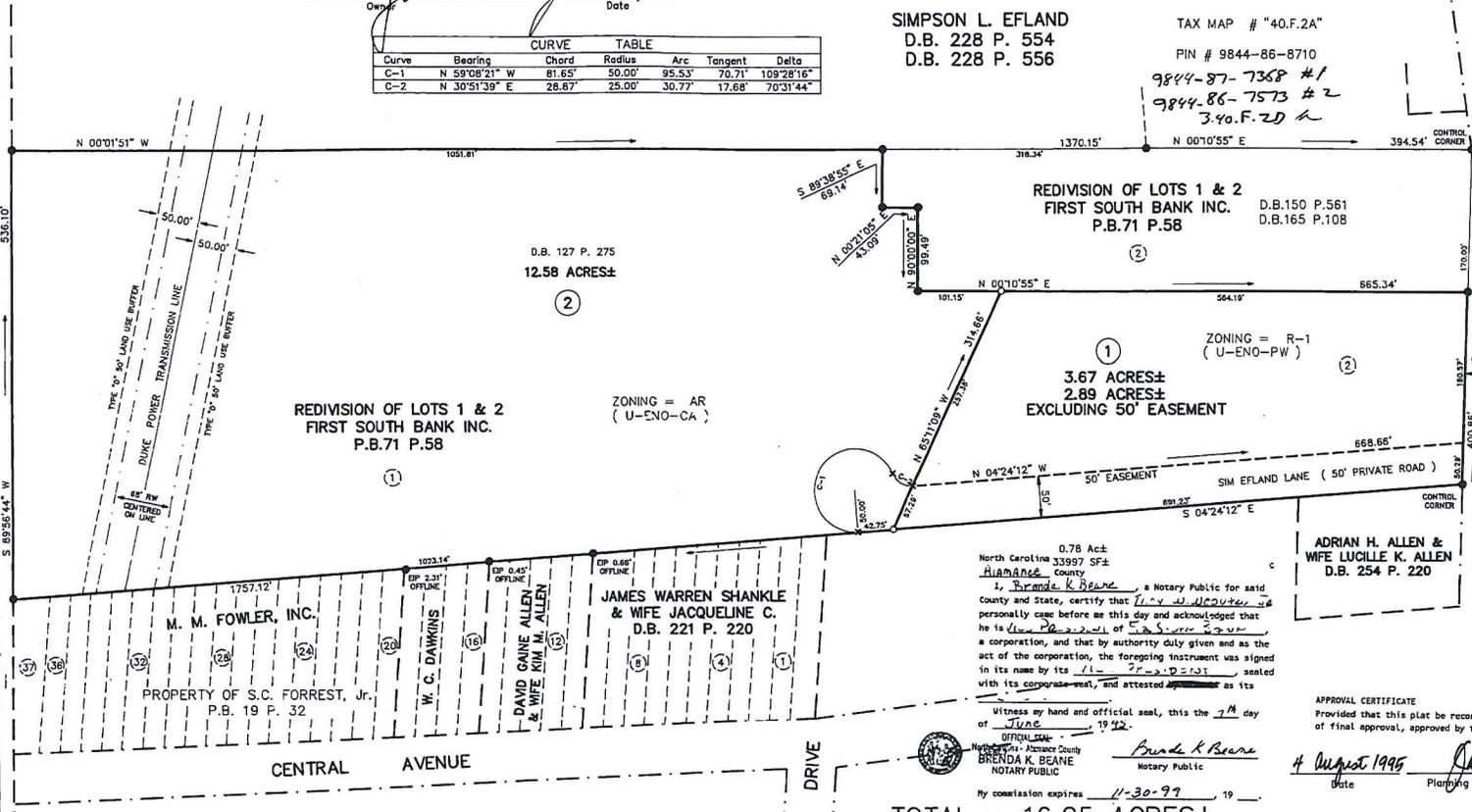
LAND USE BUFFER: THE USE AND MAINTENANCE OF THIS BUFFER AND THE BUILDING OF STRUCTURES THEREON IS RESTRICTED PURSUANT TO SECTION IV-B-8-a OF THE ORANGE COUNTY SUBDIVISION REGULATIONS.

SIMPSON L. EFLAND
D.B. 228 P. 554
D.B. 228 P. 556

TAX MAP # "40.F.2A"
PIN # 9844-86-8710
9844-87-7368 #1
9844-86-7573 #2
340.F.2D

CURVE TABLE						
Curve	Bearing	Chord	Radius	Arc	Tangent	Delta
C-1	N 59°08'21" W	81.65'	50.00'	95.53'	70.71'	109°28'16"
C-2	N 30°51'39" E	28.67'	25.00'	30.77'	17.68'	70°31'44"

INTERSTATE 85/40



SOUTHERN RAILROAD DRIVE
S.R. 1317

SOUTHERN RAILROAD TRACKS

Attest:
Annelle J. ...



0.78 Acre
North Carolina 33997 SF±
Orange County
I, Brenda K Beane, a Notary Public for said County and State, certify that Way W. Wooley Jr personally came before me this day and acknowledged that he is the owner of 55110 3 74 1 59, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President sealed with its corporate seal, and attested as its

Witness my hand and official seal, this the 7th day of JUNE, 1995.

Brenda K Beane
Notary Public
My commission expires 11-30-97

APPROVAL CERTIFICATE
Provided that this plat be recorded within 6 months of final approval, approved by the Planning Department

4 August 1995
Jared A. ...
Planning Director or Authorized Agent

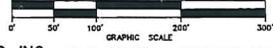
TOTAL = 16.25 ACRES±

MINIMUM BUILDING SETBACKS	
FRONT	40'
REAR	20'
SIDE	20'

SUBDIVIDER: FIRST SOUTH BANK, INC.
P.O. BOX 850
HILLSBOROUGH, N.C. 27278

FINAL PLAT
REDIVISION OF LOT 1
FIRST SOUTH BANK INC.
PLAT BOOK 71 P.58

CHEEKS TOWNSHIP ORANGE COUNTY NORTH CAROLINA
DATE 05/06/95 SCALE 1" = 100'
SIMMONS ENGINEERING & SURVEYING, INC. JOB # JA950411 SURVEY BY DGF
115 GLENDALE AVENUE BURLINGTON, N.C. DWG BY JHR APP'D BY KGS



This is a redivision plat within the Orange County Subdivision Regulations jurisdiction.

R. Gary Simmons

Certificate of Accuracy

I hereby certify that under my direction and supervision this plat, shown and described hereon, was drawn from an actual survey, deed reference in Book 74, Page 168; that the error of closure as calculated by latitudes and departures is 1: 10,000; that the boundaries not surveyed are shown as broken lines; and that this plat is prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this 6 day of JUNE, 1995.
R. Gary Simmons
Land Surveyor L-2482



State of North Carolina, County of Orange
I, a Notary Public of the county and state aforesaid, certify that K. GARY SIMMONS, a registered land surveyor personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 6 day of JUNE, 1995.
K. Gary Simmons
Notary Public My Commission Expires 10/16/1999

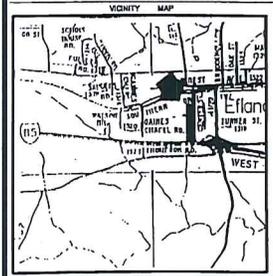


I, Way W. Wooley Jr, certify that an instrument will be recorded contemporaneously with the recordation of this approved final plat which guarantees (a) right of access to any private road in the subdivision by all lots served by the road, and (b) maintenance of any private road in the subdivision at the standards set for approval. These guarantees of right of access and maintenance of the subdivision roads shall run with the land.

By: Way W. Wooley Jr
Date: JUNE 4 1995
Owner: V.P.

RESTRICTIONS AND REQUIREMENTS PERTAINING TO SETBACKS, IMPERVIOUS SURFACE, BUFFERS, STORMWATER DETENTION/RETENTION, LANDSCAPING AND ACCESS, ARE DESCRIBED IN GREATER DETAIL AND RECORDED AT DEED BOOK/PAGE 1425/140 OFFICE OF THE REGISTER OF DEEDS, ORANGE COUNTY, NORTH CAROLINA.

STATE OF NORTH CAROLINA
I, Way W. Wooley Jr, certify that the plat shown and described hereon was prepared in accordance with the provisions of G.S. 47-30 as amended.



Plat Book 74 at page 168

Vicinity Map - Keizer Rezoning PIN 9844-87-7368 and 9844-86-7573

Forrest Avenue

Southern Drive

I-1 Zoning

LC1

R-1

R-1

R-1

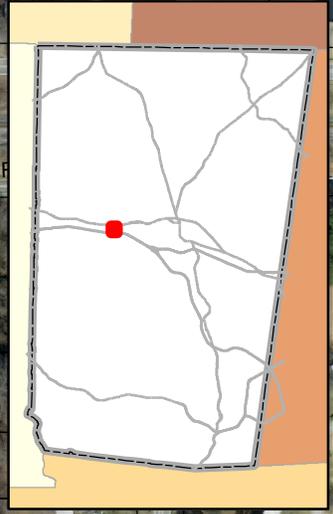
R-1

R-1

Center Street

Turner Street

Mt. Willing Road



Subject Parcel
PIN 9844-87-7368
3.6 acres
Zoned Rural Residential (R-1)
Proposed to be recombined with
adjacent Keizer property and
rezoned I-1 Light Industrial

Subject Parcel
PIN 9844-86-7573
12.5 acres
Zoned Rural Residential (R-1)
Proposed to be recombined with
adjacent Keizer property and
rezoned I-1 Light Industrial

Interstate Highway 85/40

- Parcels
- Township Boundary
- City Limits
- ETJ

2010 Images
RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3



1 inch = 250 feet

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 W. Margaret Lane
Suite 201
P O Box 8181
Hillsborough, NC 27278



CERTIFICATION OF MAILING

ZONING ATLAS AMENDMENT
ORANGE COUNTY, NORTH CAROLINA

I, Michael D. Harvey, Current Planning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of Public Hearing to be held regarding the processing of a Zoning Atlas Amendment application submitted by Ms. Maria Keizer and Mr. Ronald Keizer requesting the rezoning of 2 parcels of property, totaling approximately 16 acres in land area, adjacent to 3604 Southern Drive, further identified utilizing the Orange County Parcel Identification Number(s) (PIN) 9844-86-7573 and 9844-87-7368:

FROM: Rural Residential (R-1)
TO: Light Industrial (I-1)

The owners were identified according to the Tax Records and as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notice specified the date, time, place and subject of the Public Hearing.

WITNESS my hand, this 23rd day of August 2013.

Michael D. Harvey, AICP
 Current Planning Supervisor

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Current Planning
 (919) 245-2575
 (919) 644-3002 (FAX)
 www.co.orange.nc.us



131 West Margaret Lane
 P O Box 8181
 Hillsborough,
 North Carolina, 27278



August 23, 2013

RE: NOTIFICATION of PUBLIC HEARING to review an application to amend the ORANGE COUNTY ZONING ATLAS.

To Whom It May Concern:

This letter is being sent to inform you that the Orange County Board of Commissioners and the Planning Board have scheduled a **JOINT PUBLIC HEARING** to review an application submitted by Ms. Maria Keizer and Mr. Ronald Keizer (hereafter 'the applicants') to rezone 2 parcels of property, totaling approximately 16 acres in land area:

FROM: Rural Residential (R-1)

TO: Light Industrial (I-1)

The parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9844-86-7573 and 9844-87-7368, are undeveloped and without an assigned street address. These parcels are east and south, respectively, of the USA Dutch property, an existing sheet metal fabrication operation, located at 3604 Southern Drive (PIN 9844-86-5155).

The applicants have an offer to purchase both properties for the purpose of expanding their existing sheet metal fabrication operation. As a result, they have requested the properties be rezoned to the I-1 zoning designation in support of the proposed expansion.

The properties subject to this petition are located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

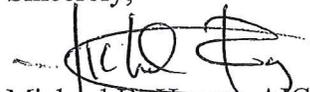
According to County and State law, we are obligated to notify all property owners within 500 feet of a parcel being rezoned of the public hearing date and time. You are receiving this notice because your property falls within this prescribed area. Interested persons are invited to address the boards with their comments regarding the proposed rezoning at this Joint Public Hearing.

Maps and other information regarding the proposed zoning change can be viewed at the following website after Friday, August 30, 2013:

<http://www.co.orange.nc.us/planning/SpecialProjects.asp>

The PUBLIC HEARING will be held at the Department of Social Services, Hillsborough Commons Shopping Center, located at 113 Mayo Street, Hillsborough North Carolina on **Monday September 9, 2013 at 7:00 p.m.** If you require additional assistance, or have questions, please contact staff at (919) 245-2575.

Sincerely,

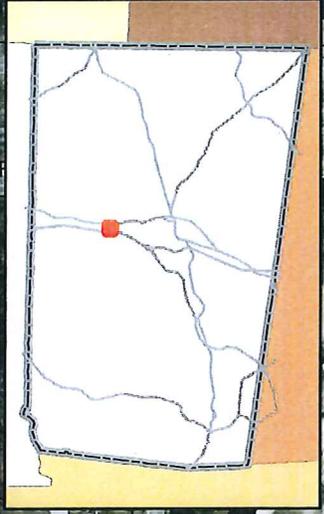


Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor
Planner III
Orange County Planning

Vicinity Map - Keizer Rezoning PIN 9844-87-7368 and 9844-86-7573

Forrest Avenue

Southern Drive



I-1 Zoning

LC1

R-1

Subject Parcel
PIN 9844-87-7368
3.6 acres
Zoned Rural Residential (R-1)
Proposed to be recombined with
adjacent Keizer property and
rezoned I-1 Light Industrial

R-1

R-1

Center Street

Turner Street

Mt. Willing Road

R-1

R-1

Subject Parcel
PIN 9844-86-7573
12.5 acres
Zoned Rural Residential (R-1)
Proposed to be recombined with
adjacent Keizer property and
rezoned I-1 Light Industrial

Interstate Highway 85/40

- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images
- RGB
- Red: Band_1
- Green: Band_2



1 inch = 250 feet

Orange County Planning and Inspections Department
5/31/2013

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MARGARIETTE MAY
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EFLAND, NC 272439549

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MARILYN E LINER
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MARILYN CARVER			
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EFLAND, NC 272439692

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BETTY J MCDONALD
313 FIELDSTONE DR
BURLINGTON, NC 272154638
for Instructions

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**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 9, 2013**

**Action Agenda
Item No. C.3**

SUBJECT: Unified Development Ordinance Text Amendment Related to Governmental Uses

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Unified Development Ordinance Outline Form (UDO & Zoning 2013-03) 2. UDO Text Amendment Package 3. July 10, 2013 ORC Meeting Notes 4. Staff Review Comments | Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575 |
|--|--|
-

PURPOSE: To hold a public hearing on Planning Director initiated text amendments to require a neighborhood information meeting be held prior to the development of ‘governmental uses’ as detailed within the Unified Development Ordinance (UDO). The amendment also involves the renumbering of existing sections and updating of references throughout the document.

BACKGROUND: The anticipated development of a volunteer fire department substation off of Neville Road has caused local residents to voice concern over a lack of notification or participation in the process to develop the aforementioned facility. Such uses are a permitted use of property (i.e. staff review and action) falling into the ‘Governmental Uses’ land use category as detailed within Section 5.2 of the UDO. Neither the County nor the applicant is required to notify adjacent property owners of the project as it is considered to be a permitted use (i.e. permitted by right).

In both internal discussions, and review with several BOCC members, it has been decided to promote additional public involvement with the development of ‘governmental uses’. As a result, the proposed text amendment requires a neighborhood information meeting to be held for all land uses falling into the ‘governmental uses’ land use category to allow the general public to be made aware of the project and offer comment.

Attachment 1 provides additional background on the proposal. Attachment 2 contains the proposed amendments in a “track changes” format (red text for proposed additions and red strikethrough for proposed deletions).

Ordinance Review Committee (ORC) Review: The Planning Board ORC reviewed the proposed amendments at its July 10, 2013 ORC meeting. Please refer to Section C.2 (a) of Attachment 1 and Attachment 3 for a summary of the Board member’s comments.

The required Planning Director analysis is contained in Section B.2 of Attachment 1.

Notification Procedural Requirements: Legal ads for the public hearing were placed in a newspaper of general circulation in the County in accordance with Section 2.8.7 of the UDO.

FINANCIAL IMPACT: Please refer to Section C.3 of Attachment 1.

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

1. Receive the proposed amendments to the UDO as detailed in this abstract and attachments.
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the **November 5, 2013** BOCC regular meeting.
4. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

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

UDO / Zoning-2013-03

Amendment(s) requiring a neighborhood information meeting prior to the issuance of
a permit allowing for the development of a governmental land use

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
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):

1. Create a new Section 2.24 entitled *Governmental Uses* establishing new procedural requirement(s) for the land use category.
2. Renumber Existing Section(s) 2.24 and 2.25.
3. Update existing references throughout the UDO.
4. Modify language within Section 5.2.2 *Table of Permitted Uses – Economic Development Districts* to ensure uniformity within the UDO with respect to denoting the 'Governmental Uses' land use category.

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 to require that a neighborhood information meeting be held prior to any action authorizing the development of a governmental land use within the County's planning jurisdiction.

The anticipated development of a fire department substation off of Neville Road has caused local residents to voice concern over a lack of notification or participation in the process to develop the aforementioned facility.

A volunteer fire department falls within the *Governmental Use* land use category, as detailed within Section 5.2 *Table of Permitted Uses* of the UDO, and is considered to be a permitted use of property. Permitted uses are handled administratively (i.e. staff review) with no public outreach required by the UDO.

The *Governmental Use* land use category includes the following:

- a. Government Facilities and Office Buildings
- b. Government Protective Services (Police and Fire Stations) Rescue Squads, Volunteer Fire Departments
- c. Military Installations (National Guard and Reserve, Armory)

In order to address a concern over a lack of public involvement with 'governmental uses' the Planning Director proposes to modify the UDO to require a neighborhood information meeting to allow the general public to be made aware of such applications and offer comment.

Please note this amendment, as currently written, will not impact those uses listed in Section 5.1.2 *Uses Permitted As a Matter of Right* of the UDO. This would include: utilities (i.e. electric, telephone, gas, cable, sewer, water, etc.), borrow pits associated with State/federal highway projects, or solid waste collection facilities owned/operated by a public agency.

2. Analysis

As required under Section 2.8.5 of the Orange County Unified Development Ordinance, the Planning Director is required to: '*cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners*'.

The proposed amendment is designed to address a concern over a lack of notification and involvement of the general public with respect to the development of governmental uses throughout the County's planning jurisdiction.

If approved, the amendment will require a neighborhood information meeting prior to any action by the County to review a development request in the hopes the applicant can

address local property owner concerns.
It should be noted this amendment, if approved, will likely extend the development review period for such projects by several weeks. Further State and Federal agencies are typically exempt from local land use regulations. As a result the development of a government facility by a State or Federal agency would not be subject to this new requirement.

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

Objective LU-6-1: Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

4. New Statutes and Rules

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

June 18, 2013

b. Quarterly Public Hearing

September 9, 2013

c. BOCC Updates/Checkpoints

June 18, 2013 – BOCC members approved the legal advertisement for the September 9, 2013 Quarterly Public Hearing.
July 10, 2013 – Planning Board Ordinance Review Committee (ORC)
September 9, 2013 – Quarterly Public Hearing.
November 5, 2013 - Receive Planning Board recommendation.

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 10, 2013 – Ordinance Review Committee (ORC).

A Planning Board member expressed concern over the proposed amendment indicating he believed this was an unnecessary political reaction arising out of objections to the development of a volunteer fire department substation off of Neville Road.

Further, it was suggested this amendment would have a negative impact on local volunteer fire departments who do not have the necessary budget or meeting facilities to comply with the proposal.

There were no suggested amendments made by members.

Chair Hallenbeck suggested individual members put their concerns in writing for staff and the BOCC to address at the appropriate time. To date no written comments have been received.

Please refer to Attachment 3 for additional information.

October 2, 2013 – Recommendation

b. Advisory Boards:

_____	_____
_____	_____
_____	_____

c. Local Government Review:

_____	_____
_____	_____
_____	_____

d. Notice Requirements

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

e. Outreach:

General Public: _____

Small Area Plan Workgroup: _____

Other: Letter/e-mail sent to various County agencies (i.e. DEAPR, Asset Management, Solid Waste, etc.) and other local entities (i.e. local volunteer fire departments and rescue squads) potentially impacted by the proposal outlining the amendment and soliciting comments for inclusion within the QPH package.

An e-mail was sent to various County Departments on June 24, 2013 requested review of the proposed amendment(s).

Responses from DEAPR and Solid Waste expressed concern over a potential duplication of efforts as there is typically significant public outreach on various projects (i.e. parks, solid waste convenience centers, etc.) Staff added language to the proposed amendment address this concern by eliminating the neighborhood information

meeting requirement in those instances where the project was part of a 'previous planning effort' that included public outreach and review of a proposed development.

Please refer to [Attachment 4](#) for additional information.

An e-mail was sent on August 5, 2013 to all local volunteer fire chiefs as well as public safety agencies throughout the County (i.e. Sheriff, Town of Chapel Hill Police/Fire, Town of Carrboro Police/Fire, Town of Hillsborough Police/Fire, etc.) requesting comments on the proposed amendment.

To date no comments have been received.

3. **FISCAL IMPACT**

Coordination and attendance at the information meeting by staff shall be handled within existing budgetary outlays. The cost associated with the notification of the information meeting shall be borne by the applicant.

Additional budgetary outlays to cover the costs of a mailing will be required by any County department or applicable agency (i.e. volunteer fire department) proposing a governmental land use.

D. AMENDMENT IMPLICATIONS

If approved, the development of a governmental use will require that a neighborhood information meeting be held prior to the issuance of a permit. As previously indicated this will likely extend the site plan review process by several weeks.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to [Attachment 2](#).

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

Attachment 2

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations establishing a requirement for a neighborhood information meeting prior to the submittal of a site plan proposing the development of a governmental land use. The amendment package also proposes the re-numbering of 2 existing sections, to accommodate the new standards, and updates existing references throughout the 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 Underlined Text**: Denotes new, proposed text, that staff is suggesting be added to the UDO
- **~~Red Strikethrough Text~~**: Denotes existing text that staff is proposing to delete

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

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

There are no changes proposed on this page. It is included to provide context for the next page

Structural stormwater measures that are designed, constructed and maintained in accordance with the NC DWQ Stormwater BMP Design Manual, approved modeling tool, and requirements listed in Section 6.14 will be presumed to meet required performance standards of Section 6.14. Submittals containing measures not designed to these specifications, may be approved on a case by case basis provided the applicant provides adequate data and information showing how the deviations meet the requirements of Section 6.14.

(C) Plan Approval

The Erosion Control Officer is authorized to approve any Stormwater Management Plan which is in conformance with the performance standards specified in the NC DWQ Stormwater BMP Design Manual, and other requirements of this Ordinance.

(D) Approved Plan a Prerequisite

The Erosion Control Officer is not authorized to issue any permits for development on any land that is defined as new development under Section 6.14 of this Ordinance unless and until a Stormwater Management Plan in compliance with the requirements of this Ordinance has been approved.

(E) Design of Permanent Nutrient Export Reduction Structural Stormwater Measures

When a permanent nutrient export reduction structural stormwater measure is required for new development to meet the requirements of this Ordinance, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Stormwater Management affixed, signed, sealed and dated.

SECTION 2.22: HOME OCCUPATIONS

2.22.1 Application Requirements

- (A) An application for a Home Occupation Permit shall be filed with the Planning Director on forms provided by the Planning Department.
- (B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.
- (C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.3.

2.22.2 Conditions of Approval

- (A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.
- (B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:
 - (1) Hours of operation;
 - (2) Number of vehicles to be parked on the premises;
 - (3) The location of an accessory building, storage area or parking on the property.
- (C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the home occupation from adjoining properties.

2.22.3 Application Approval

- (A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a permit letter informing him/her of the approval and of the requirements of the Ordinance that apply to the home occupation.

- (B) The permit letter must be signed by the applicant to indicate his/her willingness to operate the home occupation in conformance with the requirements and conditions set forth in the permit letter.
- (C) Each permit letter shall be kept on file by the Planning Director and shall constitute the Home Occupation Permit for the particular use in question.
- (D) The home occupation may be operated by the applicant as long as it is operated in conformance with the requirements and conditions set forth in the permit letter.

2.22.4 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.22.5 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.25~~ 2.27.¹

SECTION 2.23: DAY CARE CENTER IN A RESIDENCE

2.23.1 Application Requirements

- (A) An application for a day care center in a residence for 3 to 12 children shall be filed with the Planning Director on forms provided by the Planning Department.
- (B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.
- (C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.8.1.

2.23.2 Application Review

Upon a determination that the application is complete, the Planning Director shall cause a review of the application to be made. The review shall determine if the proposed day care center in a residence for 3 to 12 children conforms with all requirements of this Ordinance. Based on the review, the application will be approved, approved with conditions, or denied.

2.23.3 Conditions of Approval

- (A) If conditions are attached to the approval, they may address deficiencies in meeting specific chapter requirements or they may address specific impacts which result from the operation of the day care center in a residence for 3 to 12 children.
- (B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:
 - (1) Hours of operation;
 - (2) Location of play area;
 - (3) Number of vehicles to be parked on the premises;
 - (4) The location of a storage area or parking on the property.
- (C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the day care center in a residence for 3 to 12 children from adjoining properties.

¹ Staff is update references based on the proposed amendment throughout the document.

2.23.4 Application Approval

- (A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a letter informing him or her of the approval and of the requirements of this Ordinance that apply to the day care center in a residence for 3 to 12 children
- (B) The letter must be signed by the applicant to indicate his or her willingness to operate the day care center in a residence for 3 to 12 children in conformance with the requirements and conditions set forth in the letter.
- (C) Each letter shall be kept on file by the Planning Director and shall constitute the approval for the day care center in a residence for 3 to 12 children in question.

2.23.5 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.23.6 Annual Review

Each day care center in a residence for 3 to 12 children approved by the Planning Director shall be reviewed annually by the Planning Director to assure compliance with the standards of evaluation for such facilities.

2.23.7 Minor Changes to Approval

The Planning Director is authorized to approve minor changes in the approved day care center in a residence for 3 to 12 children, provided that the changes are in harmony with the action of the original approval and provided that any change in the operation complies with the standards of evaluation as specified in Section 5.8.1.

2.23.8 Changes in Operation

Any change in the operation of the day care center in a residence for 3 to 12 children that does not comply with the standards for evaluation as specified in Section 5.8.1 shall constitute a modification and shall require the approval of a Class B Special Use Permit by the Board of Adjustment under the provisions of Section 2.7 of this Ordinance.

2.23.9 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.25~~ 2.27.

SECTION 2.24: GOVERNMENTAL USES²

2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.³

² This section will require a neighborhood information meeting for all land uses permitted within the ‘Governmental Uses’ land use category prior to the formal submittal of a site plan application to the Planning Department if the project has not been formerly subject to public comment.

³ This section was added at the suggestion of the County Attorney’s office to clarify which ‘governmental uses’ the meeting requirements would apply to. There was a concern utility development, detailed within Section 5.1.2, could have somehow been interpreted as having to abide by these standards as well.

2.24.2 Neighborhood Information Meeting

- (A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a neighborhood information meeting shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.
- (1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.⁴
- (B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.⁵
- (C) The applicant shall obtain property owner mailing address information from the Planning Department, who shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date, place, and time to each property owner within 500 feet of the subject property.
- (D) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.⁶
- (E) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (F) The applicant is required to submit copies of the certified mail receipts denoting the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.
- (G) A neighborhood information meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

Section 2.24: SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS⁷**2.24.42.25.1 Environmental Assessment**

- (A) **Generally**
- An Environmental Assessment (“EA” in this section) may be submitted prior to submittal of the development application to determine if an Environmental Impact Statement (“EIS” in this section) may be required, provided that:
- (1) All information necessary to perform the Assessment is provided, and
- (2) The project application, when submitted, is consistent with the project described in the Assessment.
- (B) **Review Process**
- (1) The Planning Department shall review the EA for completeness within 5 calendar days of the date of submittal.
- (2) If the EA is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

⁴ Many County Departments such as DEAPR, Solid Waste, Asset Management, and the Library already do public outreach meetings for their projects. Staff believes it is unnecessary to duplicate these outreach efforts as part of the site plan submittal process.

⁵ Planning staff assists all applicants who are required to hold neighborhood information meetings. This includes those applicants proposing a Major Subdivision, Conditional Use, and Conditional Zoning projects.

⁶ This is consistent with existing requirements for other neighborhood information meetings required by the UDO.

⁷ Section is being renumbered and references are being updated throughout the UDO.

- (3) Upon acceptance of a complete EA, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EA will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.
- (4) Final Action on the EA shall occur within 14 days from the date of acceptance, or such longer time as agreed to in writing by the applicant.
- (5) If the EA reveals no "significant environmental impacts", as that term is defined in this Ordinance, the Planning Department shall issue a Finding of No Significant Impact (FONSI).
- (6) If significant impacts are identified, the Planning Department shall issue a Finding of Significant Impact and shall require that an Environmental Impact Statement be prepared. The decision of the Planning Department shall be reviewed by the County Manager upon request of the applicant or Planning Department.
- (7) The applicant shall be notified if the Planning Department learns of any additional state or local permits which may be required to conduct the proposed activity.
- (8) Agencies the Planning Department has knowledge of potentially requiring additional permits shall be notified of the proposed activity by the Planning Department and shall have an opportunity to provide comments.

2.24.22.25.2 Environmental Impact Statements

(A) Review Process

- (1) The Planning Department shall review the EIS for completeness within 5 working days of submittal.
- (2) If the EIS is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.
- (3) Upon acceptance of a complete EIS, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EIS will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.
- (4) A notice shall be placed by the Planning Department in a newspaper of general circulation, stating that the EIS will be available for public review at the Planning Department for a period of at least 15 days.
- (5) If the proposed activity requires a Mining Permit from the State of North Carolina, or involves the storage of hazardous materials, the EIS shall also be sent to the State Clearinghouse for distribution and review pursuant to Title I, Chapter 25, Section .0200 of the North Carolina Administrative Code.
- (6) If an EIS prepared for a State or Federal agency has completed the Federal or State Environmental Review process, including publication in the "Environmental Bulletin" then the EIS and any required addendum thereto shall be advertised as available for public review at the Planning Department, but need not be re-circulated through the State Clearinghouse.
- (7) Upon Completion of the advertised 15-day review period, and upon receipt of comments from the State Clearinghouse when applicable, all comments will be compiled and summarized by Planning Staff.

(B) Public Hearing Required

- (1) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project.

- (2) If a public hearing before the Board of County Commissioners is not required for approval of the development project, then a special hearing shall be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the State Clearinghouse, whichever is later.

(C) Notice of Public Hearing

- (1) Notice of the public hearing to review the EIS and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing.
- (2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(D) Board of County Commissioners Action

- (1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.
- (2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

(E) Effect on Other Permits and Actions

Construction or installation of any major development project shall not commence until subsequent to the filing of a Finding of No Significant Impact or acceptance of the Final EIS by the Board of County Commissioners.

~~Section 2.25:~~ **SECTION 2.26: APPEALS⁸**

~~2.25.12.26.1~~ **2.25.22.26.1 Generally**

Appeal applications shall be filed in accordance with Section 2.2 within 30 days of the decision being appealed on forms provided by the Planning Department, if applicable.

~~2.25.22.26.2~~ **2.25.22.26.2 Planning Director Decisions**

(A) Site Plans or Other Decision Pertaining to this Ordinance

Any decision of the Planning Director regarding a site plan application or other decision pertaining to this Ordinance not listed in (B) through (D) below may be appealed to the Board of Adjustment according to the provisions set forth in Section 2.12 of this Ordinance.

- (1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:
 - (a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.
 - (b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

In either instance in (a) and (b) above, the Planning Director shall place in certificate the facts to support the conclusion.

(B) Exempt Subdivisions

⁸ Section renumbered and references are being updated throughout the UDO.

- (1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.
- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(C) Minor Subdivisions

- (1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.
- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(D) Major Subdivisions – Final Plat

- (1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.
- (2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.
- (3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.
- (4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

2.25.32.26.3 Planning Board Decisions

(A) Major Subdivisions – Concept Plan

- (1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.
- (2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.
- (3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.
- (4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.
- (5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

2.25.42.26.4 Board of Adjustment Decisions

- (A)** Every decision of the Board shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the availability of the notice of decision (2.12.5(A)).

2.25-52.26.5 Board of County Commissioners Decisions

(A) Quasi-Judicial Decisions

- (1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari.
- (2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.

(B) Legislative Decisions

- (1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.
- (2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:
 - (a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,
 - (b) 1 year (365 days) in cases involving the appeal of an Ordinance amendment the UDO,
 - (c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

2.25-62.26.6 Water Supply Watershed Critical Area Boundary Line

Appeal applications disputing the Planning Director's decision regarding the location of a Water Supply Watershed Critical Area boundary line shall be accompanied by:

- (A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:
 - (1) The locational criteria in Section 4.2,
 - (2) The official Watershed map on file in the Planning Department, and
 - (3) The boundary line the applicant asserts is correct.
- (B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

2.25-72.26.7 Special Flood Hazard Overlay District

- (A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.
- (B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

2.25-82.26.8 Soil Erosion and Sedimentation Control

(A) Appeal of Erosion Control Plan

Except as provided in subsection (D) below, the appeal of a disapproval, approval with modifications, or approval with conditions of an Erosion Control Plan shall be governed by the following provisions:

- (1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.
- (2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

- (a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.
- (b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.
- (c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.
- (d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

- (a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.
- (b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.
- (c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.
- (d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

If the local governing body upholds the disapproval, modification, or conditions of approval of a proposed Erosion Control Plan following the public hearing, the applicant shall be entitled to appeal the local government's action to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes and Title 15A NCAC 4B.0118.

(D) Appeal of Erosion Control Plan if Disapproval Based on Applicant's Past Performance

The applicant may appeal disapprovals issued under the provisions of Section 2.19.11 of this Ordinance directly to the North Carolina Sedimentation Control Commission.

(E) Appeal of Land-Disturbing Stop Work Order

- (1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

2.25.92.26.9 Stormwater Management Plan

- (A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.
- (B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.
- (C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.
- (D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.
- (E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

2.25.102.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions

- (A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

2.25.112.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties

- (A) **Appeal from Board of County Commissioners or Other Governing Body Decisions**
Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

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)									
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)									*
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	*	*	*	*					
GOVERNMENT USES⁹									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*

⁹ Staff is adding language to make the land use category designation consistent throughout UDO.

- (b) State the actions necessary to correct the violation,
- (c) Specify a reasonable time period in which the violation must be corrected,
- (d) State the remedies and penalties authorized herein that the Planning Director may pursue if the violation is not corrected within the specified time limit,
- (e) Invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected, and
- (f) Contain a statement indicating that the decision referenced within the notice can be appealed to the Orange County Board of Adjustment as detailed within this Ordinance. This statement shall include language indicating that the appeal must be filled within 30 days from the date of the initial notice and shall provide the deadline for the submittal of the appeal application.

9.5.4 Appeals

- (A) Any person aggrieved by the Planning Director’s determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section ~~2-25~~ 2.27 of this Ordinance, including payment of the appropriate fee.
- (B) Except as provided in Section ~~2-25~~ 2.27, an appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal.
- (C) Civil Penalty Citations subsequent to the initial notice of violation may not be appealed to the Board of Adjustment.
- (D) As detailed within Sections 2.12 and ~~2-25~~ 2.27, the Board of Adjustment shall hear the appeal and may affirm, modify, or revoke the Planning Director’s determination of a violation.
- (E) If there is no appeal, the Planning Director’s determination of the nature and degree of the violation are final.

9.5.5 Timeline for Abatement

The time allotted to abate an identified violation shall be at the sole discretion of the Planning Director and shall be based upon what is deemed a reasonable amount of time to abate the identified violation. The following standards shall apply”

- (A) Within 30 days of receipt of an initial notice of violation, correction order, or Stop Work Order, the owner of the property on which the violation occurs may submit to the Planning Director a written request for extension of the specified time limit for correction of the violation.
- (B) The Planning Director shall assist individuals in the preparation of the written request for extension in cases where an individual(s) is/are unable to prepare a written request.
- (C) The Planning Director shall determine whether the time limit should be extended based on the information contained in the written request for extension. The Planning Director may extend the time limit as reasonably necessary to allow timely correction of the violation.
- (D) In cases where an appeal of the notice of violation has been properly filed with the Board of Adjustment, as provided in Section 9.5.4, the 30 day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order.
- (E) Following the time limit for correction of the violation, including any stay or extension thereof, the Planning Director shall determine whether the violation has been corrected.

this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

- (B) Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.

9.6.3 Permit Denial or Conditioning

- (A) As long as a violation of this Ordinance remains uncorrected, the Planning Director may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.
- (B) The Planning Director may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

9.6.4 Injunctive and Abatement Relief in Superior Court

- (A) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.
- (B) The Planning Director shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be recovered by a lien on the property in the nature of a mechanic's or materialman's lien.

9.6.5 Criminal Penalties

- (A) Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than a maximum of \$500.00, imprisonment of up to 30 days, or both, for each violation, as provided in NCGS Section 14-4.
- (B) The Planning Director may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.

9.6.6 Stop Work Order

- (A) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Planning Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.
- (B) Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.
- (C) The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section [2-242.27](#) of this Ordinance.

SECTION 9.7: ADDITIONAL PROCEDURES – SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT

9.7.1 Actions in Event of Violation

- (A) Identified violations of the Special Flood Hazard Area Overlay District shall be sent a Notice of Violation. The Notice shall detail the nature of the violation and schedule a hearing with the Floodplain Administrator to review the situation.
- (B) This hearing shall be held before the Floodplain Administrator at a designated place and time, not later than ten business days after the date of the Notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- (C) Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the structure; or to remove fill as appears appropriate.

9.7.2 Order to Take Corrective Action

- (A) If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the structure or development is in violation of this Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days.
- (B) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (C) In the absence of an appeal (see Section ~~2-24.7~~ 2.27.7), the order of the Floodplain Administrator shall be final.

9.7.3 Failure to Comply with Order

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been filed, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a Class 3 misdemeanor and shall be punished in the discretion of the court.

SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL

9.8.1 Inspections and Investigations

(A) Site Inspections

Agents, officials, or other qualified persons authorized by the County will periodically inspect land-disturbing activities to ensure:

- (1) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 (“Act” in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;
- (2) The measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity.

Notice of the right to inspect shall be included in the letter of approval of each Erosion Control Plan.

(B) Authority to Enter Property and Conduct Investigations and Inspections

- (1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

punishable by imprisonment not to exceed 90 days or by a fine not to exceed \$5,000, or by both, at the discretion of the court.

9.8.3 Injunctive Relief

(A) Civil Action in Superior Court

- (1) Whenever the governing body of the Town or County has reasonable cause to believe that any person is violating or threatening to violate the soil erosion and sedimentation control provisions of this Ordinance or any rule or order adopted or issued pursuant to these regulations, or any term, condition, or provision of an approved Erosion Control Plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the town or county for injunctive relief to restrain the violation or threatened violation.
- (2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

- (1) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.
- (2) The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of the soil erosion and sedimentation control provisions of this Ordinance.

9.8.4 Restoration of Areas Affected by Failure to Comply

- (A) The County may require a person who is engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by N.C.G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.
- (B) This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

9.8.5 Revocation of Land Disturbing Permit

- (A) Whenever a person conducting a land-disturbing activity is not complying with the soil erosion and sedimentation control provisions of this Ordinance, the Land Disturbing Permit, the Approved Erosion Control Plan or any amendments to the Erosion Control Plan, the Erosion Control Officer may revoke the Land Disturbing Permit for the site.
- (B) Notice of Revocation shall be sent by registered or certified mail to the person conducting the land-disturbing activity. In the event delivery cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in Rule 4 (j) of the North Carolina Rules of Civil Procedure.
- (C) Upon receipt of the Revocation Notice, the person responsible must immediately order all land-disturbing activities to cease except those which are specifically directed towards bringing the site into compliance with the soil erosion and sedimentation control provisions of this Ordinance.
- (D) Once the site has been inspected and remedial work approved by the Erosion Control Officer, the responsible party may reapply for a Land Disturbing Permit and pay the appropriate fee.
- (E) Resumption of land disturbing activities other than those necessary to bring the site back into compliance with the soil erosion and sedimentation control provisions of this Ordinance before the reissuance of the Land Disturbing Permit shall constitute a violation of the Ordinance.

- (F) The person conducting the land-disturbing activity may appeal the revocation of a Land Disturbing Permit following procedures set out in Section ~~2-252.27~~ of this Ordinance.

SECTION 9.9: STORMWATER MANAGEMENT

9.9.1 Inspections and Investigations

(A) Site Inspections

- (1) Agents, officials, or other qualified persons authorized by the County will periodically inspect on-site BMPs and illegal discharges to ensure:
- (a) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 ("Act" in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;
 - (b) The measures required in the Stormwater Management plan being constructed in accordance with the approved plan;
 - (c) The permanent BMPs are not in need of any maintenance including, but not limited to, the following:
 - (i) Mowing of vegetation,
 - (ii) Vegetation re-establishment,
 - (iii) Tree removal (especially from wet detention ponds),
 - (iv) Stabilization of any eroding areas, and
 - (v) Structural (pipe, riser, dam, etc) repair.
- (2) Notice of the right to inspect shall be included in the letter of approval of each Stormwater Management Plan.

(B) Authority to Enter Property and Conduct Investigations and Inspections

- (1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a required on-site BMP.
- (2) The Erosion Control Officer shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any required on-site BMP.
- (3) No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

(C) Notice of Violation

- (1) If it is determined that a person responsible for construction or maintenance of any permanent on-site BMP, or removal of any Illegal Discharge has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person.
- (2) The notice may be served by any means authorized under N.C.G.S. 1A-1, rule 4.
- (3) The notice shall specify a date by which the person must comply with the Act, or this Ordinance or rules, or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance, or rules or orders adopted pursuant to this Ordinance.
- (4) No time period for compliance need be given for encroaching on the riparian buffer or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out their official duties.

Attachment 3
Ordinance Review Committee
(ORC) Notes

D R A F T

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
JULY 10, 2013
ORDINANCE REVIEW COMMITTEE

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

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Stephanie O'Rourke, Eno Township Representative; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large, Chapel Hill Township

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS –GOVERNMENTAL USES
To review and comment upon proposed revisions to the UDO to require that the site plan review process for governmental uses include a neighborhood information meeting.
Presenter: Michael Harvey, Current Planning Supervisor

Mr. Harvey reviewed abstract.

Tony Blake: Is this a conflict of interest for me? I have no financial interest but it is directly related to the substation we are trying to build.

Michael Harvey: I don't think you have a conflict.

Tony Blake: How does this affect the plan in progress?

Michael Harvey: If your site plan has already been submitted then you won't have to follow this process. If it is adopted and your site plan has not been submitted then you will need to follow this process. With due respect to White Cross Volunteer Fire Department, Commissioner Jacobs has indicated his preference for a meeting to be held no matter what to address some of the concerns of the local residents.

Craig Benedict: I would work with the attorneys to put a provision in on the effective date, what this applies to, like a clause that says that anything from a certain date that it applies to.

Tony Blake: This is one of the volunteer organizations and we don't have the time or wherewithal to host a public meeting so would the county be hosting this meeting for us in a volunteer situation?

Michael Harvey: The ordinance says we will assist with scheduling the meeting but we are not assuming the liability or cost for advertisements or informing the citizens. There is nothing in the code that says you can't use county facilities.

Tony Blake: Typically the public hearings are run by the county.

Michael Harvey: This isn't a public hearing just a neighborhood information meeting to inform the local residents as to what is being proposed.

Tony Blake: Is the outcome of this meeting a decision as to whether to proceed or not?

DRAFT

- 54
55 Michael Harvey: This is to initiate and have a dialogue with adjoining property owners to address or mitigate those concerns if
56 feasible.
- 57
58 Tony Blake: I am trying to understand the purpose of this if it is not binding in any way. I am thinking of the people that are
59 currently against this. I don't see any way we will change any minds.
- 60
61 Michael Harvey: There is a broader issue here that doesn't necessarily involve the White Cross Volunteer Fire Department.
62 There is a feeling among the Board that any time there is government project, there needs to be notification to the public.
- 63
64 Pete Hallenbeck: Imagine you had a meeting for everyone at the volunteer fire department and have slips with questions, i.e.
65 are they adjacent property owners, give them check boxes and a place for comments. You could have a presentation and let
66 people speak and in writing. Then you could say this is what we did at the meeting with committee which you could document
67 with an executive summary.
- 68
69 Tony Blake: Where does this document go?
- 70
71 Michael Harvey: To the county planning staff as part of your site plan submittal.
- 72
73 Craig Benedict: During the subdivision process, we take those comments into consideration and the neighborhood
74 information notes become part of our packages.
- 75
76 Stephanie O'Rourke: How do you handle it if they all object?
- 77
78 Craig Benedict: Michael, you go through the uses permitted by right by uses
- 79
80 Michael Harvey: That is the first item on the regular agenda I don't want to jump into that presentation. Government uses are
81 permitted by right meaning that they are subject to staff review and approval with a site plan submitted according to this code.
82 There are typically no public hearings required, the BOCC will not be approving it or the planning board. In this specific
83 instance, the White Cross Volunteer Department Substation will still be approved and acted upon by the county planning staff.
- 84
85 Paul Guthrie: This language which has been developed because of the White Cross application and I would assume the
86 property owners within 500 feet of the property on Neville Road is a handful of them easily for and that is simple. If this goes
87 into the general development, what will you do when you have this issue come up and three condo units with 200 separate
88 owners and you have to go through this process? I am concerned that this has implications down the road. Have we thought
89 through in the development of this language the implications that other situations and concerns?
- 90
91 Michael Harvey: This language is consistent with existing language on how we handle neighborhood information meetings for
92 several projects. If you have a government use that is adjacent property where there are 200 lots, then you will have to notify
93 all 200 of them. If it was a major subdivision, the staff would still have to notify those property owners. You will typically find
94 that both state and federal governments are exempt from zoning regulations.
- 95
96 Tony Blake: I think this is reactive in a political year by the County Commissioners and it has bad implications down the road.
97 This is time consuming and resource consuming and what the tax payers give us is to be used for fighting fire. If the county
98 wants it that it is the county's role to hold it and I would also suggest strongly that this also be able to be satisfied in the form of
99 writing rather than a public meeting because we have a very small fire station. I think it puts an unnecessary burden on a
100 volunteer organization.
- 101
102 Pete Hallenbeck: I suggest you take those suggestions and put them in writing so when the BOCC look at passing this UDO
103 amendment, you could speak as a citizen. There is the opportunity here; no matter what you do there will be people against it.
104 But it would be a good opportunity to give information.
- 105
106 Tony Blake: The end result is that it would be neighbor versus neighbor.

DRAFT

107
108 Pete Hallenbeck: I understand you think this is political but if you do that and it goes to a public hearing, you have shown that
109 you have taken the time to listen to the public. Ultimately the decision is made by the BOCC but it is a good way to be
110 proactive.

111
112 Perdita Holtz: Just for clarification, the decision is not made by the BOCC because it is a staff approval.

113
114 Stephanie O'Rourke: Can you give me another scenario of what you would have to deal with?

115
116 Michael Harvey: Orange County Department of Environment Parks Natural Agricultural does park planning. If they wish to
117 propose a park, they would be subject to these rules and regulations.

118
119 Paul Guthrie: The County wants to designate a bicycle trail or a hiking trail covering a great deal of distance and many
120 owners. Under this language, would they have to reach out to every owner within 500 feet of that trail in order to satisfy this
121 ordinance?

122
123 Michael Harvey: With respect to government uses, the land use category this would impact, you have government facilities
124 and office buildings so yes I could see a trail falling into that category but also I would say that development of such a trail
125 would be discussed in a public forum where the county would advertise

126
127 Paul Guthrie: But not necessarily see a certified letter?

128
129 Michael Harvey: Not necessarily but we have written in this code that if there is planning effort soliciting public comment or
130 involvement with the development of a plan, that satisfies this meeting requirement. If you any other questions or concerns,
131 please email me.

132
133
134

135 **AGENDA ITEM 3: ADJOURNMENT**

136
137 Meeting was adjourned by consensus

Michael Harvey

From: Rich Shaw
Sent: Monday, July 01, 2013 10:14 AM
To: Michael Harvey
Cc: Marabeth Carr; David Stancil
Subject: RE: Peer Review - proposed UDO Text Amendment

Michael,

Thank you for the opportunity to review and comment on draft UDO language to address a concern over a lack of public involvement with “governmental uses.” We agree that the general public, and especially all neighboring landowners, should be made aware of plans to develop new facilities on County-owned land.

DEAPR has a long history of involving the public in the development of its park master plans. **So we are pleased to see that the proposed rules would not require additional meetings in cases where a master plan (or phased development plan) has already been approved by the County for the subject property.** For all new parks and public recreation areas DEAPR already utilizes a community-based process. We start with an information meeting and design charette(s) to gather input on what the citizens of Orange County would like to see in their parks. We typically include neighborhood representatives on the park master plan committee and also hold open meetings for the public to review and comment on the draft plan. Typically this public process is a series of 5-7 meetings over a six- to nine-month period.

We have identified three provisions in the proposed guidelines for holding Neighborhood Educational Meetings (Section 2.24.1.) where we find a difference in DEAPR’s current practice:

1. DEAPR sends out invitations through the regular mail rather than by certified mail, which costs \$5.00 per address (not in our budget)
2. DEAPR conducts its own public meetings and typically invites a Planning staff representative to participate. We do not intend to “contract” that out to the Planning and Inspections Department. Perhaps the UDO could provide some guidelines for the meeting format and agenda that could be used by DEAPR and other departments that wish to conduct their own meetings.
3. DEAPR would like more clarity on what kinds of site development would not require a public education meeting. There are many small projects handled “in-house” by DEAPR’s Parks grounds staff (to save time and money) rather than contracting the work out to a private firm. Many of those projects occur during the winter months when the workload is less. The proposed rules may cause problems for some projects, requiring that the timeframe be drawn out for several weeks... possibly forcing their cancelation altogether.

If you have any questions or would like to discuss please feel free to contact us.

Marabeth Carr, Landscape Architect
Department of Environment, Agriculture, Parks and Recreation

306A Revere Rd / PO Box 8181 / Hillsborough NC 27278 / 919-245-2516 / <http://www.co.orange.nc.us>

Rich Shaw, Land Conservation Manager
 Orange County
Department of Environment, Agriculture, Parks and Recreation

306A Revere Rd / PO Box 8181 / Hillsborough NC 27278 / 919-245-2514 / <http://www.co.orange.nc.us>

From: Michael Harvey
Sent: Monday, June 24, 2013 12:50 PM
To: Craig Benedict; Tom Altieri; Perdita Holtz; Ashley E.. Moncado; Jennifer Leaf; Michael Kelly; Bret A.. Martin; Abigaile Pittman
Cc: James Bryan; Rich Shaw; Marabeth Carr; Jeff Thompson; Gayle Wilson; Jeff Scouten; Dan Bruce; Wesley Poole
Subject: Peer Review - proposed UDO Text Amendment

I am attaching an item for peer review on a proposed text amendment relating to the holding of a neighborhood information meeting prior to the review of a development project proposing a governmental use.

This amendment is being proposed to address concerns over a lack of public notification when a land use within the governmental uses land use category (i.e. government facilities and office buildings which will include land fill(s), transfer stations, parks, office building, police/fire stations, volunteer fire station, etc.) is proposed for development. The amendment is being made consistent with a BOCC Chair/Vice Chair request in accordance with a UDO Amendment Outline Form approved at the June 18, 2013 BOCC meeting (attached).

All I am including at this time is the proposed language requiring the meeting. I am not including revised pages to correct citations to several sections being 'renumbered' as a result of this proposal. Frankly I am not done with this aspect of the amendment yet, which will be provided at a later date.

This item is slated for review by the Planning Board Ordinance Review Committee (ORC) at the July 10, 2013 meeting. If possible I would like you initial comments by June 28, 2013 for inclusion in the Planning Board packet.

Let me know if you have any questions. Thanks.

Michael

Michael Harvey

From: Jeff Scouten
Sent: Tuesday, June 25, 2013 11:52 AM
To: Michael Harvey
Cc: Gayle Wilson; Craig Benedict
Subject: RE: Peer Review - proposed UDO Text Amendment

Michael:

If I understand correctly, pre-submission conferences requested by the Applicant are optional but perhaps if these were made mandatory (CH does this) then that would give the Applicant the opportunity to make their case for why their project should move forward without the bias of having been already 'shot down' by surrounding neighbors if they were required to conduct the community meeting first.

And, if an Applicant were required to submit a digital sketch plan/preliminary plan/illustrative plan as part of the mandatory pre-submission conference with County staff, that could become public information made available to the surrounding community members to have prior to the community meeting and which could allow for alternative viewpoints/layouts to be presented by those folks wishing to do so at the time of the community meeting. I know from my land development experience that the Applicant already has these plans in hand once they are ready to sit down with the County/City so there wouldn't be any additional cost to them.

Also, I have found that if you allow outside participation (i.e. 'stakeholders') you get more buy-in than if you just show up at these meetings and show your plan for the first time.

Thanks for the opportunity to comment.

Jeff Scouten
 Environmental Enforcement Supervisor
 Orange County Solid Waste Management
 P.O. Box 17177
 Chapel Hill, NC 27516-7177
 919-968-2788 x 107 (Office)
 919-932-2900 (Facsimile)
jscouten@orangecountync.gov



From: Michael Harvey
Sent: Monday, June 24, 2013 2:15 PM
To: Gayle Wilson; Craig Benedict; Tom Altieri; Perdita Holtz; Ashley E.. Moncado; Jennifer Leaf; Michael Kelly; Bret A.. Martin; Abigaille Pittman
Cc: James Bryan; Rich Shaw; Marabeth Carr; Jeff Thompson; Jeff Scouten; Dan Bruce; Wesley Poole
Subject: RE: Peer Review - proposed UDO Text Amendment

My comments are embedded below: Thanks for your quick review.

Michael

From: Gayle Wilson
Sent: Monday, June 24, 2013 1:37 PM
To: Michael Harvey; Craig Benedict; Tom Altieri; Perdita Holtz; Ashley E.. Moncado; Jennifer Leaf; Michael Kelly; Bret A.. Martin; Abigaille Pittman

Cc: James Bryan; Rich Shaw; Marabeth Carr; Jeff Thompson; Jeff Scouten; Dan Bruce; Wesley Poole
Subject: RE: Peer Review - proposed UDO Text Amendment

I have only a few comments on this proposal:

A UDO Article Two

(1) says that prior to submittal of a site plan application.....

Comment - UDO Outline Form says (2) prior to any action by the County to review....
 And on the Form under the Heading at the top it says prior to issuance of a permit

Are these statements in conflict or at least inconsistent with Article Two (1)?

The outline form provides general statements detailing the proposal and does not represent anything formal or offer technical aspects of how the actual amendment will read.

The purpose of the form is for the BOCC to understand the direction we are heading in and approve any public involvement with the review of a text amendment.

From my standpoint the meeting is being held prior to any action by the County on a specific development proposal, which is the message contained in the UDO amendment form.

B General

Both documents indicate addressing comments received. There are limits to addressing concerns that are often emotional or related to some vague social issue/standard. It is difficult to provide a reasonable, fact based response to these type public concerns. How will individual opinions be addressed versus issues of fact or interpretation? NIMBY's are by some definitions nearly impossible to satisfactorily address.

I believe that there should be some limitation on the extent of response to comments. If the public says they just don't want the facility in their neighborhood – how do you respond to that comment? How many negatives does the applicant have to prove?

All we expect is for there to be a response. An acceptable response can, and more than likely will be, in the scenario you provide 'We understand your concerns but this is where the proposed use is going to be located'.

I have shared similar comments with those who have requested this action. I have been directed to move forward and allow for greater public involvement/notification of government projects with the understanding this is going to be a major component we will have to deal with.

Remember: this proposal does not alter the 'permitted' nature of the project. As a result NIMBY arguments are somewhat immaterial given the fact the 'use' is still permitted by right.

C UDO Article Two

If a public meeting is to be held prior to submittal of a site plan application how will the applicant even know that his/her site plan is, from a regulatory compliance perspective, even permissible? Won't the project have to have received some preliminary evaluation by Planning first before a public meeting? What if, after the public meeting, the application is submitted and substantial changes are made? Does this call for another public meeting?

Understood. I will bring up with Craig again. Originally I had contemplated the neighborhood information meeting being held after submittal of a site plan. We (i.e. Craig and I) discussed at length and the concern was:

1. We did not want an applicant to incur additional costs if the site plan was going to be revised to address public concern(s) expressed at the neighborhood information meeting, and
2. We did not want there to be the perception amongst adjacent property owners their comments/concerns did not matter as we had the formal site plan submitted and ready to go (i.e. be reviewed).

One of the goals here is to involve property owners within 500 feet of the project in the development process so that concerns could be addressed in the final design phase of a project.

As you are aware, the Planning Department typically completes courtesy review on all non-residential development projects, including governmental uses, to address this very issue you bring up. That will not change with the adoption of this amendment. Also please bear in mind the County holds pre-application meetings with applicants to review these very issues prior to the formal submittal of development application.

I will keep you in the loop on where we are with this. There will be additional opportunity for peer review over the summer as we move forward.

Thanks again.

Thanks for the opportunity to review.

Gayle

From: Michael Harvey

Sent: Monday, June 24, 2013 12:50 PM

To: Craig Benedict; Tom Altieri; Perdita Holtz; Ashley E.. Moncado; Jennifer Leaf; Michael Kelly; Bret A.. Martin; Abigaile Pittman

Cc: James Bryan; Rich Shaw; Marabeth Carr; Jeff Thompson; Gayle Wilson; Jeff Scouten; Dan Bruce; Wesley Poole

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All I am including at this time is the proposed language requiring the meeting. I am not including revised pages to correct citations to several sections being 'renumbered' as a result of this proposal. Frankly I am not done with this aspect of the amendment yet, which will be provided at a later date.

This item is slated for review by the Planning Board Ordinance Review Committee (ORC) at the July 10, 2013 meeting. If possible I would like you initial comments by June 28, 2013 for inclusion in the Planning Board packet.

Let me know if you have any questions. Thanks.

Michael

Michael Harvey

From: Michael Harvey
Sent: Monday, August 05, 2013 8:59 AM
To: Chief Bob Louis; Chief Brad Allison; Chief Caldwell Fire; Chief Carolyn Hutchison; Chief Cedar Grove Fire; Chief Chris Blue; Chief Dan Jones; Chief Duane Hampton; Chief Efland Fire; Chief Eno Fire; Chief Jeff Borland; Chief Jeff McCracken; Chief John Strowd; Chief Josh Asbil; Chief New Hope Fire; Chief Orange Grove Fire; Chief Orange Rural Fire; Chief Phillip Nasseri; Chief Steve McCauley; Chief Travis Crabtree; Chief White Cross Fire; Lindy Pendergrass
Cc: Craig Benedict; James Groves; Jason Shepherd; David Sykes; Elizabeth Gregory
Subject: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses
Attachments: Attachment 2 - UDO Text Amendment.pdf

The Orange County Planning Department, at the direction of the County Commissioners, has initiated an ordinance amendment to the Unified Development Ordinance requiring the holding of a neighborhood information meeting prior to the review of a development project proposing a governmental use.

This amendment is being proposed to address concerns over an apparent lack of public notification when a land use within the governmental uses land use category (i.e. government facilities and office buildings which will include land fill(s), transfer stations, parks, office building, police/fire stations, volunteer fire station, etc.) is proposed for development. The amendment is being made consistent with a BOCC Chair/Vice Chair request in accordance with a UDO Amendment Outline Form approved at the June 18, 2013 BOCC meeting (attached).

All I am including at this time is the proposed language requiring the meeting.

You are receiving this e-mail as you are the contact person(s) for public safety agencies/volunteer organizations that may be responsible for the development of 'government uses' in Orange County. As a result we would like to solicit your input on the proposal as its adoption could impact the process you would have to go through in order to develop a 'governmental use' in the County.

Please bear in mind that the purpose of the neighborhood information meeting is to inform the general public of the project and solicit their comments/suggestions with respect to the project. This amendment will not alter the approval process for the project, which will still be reviewed administratively by the County planning staff, nor does it impose additional development standards/limitations above and beyond what already exists (i.e. setbacks from property lines, land use buffers, impervious surface limits, etc.). There will not be a public hearing or Board approval of the project required as part of any revised review process.

It should be noted this amendment may not have any impact on you whatsoever. It will only impact those agencies looking to development 'government uses' in the County's planning jurisdiction and does not include properties located within local municipalities or their extraterritorial jurisdictional boundaries (ETJ).

Please provide any response, in letter or e-mail format, to the County no later than August 23, 2013 for inclusion in the September 9, 2013 Orange County BOCC meeting package.

Let me know if you have any questions. Thank you in advance for your comments and continued service to the residents of Orange County.

Michael D. Harvey AICP, CFO, CZO

Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
Hillsborough, NC 27278

(919) 245-2597 (phone)
(919) 644-3002 (fax)

Michael Harvey

From: James Groves
Sent: Monday, August 05, 2013 12:24 PM
To: Michael Harvey
Subject: RE: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses

Thanks for the update...I was not aware.

Jim Groves, CEM
 Director of Emergency Services
 Orange County, NC

919.245.6140 (Office)
 919.943.8970 (Mobile)
<http://orangecountync.gov/emergency>

From: Michael Harvey
Sent: Monday, August 05, 2013 12:23 PM
To: James Groves
Subject: RE: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses

Yes and they have been made aware of the need for this meeting.

I should hasten to also inform you that BOCC Chair Jacobs has indicated to White Cross, in writing I believe, a meeting should be held regardless of the 'status' of this amendment. Assistant Fire Chief Tony Blake and I have spoken about this already and they were trying to move forward with the scheduling of the meeting.

As a reminder we have no site plan from White Cross yet.

Let me know if there is anything I can do to be of further assistance.

Michael D. Harvey AICP, CFO, CZO
 Current Planning Supervisor – Planner III
 Orange County Planning Department
 131 West Margaret Lane
 PO Box 8181
 (919) 245-2597 (phone)
 (919) 644-3002 (fax)

From: James Groves
Sent: Monday, August 05, 2013 12:08 PM
To: Michael Harvey
Subject: RE: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses

Thanks Michael, I will review. Do you see this impacting what is already in progress with White Cross Fire on Neville Road?

Jim Groves, CEM
 Director of Emergency Services
 Orange County, NC

919.245.6140 (Office)

919.943.8970 (Mobile)

<http://orangecountync.gov/emergency>

From: Michael Harvey

Sent: Monday, August 05, 2013 8:59 AM

To: Chief Bob Louis; Chief Brad Allison; Chief Caldwell Fire; Chief Carolyn Hutchison; Chief Cedar Grove Fire; Chief Chris Blue; Chief Dan Jones; Chief Duane Hampton; Chief Efland Fire; Chief Eno Fire; Chief Jeff Borland; Chief Jeff McCracken; Chief John Strowd; Chief Josh Asbil; Chief New Hope Fire; Chief Orange Grove Fire; Chief Orange Rural Fire; Chief Phillip Nasser; Chief Steve McCauley; Chief Travis Crabtree; Chief White Cross Fire; Lindy Pendergrass

Cc: Craig Benedict; James Groves; Jason Shepherd; David Sykes; Elizabeth Gregory

Subject: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses

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Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
Hillsborough, NC 27278

(919) 245-2597 (phone)
(919) 644-3002 (fax)

Michael Harvey

From: Chief Chris Blue
Sent: Friday, August 23, 2013 6:14 AM
To: Michael Harvey
Subject: Re: Notification of amendment to Orange County Unified Development Ordinance regarding development of Government Uses

Mr. Harvey: I have no comments or suggested edits.

Thank you,
 Chris Blue
 Chapel Hill Police Chief

Sent from my iPad

On Aug 5, 2013, at 8:58 AM, "Michael Harvey"
mharvey@orangecountync.gov wrote:

The Orange County Planning Department, at the direction of the County Commissioners, has initiated an ordinance amendment to the Unified Development Ordinance requiring the holding of a neighborhood information meeting prior to the review of a development project proposing a governmental use.

This amendment is being proposed to address concerns over an apparent lack of public notification when a land use within the governmental uses land use category (i.e. government facilities and office buildings which will include land fill(s), transfer stations, parks, office building, police/fire stations, volunteer fire station, etc.) is proposed for development. The amendment is being made consistent with a BOCC Chair/Vice Chair request in accordance with a UDO Amendment Outline Form approved at the June 18, 2013 BOCC meeting (attached).

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Please bear in mind that the purpose of the neighborhood information meeting is to inform the general public of the project and solicit their comments/suggestions with respect to the project. This amendment will not alter the approval process for the project, which will still be reviewed administratively by the County planning staff, nor does it impose additional development standards/limitations above and beyond what already exists (i.e. setbacks from property lines, land use buffers, impervious surface limits, etc.). There will not be a public hearing or Board approval of the project required as part of any revised review process.

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Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor ??? Planner III Orange County Planning Department
131 West Margaret Lane
PO Box 8181
Hillsborough, NC 27278

(919) 245-2597 (phone)

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<Attachment 2 - UDO Text Amendment.pdf>

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**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**
Meeting Date: September 9, 2013

**Action Agenda
Item No.** C.4

SUBJECT: Eno Economic Development District (EDD) Access Management Plan

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

- 1. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (Other-2013-01)
- 2. Draft Eno EDD Access Management Plan

INFORMATION CONTACT:

Abigaile Pittman, Transportation/Land Use Planner, 245-2567
 Tom Altieri, Comprehensive Planning Supervisor, 245-2579
 Craig Benedict, 245-2592

PURPOSE: To hold a public hearing on the Draft Eno EDD Access Management Plan for establishing transportation connectivity as the study area develops in the future.

BACKGROUND: The Eno Economic Development District (EDD) Area Small Area Plan (adopted June 24, 2008; amended February 3, 2009) recommended the approval of an access management program for US 70 and Old Highway 10 to provide better transportation systems and capacities as development proceeds in the area.

Since adoption, Plan recommendations have been implemented in preparation for economic development in the Eno EDD area including:

- Land Use Plan Map amendments
- Pre-zoning of land
- Unified Development Ordinance (UDO) amendments for EDD districts
- An inter-local utility service agreement with Durham
- Work has begun on a public water and sewer master plan
- Planning for a cross-county bus route
- Striping for two-foot bike lanes along Old NC 10
- I-85/US 70 interchange concept plan was drafted by NCDOT
- I-85 widening project and US interchange project have been entered in the State’s Transportation Improvement Program (TIP) for implementation in a post development program.

The study area for the proposed access management plan comprises approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County). As properties are developed for non-residential land uses within the Eno EDD, transportation interconnectivity and access will become increasingly important, enhancing the importance of a formally adopted access management plan for the area. Formally adopted transportation plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan.

Adopted access management plans can also be incorporated into regional transportation plans, which will enhance Orange County's collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

The proposed access management plan examines the US 70 and Old Highway 10 corridors within the Eno EDD and recommends an access management concept to best meet local conditions and the needs of businesses and residents while maintaining the functionality of these important arterial facilities for current and future traffic. The improvement of the functionality of these arterials to both serve commuting and travelling traffic together with serving the businesses and residences along these routes is of high local and strategic importance as future development proceeds in the Eno EDD.

Attachment 1, is the Amendment form, approved by the BOCC on May 7, 2013, outlining the rationale, process, and implications of the development and adoption of the Eno Economic Development District (EDD) Access Management Plan. It contains additional information and analysis on the proposed plan, as well as details regarding the timeframe for the process.

Attachment 2 is the Draft Eno EDD Access Management Plan for public hearing.

Public Outreach:

In an effort to better inform interested persons in an informal setting, a Public Information Meeting/Open House was held on September 4, 2013 from 4:30 – 6:30 p.m. at the Shared Visions Retreat Center (historic Murphey School), 3717 Murphey School Road, Durham, NC (in Orange County). A report on the meeting will be provided at the quarterly public hearing.

Notification Procedural Requirement:

Legal ads for the public hearing were placed in a newspaper of general circulation in the county in accordance with Section 2.8.6 of the Unified Development Ordinance, and were published on August 28 and September 4, 2013.

The Eno EDD Access Management Plan is also available on the Orange County Planning Department website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

FINANCIAL IMPACT: Other than staff time, there is no financial impact associated with this item. Following review and adoption, Plan implementation will be performed by staff and coordinated with the City of Durham and NCDOT as warranted.

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

1. Receive the Draft Eno EDD Access Management Plan (Attachment 2);
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed Plan.
3. Refer the matter to the Orange Unified Transportation Board (OUTBoard) and the Planning Board with a request that a recommendation be returned to the BOCC in time for the November 19, 2013 BOCC regular meeting.
4. Adjourn the public hearing until November 19, 2013 in order to receive and accept the OUTBoard's and Planning Board's recommendations, and any submitted written comments.

ATTACHMENT 1

**COMPREHENSIVE PLAN / FUTURE LAND USE MAP
AND
UNIFIED DEVELOPMENT ORDINANCE (UDO)
AMENDMENT OUTLINE
Other-2013-01**

Eno Economic Development District Access Management Plan

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s):

- Other: Eno Economic Development District (EDD) Access Management Plan

B. RATIONALE

1. Purpose/Mission

The Eno Economic Development District (EDD) Area Small Area Plan (June 24, 2008; Amended February 3, 2009) recommended the approval of an access management program for US 70 and Old Highway 10 (as described in the Plan) to provide better transportation systems and capacities as development proceeds in the area. Additionally, the I-85/US 70 interchange is under re-design by the North Carolina Department of Transportation (NCDOT).

2. Analysis

The proposed access management plan examines the US 70 and Old Highway 10 corridors within the Eno EDD and recommends an access management concept to best meet local conditions. The improvement of the functionality of these arterials to both serve commuting and travelling traffic together with serving the businesses and residences along these routes is of high local and strategic importance as future development proceeds in the Eno EDD.

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

Transportation Goal 3: Integrated land use planning and transportation planning that serves existing development supports future development, and is consistent with the County's land use plans which include provisions for preserving the natural environment and community character.

Transportation Policy Statement: The intent was that the access management policy framework of the *Orange Grove Road Project (2003)* be applied in other areas of the County.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 7, 2013

- b. BOCC Public Hearing

September 9, 2013 (quarterly public hearing)
November 19, 2013 (adoption consideration)

- c. BOCC Updates/Checkpoints

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public involvement from all stakeholders helps to ensure that decisions are made in consideration of the view and concerns on issues pertaining to transportation access needs in the Eno EDD.

- a. Planning Board Review:

October 2, 2013

b. Advisory Boards:

OUTBoard – September 18, 2013

c. Local Government Review:

d. Notice Requirements

This item was included in the Quarterly Public Hearing legal ad which was published on August 28 and September 4, 2013

e. Outreach:

General Public: Public Information Meeting September 4, 2013

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Existing Planning staff will accomplish the work required to develop the Eno EDD Access Management Plan. The required legal ad will be paid with Departmental funds already budgeted for this purpose.

D. AMENDMENT IMPLICATIONS

The Eno Economic Development District (EDD) Access Management Plan will implement a recommendation from the Eno EDD Small Area Plan, adopted by the BOCC in 2008. An adopted access management program will provide for improved transportation systems and capacities as development proceeds in the area. Formally adopted transportation access management plans are necessary to procure federal and state funding for projects, and to require developer compliance with the plan. Adopted access management plans can also be incorporated into regional transportation plans, which will enhance the County’s collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2 for the Draft Eno Economic Development (EDD) Access Management Plan.

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ORANGE COUNTY ENO ECONOMIC

DEVELOPMENT DISTRICT (EDD)

ACCESS MANAGEMENT PLAN

Draft

September 9, 2013

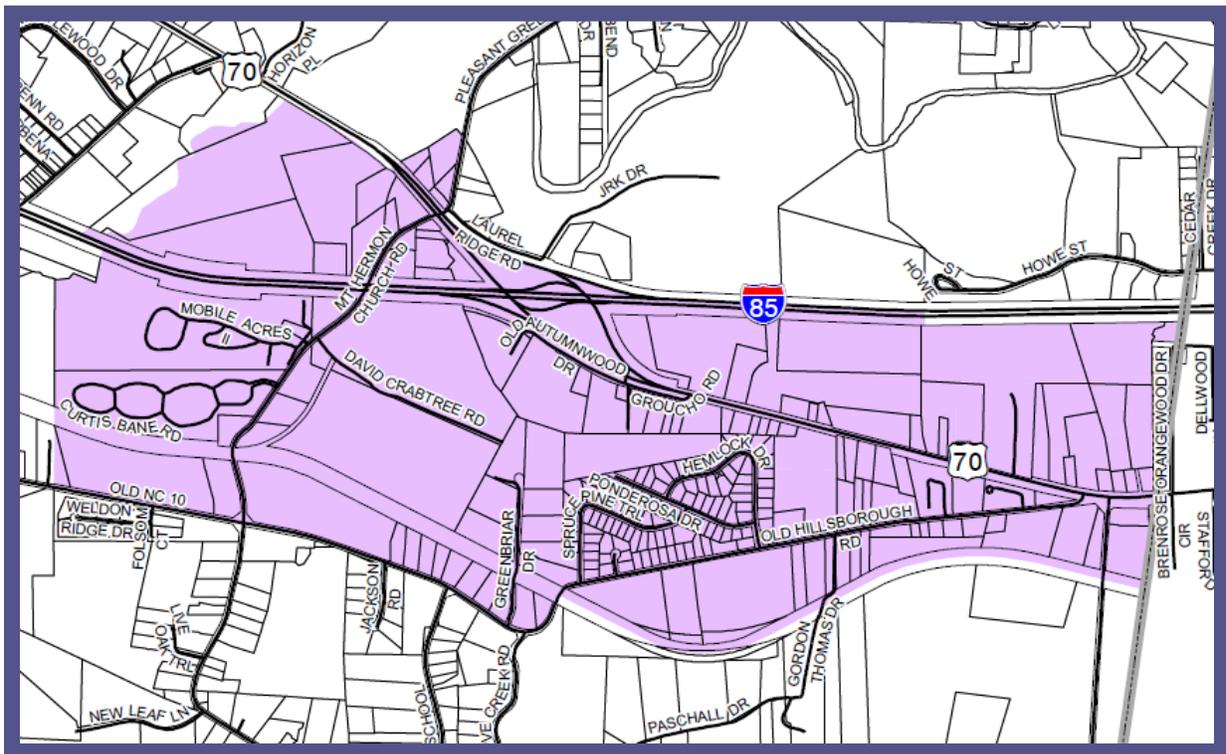


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Eno Economic Development District (EDD) Access Management Plan

Introduction

The Study Area for the Draft Eno EDD Access Management Plan is the area depicted as Economic Development Transition on the Orange County Future Land Use Map. The Study area contains approximately 980 acres and is primarily bounded by the NCRR /Norfolk Southern (NS) Railway to the south, I-85 to the north, US 70 to the northwest, and properties in the vicinity of Mt. Herman Church Road to the west. The I-85/US 70 interchange is located within the north/central part of the Study Area. The Whispering Pines residential subdivision, comprising approximately 67 acres, is included in the Study Area and is designated as a 10-year Transition Area on the Future Land Use Map. Maps of the Study Area follow on pages 2 and 3.

The majority of the area has been designated as an urban growth area since 1981 because of its proximity to I-85, US 70, the interchange of the two, and the NCRR/Norfolk Southern (NS) Railway.

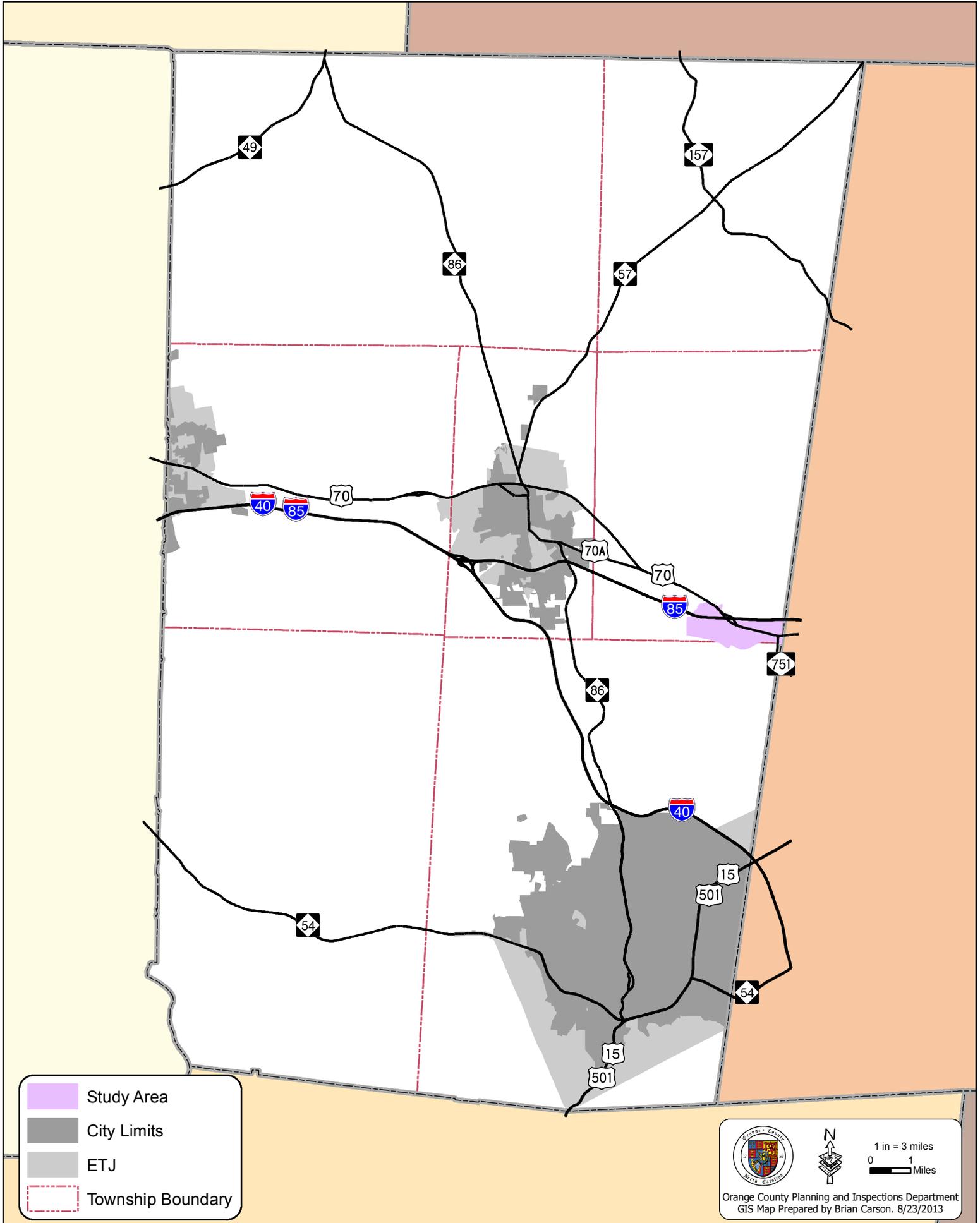
The future of the area for urban growth was originally defined by the 1981 Orange County Land Use Plan, and reinforced by the 2030 Comprehensive Plan (2008), and economic development land use and zoning amendments for the majority of the area in 1994. Envisioned land uses included non-residential commercial, office and industrial, with some higher density housing.

In 2006 the Orange County Board of County Commissioners (BOCC) approved the formation of a citizen Task Force to work with Economic Development and Planning Staff in developing a plan for the Eno EDD. The *Eno Economic Development District (EDD) Area Small Area Plan* was developed over the next two years as a collaborative effort by community representatives, elected officials, and staff of the Orange County Planning Department, and Durham City/County Planning Department. The Small Area Plan (adopted June 24, 2008; amended February 3, 2009) contains numerous recommendations in the following topic areas:

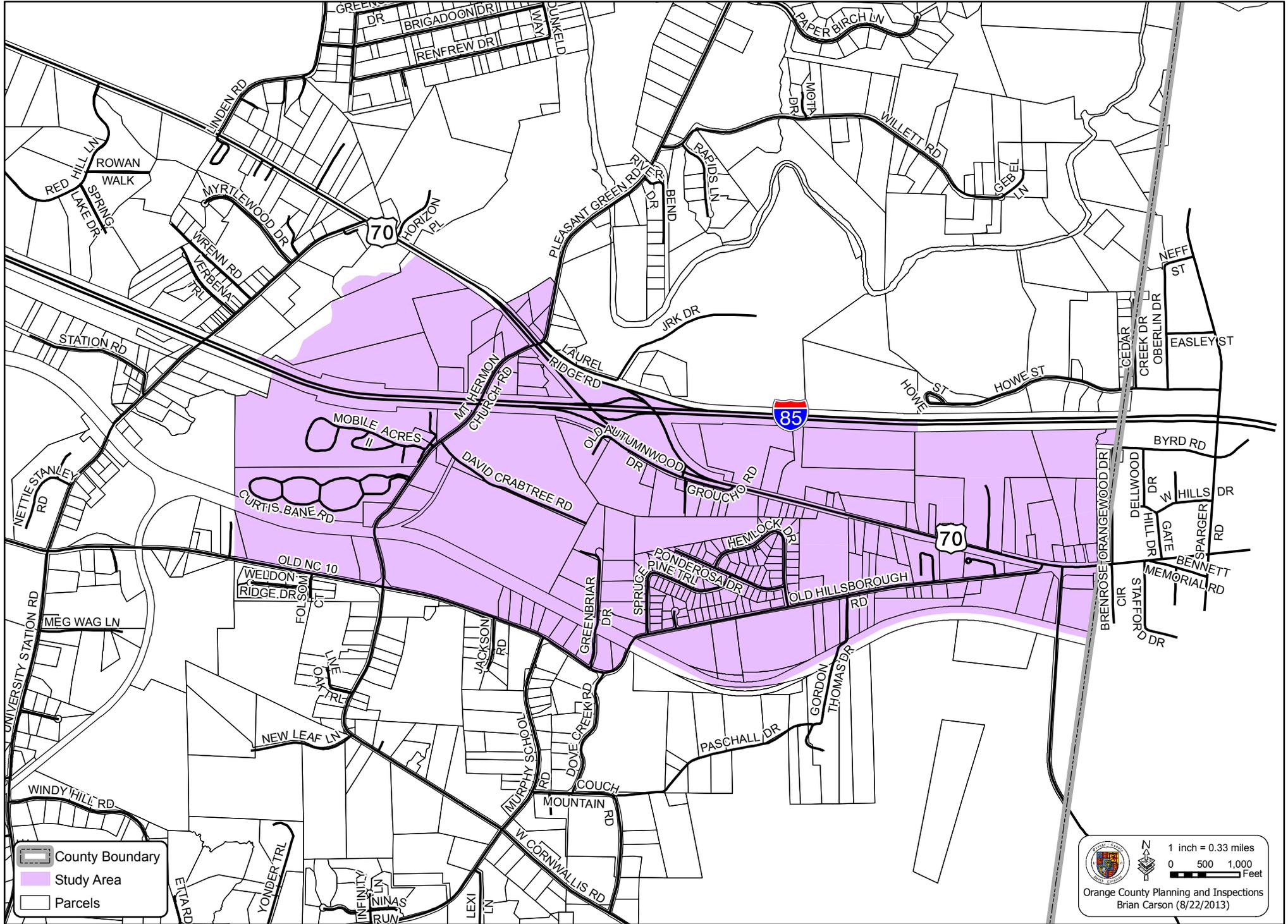
- Water and Sewer
- Land Use and Zoning
- Transportation
- Housing
- Parks, Recreation, and Open Space
- Communications
- Intergovernmental Issues
- Other Recommendations, including:
 - Potential Strategic Growth and Rural Conservation (SGRC Program)
 - Plan Updates
 - Implementation

The analysis within the Eno EDD Small Area Plan explains and supports the importance of this general area for higher intensity activity while preserving environmental and cultural resources of the Eno River to the north and Stoney Creek Basin to the west.

Eno EDD - Vicinity Map



Eno EDD - Access Management Plan Study Area



Since adoption, several Eno EDD Small Area Plan recommendations have been implemented including:

1. Land Use Plan Map amendments designating the development potential categories of the Eno EDD (which was included in the 2008 Comprehensive Plan, and amended through September, 2012);
2. The 'pre-zoning' of land to promote the economic development land use program (current zoning adopted in September, 2012);
3. Unified Development Ordinance (UDO) amendments for the creation and regulation of uses and development standards for the Eno EDD (which was included in the UDO adopted in 2011, and amended through January, 2013). The purpose of these amendments was to more strongly encourage quality, non-residential development in the EDD while balancing any adverse impacts to adjacent properties and the environment;
4. Development of a long range Capital Improvement Program (CIP) for all economic development zones;
5. The continued development of Orange County's Economic Development program;
6. There has been progress with the Plan's water and sewer recommendations:
 - An inter-local utility service agreement with the City of Durham was adopted in January, 2012 to further the area's economic development potential; and
 - A consultant (CDM Smith) is currently working on a preliminary engineering study for a public water and sewer master plan for the area;
7. The County is working cooperatively with Triangle Transit Authority to plan for options for a new bus services outlined in the Orange County Bus and Rail Investment Plan, including a possible cross-county route through the Eno Study Area;
8. Triangle Transit Authority has evaluated the best location for a future commuter rail transit stop within the Eno EDD area;
9. Bike lanes approximately two-foot in width have been striped along Old NC 10;
10. The North Carolina Department of Transportation (NCDOT) prepared a draft concept plan for the re-design of the I-85/US 70 interchange in 2009; and
11. Projects for the widening of I-85 from I-40 to the Durham County line, including the re-design of the US 70 interchange, have been entered in the State's Transportation Improvement Program (TIP) for implementation in the future developmental program (post 2020); however, the State's new project prioritization process (currently under development) may allow the project to be funded sooner.

These initiatives are in preparation for economic development in the Eno EDD area. Land development in the EDD is intended to occur through coordination between Orange County and the City of Durham, who will be the service provider of public water and sewer. Properties will be annexed by the City if/when served public water/sewer. The purpose of adopted amendments accomplished in 2012 was to align Orange County land use and zoning classifications with the City of Durham's Urban Growth Area located within Orange County.

Additionally, NCDOT is currently proceeding with the closing of a private rail crossing closure on Greenbriar Drive that will re-route the access of properties on Greenbriar Drive north of the NCR/Norfolk Southern (NS) Railway through the Whispering Pines Subdivision.

The adopted objective of the Eno EDD Small Area Plan was the provision of an efficient, multi-modal transportation system. The first recommendation for the implementation of this objective is the approval of an access management program for US 70 and Old Highway 10 to provide better transportation systems and capacities as development proceeds in the area.

As properties are developed for non-residential land uses within the Eno EDD, transportation interconnectivity and access will become increasingly important, enhancing the importance of a formally adopted access management plan for the area. Formally adopted transportation plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan. Adopted access management plans can also be incorporated into regional transportation plans, which will enhance Orange County's collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

This report examines the US 70 and Old Highway 10 corridors within the area of the Eno EDD and recommends an access management concept to best meet local conditions and the needs of businesses and residents while maintaining the functionality of these important arterial facilities for current and future traffic. The improvement of the functionality of these arterials to both serve commuting and travelling traffic together with serving the businesses and residences along these routes is of high local and strategic importance as future development proceeds in the Eno EDD.

Existing Zoning and Land Use

Existing Land Use

The Study Area contains a variety of residential uses ranging from mobile home parks to modest single family homes on smaller lots, to large single family homes located on several acres of land. Additionally, the Study Area contains numerous commercial and industrial uses along Highway 70 and Mt. Herman Church Road. Five (5) parcels of land within the Focus Area are in the Agricultural Use Value program.

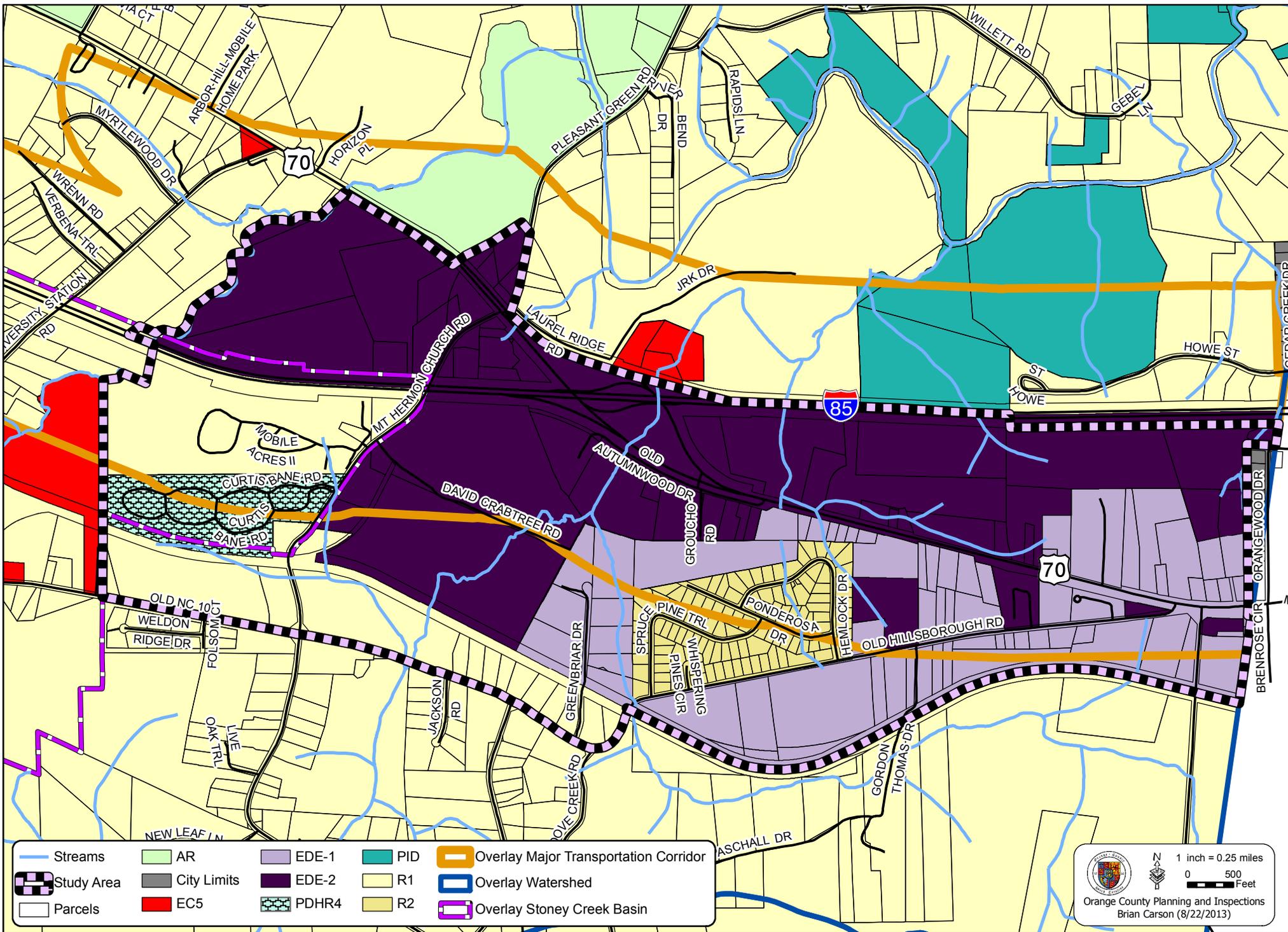
Existing Zoning

The existing zoning for the Study Area, derived from the Unified Development Ordinance (UDO) is depicted on the *Eno EDD - Zoning Map* on page 7. The Study Area is currently zoned EDD-1 (Economic Development Eno Lower Intensity) and EDE-2 (Economic Development Eno Higher Intensity). The Whispering Pines subdivision is currently zoned R2 (Low and Medium Intensity Residential). Remaining areas of the Study Area are currently zoned R1 (Rural Residential). Additionally, the Study Area is within the Major Transportation Corridor (MTC) zoning overlay district. The MTC, which measures approximately 1,250 feet from the edge of I-85 and US 70, requires higher developments standards for setbacks, buffering and landscaping within the district.

The following table describes the existing zoning districts found in the Study Area:

Existing Zoning District	Description
EDE-1 Economic Development Eno Lower Intensity	The purpose of the EDE-1 District is to provide locations for a range of lower intensity non-residential uses in the designated Eno Economic Development District.
EDE-2 Economic Development Eno Higher Intensity	The purpose of the EDE-2 District is to provide locations for a range of light industrial, distribution, retail, office, and service uses in the designated Eno Economic Development District.
R-1 Rural Residential	The purpose of the R-1 District is to provide locations for rural non-farm residential development, at very low intensities, in areas where the short and long-term solutions to domestic water supply and sewage disposal shall be individual wells and ground absorption system.
R-2 Low Intensity Residential	The purpose of the R-2 District is to provide locations for low intensity residential development and supporting recreational community service and educational uses in areas where urban services are available or are to be provided as part of the development process.
MTC Major Transportation Corridor	The intent of the MTC Overlay District is to protect and enhance important natural and environmental features through the provision of special controls of development along major transportation corridors.

Eno EDD - Zoning




 1 inch = 0.25 miles
 0 500 Feet

 Orange County Planning and Inspections
 Brian Carson (8/22/2013)

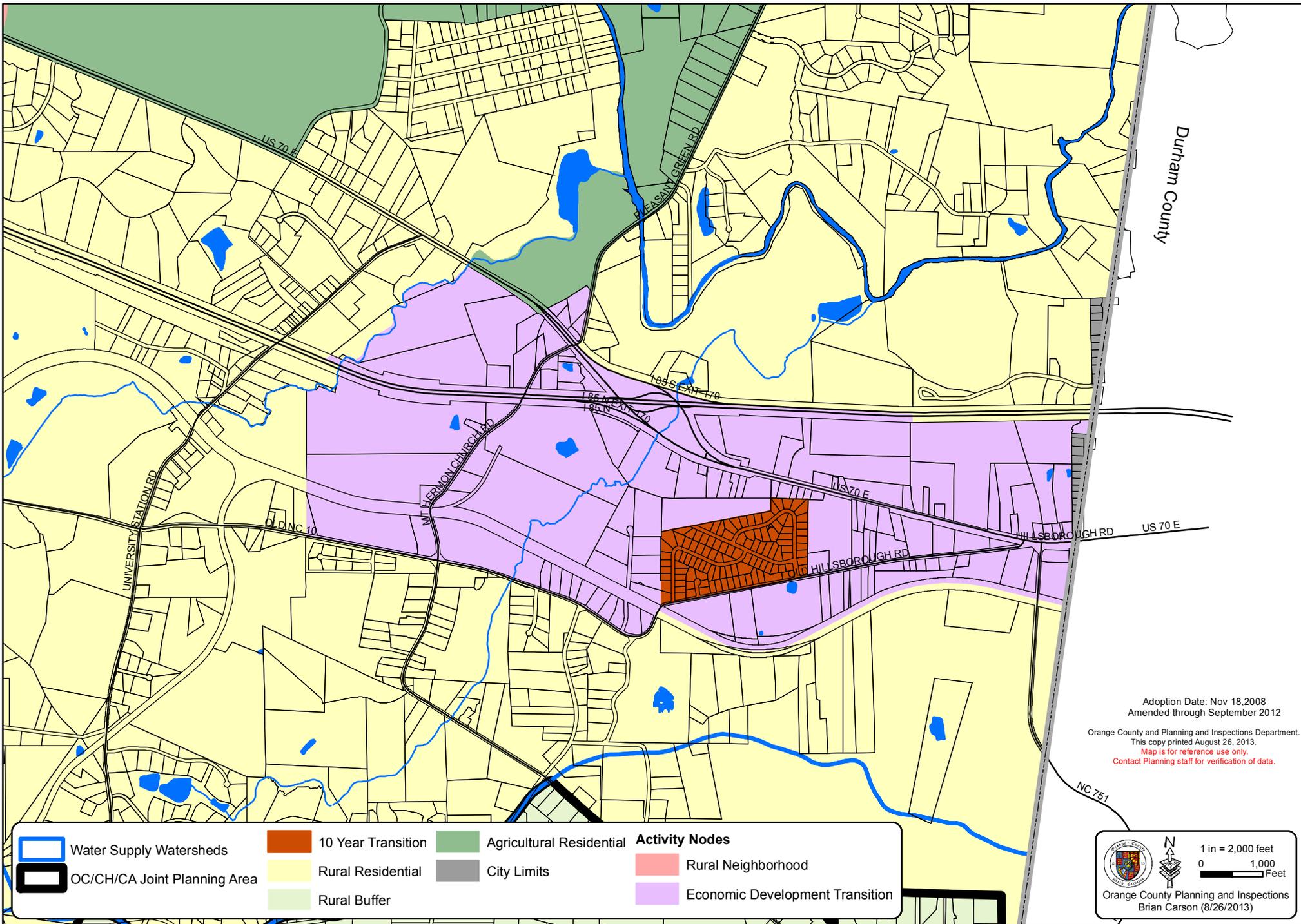
Future Land Use Designations

Future development of properties within the Study Area will be guided by the Eno EDD - *Future Land Use Map of the 2030 Orange County Comprehensive Plan*, depicted on page 9. As a component of the Comprehensive Plan, the Future Land Use Map provides the framework for long-range decision-making regarding the area's growth and development.

The following table describes the adopted future land use categories found in the Study Area:

Future Land Use Designation	Description
Economic Development Activity Node	Land in areas of the County which has been specifically targeted for economic development activity consisting of light industrial, distribution, office, service/retail uses, and flex space (typically one-story buildings designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses such as a warehouse, showroom, manufacturing assembly, or similar operations.) Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards.
10-Year Transition	Land located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities and/or intensities and could be provided with public utilities and services within the first 10 year phase of the Plan update, or where such utilities and services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.
Resource Protection Area	Designated Primary Conservation Areas which contain sensitive environmental resources, historically significant sites, and features considered unbuildable because of their limitations or unsuitability for development. Includes wetlands and floodplains along drainage tributaries, steep slope areas (15% or greater), natural areas, wildlife habitats and corridors, and significant historic and archaeological sites.

Eno EDD - Future Land Use Map of the Orange County 2030 Comprehensive Plan



Environmental Considerations for Access Management in the Study Area

The Eno EDD – Environmental Map on page 11 depicts the topography, floodplains, and wetlands in the Study Area. These environmental considerations will in some locations provide challenges to the development of access management strategies recommended in the Study Area.

Topography

The Study Area has gradual changes in topography except in the northwest and northeast portions. Elevation within the Study Area ranges from 340 feet above sea level to 550 feet above sea level. Slopes are not particularly steep even in the vicinity of drainageways except in the previously noted portions.

Floodplains

Floodplains are located within the Study Area predominantly along Rhodes Creek. Floodplains indicate areas of past and potential future flooding.

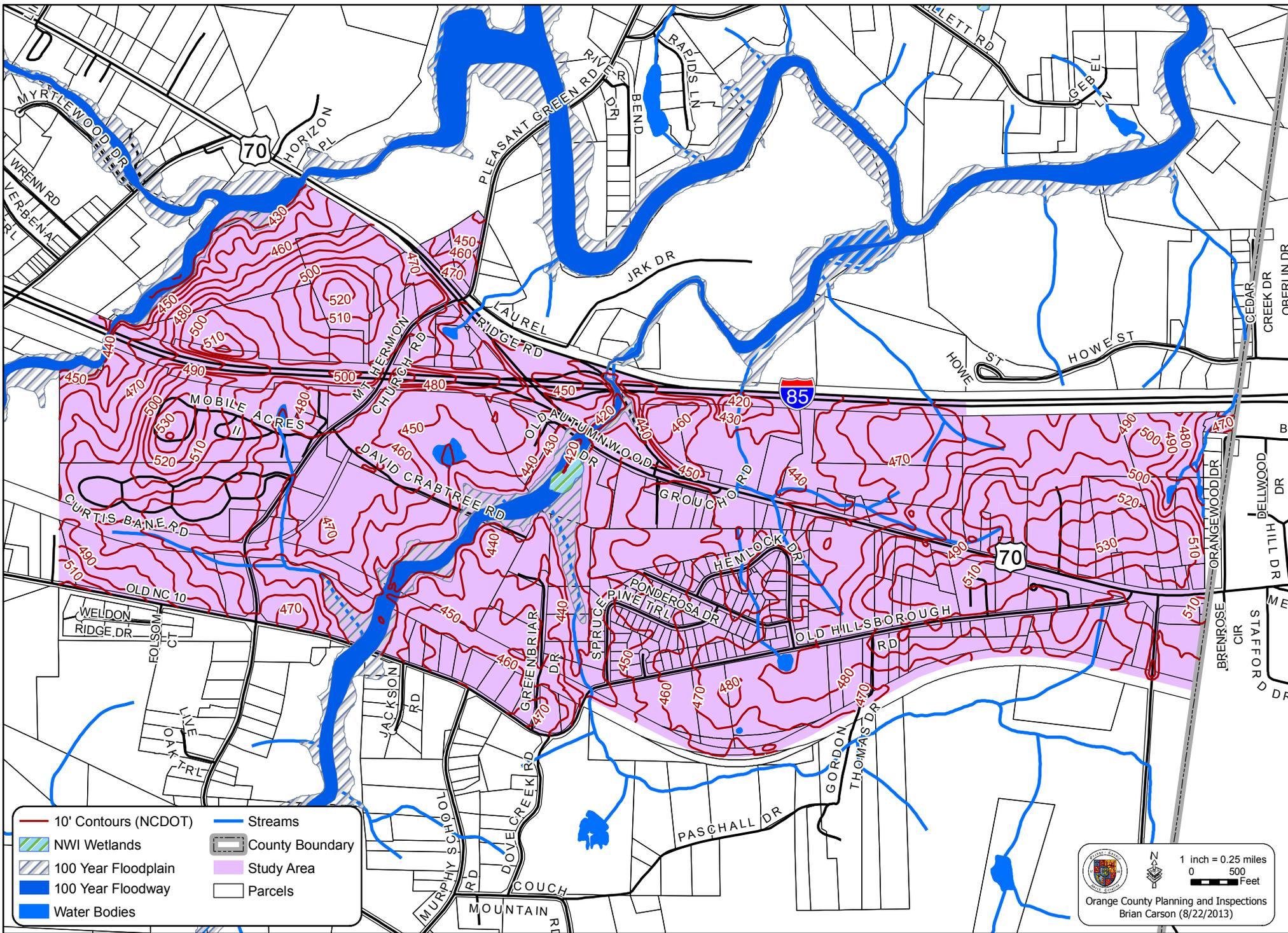
Wetlands

Potential wetlands have also been identified throughout the Study Area by using the presence of Bottomland Hardwood Forest vegetation as an indicator for the presence of wetlands. Wetlands are generally unsuitable for development and normally require additional regulatory oversight and permitting by the U.S. Army Corps of Engineers.

Environmental Benefit of Access Management

From an environmental perspective, improved traffic flow afforded through an access management plan for the Eno EDD area could also translate into greater fuel efficiency and reduced vehicular emissions along the I-85, US 70 and Old NC 10 corridors.

Eno EDD - Environmental Map



Existing Transportation Conditions

Functional Classification of Roads within the Eno Economic Development District (EDD)

Roads within the Eno EDD have been classified using a road classification system refined from the NC Department of Transportation's classification system.

Category	General Description
Interstate	Major traffic-carrying facilities that are part of the Federal Interstate Highway system; trip length characteristics are predominantly long-distance intra- and inter-state. Right-of-way width is a minimum of 230-feet and can increase to over 300-feet, depending on the number of lanes.
Arterial	The primary traffic-carrying facilities in the county; trip length and travel density characteristics of substantial inter-county travel or of serving urban-type development; typically would include rural freeways. Right-of-way width is typically 70- to 110-feet, depending on the number of lanes and whether bicycle lanes are provided.
Collector	Facilities that generally service intra-county travel. Provides the network connection between local roads and the arterial system. Shorter lengths, lower volumes, and more land access than the arterial system. Right-of-way width is typically 60- to 100-feet, depending on the number of lanes and whether bicycle lanes are provided.
Local	Primarily serves as access to adjacent land use. Any traffic is local in nature; therefore volumes and length are relatively low. Local roads comprise all remaining public roads not classified as a higher function. Right-of-way width is typically 60- to 80-feet.

The Eno EDD – NCDOT Road Functional Classification Map on page 13 depicts the following road classifications in the Eno EDD. The Map also provides sub-classifications of the primary classifications listed above.

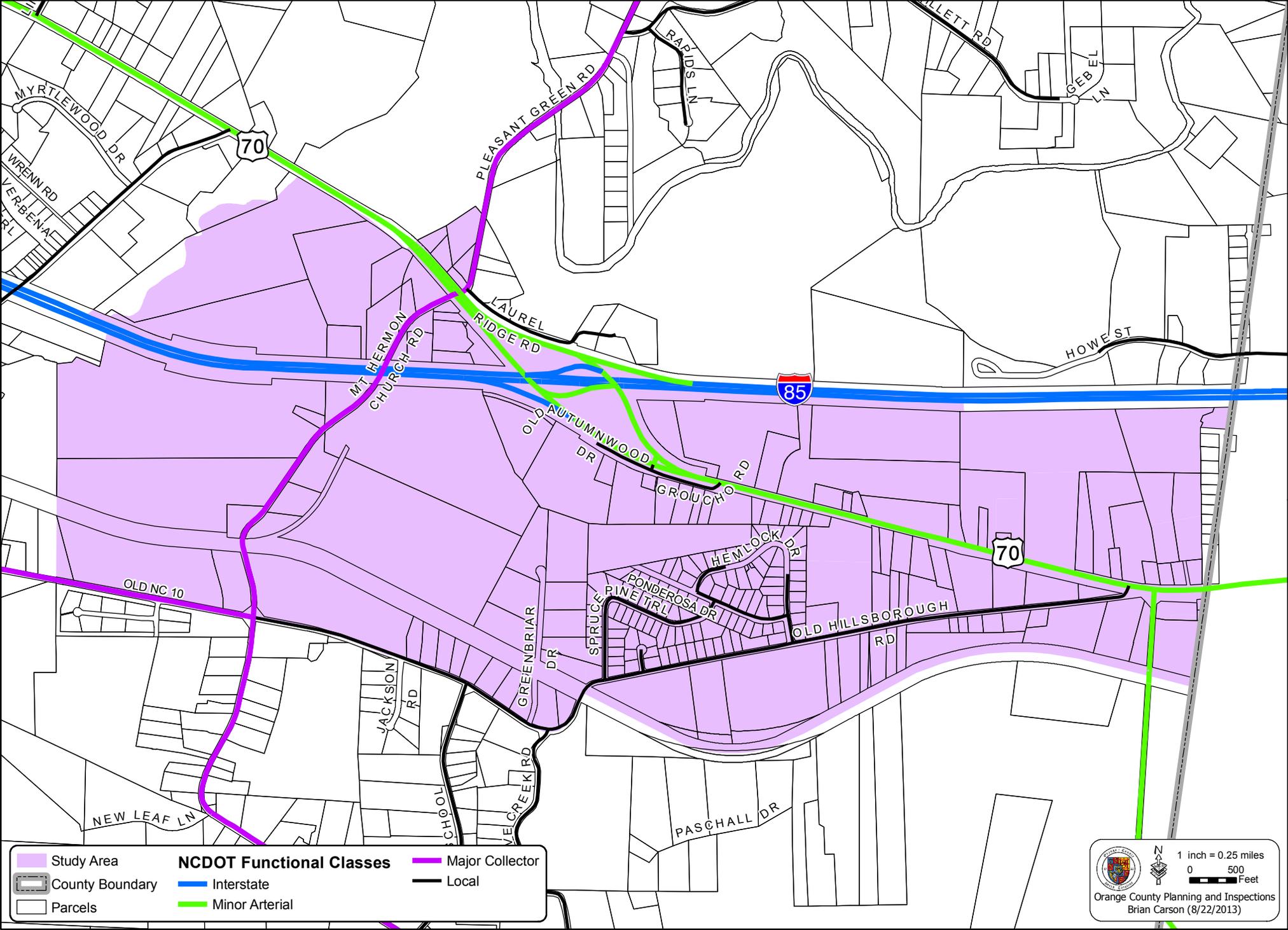
- I-85 through the Study Area is classified as an Interstate.
- US 70 is classified as a Minor Arterial through the Study Area.
- Old NC 10 is a two-lane Major Collector road west of Mt. Herman Church Road. Mt. Herman Church Road and Pleasant Green Road area also two-lane Major Collector road.
- Old NC 10 east of Mt. Herman Church Road, the US 70 frontage road, and several surrounding streets area classified as Local roads.

Medians - There are existing medians in the vicinity of the I-85/US 70 interchange.

Signalized/Unsignalized Intersections – The majority of the intersections in the Study Area are currently unsignalized. There are three existing signalized intersections:

1) US 70/NC 751; 2) US 70/Mr. Herman Church Road; and 3) Old NC 10/Mr. Herman Church Road.

Eno EDD - NCDOT Road Functional Classification



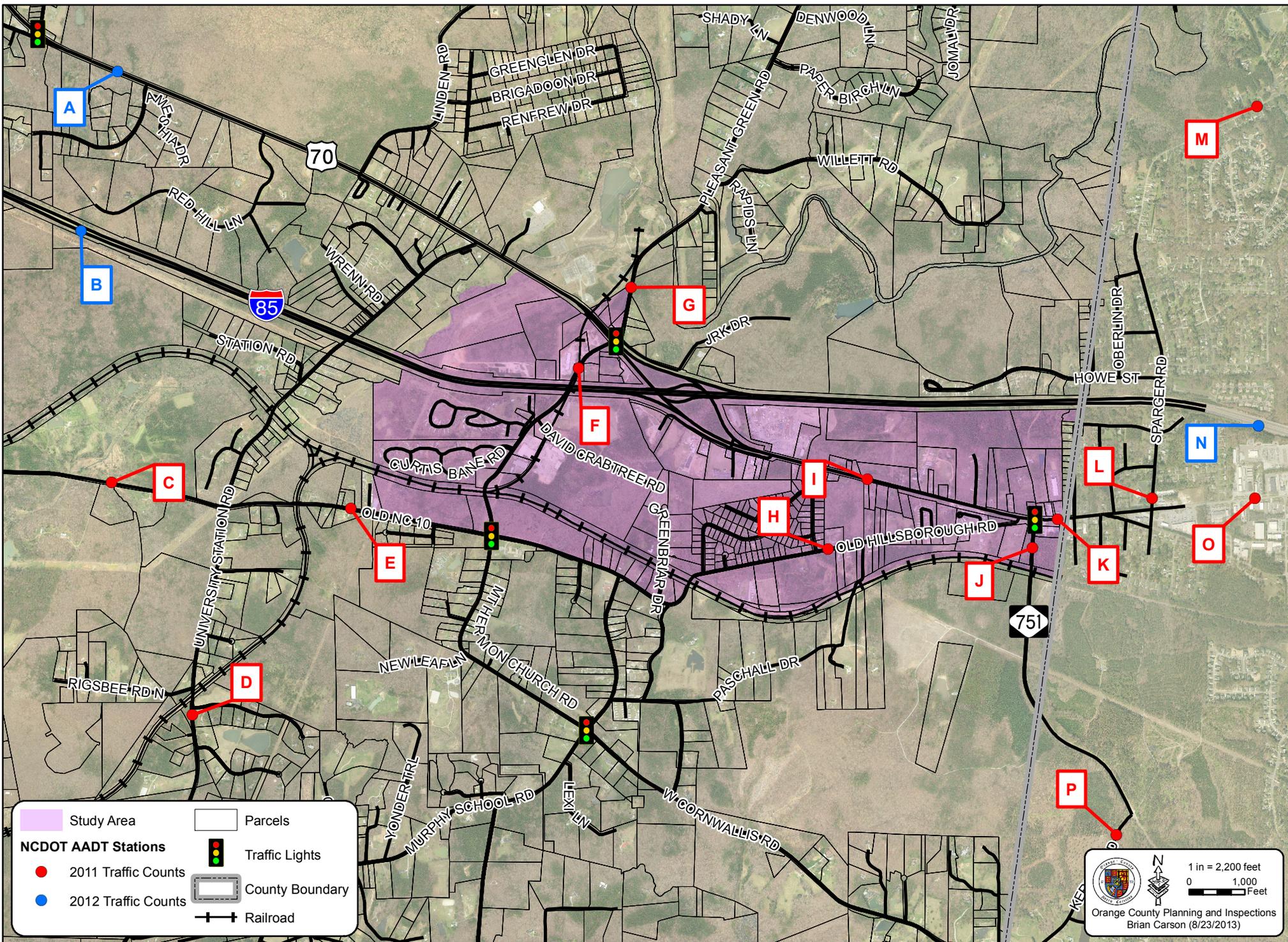
Traffic Counts

The table below shows the Annual Average Daily Traffic (AADT) counts collected by the North Carolina Department of Transportation (NCDOT) in 2011 and 2012. NCDOT does not collect traffic count data at every collection site every year. Years for which no data was collected at a specific point do not have a value in the chart showing the count. The *Eno EDD and Surrounding Area – AADT Traffic Counts* Map on page 15 depicts the points at the corresponding ID numbers provided in the table.

Annual Average Daily Traffic Counts
2011-2012

ID	Location	2011 AADT	2012 AADT
A	US 70 west of Seven Springs Road	12,000	12,000
B	I-85 east of the NC 86 interchange and west of the US interchange	36,000	39,000
C	Old NC 10 between New Hope Church Road and University Station Road	2,400	
D	University Station Road at Windy Hill Road	960	
E	Old NC 10 between University Station Road and Mt. Hermon Church Road	2,400	
F	Mt. Herman Church Road between I-85 and US 70	2,300	
G	Pleasant Green Road north of US 70	3,500	
H	Old Hillsborough Road between Hemlock Drive and NC 751	2,200	
I	US 70 between I-85 and NC 751	6,800	
J	NC 751 south of US 70	4,800	
K	US 70 between NC 751 and the Durham County line	8,500	
L	Sparger Road immediately north of US 70	6,000	
M	Sparger Road west of Cole Mill Road	4,200	
N	I-85 in Durham County east of Sparger Road	45,000	49,000
O	US 70 east of the Durham County line	8,600	
P	NC 751 east of the Durham County line	2,100	

Eno EDD and Surrounding Area - AADT Traffic Counts



Traffic Level of Service (LOS)

Average Daily Traffic relates directly to a concept called “Level of Service” (LOS). LOS is a measure used by traffic engineers to determine the effectiveness of elements of transportation infrastructure. LOS is most commonly used to analyze highways by categorizing traffic flow with corresponding safe driving conditions. LOS calculations attempt to describe the traffic conditions of a given roadway as it relates to the carrying capacity of the road. The following are descriptions of LOS:

Level of Service	Description of Operating Condition
A	Free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and maneuver within the traffic stream is extremely high (< 10.0 second delay per vehicle).
B	Stable flow but the presence of other users in the traffic stream begins to be noticed. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream (10.0-15.0 second delay per vehicle).
C	Stable flow but marks the beginning of the range in flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. Selection of speed affected and maneuvering within the traffic stream requires substantial vigilance on the part of the user (15.1-25.0 second delay per vehicle).
D	High-density but stable flow. Speed and freedom to maneuver are severely restricted. Small increases in traffic flow will generally cause operational problems at this level (25.1 to 35.0 second delay per vehicle).
E	Operating conditions at or near the capacity level. Speeds are reduced to a low, but relatively uniform level. Freedom to maneuver within the traffic stream is extremely difficult (35.1 to 20.0 second delay per vehicle).
F	Forced or breakdown flow. In the extreme, speed can be reduced to zero (Delay in excess of 50.0 seconds per vehicle).

Source: Highway Capacity Manual, Transportation Research Board, 2010.

For reference, many municipal governments adopt policies requiring that new development not decrease LOS below level C or D. Whether Level C or D is chosen depends upon the individual policy decision of the local government and/or the jurisdiction having maintenance control. In North Carolina, municipalities maintain roads but counties, such as Orange, do not. Determining the LOS for a given roadway involves complex calculations taking into account factors such as roadway grades and lane width. However, generalized tables have been developed to serve as a guide in determining LOS using Average Daily Traffic (ADT) counts.

The following table depicts the information relevant to the planning area:

Average Daily Traffic and Generalized Level of Service					
Total Number of Lanes	A	B	C	D	E
Freeways in Urbanizing Areas					
4	23,500	38,700	52,500	62,200	69,100
6	36,400	59,800	81,100	96,000	106,700
8	49,100	80,900	109,600	129,800	144,400
State Two-Way Arterials (Less than 2 signalized intersections per mile)					
2, Undivided	*	4,000	13,100	15,500	16,300
State Two-Way Arterials (2 to 4.5 signalized intersections per mile)					
2, Undivided	*	*	10,500	14,500	15,300
Major County Roadways					
2, Undivided	*	*	7,000	13,600	14,600
Signalized Intersections on Major County Roadways					
2, Undivided	*	*	4,400	9,400	12,000

* - Not Determined

Source: *Eno Economic Development District (EDD) Area Small Area Plan (2008)*

The Orange County/North Carolina DOT road classifications that correspond to the categories shown above are as follows:

Interstate: Freeways in Urbanizing Areas
 Arterial: State Two-Way Arterials
 Collector: Major County Roadways
 Local: (not addressed)

Comparison of Average Daily Traffic (ADT) Counts and Generalized Level of Service shows that all roadways within the Focus Area are operating at Level of Service (LOS) C or better. ID Points B, N, K and I are the areas with LOS at or just slightly better than "C."

High Frequency Crash Locations

High frequency crash locations within the Study Area from 2007-2011 are depicted on the *Eno EDD and Surrounding Area – High Frequency Crash Locations Map* on page 19. The data was obtained from the North Carolina Department of Transportation (NCDOT) and is meant to provide a broad overview of existing accident rates for sections of roadway and intersections within the Study Area.

Crashes have been grouped by number in the following five categories, identified on the map in different colors:

1. 4-9
2. 10-19
3. 20-29
4. 40-49
5. 50 and above

The categories identify both intersections and sections of roadways.

The highest number of crashes, 50 and above, were on the sections of I-85 west and east of the US 70 interchange, dropping in number across the Durham County line to the east to between 40-49 crashes.

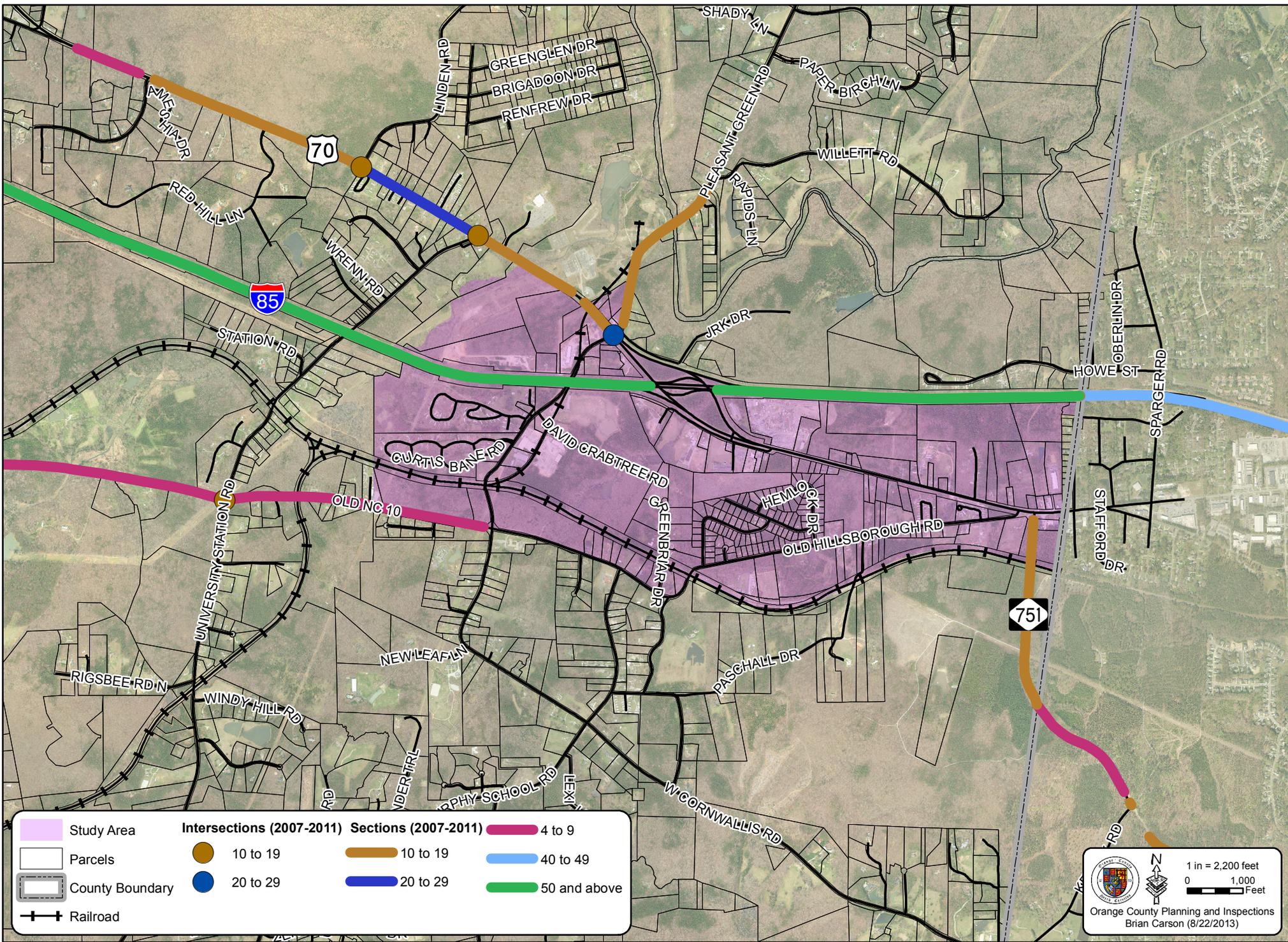
A section of US 70, between University Station Road and Linden Road, had between 20-29 crashes, with these two intersections and the adjacent sections of US 70 having between 10-19 crashes. Pleasant Green Road north of US 70 and NC 751 south of US 70 also had between 20-29 crashes.

Old NC 10 west of Mt. Herman Church Road, NC 751 across the county line to the east, and US 70 west of Ameshia Drive has between 4-9 crashes.

The purpose of the North Carolina Highway Safety Improvement Program (HSIP) is to provide a continuous and systematic process that identifies, reviews and addresses specific traffic safety concerns, including crash data. The analysis of crash data is used to identify where, when, and why crashes are occurring, which can then lead to mitigation of the crash issues through a determination of potential access management countermeasures including the following:

- Installation/adjustment of auxiliary lanes (left turn, right turn, etc.)
- Installation or removal of a traffic signal
- Adjustment of signal phasing, timing, and/or system
- Installation or widening of shoulders
- Installation of median islands, leftovers, etc.

Eno EDD and Surrounding Area - High Frequency Crash Locations



Interstate Interchange

The I-85/US 70 interchange is located within the north/central part of the Study Area. Because interchanges invite development and traffic, it is essential to have requirements in place that address issues of compatibility and function. Access management plans and regulations help to preserve the safety and efficiency of interchange areas as development occurs.

NCDOT has long range plans to redesign the I-85/US 70 interchange and designed a concept plan for the redesign in 2009. The conceptual design will impact access management concepts for the Eno EDD area, particularly the potential location of frontage roads and the spacing of access points from interchange ramps. The redesign of the interchange is currently included with a multi-phase project for the widening of I-85 from I-40 to the Durham County line. The projects have been entered in the State's Transportation Improvement Program (TIP) for implementation in the future developmental program (post 2020); however, the State's new project Strategic Mobility Formula prioritization process may allow the project to be funded sooner.

The *Eno EDD – NCDOT Draft Interchange Concept Map* follows on page 22.

Rail

Although rail traffic has decreased considerably in North Carolina, the NCRR/Norfolk Southern (NS) Railway, which is the southerly boundary of the Study Area, is still used for general rail transport and intrastate commuter service provided by Amtrak. Additionally, there is a rail spur line to Chapel Hill in the western portion of the Study Area, east of University Station Road that is still used for deliveries to the UNC campus. There is also a rail spur that is in private use, east of Herman Church Road.

The North Carolina Railroad's (NCRR) Long Range Capital Plan identifies a corridor beginning east of Old NC Highway 10 stretching until approximately University Station Road to be double tracked to increase freight capacities. This is currently an unfunded project.

The Triangle Transit Authority (TTA) completed final plans for Phase I of its regional commuter rail service in the Triangle and attempted to procure Federal funding to implement Phase I service that would link Raleigh, Cary and Durham. However, due to changes in federal cost-effectiveness guidelines, the project has been shelved for the near future. At this time, the future of Triangle commuter rail service is uncertain due to funding considerations.

Historically, University Station was located near the spur rail line that reaches to Chapel Hill. UNC students, faculty, and visitors would have used University Station in their travels to and from campus and other areas. If the Region pursues commuter rail in the future, the spur line to Chapel Hill would likely become an important connector within the rail network. Triangle Transit Authority has identified a recommended location for a future passenger rail stop within the Study Area (west of Greenbriar Drive).

Pedestrians and Bicycles

Approximate two-foot bike lanes have been striped along Old NC 10 and Old Hillsborough Road. These bicycle facilities are consistent with the rural expressway character of the roads. A bike lane project is proposed on NC 751 at the eastern edge of the Study Area. The project is included in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Metropolitan Transportation Plan (MTP). This bike lane would provide connectivity with the lanes along Old NC 10 and Old Hillsborough Road.

Many of the arterials and collector roadways in the Eno EDD area do not currently have continuous pedestrian or bicycle facilities. As these existing rural areas transition to urbanized areas, pedestrian and bicycle facilities will be encouraged for the surrounding arterial and collector streets.

Bus, Car/Van Pool, and Park-and-Ride Lots

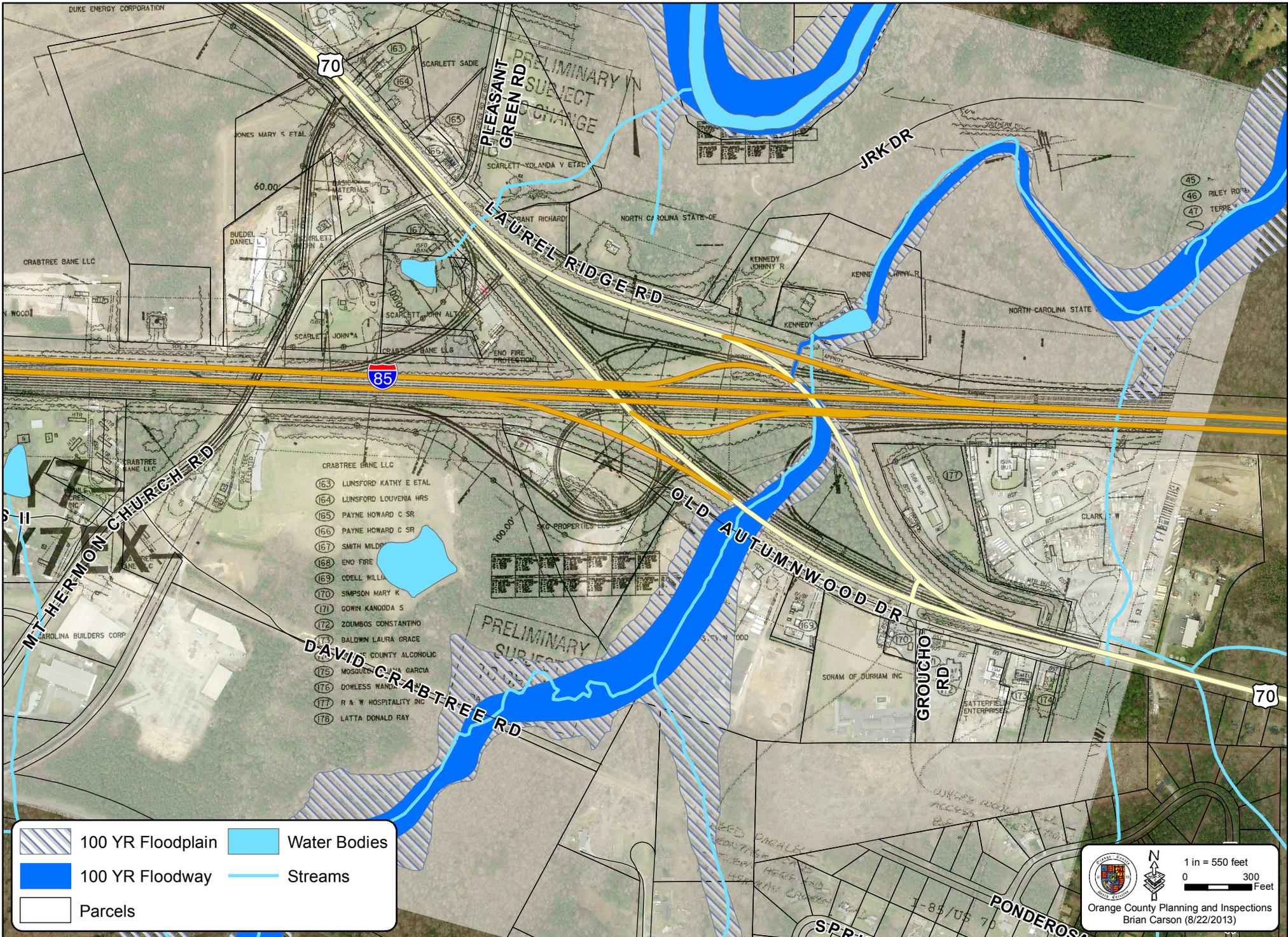
General bus services do not serve the Eno EDD area at this time. However, Orange Public Transit (OPT) provides social service transit service for area senior citizens and low income residents who can arrange for transportation to and from medical appointments through OPT.

OPT and Triangle Transit Authority (TTA) are currently in a planning phase for new bus services included in the adopted Orange County Bus and Rail Investment Plan (OCBRIP). A cross-county route, with stops along the way, is one of the initial regional routes being planned. This route will cross through the Eno EDD area on its way to Durham.

Triangle Transit Authority (TTA) operates a ridesharing matching service for commuters who are interested in carpooling. In addition, TTA operates vanpools that are made up of at least seven commuters who live and work near each other and who share approximately the same work hours. One leg of the vanpool's trip must begin or end in Wake, Durham, or Orange County. TTA provides the van, pays for gas and insurance; and arranges, oversees, and pays for all maintenance. Riders pay a monthly fare based on the average daily round-trip mileage. Commuters who are interested in joining a vanpool may contact TTA to inquire about joining an existing vanpool or starting a new vanpool.

At the present time, there are no official park-and-ride lots located in the Eno EDD area.

Eno EDD - NCDOT Draft Interchange Concept (3/13/2009)



	100 YR Floodplain		Water Bodies
	100 YR Floodway		Streams
	Parcels		

1 in = 550 feet

 0 300 Feet

 Orange County Planning and Inspections

 Brian Carson (8/22/2013)

Access Management Strategies

Access management is the systematic control of the location, spacing, design and operation of driveways, median openings, interchanges and street connections to a roadway. The chief goal of access management planning is to reduce the number and severity of conflicts between through moving traffic and traffic attempting to turn. Successfully managing these conflicts can result in fewer automobile and pedestrian accidents, reduced congestion and preservation of public investment in the road network. Access management strategies attempt to reduce and combine access points along major roadways while still encouraging complete circulation systems. The result is a street system that functions safer and more efficiently.

As development grows along a roadway, there must be an effective plan to manage street access to increase public safety, extend the life of the roadway, reduce congestion, and support alternative modes of transportation, and improve the overall appearance of the roadway. Better mobility expands the market reach of businesses and enhances the efficient movement of people and goods. With the absence of access management, arterial roadways can deteriorate functionally and aesthetically as well as affect economic, physical, social and environmental characteristics in the following ways:

- Increased vehicular accidents
- Collisions involving pedestrians and cyclists
- Reduction in roadway efficiency
- Unattractive strip non-residential development
- Decay of scenic views
- Dispersion of higher traffic volumes on adjacent lower class (local) streets
- Increase in commute times, fuel consumption, emissions, area of paved surfaces

Some of the specific ways that the functionality of roadways can be improved in the Study Area is through the application of planning, regulatory, and design strategies relating to access management. The following strategies are excerpted from the Access Management Program adopted by the Board of County Commissioners on November 15, 2011:

- Policies, guidelines and regulations issued by state and local agencies having permit authority on development and roadway infrastructure improvements;
- State and county regulations, codes, plans and guidelines that are enforceable;
- Land development regulations by state and local jurisdictions that address property access and related issues;
- Understanding of access implications by property owners, developers, and businesses;
- The spacing and location of driveways;
- Driveway consolidation;
- Driveway width;
- Guidelines for adequate sight distance;
- Protection of the functional area of intersections and interchanges;
- The redesign of poorly functioning intersections and interchanges;

- Intersection spacing and traffic signal spacing;
- Construction of right and left turn lanes;
- The development of strategically placed raised medians;
- The control of median openings;
- Median U-turn treatments or directional crossover to control turning movements
- Strategic connectivity to other roadways;
- The development of auxiliary lanes such as frontage roads; and
- The long-term development of multi-modal options;

Eno EDD - Access Management Concept Map and Criteria

The *Eno EDD – Access Management Concept Map* has been prepared utilizing land use, zoning, environmental, transportation data, and evaluating the desired access management strategies for the area. The map provides a concept for future locations and public street connections for properties and streets within the Study Area. The intent of the map is to guide the design of site-access driveways and internal circulation routes for properties located within the management area that are likely to be developed at some point in the future.

For those properties that may not be redeveloped by the time the I-85/US-70 interchange is redesigned, the Plan will also be useful for evaluating how access to those sites should continue to be served. Given that development proposals may be years in the future and the details of their layout is unknown, the conceptual access management map focuses on depicting criteria for development of the future transportation network within the Study Area.

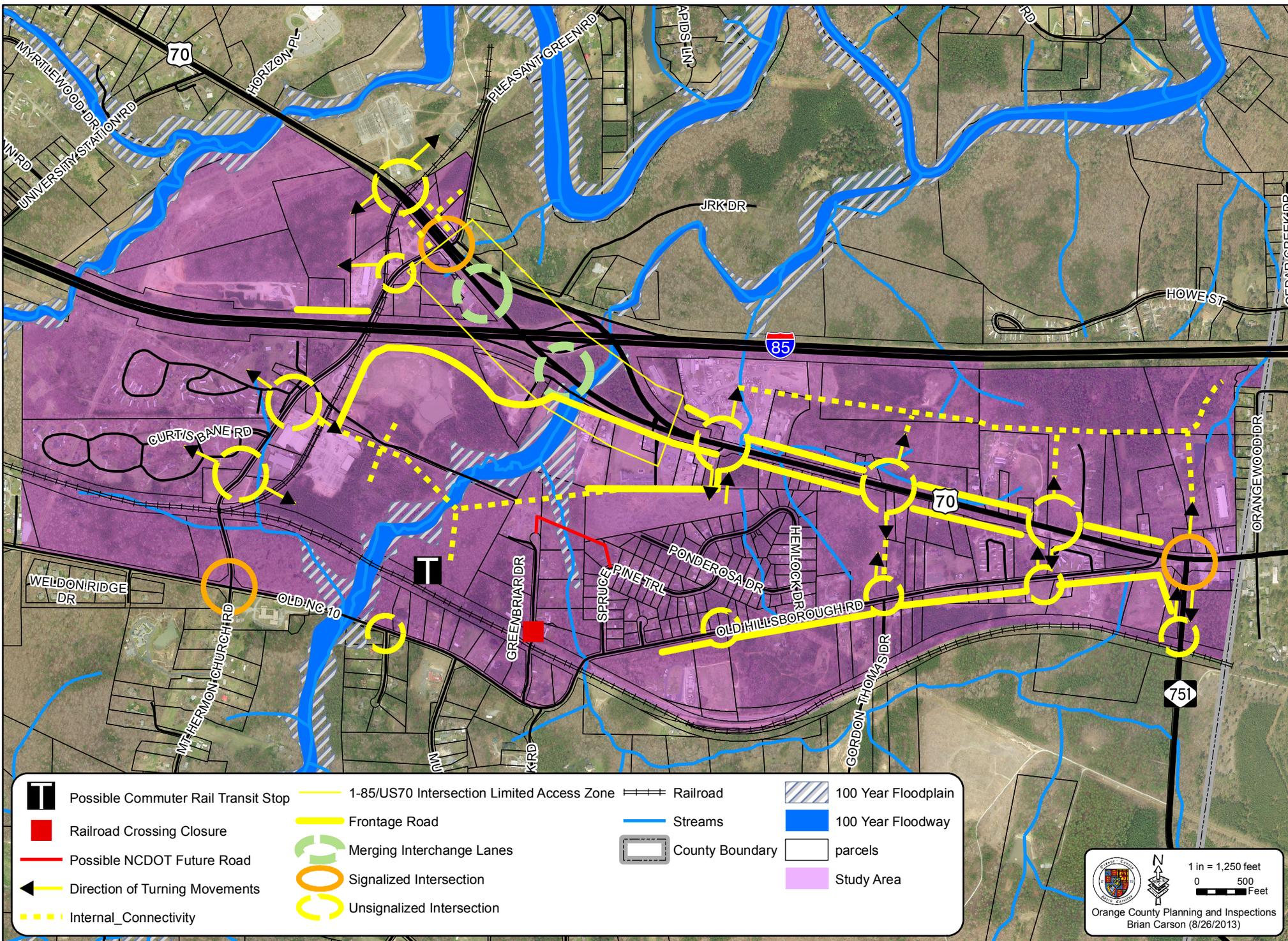
Accompanying the *Eno EDD – Access Management Concept Map* is a set of written access management criteria to guide interpretation and implementation of the map. The Map follows the policies on page 25.

Access Management Criteria – A Guide to Interpreting and Implementing the Eno EDD Access Management Map

Through the following criteria the *Eno EDD – Access Management Concept Map* supports transportation and land use objectives articulated in adopted plans:

1. Restrict access where possible from the functional area of intersections and the I-85/US 70 interchange.
2. Control turning movements at entrances:
 - a. Where recommended by a traffic study, right-in/right-out entrance design prevents left ingress and egress turning movements.
 - b. Limit access to a defined point of ingress and egress through the development of an entrance that prevent vehicles from backing up on to the highway and enhances on-site circulation.
3. Space intersections and driveway access points to plan for reduced traffic conflict points as traffic congestion increases:
 - a. Align major intersections.
 - b. Align minor entrances with positive offset(s) to increase safety.
 - c. Provide a limited number of strategically located median crossovers on US 70.
 - d. Add exclusive turn lanes where required by NCDOT.
4. Provide adequate separation between traffic signals to expand road's traffic capacity and simplify signal synchronization. [Note: the Access Management Concept Map depicts existing signalized (and unsignalized) intersections. As development progresses, some unsignalized intersections may be required to be signalized by the NCDOT.]
5. Where feasible along arterials and collectors, share joint entrance(s) with adjoining property owner(s) through the recordation of joint access easements with maintenance provisions with adjoining property owner(s).
6. Where feasible along arterials, provide vehicular and pedestrian connections between adjoining properties through the recordation of access easement(s) with maintenance provisions, and construct connection(s) to the boundary with adjoining undeveloped parcel(s).
7. As properties develop, establish connectivity between the US 70 Frontage Road and future non-residential development to the south.
8. Provide frontage roads with non-residential development/redevelopment to increase safety on arterials and collector roads, and promote non-residential development for economic benefit.
9. Provide an interconnected street network in the Study Area as generally indicated on the map.
10. Provide an interior access network from identified primary access points along arterial and collector roads.
11. There shall be no access by non-residential development through the 10-year Transition Area until the area commences a transition in urban densities and/or intensities that are suitable for higher densities and/or intensities.
12. Accommodate transit, bicyclists and pedestrians on roadways in the Study Area.
13. Limit perennial stream crossings, and impacts to wetlands and steep topographical areas.

Eno EDD - Access Management Concept Map



- | | | | | | | | |
|--|-------------------------------------|--|--|--|-----------------|--|---------------------|
| | Possible Commuter Rail Transit Stop | | 1-85/US70 Intersection Limited Access Zone | | Railroad | | 100 Year Floodplain |
| | Railroad Crossing Closure | | Frontage Road | | Streams | | 100 Year Floodway |
| | Possible NCDOT Future Road | | Merging Interchange Lanes | | County Boundary | | parcels |
| | Direction of Turning Movements | | Signalized Intersection | | Study Area | | |
| | Internal Connectivity | | Unsignalized Intersection | | | | |

1 in = 1,250 feet

 0 500 Feet

 Orange County Planning and Inspections

 Brian Carson (8/26/2013)

Implementation

Coordination

The North Carolina Department of Transportation (NCDOT) lacks authority over the land development process, and Orange County lacks authority over access permitting decisions on state highways. Together, these factors make coordination essential and to create consistent standards and procedures in the Study Area. Coordination between NCDOT and the County must consider the effects of its decisions on the entire Eno EDD Study Area if the partnership is to work efficiently. Because each agency has authority over a different part of the process, they can achieve far more through mutual cooperation than either agency can achieve alone. Coordination is also beneficial to the public and the developer or property owner whose financial investment is at stake.

Role/Responsibility of the NCDOT

The North Carolina Department of Transportation (NCDOT) is responsible for regulating the location, design, construction, and maintenance of street and driveway connections on the State Highway system. The NCDOT recognizes landowners have certain reasonable rights of access consistent with their needs. However, access connections are a major contributor to traffic congestion and poor roadway facility operations that can result in decreased highway capacity, and increased safety hazards.

Early NCDOT review of development proposals help ensure conformance with access management requirements and provides NCDOT an opportunity to suggest changes prior to local plat approval, which may occur well in advance of a request for a driveway permit. The NCDOT Access Management Group (of the Congestion Management Section of the Traffic Engineering and Safety Systems Branch) examines the potential safety and capacity impacts that new or expanding traffic generations may have on the state roadway system and provides recommendations based on the analysis. This process typically requires the completion of a Traffic Impact Study by the Developer/Property Owner/Applicant Other recommendations may range from denying access, to requiring the developer to construct additional travel or turn lanes, access restrictions, internal traffic pattern operations or installing new traffic signals to minimize the traffic impact.

Role/Responsibility of Orange County

Several sections of the Orange County Unified Development Ordinance (UDO) (adopted 2011) will assist with implementation of the Eno EDD Access Management Plan. The UDO requires site plans to comply with County adopted access management, transportation and/or connectivity plans and denote the location of future roadway(s) and access easements, whether public or private, and to ensure and encourage future connectivity. The UDO also provides additional requirements for Economic Development Districts as well as the Major Transportation Corridor Overlay District (MTC), to ensure that a development proposal complies with EDD and MTC policies, procedures and regulations.

An important implementation tool for access management is the UDO requirement of a traffic impact study for all special use permits, subdivisions, conditional zoning applications, and site plans that exceed 800 trips per day, or 80 or more dwelling units for residential development. Additionally, a traffic impact study may be required when a road capacity or safety issue exists. The purpose of the traffic impact analysis is to insure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the site to the existing transportation network. The objective of the traffic impact study is to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

As individual developments occur in the Eno EDD Study Area, permits can be issued that conform to the access management plan, or permits outlining conditions (whether through conditional or special use zoning, or site plans) can be issued so that the development will ultimately be in conformance. NCDOT representatives encourage this process by providing technical assistance and support.

Orange County can assist the NCDOT by attaching conditions to development approvals to require actions from the developer that support access management. This may include conditions that require unified access and circulations systems, alternative access roads, or joint and cross access.

Continued intergovernmental coordination with the City of Durham will be important to realizing desired development and access management within the Study Area since the City will be the service provider of public water and sanitary sewer. Parcels within the area are within the City's future annexation area and will be annexed if/when served by public water/sewer.

Role/Responsibility of the Developer /Property Owner/Applicant

A development applicant, such as the property owner and/or developer, is required to coordinate with Orange County and the NCDOT to identify possible conflicts with local, state or federal regulations and plans, including an adopted Eno EDD Access Management Plan. A traffic impact study may be required to be prepared by the applicant's engineer, to determine any traffic problems associated with access from the site to the existing transportation network, and identify solutions to potential problems to be incorporated into the proposed development. Additionally, prior to beginning any development work, the applicant is responsible for obtaining all applicable permits required for construction within the highway right-of-way resulting from development, including but not limited to, a Street and Driveway Access Permit issued by the NCDOT District Engineer, and all applicable environmental permits (i.e., erosion control, water quality, and wetlands).

In the event that other new developments are in the vicinity of the proposed development, the applicant is required to coordinate with any other involved agencies, including other local governments to identify conflicting or overlapping access issues.

APPENDIX

Goals, Transportation Objective and Recommendations of the Eno Economic Development District (EDD) Area Small Area Plan, 2008

SAP Goal: In the future, the Focus Area should be well served by reliable infrastructure to accommodate orderly, planned growth. An efficient multi-modal transportation system will operate in the area and commercial and light industrial uses will provide job opportunities to area and County residents.

Transportation Objective: Provision of an efficient, multi-modal transportation system.

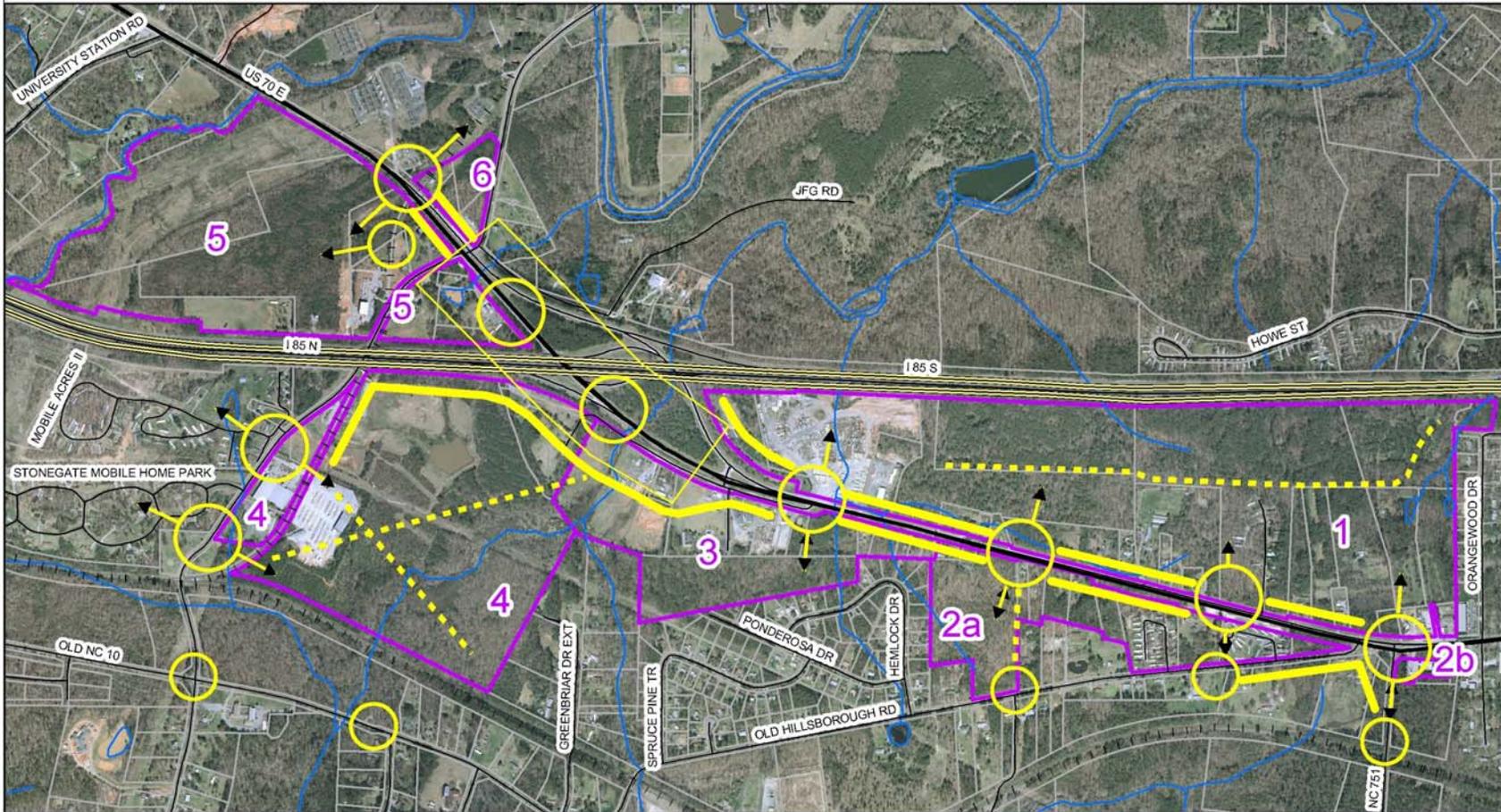
The vehicular transportation system in the planning area generally functions well, but there are some concerns, especially regarding motorized vehicle flows during peak traffic hours. However, some peak hour congestion is also to be expected in an urban or suburban area. The key is managing the transportation system such that it can function as safely and efficiently as possible.

Sidewalks and bicycles lanes do not exist anywhere in the Focus area. The shoulders along Highway 70 are paved 1 to 2 feet beyond the automobile travel lane and people use these paved shoulders as informal bicycle lanes. Broadening transportation alternatives beyond the passenger car is important. "Alternative" transportation modes such as pedestrian, bicycle, and mass transit are part of an intermodal transportation system.

The following are recommendations pertaining to transportation:

1. Approve an access management program for US 70 and Old Highway 10 as shown on Map 23. This will provide better transportation systems and capacities as development proceeds in the area. (See Appendix B for an explanation of access management techniques).
2. Support the proposed future improvements by NCDOT that will redesign the I-85/US 70 interchange. Limited access near the interchange will prompt an enhanced service road and access system to ensure equitable access to defined full access intersections. NCDOT should be strongly encouraged to incorporate bridge designs that allow wildlife to cross safely under the bridge and that allow pedestrian passage along any existing or planned trail-system connectors.
3. Evaluate the feasibility of providing bicycle lanes along Old NC 10.
4. Evaluate the feasibility and need to provide sidewalks along Highway 70 as the area develops.
5. The ability to have a commuter train station in the future should be explored. A station could serve the existing Amtrak service or a station could be incorporated into the future Triangle commuter rail system.
6. The county should work cooperatively with Triangle Transit Authority (TTA) to provide bus service in the area.

Eno EDD Transportation Access Management Concept Plan



From the Eno Economic Development District (EDD) Area Small Area Plan, Adopted June 24, 2008

Legend



- Eno EDD Areas
- I-85/US70 Intersection Limited Access Zone
- Frontage
- Internal Connectivity
- Primary Intersections

- Area 1 - 186 acres
- Area 2a - 40 acres
- Area 2b - 2 acres
- Area 3 - 52 acres
- Area 4 - 115 acres
- Area 5 - 106 acres
- Area 6 - 7 acres



Orange County Planning and Inspections Department
 GIS Map Prepared by Miriam Coleman, April 09, 2008
 Projection: North Carolina State Plane (feet)
 Datum: North American 1983



**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 9, 2013**

**Action Agenda
Item No. C.5**

SUBJECT: Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (Other-2013-02) (Sections for public hearing on pp. 9 - 12)
2. Draft Future Land Use Plan Showing County Planning Jurisdiction Only
3. Flowchart of Process

INFORMATION CONTACT:

Tom Altieri, Comprehensive Planning Supervisor, 245-2579
Craig Benedict, Planning Director, 245-2592
Abigaile Pittman, Transportation/Land Use Planner, 245-2567

PURPOSE: To hold a public hearing on the draft Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan.

BACKGROUND: Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough adopted a Future Land Use Plan in March 2013 for its planning jurisdiction and some additional areas of County jurisdiction. These additional areas of County jurisdiction are located within the Town's Urban Service Boundary for its public water and/or sewer services and generally located around the Town's fringe. Orange County staff, Board of County Commissioners (BOCC), and the public provided input on future land uses during the Town's planning and adoption process.

January 29, 2013 BOCC Work Session: The BOCC reviewed the Town's draft Future Land Use Plan and submitted comments for its consideration that were fully addressed before it was adopted by the Town. Materials discussed during this work session, including BOCC comments addressed by the Town, are available online at:
<http://www.co.orange.nc.us/occlerks/130129.pdf>

BOCC Authorization to Proceed: In general and consistent with the Agreement, following Town adoption, the BOCC is to consider endorsing the Plan or arranging for negotiation and agreement on any changes. At the June 18, 2013 BOCC meeting, the Board authorized staff to proceed with the development and adoption of the COCA Land Use Plan according to the outline and schedule provided in the Attachment 1.

The portions of the Town of Hillsborough Future Land Use Plan that lie outside Town planning jurisdiction (See Attachment 2) are the focus of this public hearing and being considered to become part of the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan.

September 9, 2013 BOCC and Planning Board Joint Public Hearing: Attachment 1 also includes the draft COCA Land Use Plan (pp. 9-12) for public hearing tonight. Areas of existing County jurisdiction are made clear in Attachment 2. Following public hearing, Planning Board recommendation, and BOCC adoption, staff will prepare a new outline and schedule for BOCC approval before moving forward with Comprehensive Plan amendments to implement the Plan.

Open House: Orange County Planning staff held an open house on August 27th at the Hillsborough Town Barn to help inform the public of the joint land use planning process and next steps. This meeting was held in coordination with Town staff.

Next Steps:

September 9 – Joint Quarterly Public Hearing to endorse Future Land Use Plan (map and land use classifications) for areas within the Urban Services Boundary.

October 2 – Planning Board recommendation to BOCC.

November 5 – BOCC receives Planning Board recommendation, considers adoption, and provides direction to staff on any additional information that may be required before authorizing next steps.

In general, next steps will need to include 2030 Comprehensive Plan text and map amendments, additional public outreach, and a public hearing. Next steps may also include Extraterritorial Jurisdiction (ETJ) swaps for areas defined in the Hillsborough-Orange Interlocal Land Management Agreement (See Exhibit A, top right-hand corner of p. 13). Any process to swap ETJ areas must be initiated by the Town of Hillsborough before any public notification, outreach and hearing can take place. The BOCC will also need to approve schedules and processes, including notification and outreach methods, before Orange County's next steps are initiated.

Attachment 3 is a flowchart to help illustrate the planning process.

Notification Procedural Requirements

Although this item does not involve a Comprehensive Plan amendment at this time, legal ads for the public hearing were placed in a newspaper of general circulation in the county in accordance with Section 2.3.6 (A), (B), and (C) of the Unified Development Ordinance.

Links to Additional Materials:

History of Town of Hillsborough/Orange County Joint Planning-

<http://www.co.orange.nc.us/planning/documents/TownofHillsboroughandOrangeCountyJointPlanning.pdf>

Hillsborough-Orange Interlocal Land Management Agreement-

<http://www.co.orange.nc.us/planning/documents/Hillsborough-OrangeInterlocalLandManagementAgreement.pdf>

FINANCIAL IMPACT: See Section C. 3 in Attachment 1.

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

1. Receive the draft Future Land Use Plan as detailed in Attachment 1 (pp. 9-12).
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the November 5, 2013 BOCC regular meeting.
4. Adjourn the public hearing until November 5, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE Other-2013-02

Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan

A. AMENDMENT TYPE

Map Amendments

Land Use Element Map:

From:

To:

Zoning Map:

From:

To:

Other:

Text Amendments

Comprehensive Plan Text:

Section(s): None at this stage.

UDO Text:

UDO General Text Changes

UDO Development Standards

UDO Development Approval Processes

Section(s):

Other: Town of Hillsborough/Orange County Central Orange Coordinated Area
Land Use Plan

B. RATIONALE

1. Purpose/Mission

Initiate the implementation of the Hillsborough-Orange Interlocal Land Management Agreement (2009) beginning with the adoption of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan. The intent of the coordinated planning areas defined in the Agreement is to provide clear

and consistent guidance for land use/zoning decisions, coordinated growth patterns, and a distinction between areas that are to have urban characteristics from those that are to remain rural.

Subsequent implementation of the Agreement will result in:

- 2030 Comprehensive Plan amendments to implement the joint Land Use Plan;
- adjustment of the Town's Extra Territorial Jurisdiction (abandonment of some existing ETJ by the Town and the County granting new ETJ); and
- amendments to the County's Unified Development Ordinance.

2. **Analysis**

The required analysis will be part of the subsequent evaluation, development and approval of project implementation actions.

3. **Comprehensive Plan Linkage (i.e. 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.

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-1.2:

Evaluate and report on whether existing and approved locations for future residential and non-residential developments are coordinated with the location of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer services, high-speed internet access, streets and sidewalks).

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.

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.

Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.

Objective LU-6.1:

Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

Objective LU-6.2:

Maintain a cooperative joint planning process among the County municipalities and those organizations responsible for the provision of water and sewer services to guide the extension of service in accordance with the Comprehensive Plan, the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and the policies of the municipalities.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

June 18, 2013

b. BOCC Public Hearing

September 9, 2013 (quarterly public hearing)

November 5, 2013 (BOCC receives Planning Board recommendation, considers adoption, and provides direction to staff on next steps)

c. BOCC Updates/Checkpoints

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. Additionally, staff will hold one Public Input Meeting in August to review the Plan that was adopted by the Town of Hillsborough in March 2013. Town staff will attend the meeting.

At the February 21, 2013 joint meeting with the Town of Hillsborough, BOCC members and the County Manager had questions about the concept of a Central Orange Rural Buffer and notification of the public if such a concept were to come

forward from staff. There were also general questions regarding notification and some concern expressed over the notification of the public within areas to be effected by Extraterritorial Jurisdiction (ETJ) swaps. Link to minutes of the joint meeting with Hillsborough: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/28127/Page1.aspx>

At this time, staff is recommending a public hearing on land uses within the Urban Services Area only, which the Town adopted in March. The Urban Services Area includes the Town's existing planning jurisdiction (Town Limits and ETJ) plus some additional areas of County jurisdiction. These are the areas to be served by Town public water and/or sewer services and are generally located around the Town's fringe (darker blue and orange areas on attached Interlocal Agreement map).

Staff will ask the BOCC to approve separate Amendment Outline forms before the ETJ swap is initiated and to determine if staff is to further explore a Rural Buffer concept around Hillsborough. Therefore, subsequent Amendment Outlines will describe respective citizen outreach and public notification plans.

a. Planning Board Review:

October 2, 2013

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

This item will be included in the Quarterly Public Hearing legal ad which will be published on August 28 and September 4, 2013

e. Outreach:

General Public: Public Input Meeting August 2013

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Existing Planning staff will accomplish the work required to develop the Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan. The required legal ad will be paid with Departmental funds already budgeted for this purpose.

D. AMENDMENT IMPLICATIONS

See Sections B.1 and C. 2. Of this Amendment Outline.

E. SPECIFIC AMENDMENT LANGUAGE

See attached Town of Hillsborough Future Land Use Plan (2013).

Primary Staff Contact:

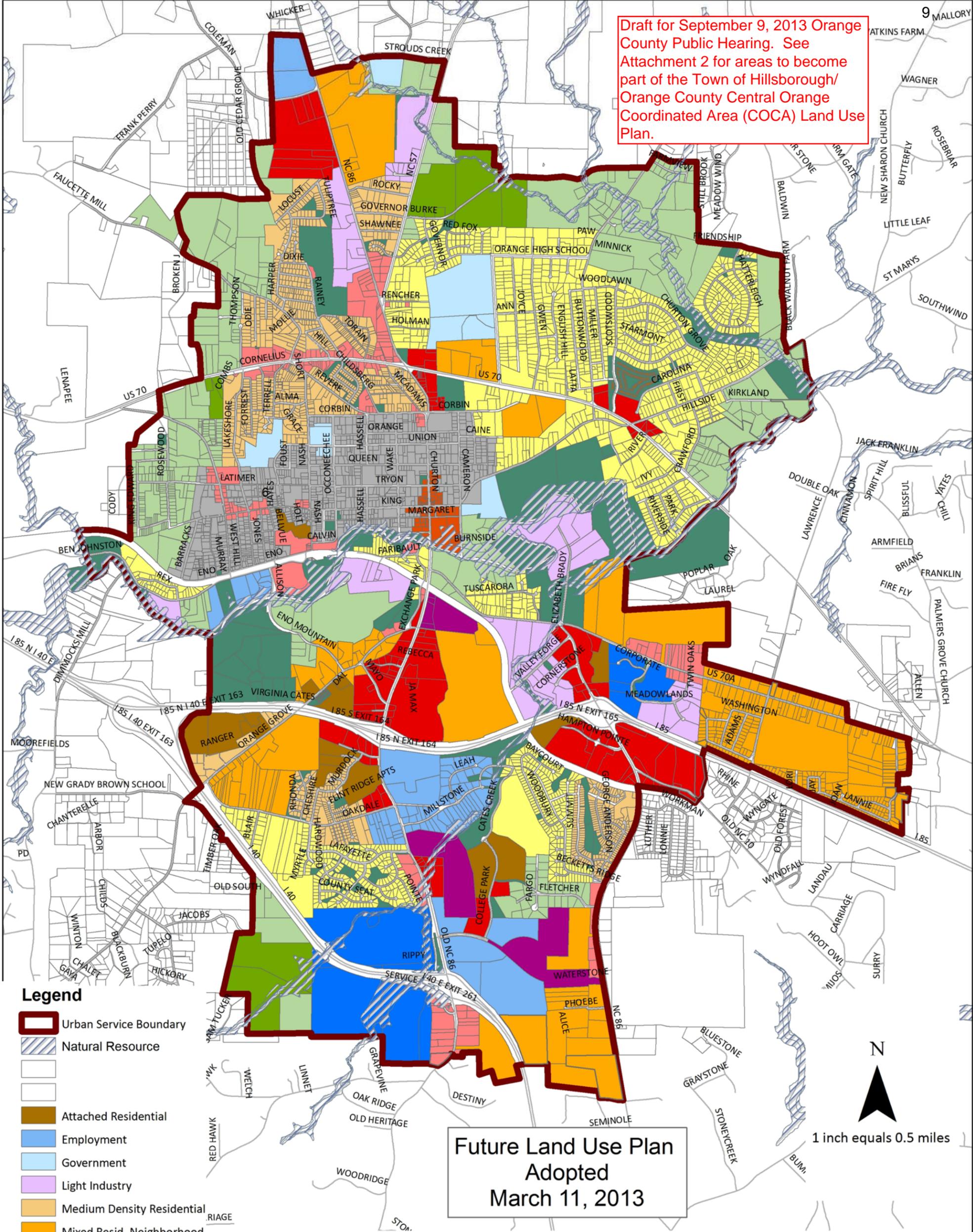
Tom Altieri, AICP

Planning Department

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taltieri@orangecountync.gov

Draft for September 9, 2013 Orange County Public Hearing. See Attachment 2 for areas to become part of the Town of Hillsborough/ Orange County Central Orange Coordinated Area (COCA) Land Use Plan.



Future Land Use Plan
Adopted
March 11, 2013

Legend

-  Urban Service Boundary
-  Natural Resource
-  (Empty)
-  Attached Residential
-  Employment
-  Government
-  Light Industry
-  Medium Density Residential
-  Mixed Resid. Neighborhood
-  Mixed Use
-  Neighborhood Mixed Use
-  Permanent Open Space
-  Rural Living
-  Retail Service
-  Small Lot Residential
-  Suburban Office
-  Town Center
-  Urban Neighborhood
-  WorkingFarm

The **Urban Services Boundary** indicates the limits of Hillsborough water and sewer service consistent with an Inter-local Agreement with Orange County, OWASA, Chapel Hill, Carrboro, and Hillsborough. Future Land Uses would be used by Hillsborough and Orange County as the basis for approving zoning designations on colored parcels and those within the boundary, consistent with the Inter-local Agreement between Orange County and Hillsborough.

Areas **inside** the Urban Services Boundary **without** a Future Land Use designation have not yet been discussed by the Planning Board. Areas **outside** the Urban Services Boundary **with** a Future Land Use designation are due to the boundary crossing a parcel. Areas **outside** the Urban Services Boundary with current utility service from the Town of Hillsborough **will retain service**.

Adopted March 11, 2013

Hillsborough, NC Future Land Use Plan

The Future Land Use Plan is composed of a map showing Future Land Use Designations and a brief text detailing those designations and how they align with zoning districts listed in the Hillsborough Unified Development Ordinance. Together, the map and text constitute the Future Land Use Plan for the Town of Hillsborough and lands within its jurisdiction. The Plan is adopted as a component of the Hillsborough Comprehensive Plan and is subject to amendments following the procedure established in the Unified Development Ordinance.

Nothing in this document limits the Hillsborough Town Board of Commissioners authority to regulate land use within its jurisdiction. Future Land Use Designations are not a guarantee that land will remain zoned in any particular use district, and are subject to the availability of infrastructure, including but not limited to water, sanitary sewer, and streets necessary to support designated or proposed uses.

Future Land Use Classifications

Natural Resource. These areas are unique natural areas or environmental sensitive areas. The primary designation is for the 100-year flood zones along the Eno River and Cates Creek. The Eno River floodplain is a natural area of national significance. This designation does not follow parcel boundaries and overlays other designations listed here.

Permanent Open Space. These areas are intended for long-term use as open space, parks, or natural areas that protect scenic, historic, cultural, and environmentally valued lands. They include lands that are permanently protected, though not necessarily publicly owned or accessible, through private conservation easements or other private conservation measures, and publicly held park or conservation lands. **Zoning Districts: Agricultural-Residential; Protected Watershed & Protected Watershed Critical Area**

Working Farm. These areas reflect existing agricultural use in locations where continued agricultural use is desirable for the foreseeable future. **Zoning Districts: Agricultural-Residential; R-40**

Rural Living. These areas reflect existing very-low density residential uses with densities below 0.5 dwelling units per acre (at least a 2-acre minimum lot size) that occurs in areas without public water and sewer service, in locations where continued low-intensity use without public water and sewer is desirable for the foreseeable future. **Zoning Districts: Agricultural-Residential; Protected Watershed & Protected Watershed Critical Area; R-40**

Small Lot Residential Neighborhood. These areas provide opportunities for a lower density than pre-WWII or neo-traditional neighborhood living. These areas include detached single-family residential uses in post-WWII subdivision developments which range in density from 0.5 dwelling units per acre to 3 dwelling units per acre. **Zoning Districts: R-10; R-15; R-20; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use**

Medium-Density Residential. These areas include existing and future areas for development of more dense residential neighborhoods that provide a diversity of housing types and housing options. Areas include single-family detached units, mobile homes, townhouses, duplexes, condominiums, apartments, senior housing, and other multi-family dwelling units. Housing densities should range from 3-8 dwelling units per acre. Other types of uses that may occur are schools, parks, and other public facilities. **Zoning Districts: R-10; R-15; R-20; Multi-Family; Mobile Home Park; Entranceway Special Use; Mixed Residential Special Use; Multi-Family Special Use; Residential Special Use**

Adopted March 11, 2013

Attached Residential Neighborhoods. These areas include existing and future areas for the development of dwelling units at more than 8 units per acre, which generally implies attached dwelling units. This designation may also be used for unique residential settings like retirement villages or nursing homes. **Zoning Districts: Multi-Family; Multi-family Special Use; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use**

Mixed Residential. The dominant land use in any proposed development is expected to be residential based on square footage of proposed structures. Developments may contain a single or variety of dwelling types and densities or may integrate a variety of supportive commercial, public and semi-public uses and open or public space. Small developments that provide only supportive non-residential land uses in an infill arrangement serving more than 50 dwelling units in a walkable manner may also be considered. **Zoning Districts: R-10; R-15; R-20; Neighborhood Business; Multi-Family; Multi-family Special Use; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use; Special Design Special Use**

Urban Neighborhood Established residential neighborhoods that pre-date traditional zoning and land use regulation. Lot sizes and building types are varied and generally developed on a grid street pattern. The predominant type is generally low density single family housing with occasional business, government, park, church or school uses. Infill and redevelopment projects should enhance the unique character of the surrounding neighborhood and be of consistent scale and appearance. The opportunity to increase the residential density in a compatible manner is encouraged. **Zoning Districts: R-10; R-15; R-20; Neighborhood Business Special Use; Residential Special Use**

Education. These areas are currently developed as public schools and their use is not anticipated to change. **Zoning Districts: Office Institutional**

Employment areas. These areas include a wide range of business, light industrial, office, research and development, along with related/support services uses including restaurants, small scale retail and convenience shopping/services. Buildings and uses will be sited to limit the visual impact of service and warehousing operations, while still providing convenience for business functionality. These areas are in prime locations with good access to major road networks (where capacity exists or is planned) and rail if needed and should be reserved for high return employment generating uses. **Zoning Districts: High Intensity Commercial; Business Park; Economic Development District; Light Industrial, General Industrial; Entranceway Special Use; Special Design Special Use**

Light Industrial. The Industrial classification is applied to areas that currently support industrial uses or lands that could accommodate a variety of industrial establishments which employ high environmental quality standards and have minimal impacts on adjacent uses. These areas incorporate larger tracts of land because of their nature and function. Industrial developments should provide shared access, and have a coordinated design and a planned layout. **Zoning Districts: High Intensity Commercial; Business Park; Economic Development District; Light Industrial, General Industrial**

Mixed Use. These areas a full range of uses well mixed, both vertically and horizontally, much like a downtown or village center. Multi-story buildings are the norm and will generally contain a vertical mix of uses. Uses are expected to be roughly balanced between residential, retail, office, service, public and semi-public uses. Public open space of both urban and green space is also expected to off-set the intensity of development. **Zoning Districts: R-10; Multi-family; Office Institutional; High Intensity Commercial; Multi-family Special Use; Residential Special Use; Special Design Special Use**

Neighborhood Mixed Use. These areas provide opportunities for goods and services that residents of the district and surrounding neighborhoods need on a daily basis. Lots with this designation will front on an

Adopted March 11, 2013

arterial or collector street and back up to single family neighborhoods. Buildings and uses will generally be in scale with the surrounding neighborhoods and be walkable as well as providing vehicular access. Sites may be single use or, mixed use, may incorporate residential uses or may be solely residential at a higher density than the adjacent neighborhood. **Zoning Districts: R-10; Multi-family; Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; Multi-Family Special Use; Residential Special Use**

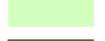
Retail Services. These areas focus on retail and commercial uses. They should be located near residential and employment areas to provide good access to commerce and personal services. Retail areas can have a range of characteristics depending on their primary markets. The larger scale regional draws are more automobile-oriented and draw people from throughout the region. These areas should be located near interstate access, and they may include larger scale stores like “big boxes”, warehouse clubs, and large specialty retailers. Smaller, accessory uses can also locate in these areas to provide convenience shopping and include restaurants and smaller specialty retailers; often located on out-parcels or in smaller shopping centers. **Zoning Districts: Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; General Commercial; High Intensity Commercial; Entranceway Special Use; Special Design Special Use**

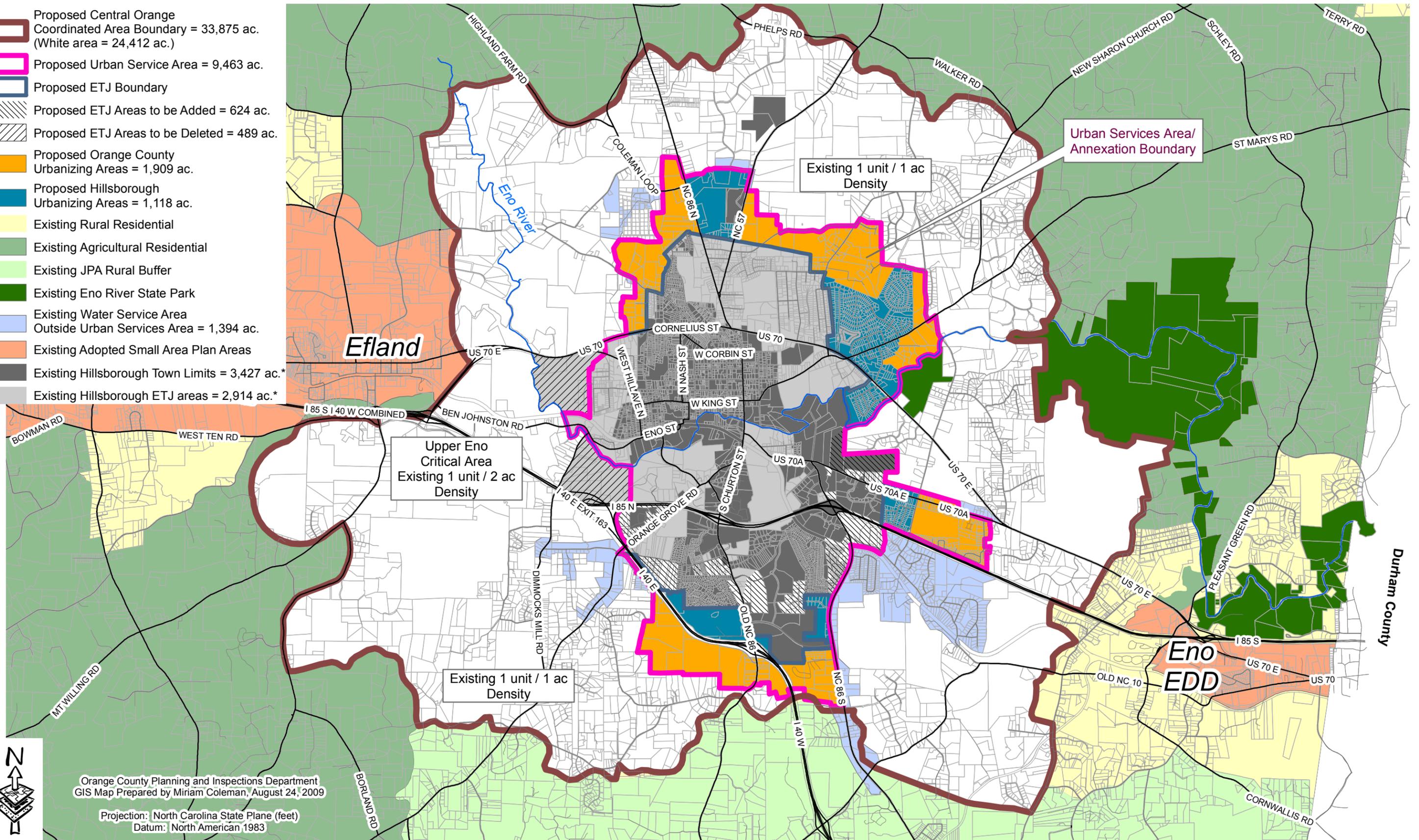
Suburban Office Complex. These areas provide opportunities to for office and employment enterprises which do not rely on walk-in customers or have a manufacturing component. Businesses may be large or small but will generally arrange themselves in a campus setting with limited walkability and supporting services. Developments of this type should be kept small in nature to limit the peak transportation impact and limited vitality. **Zoning Districts: Limited Office; Office Institutional; Business Park; Economic Development District; Entranceway Special Use; Special Design Special Use**

Town Center. This area incorporates the historic structures, civic uses, commercial opportunities, and the active pedestrian environment that is the downtown core of Hillsborough. The core commercial areas are to be preserved and enhanced over the long-term and should provide mixed-use opportunities that combine second-floor residential units with ground floor commercial, office, or institutional uses. **Zoning Districts: R-20; Office Institutional; Central Commercial; Central Commercial Special Use**

Town of Hillsborough/Orange County Strategic Growth Plan Phase II Central Orange Coordinated Area

Legend

-  Proposed Central Orange Coordinated Area Boundary = 33,875 ac. (White area = 24,412 ac.)
-  Proposed Urban Service Area = 9,463 ac.
-  Proposed ETJ Boundary
-  Proposed ETJ Areas to be Added = 624 ac.
-  Proposed ETJ Areas to be Deleted = 489 ac.
-  Proposed Orange County Urbanizing Areas = 1,909 ac.
-  Proposed Hillsborough Urbanizing Areas = 1,118 ac.
-  Existing Rural Residential
-  Existing Agricultural Residential
-  Existing JPA Rural Buffer
-  Existing Eno River State Park
-  Existing Water Service Area Outside Urban Services Area = 1,394 ac.
-  Existing Adopted Small Area Plan Areas
-  Existing Hillsborough Town Limits = 3,427 ac.*
-  Existing Hillsborough ETJ areas = 2,914 ac.*



Orange County Planning and Inspections Department
GIS Map Prepared by Miriam Coleman, August 24, 2009

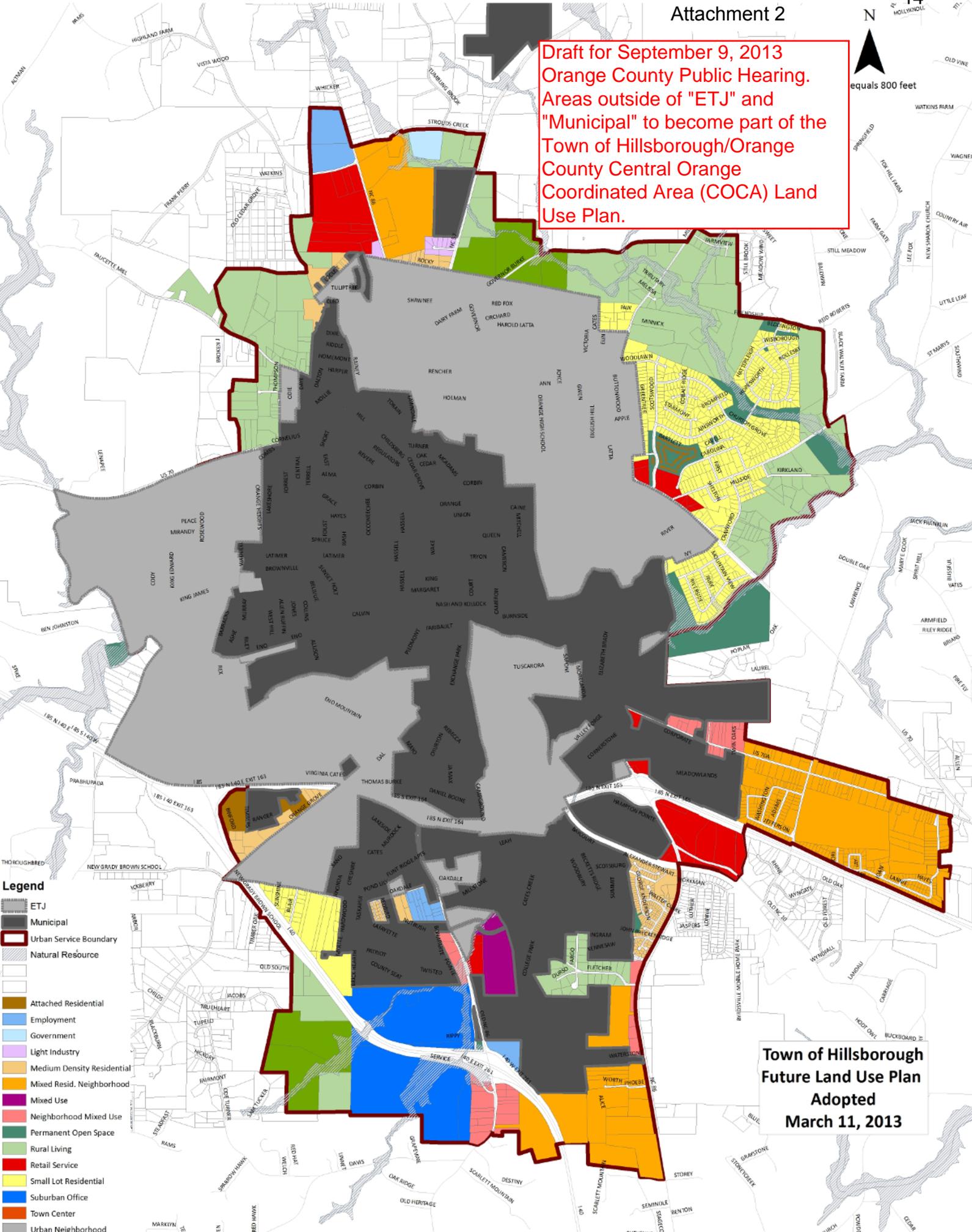
Projection: North Carolina State Plane (feet)
Datum: North American 1983

* Town of Hillsborough has annexed since the 2009 adoption of this map. The new town limits are shown on this map.

Exhibit for September 9, 2013 Orange County Public Hearing

Attachment 2

Draft for September 9, 2013 Orange County Public Hearing. Areas outside of "ETJ" and "Municipal" to become part of the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan.

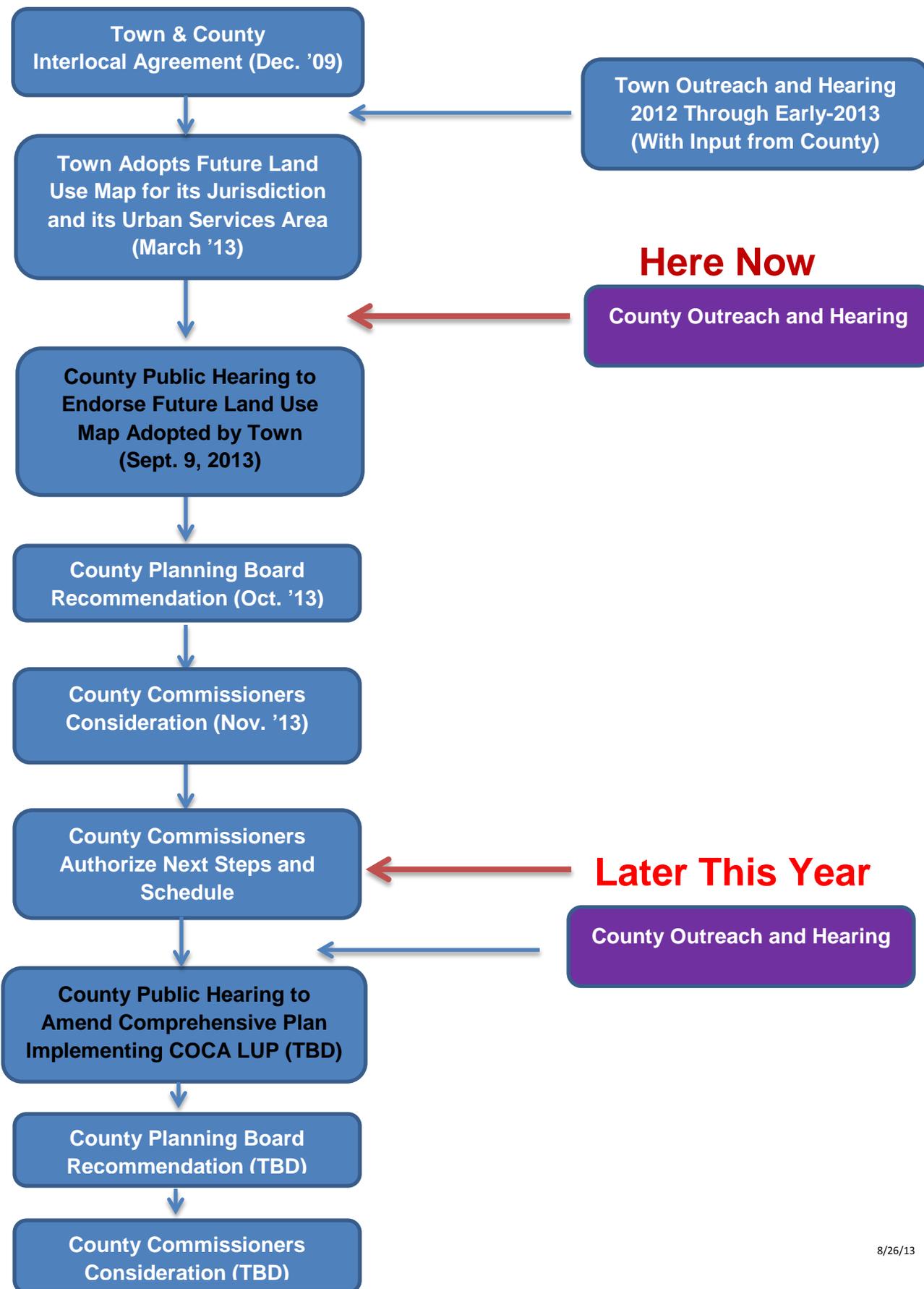


- Legend**
- ETJ
 - Municipal
 - Urban Service Boundary
 - Natural Resource
 - Attached Residential
 - Employment
 - Government
 - Light Industry
 - Medium Density Residential
 - Mixed Resid. Neighborhood
 - Mixed Use
 - Neighborhood Mixed Use
 - Permanent Open Space
 - Rural Living
 - Retail Service
 - Small Lot Residential
 - Suburban Office
 - Town Center
 - Urban Neighborhood
 - Municipal

Town of Hillsborough
Future Land Use Plan
Adopted
March 11, 2013

Attachment 3

Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan Process Flowchart



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: September 9, 2013

**Action Agenda
Item No.** E.1

SUBJECT: Agricultural Support Enterprises and Project Review Processes

DEPARTMENT: Planning and Inspections,
Economic Development, Environmental Health,
DEAPR

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Review Process Flow Charts
2. Memos from Environmental Health and Building Inspections
3. Chart of Basic Zoning Program
4. Draft UDO and Comprehensive Plan Text Amendments

INFORMATION CONTACT: (919)

Perdita Holtz, Planning, 245-2578
Michael Harvey, Planning, 245-2597
Peter Sandbeck, DEAPR, 245-2517
Tom Konsler, Environmental Health, 245-2370
Dan Bruce, Building & Inspections, 245-2604
Craig Benedict, Planning, 245-2592

PURPOSE: To give staff input/direction on the review process to be proposed as part of the Unified Development Ordinance text amendments related to Agricultural Support Enterprises (ASE).

BACKGROUND: Since the BOCC work session on May 14, 2013 when the ASE project was discussed, staff has drafted the necessary amendments to the UDO and Comprehensive Plan. The materials for the May 14 meeting, which included links to all other BOCC agendas when this topic was discussed, can be found at <http://orangecountync.gov/occlerks/130514.pdf>.

The previous work (pre-2010) on the ASE program proposed a review process intended to streamline review of ASE-related projects that require a BOCC public hearing. The proposed review process, which is shown on one of the flow charts in Attachment 1, would be a change from the County's existing joint Planning Board/BOCC quarterly public hearing process. The existing process is also depicted in a flow chart in Attachment 1.

Attachment 2 contains memos from the Environmental Health Department and Building Inspections Division regarding the applicability of the regulations these departments administer to bona fide farms and ASE-related uses.

Purpose of Work Session Item

Staff is requesting BOCC input/direction on the review process to be applied to projects that require a BOCC public hearing (rezonings and Class A Special Use Permits). Options are:

1. Keep the existing quarterly public hearing process for all projects.
2. Revise the existing process only for ASE-related projects.
3. Revise the existing process for all projects.

Discussion of Options

Following are salient points for consideration on each of the potential options:

1. Keep the existing quarterly public hearing process for all projects.
 - One of the issues raised during the Comprehensive Plan and UDO development / adoption processes was the perceived need to streamline development review processes. Because the County has only 4 public hearings per year for projects involving land use/zoning issues, if an applicant misses a deadline, the next deadline can be as many as 3 months out. Orange County is fairly unique in the state in using this quarterly process (staff is aware of only one other local government in the state that has quarterly public hearings: the Town of Hillsborough). Most local governments in the state have a monthly public hearing cycle.
 - It should be noted that Orange County's average recent timeframe from application deadline to BOCC decision (generally 4-5 months) is typical of other local governments in the state.
 - Having public hearings on land use/zoning items, which can sometimes be contentious and lengthy, on separate meeting agendas can minimize the length of regular meetings. If many people want to speak on a particular public hearing item, the length of time necessary to hear all interested person could impact later items on a regular agenda.
 - The process of having the BOCC approve the legal ad for quarterly public hearings adds 3-4 weeks (depending on exact meeting dates) to the length of time from the application deadline to BOCC decision. (This added time is longer for any projects proposed for the August quarterly public hearing since the BOCC approves the legal ad at its last meeting in June). The BOCC may wish to discuss whether this is a step it desires to keep in place (this process is not part of the written process in the UDO, it is a BOCC policy). The following points may be useful:
 - In regards to developer-initiated items, the BOCC is not able to remove or modify an item in the legal ad because the application has been filed and must go through the review/decision process.
 - In regards to County-initiated items, since April 2011 staff has brought "Amendment Outline Forms" to the BOCC for process and schedule approval prior to significant work being done on the item. Part of the purpose of this form is to notify BOCC members of project scopes, public and advisory board involvement, and target meeting dates (including public hearing dates).
2. Revise the existing process only for ASE-related projects.
 - The pre-2010 ASE work proposed a different review/approval process for ASE-related projects (see flow chart in [Attachment 1](#)) in order to allow public hearings on any regular BOCC agenda. The public hearing would not be a joint Planning Board/BOCC public hearing; the Planning Board would make a recommendation on the item after the public hearing regardless of whether Planning Board members attended the public hearing. Additionally the Agricultural Preservation Board and Economic Development Commission (now renamed to Economic Development Advisory Board) would make recommendations on ASE-related projects.

- Current staff had reservations with this proposal, detailed as follows:
 - While the County can choose to have different review/decision processes for ASE-related projects, staff questions whether this makes for good planning practices (e.g., should a rezoning process for an ASE-CZ district be different from the rezoning process for any other zoning district? Should the Class A SUP process for certain uses be different from the Class A SUP process for other types of uses?).
 - Having recommendations from additional advisory boards could lengthen the process, depending on the meeting schedule of the advisory board and whether a quorum of members is present. Neither the APB nor EDAB currently meet monthly and staff of one of the boards has noted that having a quorum of members present can sometimes be a challenge. A quorum of members would be necessary for any action resulting in a recommendation on a land use/zoning matter.
 - An alternative solution could be to send ASE-related projects to the APB and/or EDAB for courtesy review but not require an official recommendation.
3. Revise the existing process for all projects.
- Since the pre-2010 ASE work proposed a different review/decision process, staff believes that discussing the current review/decision process and making a mindful decision should be done in order to both complete the ASE work and ensure review processes are fair for all projects. As mentioned above in #1, the need to streamline/expedite development review has been discussed from time to time. The BOCC may wish to give direction on this topic at this time.
 - Staff has put together three potential review/decision processes (see [Attachment 1](#)) that could replace the existing review/decision process. All three potential processes replace the existing joint Planning Board/BOCC quarterly public hearing with a different method. Only one of the potential processes (#3) includes a formal Planning Board public hearing. The other two processes would have the Planning Board make a recommendation either before or after the BOCC public hearing.
 - Many local governments in the state, including Chapel Hill and Carrboro, have the Planning Board make a recommendation prior to the public hearing; the Planning Board reviews the technical aspects of the application. This type of process is depicted in Potential Process #2 of [Attachment 1](#).
 - Alternatively, the Planning Board could make a recommendation after the BOCC public hearing. Any interested Planning Board members could attend the BOCC public hearing to hear public comments but a quorum of Planning Board members would not be necessary for the BOCC public hearing to occur. Staff could report what happened at the BOCC public hearing to the Planning Board. This type of process is depicted in Potential Process #1 of [Attachment 1](#).

Agricultural Support Enterprises Manual

The need to publish a manual for lay-persons has been at the forefront of the ASE project for many years. A user-friendly manual will continue to be a part of the ASE project and the draft manual is expected to be part of the February 2014 quarterly public hearing materials.

It should also be noted that the County's existing development process includes pre-development meetings whereby applicants meet with various County staff to learn more about the regulatory requirements of the project they are proposing. Residents and developers have never been required to navigate through the various regulations on their own.

Draft UDO/Comprehensive Plan Amendments

The draft UDO and Comprehensive Plan amendments are included as Attachment 4. Staff does not intend to present these amendments at the work session on September 9. They are included for informational purposes so the BOCC and public can be apprised of the work that has been done to date and how the amendments would fit into the UDO. The amendments follow the spirit and intent of the pre-2010 work, with some minor adjustments to reflect changes in state laws and to have the amendments follow the cadence of the UDO. Depending on direction/input received at the work session, additional changes may be made. If any BOCC members have questions or comments on the draft amendments, staff can address them at the work session.

A chart depicting the basic zoning program for ASE uses is contained in Attachment 3. This chart shows which uses are allowed in which zoning districts and directs users to the section of the UDO that contains any specific use standards.

Next Steps

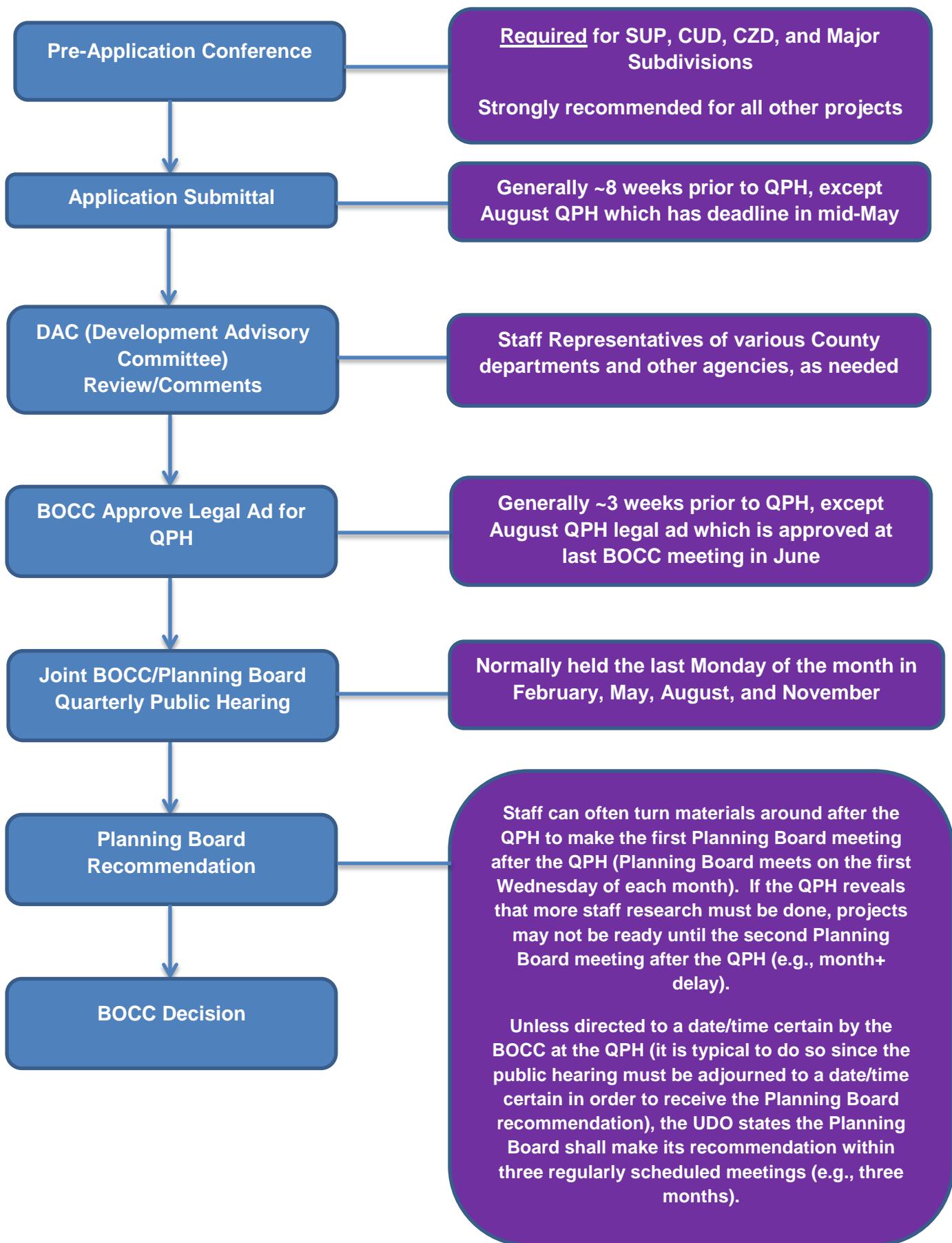
The "Amendment Outline Form" for these amendments is expected to be approved by the BOCC at its September 5, 2013 regular meeting. The basic steps included in the amendment outline form are as follows:

- October 2, 2013 – Planning Board ORC (Ordinance Review Committee) meeting
- October 16, 2013 – Agricultural Preservation Board meeting for review/comment;
additional meetings as necessary (the APB does not meet in September)
- November 21, 2013 – Assembly of Governments meeting to discuss these amendments
and their applicability in the Rural Buffer
- February 2014 – Public Information Meeting (generally held the week before the
quarterly public hearing so advertising can be included in the QPH legal ad)
- February 2014 – Quarterly Public Hearing on UDO/Comprehensive Plan amendments

FINANCIAL IMPACT: Existing Staff has accomplished the work completed thus far on this project and will complete the necessary work required for this project.

RECOMMENDATION(S): The Manager recommends the Board provide staff with input/direction on the review process, as detailed under the bolded headings above.

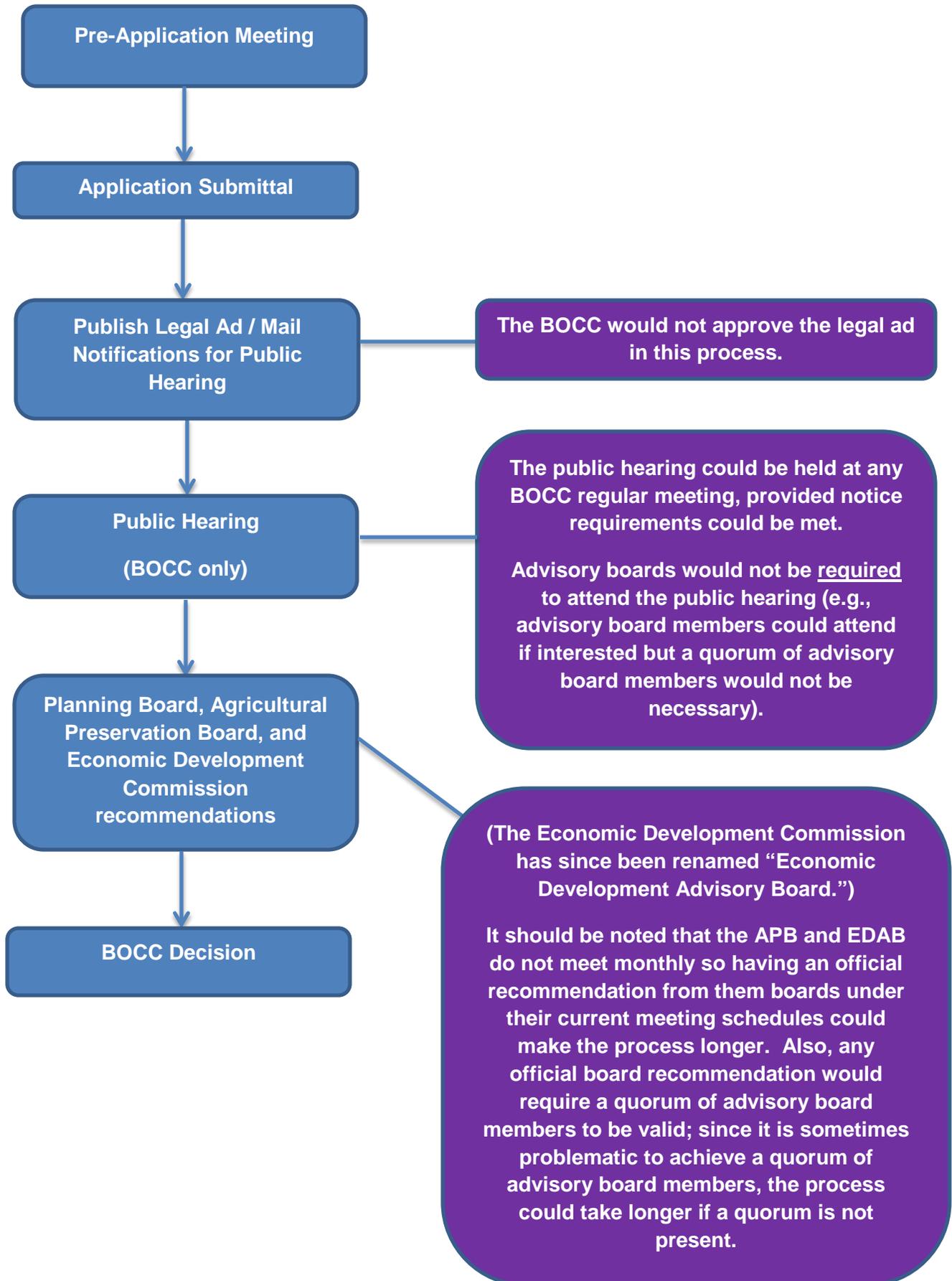
Existing Review Process for non-County-initiated actions that require a BOCC public hearing



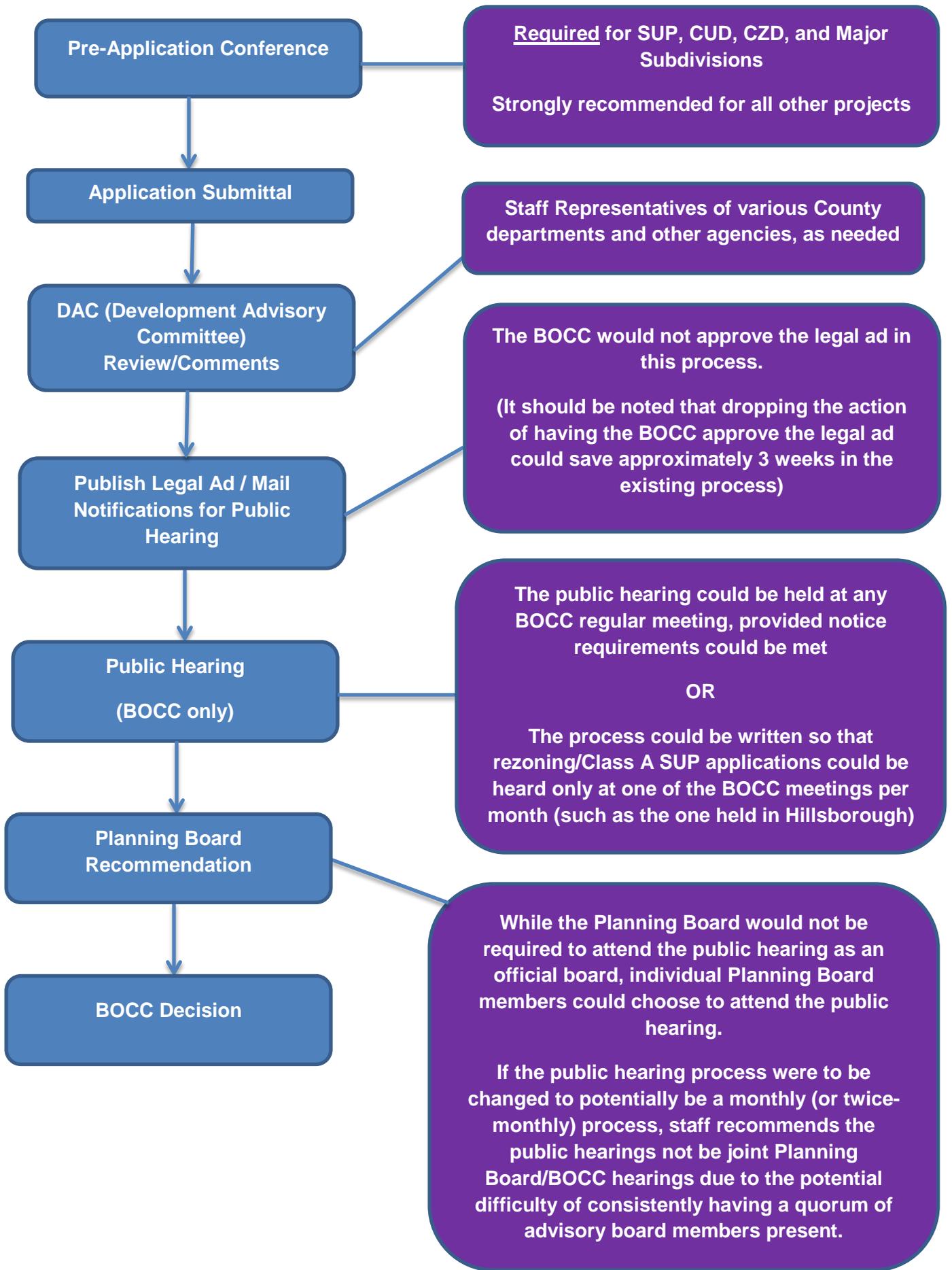
The timeframe from Application Submittal to BOCC Decision is similar for the Existing Process and Potential Processes #1, 2, and 3 (a minimum of 4-5 months). The primary difference between the existing process and the three potential processes is the greater number of application due dates per year. There are currently 4 due dates per year, which means that if someone is ready to apply and the application due date is still 2 months away, the application can be submitted but action towards a decision would be on hold for 2 months. If there were an application deadline once per month and a monthly public hearing schedule, the process would be more efficient for some applicants.

Orange County's timeframe from application deadline dates to decision compares favorably to most local governments in North Carolina. But one of the main differences is that most other local governments have a public hearing cycle rather than the quarterly public hearing cycle Orange County adheres to.

Review Process Proposed by Former ASE Work for ASE-related Projects (if Rezoning or Class A SUP Required)



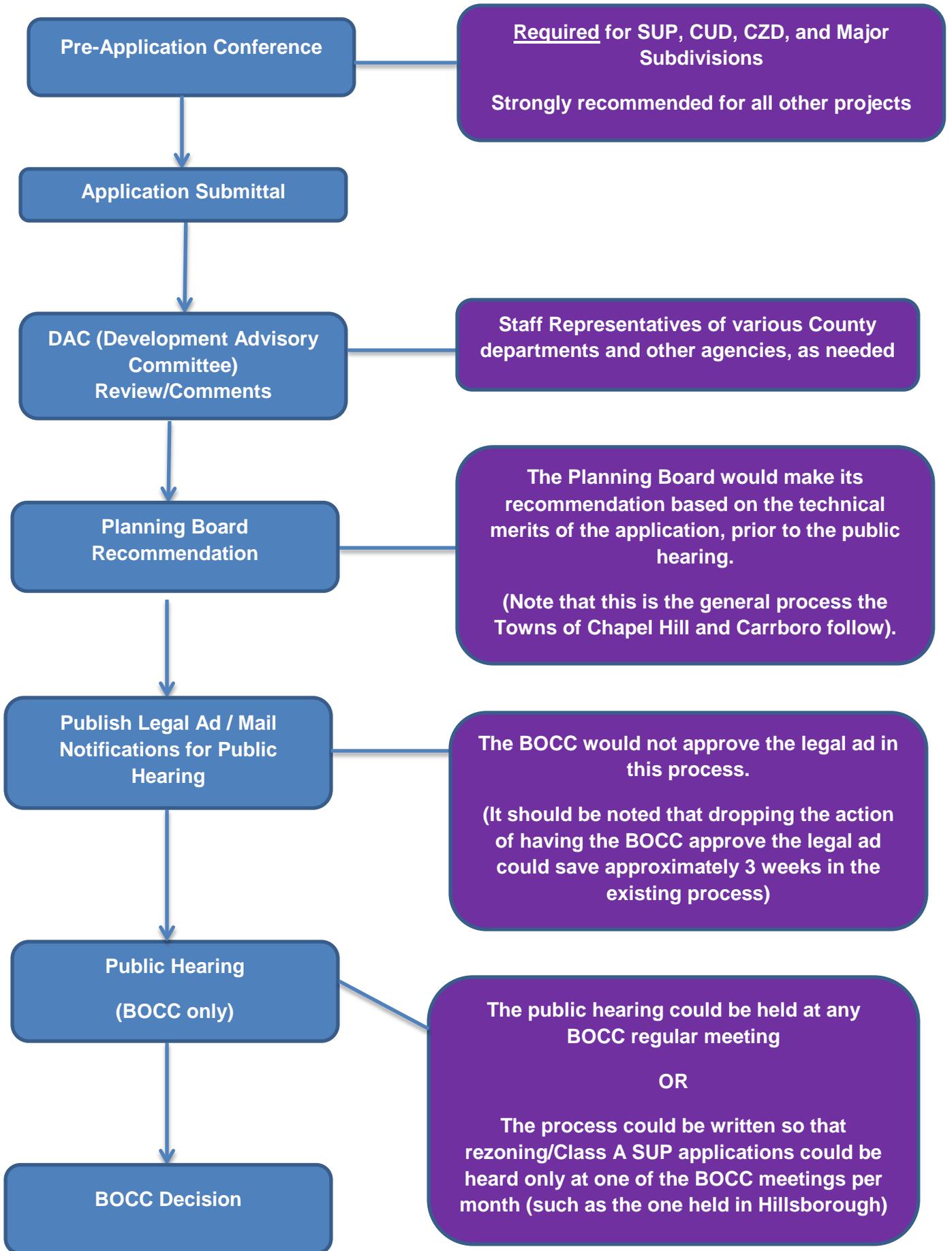
Potential Review Process #1
(if changes to existing QPH process are desired)



The timeframe from Application Submittal to BOCC Decision is similar for the Existing Process and Potential Processes #1, 2, and 3 (a minimum of 4-5 months). The primary difference between the existing process and the three potential processes is the greater number of application due dates per year. There are currently 4 due dates per year, which means that if someone is ready to apply and the application due date is still 2 months away, the application can be submitted but action towards a decision would be on hold for 2 months. If there were an application deadline once per month and a monthly public hearing schedule, the process would be more efficient for some applicants.

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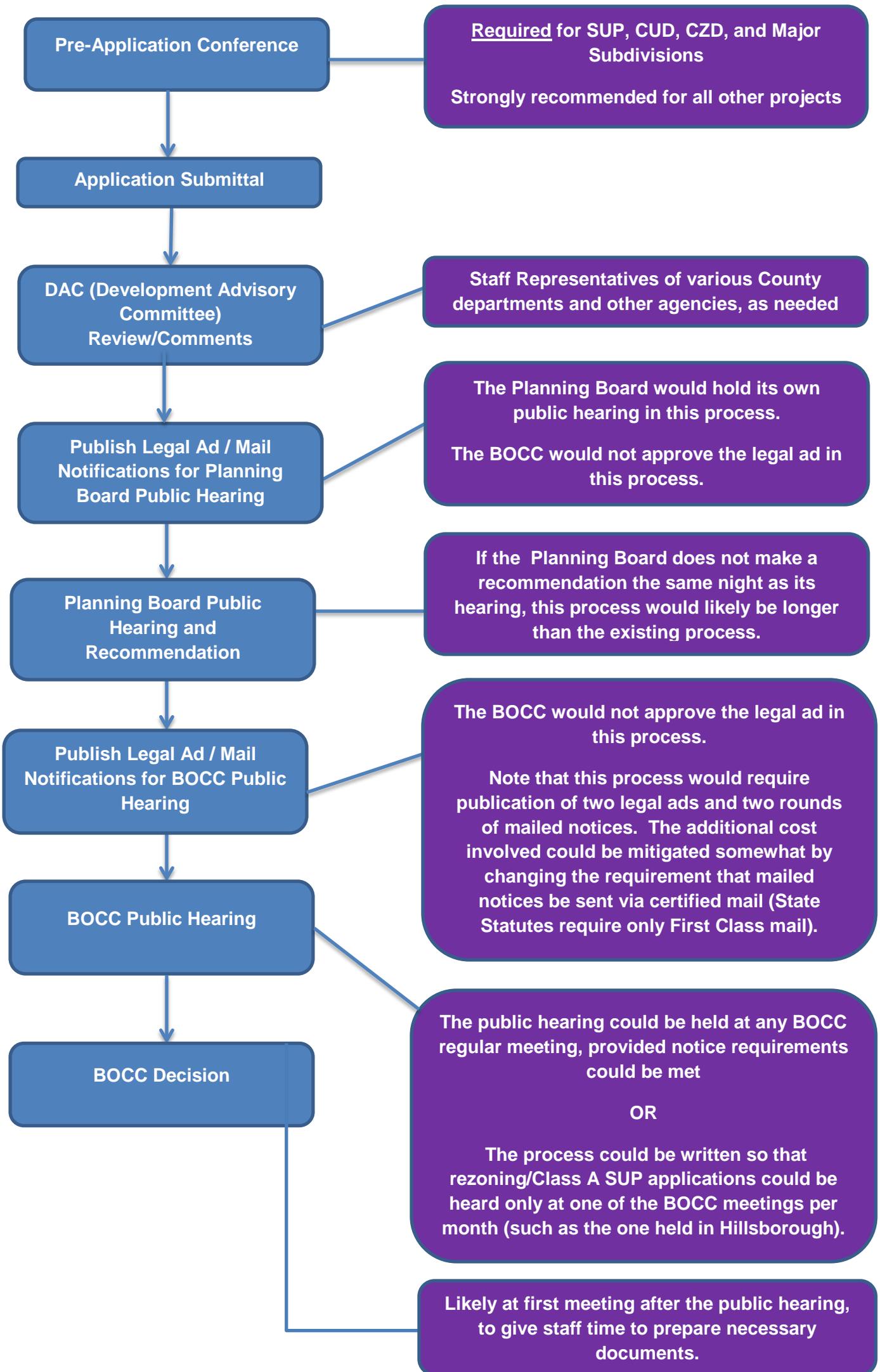
Potential Review Process #2
(if changes to existing QPH process are desired)



The timeframe from Application Submittal to BOCC Decision is similar for the Existing Process and Potential Processes #1, 2, and 3 (a minimum of 4-5 months). The primary difference between the existing process and the three potential processes is the greater number of application due dates per year. There are currently 4 due dates per year, which means that if someone is ready to apply and the application due date is still 2 months away, the application can be submitted but action towards a decision would be on hold for 2 months. If there were an application deadline once per month and a monthly public hearing schedule, the process would be more efficient for some applicants.

Orange County's timeframe from application deadline dates to decision compares favorably to most local governments in North Carolina. But one of the main differences is that most other local governments have a monthly public hearing cycle rather than the quarterly public hearing cycle Orange County adheres to.

Potential Review Process #3
(if changes to existing QPH process are desired)





MEMORANDUM

To: Perdita Holtz, Planning Systems Coordinator
 From: Tom Konsler, Environmental Health Director
 Date: August 13, 2013
 Re: Environmental Health Regulations and Agriculture Support Enterprises

The purpose of this memo is to provide you with information as to the public health laws and regulations that might apply differently to activities associated with agriculture and bona fide farms.

There are three arenas that I will address in this response; wells, septic systems, and food service permits. Each is covered in the Public Health Statutes 130A. With one exception*, the public health laws and regulations apply equally throughout all applications, including those associated with farms and agriculture services. That is to say, the same permitting requirements and standards exist for private enterprises, government facilities, farms, etc.

While local boards of health are empowered to adopt local regulations (NCGS 130A-39), they are limited to adopting rules deemed necessary to protect the public health. These rules may not be any less stringent than the state regulation.

The Orange County Board of Health has adopted more stringent rules regarding septic systems and wells, however as they relate to agriculture enterprises, there is no impact on agriculture activities. *An exception was created in 2011 Session Law (NCGS 143-215.1) whereby a permit is not required for wastewater produced by activities related to processing of agriculture products. There are several conditions that apply to this exemption.

Boards of Health and counties are prohibited from adopting rules concerning food service facilities. While not particularly related to agriculture enterprises, NCGS 130A-250 contains a list of activities that are exempt from permits under certain conditions. These include:

- Curb markets operated by the Agriculture Extension Service
- Private Clubs
- Non-Profit Corporations
- Sale of meat, poultry, food, or drink that is under the inspection of NCDA or USDA
- Selling sandwiches from country stores
- Bona-fide cooking schools

Please let me know if you would like any more information regarding this

ORANGE COUNTY BUILDING INSPECTIONS

(919) 245-2600
 (919) 644-3347 (FAX)
 www.co.orange.nc.us



131 West Margaret Lane
 Suite 101
 Hillsborough,
 North Carolina, 27278

Bona Fide Farms and Exemptions to the North Carolina Building Code

Overview:

The purpose of this memo is to provide information on the applicability of the North Carolina Building Code to bona fide farm structures and activities. The Building Code is adopted by the State and administered by local governments. Local governments do not have the authority to amend the Building Code; amendments must be done at the State level.

North Carolina General Statutes (NCGS) 153A-340 and 143-138 exempt bona fide farm structures from portions of the North Carolina State Building Code requirements. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S. 106-581.1.

Farm buildings exempt from building code requirements:

1. Farm buildings located outside building rules jurisdiction.
2. Farm buildings located inside building rules jurisdiction if farm buildings are:
 - a. Greenhouse
 - b. Primitive camp
 - c. Primitive farm building
3. Any structure used or associated with equine activities. Arenas, grandstands, bleachers associated with equine events are subject only to an annual safety inspection.
4. Greenhouses. A greenhouse is a structure with glass or plastic roof, used to grow or cultivate plants, built in accordance with National Greenhouse Manufacturers Association Structural Design Manual, and not used for retail sales.
5. Any structure used for display and sale of produce, no more than 1,000 sq. ft. in size, open to the public no more than 180 days per year, and certified by the Dept. of Agriculture and Consumer Services as a Certified Roadside Farm Market.
6. Primitive Camps. A primitive camp includes any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional,

or recreational purposes for campers, not greater than 4,000 sq. ft. in size and not intended to be occupied for more than 24 hours consecutively.

7. Primitive Farm Buildings. A primitive farm building includes any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices.

If electrical service is planned, an electrical permit is required. Other Volumes of the Building Code such as Plumbing, Gas, and Mechanical may also apply. Buildings and structures used for residential purposes and whose use or occupancy involve the health and safety of the public or can be considered a business must meet all provisions of the Building Code with the exception of those listed above.

Agricultural Support Enterprises

Basic Zoning Program

Notes:

1. Some uses listed below already exist within the UDO and are not proposed for changes. They are included on this table in order to address the full range of uses that are part of “Agricultural Support Enterprises” and regulated by zoning.
2. All uses are subject to the development standards contained in Article 6 of the UDO (Landscaping, Buffers, Parking, Loading, Signage, Lighting, etc.) and any other applicable section.
3. All uses are subject to any applicable Environmental Health (well, septic, food service, etc.) and Building Code regulations. These types of regulations are adopted at the State level and the local government cannot change them.
4. There may be other State or Federal requirements applicable to specific uses (e.g., meat processing for public consumption). DEAPR or Cooperative Extension staff can assist people with understanding other types of requirements.
5. A pre-development meeting is available free of charge to all persons proposing projects. All relevant County staff members (from all involved departments, depending on project proposed) are in attendance at the meeting to assist potential applicants in understanding all requirements for the potential project and the relevant processes. Prospective applicants are highly encouraged to take advantage of this service.

Type of Use ¹	General Use Zoning Districts in which Allowed	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility	AS, I1, I2, I3	ASE-CZ, MPD-CZ	5.13.2
Agricultural Processing Facility, Community	RB, AR, LC1, NC2, AS, I1	ASE-CZ, CUD	5.13.3
Agricultural Services Uses	AS	ASE-CZ, MPD-CZ, CUD	none
Botanical Gardens/Arboretum	All districts except EC5 and E1	ASE-CZ	none
Cold Storage Facility	AS (w/ SUP-A), I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.13.4
Community Farmers' Market	RB, AR, LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.5

¹ What is it? Check the **definition section** of the amendment packet to see how it's defined.

Type of Use¹	General Use Zoning Districts in which Allowed	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Composting Operation, no grinding	AS (w/ SUP-A)	ASE-CZ, CUD	5.13.6
Composting Operation, with grinding	AS (w/ SUP-A)	ASE-CZ	5.13.6
Cooperative Farm Stand	RB, AR, LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.13.7
Country Store	LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	None
Equestrian Center	AR (w/ SUP-A)	ASE-CZ, CUD	5.13.8
Farm Equipment Rental, Sales and Service	GC4, EC5, AS, I2, I3	ASE-CZ	5.13.9
Farm Supply Store	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.10
Feed Mill	AS, I2, I3	ASE-CZ, MPD-CZ	5.13.11
Garden Center	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.6.3
Greenhouses with On Premises Sales	AR, NC2, CC3, GC4, EC5, AS	ASE-CZ, MPD-CZ, CUD	5.13.12
Guest Ranch	none	ASE-CZ	5.7.6
Kennels, Class I	RB, AR, R1, CC3, GC4, AS	ASE-CZ	None
Kennels, Class II	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ	5.6.5
Meat Processing Facility, Community	RB, AR	ASE-CZ, CUD	5.13.13
Meat Processing Facility, Regional	AS (w/ SUP-A)	ASE-CZ	5.13.14
Metal Fabrication Shop	Not explicit (would fall under one of the Industrial classifications)	ASE-CZ	5.14.1
Microbrewery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.2
Microbrewery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.10
Microbrewery with Major Events	none	ASE-CZ, MPD-CZ	5.6.11
Off-Season Use of Farm Equipment	RB, AR, AS	ASE-CZ, CUD	5.13.15
Rural Guest Establishment: Bed & Breakfast	RB, AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.7
Rural Guest Establishment: Bed & Breakfast Inn	w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.8
Rural Guest Establishment: Country Inn	w/ SUP-A only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.9

Type of Use¹	General Use Zoning Districts in which Allowed	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Rural Heritage Museum	w/ SUP-B only: RB, AR, LC1, NC2, AS	ASE-CZ, CUD	5.17.7
Rural Special Events	RB, AR, AS	ASE-CZ, MPD-CZ, CUD	5.17.8
Sawmill	AS		5.14.3
Stables, Commercial	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ, MPD-CZ	5.13.16
Stockyards / Livestock Markets	AS	ASE-CZ	5.13.17
Studio (Art)	LC1, NC2, CC3, GC4, OI, I1, I2, I3	MPD-CZ, REDA-CZ-1, CUD	
Taxidermy	LC1, NC2, CC3, GC4, I1 w/ SUP-B only: AR	ASE-CZ, CUD	5.6.12
Veterinary Clinic	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR	ASE-CZ, MPD-CZ, CUD	5.16.1
Veterinary Clinic, mobile	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.16.2
Veterinary Hospitals	CC3, GC4, EC5, OI, AS, I2, I3	ASE-CZ, MPD-CZ, CUD	5.16.3
Winery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.4
Winery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.13
Winery with Major Events	none	ASE-CZ, MPD-CZ	5.6.14

Bona Fide Farming Activities

Bona fide farming activities are exempt from local zoning regulations, but may be subject to environmental health and building codes and regulations in the UDO that are not considered “zoning”. Examples of bona fide farming activities are:

- Production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock (including horses), and poultry. Includes the use of greenhouses.
- Planting and production of trees and timber
- Aquaculture
- Marketing and selling of agricultural products produced on-site (e.g., can have a farm stand or store building on the bona fide farm and farm products can include raw and value added products).
- On-site agritourism
- Storage and use of products and materials for on-site agricultural purposes
- Packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural products produced on-site
- Production of nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product, if produced on a farm subject to a conservation agreement in an enhanced voluntary agriculture district
- Sawmill for timber produced on-site
- Farm employee housing
- Teaching classes related to agriculture on the farm
- Winery (using predominantly grapes produced on-site)
- Microbrewery (using predominantly crops produced on-site)

Attachment 4

Amendment Package for “Agricultural Support Enterprises”

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text and Comprehensive Plan text to adopt changes related to “Agricultural Support Enterprises.” The changes are consistent with the general program that has been in development since 2001.

Proposed additions/changes to existing text are depicted in red. 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 ~~striketrough~~ text.

At this time, a search of the UDO has not been completed to determine if any references to changed section numbers need to also be included in the amendment package. A search will be completed prior to drafting of the legal ad.

Finally, additional changes to Article 2 of the UDO may be forthcoming, depending on the outcome of the BOCC work session on September 9, 2013 where staff will seek input/direction on approval processes. Also, the amendment package is subject to change pending additional staff and advisory board review.

not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.

- (B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of all existing structures, driveways, and areas of impervious surface¹,
 - (4) The location of the proposed structure(s) and distances from all property lines,
 - (5) The location of the proposed driveway,
 - (6) The location of the proposed septic system and proposed drain lines on the property,
 - (7) The location of the proposed well, and
 - (8) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc)-, and
 - (9) The location and dimensions of proposed parking areas.

¹ Staff recommends adding this language to the requirements for a plot plan. This section seems to have been written only with new construction in mind. However, denoting the location of these items has always been asked by staff or else impervious surface could not be calculated for a lot. Additionally, some structure types are required by the building code to be a certain distance from other structures so without the information on the plot plan, it would be impossible for staff to determine compliance.

- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
 - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

SECTION 2.5: SITE PLAN REVIEW

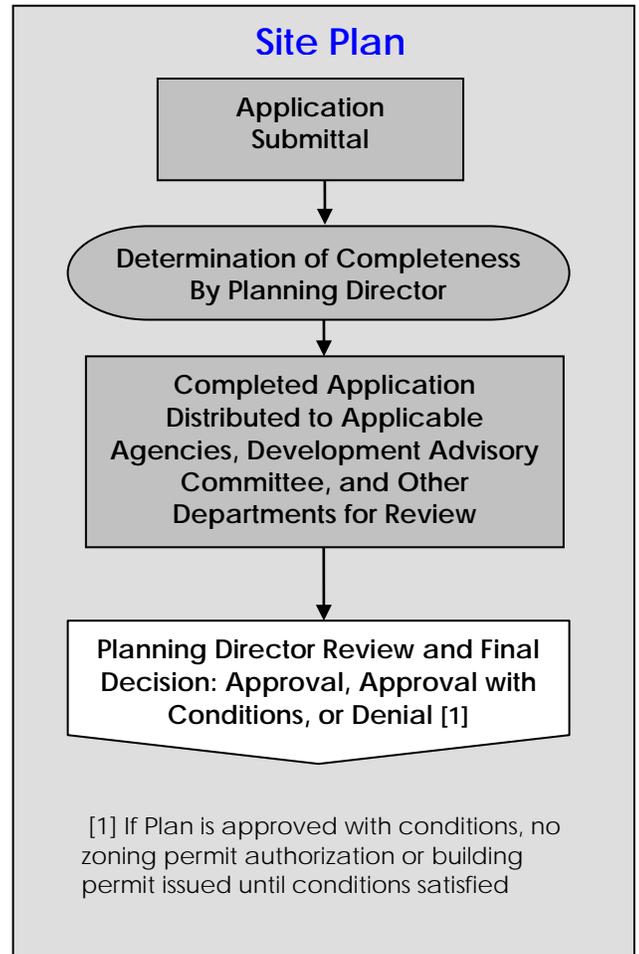
2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure’s flowchart.

2.5.2 Application Requirements

- (A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions. The following are exempt from this requirement but must provide a plot plan pursuant to Section 2.4.3.²:
 - (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
 - (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
 - (3) Large day care homes, as defined in Article 10, Definitions.
 - (4) Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.
 - (5) Cooperative Farm Stand.
 - (6) Rural Special Events.
 - (7) Non-Farm Use of Farm Equipment.

- (B) The applicant shall submit to the Planning and Inspections Department:
 - (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;



² Staff recommends this additional language to provide more clarity that a plot plan is (and has always been) required for the uses in this list.

- (D) A rezoning request to a Conditional District is a voluntary procedure that is intended for firm development proposals.

3.8.3 Districts Established

(A) Conditional Zoning Districts

- (1) Conditional Zoning (CZ) Districts are floating zoning districts, permitted within most land use designations allowing for the development of specific land uses, in accordance with established standards.
- (2) A CZ requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan or Master Plan, and may include agreed-upon conditions of development.
- (3) The following CZ districts are hereby established:
 - (a) **Agricultural Support Enterprises (ASE-CZ)**
 - (b) Mobile Home Park (MHP-CZ)
 - (c) Master Plan Development (MPD-CZ)
 - (d) NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1)
- (4) Land uses permitted within CZ districts shall be those uses detailed within Section 5.2 of this Ordinance.
- (5) Development standards for each district are located in Article 6 of this Ordinance.

(B) Conditional Use Districts

- (1) Conditional Use Districts allow for the development of a specific land use, or land uses, listed on the Table of Permitted Uses in Section 5.2 of this Ordinance, even if such use is not listed as a permitted use or special use under the current zoning designation of the subject property.
- (2) Conditional Use Districts shall conform to all applicable development regulations, including uses, for the corresponding general use zoning district, as well as any specific use standards and development standards established in Articles 5 and 6 of this Ordinance.
- (3) A Conditional Use District requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan, the issuance of a Class A Special Use Permit, and may include agreed-upon conditions of development.

3.8.4 Where Permitted

- (A) Conditional Districts are permitted in any Land Use classification and shall be located consistent with the existing general development pattern and the objectives of the adopted Comprehensive Plan and any adopted small area plan(s).
- (B) Conditional Districts are permitted within areas subject to the Joint Planning Agreement (JPA) between Orange County the Towns of Carrboro and Chapel Hill, subject to the terms and standards of the JPA.
- (C) Conditional Districts are permitted within the University Lake, Cane Creek, and Upper Eno Protected and Critical Watershed Overlay Districts.

ASE-CZ AGRICULTURAL SUPPORT ENTERPRISES		DIMENSIONAL AND RATIO STANDARDS³	
		Lot size, min., per use (square feet)	40,000 [1]
		Lot Width, min. (feet)	150
PURPOSE		Front Setback from ROW, min. (feet)	40
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.		Side Setback, min. (feet)	20 [2]
		Rear Setback, min. (feet)	20 [2]
APPLICABILITY		Height, max. (feet)	45 [3]
The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself. ⁴		Floor Area Ratio, max	No requirement [4]
		Required Open Space Ratio, min.	No requirement [4]
		Required Livability Space Ratio, min.	No requirement [4]
		Required Recreation Space Ratio, min.	No requirement [4]
DIMENSIONAL STANDARDS NOTES: ⁵ [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.		Required Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS⁶			
1.	Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.		
2.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance.		
3.	The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). The ASE-CZ district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated		

³ These standards are consistent with other existing zoning district such as AR and AS and/or are consistent with how other CZ districts are handled.

⁴ This statement is consistent with the statements made for other CZ districts.

⁵ Consistent with how similar uses/zoning districts are written.

⁶ These are typical of other zoning districts and seek to direct users to other applicable sections of the UDO. #3 also clarifies that residential uses in the ASE-CZ district are incidental.

farm or the proprietor of the approved use.

4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area.
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.

- ~~(C) In addition to the listing of such uses, the Board of County Commissioners intends that the general standards and the more specific requirements established herein, shall be used by the Board of Adjustment, the Planning Board and the Board of County Commissioners, as appropriate, to direct deliberations upon application or the approval of Special Uses.~~
- ~~(D) It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.~~
- ~~(E) **Establishment of Classes of Special Uses; Authority To Approve or Disapprove**~~
~~There are hereby established the following classes of Special Uses which shall be approved or disapproved as shown:~~
- ~~(1) Class A - Approved or disapproved by Board of County Commissioners~~
- ~~(2) Class B - Approved or disapproved by Board of Adjustment~~

5.1.4 Conditional Uses

- (A) The Board of County Commissioners is mindful of its responsibility to protect the public health, safety and general welfare of the residents of Orange County and intends to encourage development within the County consistent with that purpose.
- (B) The Board of County Commissioners also recognizes that certain uses are appropriate for development in Orange County but their location and site development specifics cannot be predetermined or regulated through the use of a general zoning district designation and conventional standards.
- (C) Conditional Uses and Conditional Use Districts are hereby established and shall be reviewed in accordance with the provisions of this Ordinance.
- (D) **Permitted Uses**
- (1) Any use listed as Permitted by Right or by Special Use Permit on the Table of Permitted Uses may be approved as a Conditional Use within a Conditional Use District, unless expressly excluded in Section 5.1.4(E) of this Ordinance.
- (2) Permitted uses are subject to all general and specific standards of approval for that use, as established within this Section.
- (E) **Exclusions**
- (1) Unless otherwise noted in Section 5.2, the following uses shall not be considered or approved as a Conditional Use District within the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node land use classifications, as designated by the adopted Comprehensive Plan:
- (a) Airports, General Aviation, Heliports, S.T.O.L,
 - (b) Class II Kennels,
 - (c) Commercial Feeder Operation,
 - (d) Composting Operation with grinding,
 - (e) Crematoria,
 - (f) Extraction of Earth Products,
 - (g) Junkyards,
 - (h) Landfills (less than 2 acres),
 - (i) Landfills (2 acres or more),
 - (j) Meat Processing Facility, Regional,

- (k) Military Installations (National Guard & Reserve Armory),
 - (l) Residential Hotel (Fraternities, Sororities, and Dormitories),
 - (m) ~~Riding Stables~~, **Commercial**,
 - (n) Sawmills,
 - (o) Stockyards / **Livestock Markets**, and
 - (p) Waste Management Facility; Hazardous & Toxic
- (2) For all land use classifications other than the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node, the following uses shall not be considered or approved as a Conditional Use District:
- (a) **Agricultural Processing Facility**
 - (b) Airports, General Aviation, Heliports, S.T.O.L,
 - (c) Bus Terminals & Garages,
 - (d) Class II Kennels,
 - (e) Commercial Feeder Operation,
 - (f) **Composting Operation with grinding**,
 - (g) Crematoria,
 - (h) Drive-In Theaters,
 - (i) Extraction of Earth Products,
 - (j) Farm Equipment **Rental**, & Sales **and Service**,
 - (k) ~~Feed, Seed, Storage & Processing Mill~~,
 - (l) Funeral Homes,
 - (m) Health Services: Over 10,000 square feet,
 - (n) Hospitals,
 - (o) Hotels & Motels,
 - (p) Industrial, Light,
 - (q) Industrial, Medium,
 - (r) Industrial, Heavy,
 - (s) Junkyards,
 - (t) Landfills (less than 2 acres),
 - (u) Landfills (2 acres or more),
 - (v) **Meat Processing Facility, Regional**,
 - (w) Military Installations (National Guard & Reserve Armory),
 - (x) Motor Freight Terminals,
 - (y) Motor Vehicle Maintenance & Repair (Body Shop),
 - (z) Motor Vehicle Repair Garage,
 - (aa) Petroleum Products: Storage & Distribution,
 - (bb) Research Facility,
 - (cc) Residential Hotel (Fraternities, Sororities, and Dormitories),
 - (dd) ~~Riding Stables~~, **Commercial**,

- (ee) Sawmills,
- (ff) Stockyards / Livestock Markets,
- (gg) Storage of Goods, Outdoor,
- (hh) Waste Management Facility; Hazardous & Toxic, and
- (ii) Wholesale Sales.

SECTION 5.2: TABLE OF PERMITTED USES

5.2.1 Table of Permitted Uses – General Use Zoning Districts

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
AGRICULTURAL USES																						
Agricultural Processing Facility ~																*		*	*	*		
Agricultural Processing Facility, Community ^	*	*								*	*					*		*				
Agricultural Services Uses													Δ			*						
Cold Storage Facility																A		*	*	*		
Commercial Feeder Operation ⁸		Δ														Δ		Δ				
Community Farmers' Market ^	*	*								*	*	*	*			*						
Composting Operation, no grinding																A						
Composting Operation, with grinding ~																A						
Cooperative Farm Stand ^	*	*								*	*					*						
Equestrian Center		A																				
Farm Equipment Rental, & Sales and Service ~													*	*		*			*	*		
Farm Supply Store										*	*	*	*			*						
Feed, Seed, Storage & Processing Mill ~																*			*	*		
Greenhouses with (On Premises Sales) ^ ⁹		*									*	*	*	*		*						

⁷ It should be noted that the pre-2010 ASE work proposed that many of the ASE-related uses would also be allowed in the R-1 (Rural Residential) zoning district. Planning staff is recommending that farming-related uses not be added to the R-1 zoning district as permitted uses because the stated purpose of the R-1 zoning district is “to provide for rural **non-farm** residential development...” (emphasis added). Farming ventures currently located in an R-1 zoning district can apply to have property rezoned to either AR (Agricultural Residential) or ASE-CZ if there is interest in pursuing additional uses on the farmed property.

⁸ This is considered a bona fide farm under State Statutes and cannot be regulated with zoning so it is being recommended for deletion by staff.

⁹ Moved from “Commercial Uses” section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																				
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS										
USE TYPE	GENERAL USE ZONING DISTRICTS																			
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																				
Meat Processing Facility, Community ^	*	*									*	*				*		*		
Meat Processing Facility, Regional ~																A				
Non-Farm Use of Farm Equipment ^	*	*														*				
Riding-Stables, Commercial ~	B	B	B									B	B			B				
Stockyards / Livestock Markets ~																*				
CHILD CARE & EDUCATIONAL FACILITIES																				
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*					
Libraries										*	*	*	*	*	*					
Non-Profit Educational Cooperative		A																		
Schools: Dance, Art & Music										*	*	*	*	*	*					
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A					
Schools: Vocational												*	*	*	*			*	*	
Universities, Colleges & Institutes	*	*	*									*	*	*	*					
COMMERCIAL USES																				
Banks & Financial Institutions										*	*	*	*	*						
Beauty & Barber Shops										*	*	*	*	*						
Rural Guest Establishment: Bed & Breakfast ¹⁰	*	*	*																	
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																	
Rural Guest Establishment: Country Inn ^		A	A																	
Country Store										*	*					*				
Drive In Theaters ~													*							

¹⁰ The three “Rural Guest Establishment” types will be moved to alphabetical order within the list as well.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Funeral Homes ~												*	*								
Garden Center (On Premises Sales)										*	*	*	*			*					
Greenhouses (No On Premises Sales) ¹¹	*	*	*								*	*	*	*		*					
Greenhouses (On Premises Sales) ¹²		*									*	*	*	*		*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B			B					
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								

¹¹ This is a bona fide farm use and cannot be regulated by zoning

¹² Moved to “Agricultural Uses” section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Storage of Goods, Outdoor ~														*				*	*	*	
Storage of or Warehousing: Inside Building ¹³													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^	B	B																*	*	*	

¹³ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Printing & Lithography													*	*	*				*	*	*
Sawmills ~																*					
Winery, production only ^	B	B																*	*	*	
MEDICAL USES																					
Animal-Veterinary Hospitals; Veterinarians ¹⁴													*	*	*	*	*		*	*	
Health Services: Over 10,000 Sq. Ft. ~													*								
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*		*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public & Non-Profit	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B	
Recreational Facilities (Profit)												*	*					*			
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
RESIDENTIAL USES																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*		*							
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*			*						
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*		*							

¹⁴ Will be moved to alphabetical order within this section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~							A	A	A			A	A								
Rooming House						*	*	*	*						*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B						B						
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
AUTOMOTIVE / TRANSPORTATION																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																																			
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS																									
USE TYPE	GENERAL USE ZONING DISTRICTS																																		
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID														
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																																			
Motor Vehicle Sales / Rental (New & Used)																						Δ ¹		*	*				*	*	*	*			
Motor Vehicle Services Stations																						*	*	*	*	*									
Parking As Principle Principal Use, Surface or Structure ¹⁵																							*	*	*										
Petroleum Products: Storage & Distribution ~																														*	*	*			
Postal & Parcel Delivery Services																								*	*										
UTILITIES																																			
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B															
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									A	A	A	A			
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B									B	B	B				
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*									*	*	*	*			
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B									B	B	B	B	B		
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									A	A	A	A	A		
WASTE MANAGEMENT																																			
Landfills (2 Acres or More) ~	A	A	A																											A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B																											B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~																																A	A		
MISCELLANEOUS																																			
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*															
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A																													A	A	A	
Assembly Facility Greater Than 300																																			

¹⁵ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

¹ See Section 5.14.1 for special standards

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1 ⁷	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
Assembly Facility Less Than 300										*			*									
Cemetery	B	*	B	B	B	B	B	B	B													
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*							
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*							
Crematoria ~																		*	*	*		
Historic Sites Non-Residential/Mixed Use	A	A	A																			
Kennels, Class I	*	*	*									*	*			*						
Research Facility ~											*	*	*		*			*	*	*		
Research Lands & Installations, Non-profit																						*
Rural Heritage Museum	B	B								B	B											
Rural Special Events ^	*	*														*						
Special Events (Less than 150)												*	*						*			

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
AGRICULTURAL USES				
Agricultural Processing Facility	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Commercial Feeder Operation ¹⁶				
Community Farmers' Market	*	*		
Composting Operation, no grinding	*			
Composting Operation, with grinding	*			
Cooperative Farm Stand	*	*		
Equestrian Center	*			
Farm Equipment Rental, & Sales and Service	*			
Farm Supply Store	*	*		
Feed, Seed, Storage & Processing Mill	*	*		
Greenhouses with (On Premises Sales) ¹⁷	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional	*			
Non-Farm Use of Farm Equipment	*			
Riding Stables, Commercial	*	*		
Stockyards / Livestock Markets	*			

¹⁶ This is a bona fide farm use and cannot be regulated by zoning so it is being recommended for deletion by staff.

¹⁷ Moved from “Commercial Uses” section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Teaching Farm	*			
CHILD CARE & EDUCATIONAL FACILITIES				
Center in a Residence for 3 to 12 Children				
Child Care Facilities		*		
Libraries		*		*
Non-Profit Educational Cooperative				
Schools: Dance, Art & Music		*		
Schools: Elementary, Middle & Secondary		*		
Schools: Vocational		*		
Universities, Colleges & Institutes		*		
COMMERCIAL USES				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Rural Guest Establishment: Bed & Breakfast ¹⁸	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Rural Guest Establishment: Country Inn	*	*		
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with {On Premises Sales}	*	*		

¹⁸ The three “Rural Guest Establishment” types will be moved to alphabetical order within the list as well.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Greenhouses (No On Premises Sales) ¹⁹		*		
Greenhouses (On Premises Sales)		*		
Hotels & Motels		*		
Insurance Carriers & Agents		*		
Junkyards				
Kennels, Class I	*			
Kennels, Class II	*			
Laundry & Dry Cleaning Services		*		
Management of Companies & Enterprises (Sector 53)		*		
Massage, Business of		*		
Metal Fabrication Shop	*			
Microbrewery with Minor Events	*	*		
Microbrewery with Major Events	*	*		
Nightclubs, Bars, Pubs		*		
Offices & Personal Services, Class 1		*		*
Offices & Personal Services, Class 2		*		
Offices & Personal Services, Class 3		*		
Professional, Scientific & Technical Services (Sector 54)		*		
Real Estate Agents & Brokers		*		*
Repair Service Electronic & Appliance		*		
Restaurants: Carry Out		*		
Restaurants: Drive In		*		
Restaurants: General		*		
Retail, Class 1		*		

¹⁹ This is a bona fide farm use and cannot be regulated by zoning so it is being recommended for deletion by staff.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Retail, Class 2		*		
Retail, Class 3		*		
Storage of Goods, Outdoor	*	*		*
Storage or Warehousing: Inside Building		*		*
Studio (Art)		*		*
Taxidermy	*			
Theater, Indoor or Outdoor (including Drive-ins)		*		*
Tourist Home				
Wholesale Trade		*		
Winery with Minor Events	*	*		
Winery with Major Events	*	*		
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Army)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills	*			
Winery, production only	*	*		
MEDICAL USES				
Animal Veterinary Hospitals; Veterinarians ²⁰	*	*		
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
RECREATIONAL USES				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public & Non-Profit	*	*		
Recreational Facilities (Non-Profit)		*		
Recreational Facilities (Profit)		*		
Golf Course		*	*	
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*

²⁰ Will be moved to alphabetical order within this section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternities, Sororities, and Dormitories)				
Rooming House				
TELECOMMUNICATIONS				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		
TEMPORARY USES				
Buildings, Portable	*			
Temporary Mobile Home (Custodial Care)	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*			
TRANSPORTATION				
Bus Passenger Shelter		*		
Bus Terminals & Garages		*		
Motor Freight Terminals		*		
Motor Vehicle Maintenance & Repair (Body Shop)		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Motor Vehicle Repair Garage		*		
Motor Vehicle Sales Rental (New & Used)		*		
Motor Vehicle Services Stations		*		
Parking As Principle Principal Use, Surface or Structure ²¹		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
UTILITIES				
Elevated Water Storage Tanks	*	*		
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*		
Electric, Gas, and Liquid Fuel Transmission Lines	*	*		
Water & Sanitary Sewer Pumping	*	*		
Solar Array – Large Facility	*	*		
Solar Array – Public Utility	*	*		
WASTE MANAGEMENT				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				
MISCELLANEOUS				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*

²¹ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

There are no changes on this page, it is included to make the change on the next page more clear.

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) A description of the type facility planned, the number of occupants, and the development schedule.
- (b) A site plan showing existing and proposed contours. Proposed buildings, parking, access, service, recreation, landscaped and screened areas.
- (c) Other criteria as set forth in sections 6.2.11 and 6.3.
- (d) A statement concerning the provision of public services which shall include fire, police and rescue protection.

(2) Standards of Evaluation –

- (a) Adequate parking, access and service areas are provided for the site.
- (b) Parking, service areas and buildings are adequately screened from adjacent residential uses.
- (c) Improved recreational facilities are provided for occupants.
- (d) Other criteria as set forth in sections 6.2.11 and 6.3.
- (e) Letters from public service agencies attesting to the adequacy of the provision of public services such as fire, police and rescue.

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.

- ~~(4) Land use buffers shall be provided in accordance with the requirements of Section 6.8.²²~~

5.6.4 Junkyards

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements –

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

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

(2) Standards for Evaluation -

- (a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.
- (b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines.
- (c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.

5.6.5 Kennels (Class II)

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements –

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

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

(2) Standards of Evaluation –

- (a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.
- (b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.

²² Staff is recommending this be removed as it is redundant with requirements of the UDO – all uses must meet the buffer requirements. Calling this out as a separate item for this particular use can cause confusion as to applicability to other uses; this is a remnant of duplicity staff attempted to catch when incorporating the previous zoning ordinance into the UDO but this instance was missed at the time.

- ~~(c) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.~~
- ~~(d) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.~~
- ~~(e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.~~
- ~~(f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.~~
- ~~(g) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.~~
- ~~(h) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.~~

5.6.6 ~~Riding Stables~~²³

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

~~(1) Submittal Requirements~~

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

- ~~(a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.~~
- ~~(b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.~~

~~(2) Standards of Evaluation~~

- ~~(a) The site is of adequate size to protect adjacent properties from adverse effects of the riding stable.~~
- ~~(b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.~~
- ~~(c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.~~
- ~~(d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.~~

²³ Moved to Section 5.13.16.

5.6.7 Rural Guest Establishment: Bed & Breakfast

(A) General Standards

(1) Submittal Requirements

- (a) A site plan, prepared in accordance with the requirements of Section 2.5, containing the following: (Per Section.2.5.2 professional design and certification is not required for Rural Guest Establishments with three guestrooms or less—bed & breakfasts.)
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Boundaries of the site.
 - (iv) Location of well and septic system.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.
 - (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an “existing tree line” is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.
- (i) Any bed & breakfast establishment that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the Planning Director. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the Planning Director.

- (j) Any application for a bed & breakfast operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road, or has legal access to a public road by way of a recorded easement.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).
- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Bed & Breakfast establishments shall be allowed in all protected watersheds, and critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance.

- (l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

5.6.8 Rural Guest Establishment: Bed & Breakfast Inn

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

- (a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Location of well and septic system.
 - (iv) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.
 - (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an "existing tree line" is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

- (i) Any bed & breakfast inn that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the County. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the County.
- (j) Any application for a bed & breakfast inn operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).
- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Bed & Breakfast Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, and critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Sections 6.9 of this Ordinance.

- (l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.
- (n) The minimum lot size for a Bed & Breakfast Inn using a private well and septic system shall be no less than five acres. A Bed & Breakfast Inn may be permitted on lots of less than five acres if the tract is currently served by public water and sewer, subject to the review and approval of the appropriate agencies and the Staff Engineer.

(3) Expiration and Re-Approval of SUP

- (a) The Class B Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Adjustment after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.
- (b) The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.
- (c) The Board of Adjustment shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.
- (d) If the Board of Adjustment does not renew the permit, the permit shall become null and void upon the expiration of the time limit.
- (e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.6.9 Rural Guest Establishment: Country Inn

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

- (a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Location of well and septic system.
 - (iv) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.

- (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an “existing tree line” is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.
- (i) Any application for a Country Inn that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (j) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Country Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, an critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Health Department, Fire Marshal, and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance. The Fire Marshal shall review and approve the site plan to ensure EMS and fire truck accessibility.
- (l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.
- (n) The minimum lot size for a Country Inn using a private well and septic system shall be no less than ten acres. A Country Inn may be permitted on lots of less than ten acres if the tract is currently served by public water and sewer subject to the review and approval of the appropriate agencies, and the Staff Engineer; or if the tract will receive public services as part of a larger development project such as a planned development or village flexible development.

(3) Expiration and Re-Approval of SUP

- (a) The Class A Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of County Commissioners after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.
- (b) The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.
- (c) The Board of County Commissioners shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.

- (d) If the Board of County Commissioners does not renew the permit, the permit shall become null and void upon the expiration of the time limit.
- (e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.6.10 Microbrewery with Minor Events

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

- (1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
- (2) Site shall have direct access to 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.
- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.11 Microbrewery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

- (1) (1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.

- (d) A description of retail sales and facility tours, if proposed.
- (2) Site shall have direct access to 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.
- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) The permit may limit the frequency of events.
- (9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.6.12 Taxidermy

(A) Standards for Class B Special Use Permit

- (1) Enterprises located in an AR (Agricultural Residential) zoning district must be located on a bona fide farm.
- (2) If located adjacent to residentially zoned property, all buildings, structures, facilities, etc. used in the taxidermy enterprise shall be located a minimum of 100 feet from the property line.

5.6.13 Winery with Minor Events

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

- (1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
- (2) Site shall have direct access to 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.
- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.

- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.14 Winery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

- (1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
- (2) Site shall have direct access to 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.
- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) The permit may limit the frequency of events.
- (9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

~~5.7.1 Recreational Facilities~~

~~(A) General Standards of Evaluation~~

- ~~(1) The standards included herein shall be applied to the following for-profit recreational facilities:

 - ~~(a) Tennis clubs,~~~~

To accomplish this goal, the owners/managers have the option of employing, either singly or in combination, any of the following:

- (1) Requiring all competition vehicles to have functional noise mufflers attached at all times;
- (2) Installing a system of noise baffles, berms, or walls on the perimeter of the racetrack facility incorporated into the design and placement of any lighting system and viewing stands, and/or
- (3) Depressing the elevation of the raceway track surface, or
- (4) Some other innovative noise abatement system.
- (L) Limits on racing activities shall be such that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, or beyond 9:00 p.m. on other evenings. Practice activities shall not commence before 10:00 a.m. on any day and shall cease by 9:00 p.m.
- (M) All external lighting fixtures shall comply with Orange County lighting standards (Section 6.11).
- (N) No storage of hazardous materials shall be permitted, except for racing fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange County Fire Marshal shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.
- (O) If additional or accessory land uses are desired, the facility owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with this Ordinance.
- (P) The County shall approve a construction schedule to complete the items listed above.

5.7.6 Guest Ranch

(A) Standards for ASE-CZ Zoning District

- (1) Minimum lot size: 25 acres.
- (2) Site shall have direct access to 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.
- (3) All structures, facilities, storage areas, and parking areas shall be located a minimum of 100 feet from all property lines.
- (4) Special events are not allowed unless approved in the permit and may be limited in duration, frequency, number of people in attendance, or other aspects.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES

5.8.1 Daycare Center in a Residence

(A) Submittal Requirements

- (1) In addition to the information required by Section 2.4.3, the plot plan shall show the following:
 - (a) The location of the residence in which the Daycare Center in a Residence is to be located in relation to existing property lines and adjacent homes;

- (k) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.
- (l) No land disturbance shall take place within 250 feet of the zoning lot line or the property line where the zoning line and the property line are one and the same. Within the 250 foot setback area, existing vegetation shall be retained for the purpose of providing a visual screen and noise buffer. No disturbance or removal of vegetation shall be permitted except for access roads leading from the excavation area to public roads. Where vegetation within the 250 foot setback does not exist, the applicant shall be required to provide a dense, evergreen buffer consistent with the purpose cited above. The buffer shall be in place prior to the initiation of any excavation activities.
- (m) The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of materials extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings.
- (n) Annual inspections of the operation shall be conducted by the Planning Director following submittal of the annual operations reports to determine compliance with the provisions of the Special Use Permit.
- (o) In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new Special Use Permit is required.
- (p) The Board of County Commissioners shall require for all extractive uses a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State then the difference shall be made up in a bond to Orange County.

SECTION 5.13: STANDARDS FOR AGRICULTURAL USES

5.13.1 Commercial Feeder Operation²⁴

(A) General Standards

Property to be utilized for poultry raising, cattle feeding, hog feeding, or other similar uses that are not a part of a bona fide farm may be established in accordance with the Table of Permitted Uses subject to the following conditions:

- (1) All structures, buildings or enclosed areas, used for housing of poultry, hogs, cattle or other livestock, shall be a minimum of 100 feet from all property lines.
- (2) No structures, buildings or enclosed areas, housing poultry, hogs, cattle or other livestock shall be less than 120 feet from any residence.
- (3) Care shall be exercised that odor is kept to a minimum level through frequent cleaning of the area.

²⁴ This is a bona fide agricultural use and cannot be regulated by zoning so staff is suggesting it be removed from the UDO.

- ~~(4) Prior to making this exception, the applicant shall receive from the Orange County Health Department a letter stating that the applicant has reviewed the Health Department's requirements for operation of a feeder type facility and understands the health requirements that must be met. Any violation of a Health Department regulation shall be considered a violation of this Ordinance.~~

5.13.2 Agricultural Processing Facility

(A) General Standards for Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an RB or AR zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.
- (2) The building shall not exceed 10,000 square feet in size.
- (3) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (4) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.4 Cold Storage Facility

(A) General Standards for Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

5.13.5 Community Farmers' Market

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres unless permitted as an ASE-CZ.
- (2) If located adjacent to residentially zoned property, all buildings and vendor areas shall be located a minimum of 100 feet from the property line.

5.13.6 Composting Operation

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 10 acres unless permitted as an ASE-CZ.
- (2) All operations shall be located a minimum of 150 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (4) Outdoor storage areas shall be screened from view of adjacent properties and the road right-of-way.

- (5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (6) Compost piles shall not exceed 15 feet in height.
- (7) Operations that include grinding shall adhere to the following:
 - (a) Grinding shall be permitted only during the hours of 7 a.m. and 7 p.m., or as otherwise specified on the permit.
 - (b) Grinding area shall be located a minimum of 1,000 feet from any existing dwelling unit located on adjacent properties.
 - (c) Grinding area shall be located a minimum of 300 feet from all property lines.

5.13.7 Cooperative Farm Stand

(A) General Standards for Evaluation

- (1) If located in an RB or AR zoning district, stand shall be located on the bona fide farm of one of the cooperative farm partners.
- (2) In addition to the application materials required in Sections 2.5.2 and 2.4.3, the following shall also be required:
 - (a) The number and location of participating cooperative farm partners.
 - (b) A description of the facility, including size of structure(s) and access locations.
 - (c) Number of employees, if any.
 - (d) Frequency and hours of operation.
- (3) Sales of any products not produced on the farm(s) of one of the cooperative farm partners shall be incidental, related to, and a subordinate component of farm stand sales in scale and profit.

5.13.8 Equestrian Center

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

- (1) Minimum lot size: 15 acres.
- (2) Site shall have direct access to 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.
- (3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and horse trailers.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

5.13.9 Farm Equipment Rental, Sales and Service

(A) General Standards for Evaluation

- (1) Outdoor display and storage of equipment shall be permitted in the side and rear yards of the primary structure and shall be screened from view of adjacent properties.
- (2) Service bays shall be located at the side or rear of a structure and shall not be visible from adjacent residential property or the road right-of-way.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (4) Parking shall not be located in the front yard space.

5.13.10 Farm Supply Store

(A) General Standards for Evaluation

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (5) Parking shall not be located in the front yard space.

5.13.11 Feed Mill

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.
- (2) All structures, equipment, and outdoor storage areas shall be located a minimum of 100 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (4) Outdoor storage shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

5.13.12 Greenhouses with On Premise Sales

(A) General Standards for Evaluation

- (1) If located in an AR (Agricultural Residential) zoning district, the minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.
- (2) If located in an AR (Agricultural Residential) zoning district, outdoor storage shall be located in the side or rear yards and shall be setback a minimum of 100 feet from the property line.

5.13.13 Meat Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an RB or AR zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners.
- (2) The building shall not exceed 10,000 square feet in size.
- (3) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 100 feet from the property

line.

- (4) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (5) In addition to the application materials required in Section x.x.xx, the following shall also be required:
 - (a) The number of location of participating cooperative farm partners.
 - (b) Number of employees, if any.
 - (c) Frequency and hours of operation.

5.13.14 Meat Processing Facility, Regional

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

- (1) The minimum lot size shall be 15 acres.
- (2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 300 feet from the property line.
- (3) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (4) Site shall have direct access to 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) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

5.13.15 Non-Farm Use of Farm Equipment

(A) General Standards for Evaluation

- (1) Use shall be located on a bona fide farm.
- (2) Equipment shall be screened from view from adjacent properties and road(s).
- (3) Outdoor storage of materials such as gravel, dirt, or plants shall be limited in both area and duration.
- (4) On-site retail sales shall not be permitted.

5.13.16 ~~Riding Stables~~, Commercial²⁵

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

(1) Submittal Requirements –

In addition to the information required by Sections 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

(2) Standards of Evaluation –

²⁵ Language shown in black text (existing) is proposed to be moved from existing Section 5.6.6.

- (a) ~~The site is of adequate size to protect adjacent properties from adverse effects of the riding stable.~~ Minimum lot size: 5 acres for up to 10 horses, increasing by ½ acre for each horse over 10.
- (b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
- (c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.
- (d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.

5.13.17 Stockyards / Livestock Markets

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 10 acres.
- (2) Site shall have direct access to 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.
- (3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and stock trailers.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (7) If located adjacent to residentially zoned property, all animal pens shall be located a minimum of 300 feet from the property line.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING

5.14.1 Metal Fabrication Shop

(A) Standards for ASE-CZ Zoning District

- (1) Facility must be located on a bona fide farm.
- (2) Minimum lot size: 3 acres.
- (3) Maximum building size: 3,000 square feet.
- (4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.

5.14.2 Microbrewery, production only

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

- (1) If located in the RB and AR zoning districts, the microbrewery must be located on a bona fide farm.
 - (a) A microbrewery, 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 microbrewery, 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.

5.14.3 Sawmills

(A) General Standards for Evaluation and ASE-CZ Zoning District

- (1) Minimum lot size: 5 acres.
- (2) All structures, equipment, and storage shall be located a minimum of 100 feet 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 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 the RB and AR zoning districts, 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.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used) in the NC-2 Zoning District

(A) Standards for the NC-2 Zoning District

- (1) This use shall only be permitted within the Commercial Transition Activity or Commercial-Industrial Transition Activity Node land use classifications, as designated on the Land Use Element Map of the adopted Comprehensive Plan.
- (2) The site shall have direct access onto a State maintained roadway.
- (3) A maximum of 12 cars may be stored or displayed on-site.

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 zoning district, 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.

5.16.2 Veterinary Clinic, mobile

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

- (1) In the AR and R-1 zoning districts, this use is intended to be located on the same property as the operator's residence. The mobile clinic shall be parked to the side or rear of the residence, not in front of the residence, unless permitted otherwise in the permit.
- (2) For all zoning districts in which this use is permitted, observation shelters for up to three large or small animals shall be considered an accessory use. The permit may specify a greater number of observation shelters and may limit the maximum number of days an individual animal may be observed.
- (3) If adjacent to residentially zoned property, all mobile clinic operations shall be located a minimum of 100 feet from the property line.
- (4) Veterinary services whereby the public brings their animal to the mobile clinic location shall not be permitted, unless specifically permitted in the permit.

5.16.3 Veterinary Hospital

(A) Standards for ASE-CZ Zoning District

- (1) In the ASE-CZ zoning district, 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.

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

5.17.1 Churches

(A) General Standards

- (1) Churches are required to provide setbacks in residential districts; the minimum shall be as follows:

TABLE 5.14.1.A: CHURCH SETBACK STANDARDS IN RESIDENTIAL DISTRICTS	
SETBACK	DISTANCE (FEET)
Front	45
Side	50
Rear	50

5.17.2 Community Center

(A) Standards for Class B Special Use Permit

- (i) Habitat Maintenance
 - (i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
 - (ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.
- (j) Access

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.
- (k) Maintenance of Improvements
 - (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
 - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.17.7 Rural Heritage Museum

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

- (1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.
- (2) The maximum building size in the RB or AR zoning districts shall be 5,000 square feet.

5.17.8 Rural Special Events

(A) General Standards for Evaluation or ASE-CZ or MPD-CZ Zoning Districts

- (1) Must be located on a bona fide farm.
- (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of parking area(s).
 - (c) A map depicting surrounding uses and the distance to residential structures.
- (3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.
- (4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

- (5) Events permitted by right in the RB, AR, and AS zoning districts shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-CZ or MPD-CZ.
- (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (8) Food services are not allowed unless approved in the permit.
- (9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

- (1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.

(C) Flag Lots

- (1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.

6.2.3 Clustering

(A) UNIV-CA & UNIV – PW Watershed Protection Overlay Districts

- (1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.
- (2) Each lot shall contain a minimum of one acre.

(B) All Other Overlay Districts

Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

- (A) Permitted as a CU District or CZ District; or
- (B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
- (C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or
- (D) One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short term lease; or
- (E) The use(s) is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1) and is/are located on a bona fide farm.

6.2.6 Principal Structures

(A) Residential

- (1) There shall be no more than one principal structure permitted on any residential zoning lot, with the exception of the following:
 - (a) Multi-family developments which have received approval as a CU District or CZ District, or
 - (b) Temporary use of mobile homes for custodial care approved in accordance with the provisions of Section 5.4.4(B), or
 - (c) During the installation or construction of a permanent unit on the same lot, as provided in Section 5.4.4 of this Ordinance, or

- (d) Duplexes, on lots that have twice the required lot area of the zoning district.

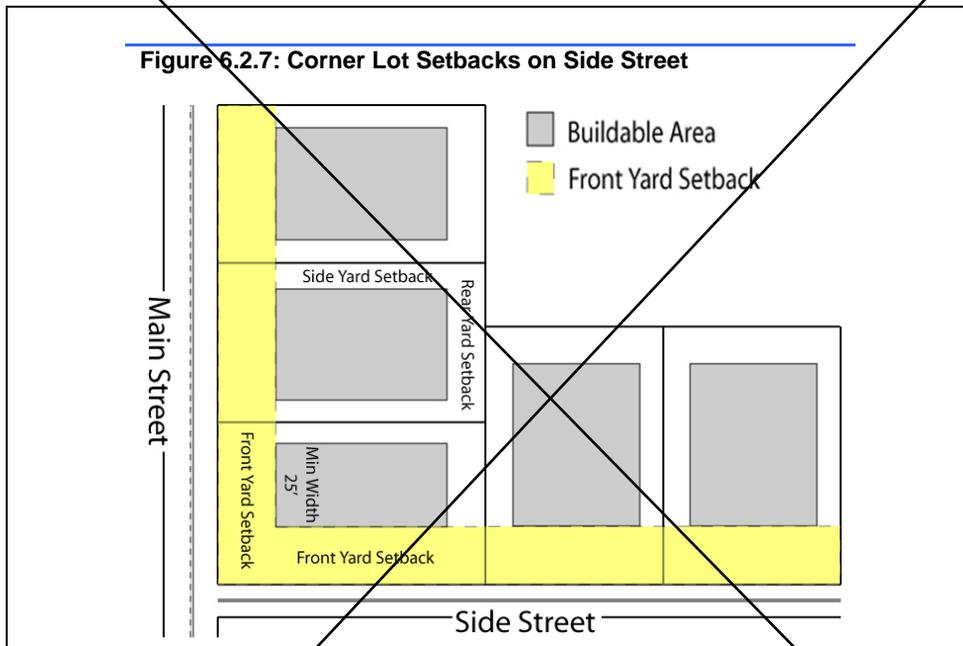
(B) Non-Residential

(1) There shall be no more than one principal structure permitted by right on any non-residential zoning lot greater than two acres in size, unless:

- (a) ~~p~~Permitted as a CU District or CZ District, or
- (b) ~~t~~The zoning lot is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
- (c) The structure(s) is/are located on a bona fide farm and is/are utilized for a use(s) that is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1).

6.2.7 Corner Lot Setback on the Side Street

Any corner lot of record in a residential zoning district abutting a side street shall meet the minimum required setbacks of the zoning district in which it is located; provided, however, that this requirement does not reduce the width of area suitable for building to less than 25 feet.



6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts

In all non-residential zoning districts, except I-1, I-2, I-3, and EI, 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.

6.2.9 Permitted Projections Into Required Open Space

- (A) Certain architectural features, such as cornices, eaves and gutters, may project into the required open space as follows:

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

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

6.4.10 Service & Outdoor Storage

(A) General Standards

- (1) Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.
- (2) Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted to the front of a building.
- (3) If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.²⁶

(B) Additional Standards in Economic Development Districts

- (1) Exterior storage for materials, supplies, and equipment may only be located at the side or rear of a building and only in totally enclosed screened areas. Exterior storage areas must never be located to the front of any building unless screened from view through the use of fencing, walls and/or landscaping, in accordance with Section 6.8 of this Ordinance.

²⁶ While not only related to ASE uses, staff is suggesting the language regarding outdoor storage be included at this time because it is a direction Orange County has been going for several years in regards to outdoor storage areas. Staff is specifically noting that including the language in this section will make it apply in all commercial, industrial, economic development, and conditional districts (See 6.4.1(B)). If not included as part of this amendment package, additional standards (Article 5) may need to be added for some uses.

- ~~(2) The Planning Director may conduct inspections to monitor the health and status of the required landscaping.~~

6.8.6 Land Use Buffers

(A) Purpose

Land use buffers are intended to screen and buffer lower intensity/density uses from incompatible higher intensity/density land uses. Buffers reduce adverse visual effects, as well as noise, dust, and odor.

(B) Applicability

Land use buffers will be required based on the zoning district of the proposed use and the zoning district of the adjacent uses.

(C) Location

(1) Required land use buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses and/or zoning designations. Buffers shall not be located on any portion of an existing or proposed street right of way, drainage or utility easement.

(2) No building or structure of any type shall be erected, constructed or installed in a required land use buffer.

(D) Land Use Buffer Table

TABLE 6.8.6.D: LAND USE BUFFERS													
		ZONING OR USE OF ADJACENT PROPERTIES											
		RB, AR, RI	R-2, R-3	R-4, R-5	R-8, R-13	MHP-CZ	O/I, NC-2, LC-1	CC-3, GC-4, EC-5	EI, I-1, I-2, I-3, PID	INTERSTATE HIGHWAY	ARTERIAL STREET	COLLECTOR STREET	ACTIVE FARM/ AGRICULTURE
Zoning or Use of Subject Property	RB, AR, R1	-	A	A	B	F	E	F	F	F	E	B	B
	R-2 & R-3	A	-	A	B	F	D	F	F	F	D	B	B
	R-4 & R-5	A	A	-	B	F	C	E	E	F	C	B	B
	R-8 & R-13	B	B	B	-	F	B	D	D	F	C	B	B
	MHP-CZ	F	F	F	F	-	F	F	F	F	F	F	F
	O/I, NC-2, LC-1	E	D	C	B	F	-	-	-	F	B	B	D
	CC-3, GC-4, EC-5	F	F	E	D	F	-	-	-	F	B	B	D
	EI, I-1, I-2, I-3, PID	F	F	E	E	F	-	-	-	F	B	B	D
	AS, ASE-CZ ²⁷	D	A	A	A	F	A	A	A	F	B	B	B

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

(E) Natural Buffers

²⁷ The AS zoning district does not currently appear on this chart. Staff is suggesting the AS zoning district be added to the chart to require that property zoned AS is also required to provide a buffer.

No changes proposed on this page - it is included so the Buffer table would be readily available.

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

(F) Constructed Buffers

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

TABLE 6.8.6.F: BUFFER TYPES					
BUFFER TYPE	MINIMUM WIDTH	OPTION 1 MIXED	OPTION 2 DECIDUOUS	OPTION 3 EVERGREEN	OPTION 4 OVERHEAD UTILITY
Plant Material Required Per 100 Linear Feet					
A	20	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
B	30	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
C	40	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	0 Canopy Tree 4 Evergreen Tree 0 Deciduous Understory 9 Evergreen Understory 38 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 7 Deciduous Understory 5 Evergreen Understory 30 Shrubs Tree
D	50	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 9 Evergreen Understory 70 Shrubs Tree	7 Canopy Tree 0 Evergreen Tree 10 Deciduous Understory 0 Evergreen Understory 67 Shrubs Tree	0 Canopy Tree 7 Evergreen Tree 0 Deciduous Understory 16 Evergreen Understory 68 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 12 Deciduous Understory 9 Evergreen Understory 53 Shrubs Tree

TABLE 6.8.6.F: BUFFER TYPES					
BUFFER TYPE	MINIMUM WIDTH	OPTION 1 MIXED	OPTION 2 DECIDUOUS	OPTION 3 EVERGREEN	OPTION 4 OVERHEAD UTILITY
Plant Material Required Per 100 Linear Feet					
E	75	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 10 Evergreen Understory 77 Shrubs Tree	8 Canopy Tree 0 Evergreen Tree 11 Deciduous Understory 0 Evergreen Understory 73 Shrubs Tree	0 Canopy Tree 8 Evergreen Tree 0 Deciduous Understory 17 Evergreen Understory 74 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 10 Evergreen Understory 58 Shrubs Tree
F	100	7 Canopy Tree 1 Evergreen Tree 5 Deciduous Understory 12 Evergreen Understory 85 Shrubs Tree	10 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 0 Evergreen Understory 80 Shrubs Tree	0 Canopy Tree 10 Evergreen Tree 0 Deciduous Understory 20 Evergreen Understory 83 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 16 Deciduous Understory 12 Evergreen Understory 65 Shrubs Tree

6.8.7 Planting Requirements

(A) Street Trees

- (1) Street trees shall be required at the rate of one canopy tree and one understory, either deciduous or evergreen, tree for every 65 feet of street frontage along existing and proposed public and private streets, not including alleys.
- (2) To enhance the natural appearance in the rural areas of the County, canopy and understory trees shall be planted, and clustering is encouraged. However, there must be at least one tree every 100 feet of street frontage.
- (3) In all developments subject to the provisions of this section, the developer shall either retain or plant trees within the front yard setback along all existing and proposed street frontages, public and private, except for alleys.
- (4) If a conflict exists with public utilities, alternate plantings consisting of a greater number of understory trees will be permitted.
- (5) Street trees shall be of a species included on the Planning Director's list of acceptable street tree species.

(B) Between Lot Plantings

- (1) Where a land use buffer is not required, a landscape area ten feet in width exclusive of drainage and/or utility easements shall be provided along the interior side and rear lot lines of each lot being developed. If there are no existing trees, the developer shall provide a minimum of one tree per one thousand square feet of land contained within the ten foot landscape area.

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
AGRICULTURAL USES	
Agricultural Processing Facility	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Processing Facility, Community	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Service Uses	One space per 400 square feet of gross floor area
Cold Storage Facility	One space per employee
Community Farmers' Market	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Composting Operation	One space per employee
Cooperative Farm Stand	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Equestrian Center	One space per horse stall plus one space per employee plus one space per 4 spectator seats
Farm Equipment Rental, & Sales and Service	One space per 400 square feet of gross floor area
Farm Supply Store	One space per 300 square feet of gross floor area
Feed, Seed, Storage and Processing Mill	One space per employee on shift of maximum employment
Commercial Feeder Operation	One space per employee on shift of maximum employment
Greenhouses with (On Premises Sales)	One space per 400 square feet of gross floor area
Meat Processing Facility	One space per employee
Stables, Commercial	One space per three horses (or other equine) kept on site
Stockyards / Livestock Markets	One space per employee plus one space per 4 spectator seats OR one space per employee plus one space per 50 square feet of event area, whichever is greater
Teaching Farm	One space per employee plus one space per student
CHILD CARE AND EDUCATIONAL FACILITIES	
Child Care Facilities	One space per staff member and one space per five children
Daycare Center in a Residence	One space per staff member and one space per five children
Schools: Elementary, Middle & Secondary	One space per staff member One space per staff member and One space per four students
Schools: Vocational	One space per two students
Schools: Dance, Art & Music	One space per four students
Universities, Colleges and Institutes	One space per three students at design capacity of building(s)
Libraries	One space per four seats
COMMERCIAL USES	
Adult Uses	One space per 200 square feet of gross floor area
Banks & Financial Institutions	One space per 200 square feet of gross floor area; plus five stacking spaces per drive-in window
Beauty & Barber Shops	One space per 200 square feet
Country Store	One space per 300 square feet of gross floor area
Drive-In Theaters	no requirement
Funeral Homes	One space per four seats
Garden Center with On Premise Sales	One space per 300 square feet of gross floor area
Greenhouses (No On Premises Sales)	One space per employee on shift of maximum employment
Greenhouses (On Premises Sales)	One space per 400 square feet of gross floor area

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Hotels, Motels, Motor Lodges	One space per lodging unit, plus one space per employee
Junkyards	One space per employee on shift of maximum employment
Kennels/Riding Stables	One space per four pens or stalls
Laundry & Dry Cleaning Services	One space per 300 square feet of gross floor area
Metal Fabrication Shop	One space per employee
Microbrewery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Microbrewery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Night Clubs, Bars, Pubs	One space per four seats
Offices and Personal Services, Class 1	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 2	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 3	One space per 300 square feet of gross floor area
Repair Services: Electronic & Appliance	One space per 300 square feet of gross floor area
Restaurants: Carry Out	15 spaces plus one space per 50 square feet of gross floor area
Restaurants: Drive-In	15 spaces, plus one space per 50 square feet of gross floor area
Restaurants: General	One space per four seats or one space for every 50 feet of floor area for public use, whichever is greater
Retail trade, Class 1	One space per 300 square feet of gross floor area
Retail trade, Class 2	One space per 300 square feet of gross floor area
Retail trade, Class 3	One space per 200 square feet of gross floor area
Rural Guest Establishments: Bed & Breakfast	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Bed & Breakfast Inn	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Country Inn	One space per guest room, plus one space per employee, plus one space for every four seats in the restaurant, plus two spaces for the residence (if applicable)
Storage & Warehouse: Inside Building	One space per employee
Storage of Goods: Outdoor	One space per employee
Taxidermy	One space per 400 square feet of gross floor area
Tourist Home	One space per lodging unit
Wholesale Sales	One space per employee on shift of maximum employment
Winery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Winery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
EXTRACTIVE USES	
Extraction of Earth Products	no requirement
GOVERNMENTAL USE	
Governmental Protective Services	One space per employee on the shift of maximum employment
Police and Fire Stations	no requirement
Military Installations (National Guard & Reserve Armory)	no requirement
MANUFACTURING, ASSEMBLY & PROCESSING	
Industrial, Light	One space per employee on the shift of maximum employment

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Industrial, Medium	One space per employee on the shift of maximum employment
Industrial, Heavy	One space per employee on the shift of maximum employment
Metal Fabrication Shop	One space per employee
Microbrewery, production only	One space per employee
Printing and Lithography	One space per employee
Sawmills	One space per employee
Winery, production only	One space per employee
MEDICAL USES	
Animal Veterinary Hospitals; Veterinarians	One space per 200 square feet of gross floor area
Health Services; Under 10,000 Square Feet	One space per 300 square feet of gross floor area
Health Services; Over 10,000 Square Feet	One space per 200 square feet of gross floor area
Hospitals	One space per 4 four beds
Veterinary Clinic	One space per employee plus one space per 300 square feet of gross floor area
Veterinary Clinic, mobile	One space per employee
RECREATIONAL USES	
Amusement Areas	One space per 50 square feet
Athletic Field	Ten spaces per field
Basketball Court	Five spaces per court
Billiard or Pool Hall	Two spaces per table
Botanical Gardens & Arboretums	Two spaces per acre
Bowling Establishment	Three spaces per lane
Camp / Retreat Center	Five spaces for first two acres of recreation space and one space for each additional acre thereafter
Golf Courses	Two spaces per tee
Guest Ranch	One space per guest room, plus one space per employee. Additional parking may be required based on facilities and uses proposed.
Health Exercise Facility	One space per 50 square feet
Pitch and Putt Courses	Two spaces per tee
Shooting Ranges	One space per target area
Skating Rink	One space per 200 square feet
Subdivisions - Private Recreational Facilities Dedicated Recreational Land	Five off-street parking spaces for first two acres of each recreational site plus one space for each additional acre thereafter
Swimming Pool	One space for every five patrons, based on maximum design capacity
Soccer Fields, Ball Fields	Eight spaces per acre
Tennis, Handball, Racquet Ball Courts	Two spaces per court
Basketball Courts	Five spaces per court
Picnic Shelter Area	One space for every ten patrons, based on maximum design capacity
Swimming Pool	One space per 140 square feet
Tennis, squash, Handball or Racquet Ball Court	Two spaces for every court
RESIDENTIAL USES	

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Dwelling, Multi-family: Efficiency One bedroom Two bedroom	One space per dwelling unit One and one-half space per dwelling unit Two spaces per dwelling unit
Dwelling, Single Family	One space per dwelling unit
Dwelling, Two Family	One space per dwelling unit
Family Care Facilities	One space per three residents; One space per employee on the shift of maximum employment
Group Care Facilities	One space per two beds; One space per employee on shift of the maximum employment
Membership Lodges (Sororities and fraternities)	One space per lodging resident member
Mobile Homes	One space per unit
Rehabilitative Care Facility	One space per two beds; One space per staff member
Rooming House	One space per lodging unit
TEMPORARY USES	
Buildings; Portable	See appropriate uses
TRANSPORTATION	
Bus Passenger Shelters	no requirement
Bus Terminals and Garages	no requirement
Motor Freight Terminals	One space per employee
Motor Vehicle Maintenance & Repair (Body Shop)	One space per each service bay and mechanic
Motor Vehicle Sales Rental (New and Used)	One space per 400 square feet of gross floor area
Motor Vehicles Service Stations	One space per each service bay and mechanic
Parking as Principle Use Surface or Structure	no requirement
Petroleum Products: Storage and Distribution	One space per employee
Postal and Parcel Delivery Services	One space per employee on shift of maximum employment and one space per 800 square feet of gross floor area
UTILITIES	
Public Utility Stations & Substations, Pumping Stations, Switching Stations, Telephone Exchanges	no requirement
Radio & Television Transmitting & Receiving Towers, Water Treatment & Sanitary Sewage Treatment Plants, Elevated Water Storage Tanks	no requirement
Transmission Lines	no requirement
WASTE MANAGEMENT	
Landfills (2 acres or more)	no requirement
Waste Management Facility, Hazardous and Toxic	One space per employee on shift of maximum employment
MISCELLANEOUS	
Airport General Aviation	One space per four air vehicles
Assembly Facility Greater than 300	One space per two seats
Assembly Facility Less than 300	One space per two seats

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Cemetery	no requirement
Church	One space per four seats
Clubs or Lodges, Social	One space per three members
Community Center	One space per 400 square feet of gross floor area
Crematoria	One space per employee
Research Facility	One space per employee
Research Lands & Installations , Non-Profit	no requirement
Rural Heritage Museum	One space per 400 square feet of gross floor area
Rural Special Events	One space per employee plus one space for 50 square feet of event area

6.9.8 Determination For Unlisted Uses

The Planning Director shall make a determination of the minimum required off-street parking spaces for uses not specifically listed in this Section. In reaching the determination, the Planning Director may consider the following:

- (1) Requirements for similar uses,
- (2) The number and kind of vehicles likely to be attracted to the proposed use, and
- (3) Studies of the parking requirements of such uses in other jurisdictions.

6.9.9 Fractional Results

When the number of parking spaces required by this Section results in a fractional space, any fraction of less than one-half may be disregarded; a fraction of one-half or more shall be counted as one parking space.

6.9.10 Off-Street Parking Design Standards

(A) Standard Parking Spaces

- (1) Each parking space shall have a minimum area of 180 square feet and have a minimum width of 9 feet.
- (2) Wheel stops or curbs may be required to prevent encroachment on pedestrian ways and/or landscaping.

DEFINITIONS

Related to Agricultural Support Enterprises

In an effort to minimize the number of pages for the amendment package, relevant definitions have been extracted from the UDO and proposed new definitions are listed as a group. After approval, the definitions will be inserted alphabetically into Article 10 of the UDO.

Revised Definitions of Existing Terms:

Commercial Feeder Operation¹

~~An intensive animal raising operation that takes place within a building. None of the feed is produced on the tract, and the processing is fully or partly automated.~~

Riding Stable, Commercial

~~A commercial facility where horses are sheltered, fed, groomed, boarded, trained, ridden, or bred. Typical accessory uses may include riding instruction, horse shows and auctions, a tack shop, and storage of feed and supplies. The operator of a riding stable shall be allowed to reside on the property to ensure the continuous care of the animals kept on-site.~~ **An establishment for boarding, breeding, training or raising of horses, ponies, mules, and/or donkeys for a fee; and/or rental of horses, ponies, mules, and/or donkeys for riding, driving, and/or instruction. Exercise rings shall be considered accessory uses to a commercial stable. The operator of a commercial stable may reside on the property to ensure the continuous care of animals kept on the site.**

Proposed Definitions for New Terms:

Agricultural Processing Facility, Community

A facility utilized for the processing of produce and/or other commodities produced by no more than 5 cooperative farm partners for the consumption of others (e.g. small canning operation); Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

Agricultural Processing Facility

A facility utilized for the processing and packaging of produce and/or other commodities for transport to off-site wholesale or retail establishments. Facilities may be utilized by farm-based producers, restaurateurs, caterers, food entrepreneurs, and the like. Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce prior to shipment but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

Agritourism

A business directly related or incidental to agricultural activities occurring on the bona fide farm on which it is located and conducted for the enjoyment or education of the public.

Cold Storage Facility

A facility used to warehouse perishable foods and products prior to transport.

¹ This is considered a bona fide farm operation under State Statutes and cannot be regulated with zoning so staff is suggesting it be deleted from the UDO.

Community Farmers' Market

An enclosed or open-air facility for the retail sale of locally produced vegetables, flowers, meats, commodities, plants, crafts, etc. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Composting Operation

A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This does not include backyard composting bins serving individual families.

Cooperative Farm Partner

A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Cooperative Farm Stand

An open-air facility, located on a bona fide farm, for the retail sale of produce, agricultural products, and/or plants produced on-site and from not more than 4 other cooperative farm partners.

Country Store

An enclosed market not exceeding 1500 square feet in size for the retail sales of a variety of merchandise, which must include locally produced products. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Equestrian Center

A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, rodeos, general horse/mule shows, and similar equestrian disciplines. A commercial stable may be included on the site.

Farm Equipment, Non-Farm Use

Commercial use of the farm equipment owned/leased by, and stored on, a bona fide farm non-farming activities away from the bona fide farm. Examples include grading services and landscaping services.

Farm Equipment Rental, Sales and Service

An establishment engaged in the rental, sales, service, and/or repair of construction or farm equipment, including excavators, loaders, graders, bulldozers, farm tractors 50 horsepower or more in size and other large, heavy-duty types of equipment used in the construction or farming industries but not including horse trailers, trucks, or other vehicles designed for use on public roads.

Farm Supply Store

An establishment engaged primarily in the sale or rental of farm tools, small farming equipment, and farm supplies. Retail sales of animal feed, grain, hardware, lumber, tack, riding attire, animal care products, and the like may be an ancillary activity.

Feed Mill

A building with machinery and apparatus for grinding and/or bagging grain.

Guest Ranch

A rural lodge providing overnight accommodations for transient guests seeking a vacation experience characteristic to that of a rural ranch; onsite facilities may include lodge or cabin accommodations, dining

facilities, barns, dance hall and recreational facilities, including but not limited to riding rings, trails, fishing holes and swimming facilities.

Meat Processing Facility, Community

A smaller scale facility, located on a bona fide farm, where livestock or wildlife is slaughtered, processed, and packaged for personal consumption and/or wholesale or retail sale. The livestock must be raised on the subject farm and from 1 to 4 other cooperative farm partners.

Meat Processing Facility, Regional

A larger scale facility where livestock is slaughtered, processed, and prepared for distribution for wholesale or retail sale.

Metal Fabrication Shop

A facility that is engaged in the shaping of metal and similar materials for wholesale or retail sale.

Microbrewery, production only

A facility that produces less than 15,000 barrels per year of craft malt beverages for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Microbrewery with Minor Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Microbrewery with Major Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Rural Heritage Museum

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

Rural Special Event

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

Saw Mill

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

Stockyard / Livestock Market

A facility where livestock are kept temporarily awaiting purchase and/or transport; such facilities may include enclosed pavilions, grandstands, paddocks, and stalls.

Taxidermy

The practice of preparing and preserving the skins of animals and of stuffing and mounting them in lifelike form.

Veterinary Clinic

A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals. Such facilities may include grooming and short-term boarding as incidental uses.

Veterinary Clinic, mobile

A mobile medical facility staffed by one or more licensed veterinarians to provide care, diagnosis, and treatment of animals in need of medical or surgical attention.

Veterinary Hospital

A facility staffed by at least one licensed veterinarian for the specialized treatment of large and/or small animals. Said facilities may provide emergency medical services during and outside of normal business hours. Overnight care may be provided when it is necessary for the medical treatment of the animal.

Winery, production only

A facility utilized for making wines for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Winery with Minor Events

A facility utilized for making wines for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Winery with Major Events

A facility utilized for making wines for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Relevant Existing Terms, no changes proposed:**Agricultural Services**

Commercial activities offering goods and services which support production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, biocide services, retail sales of farm/garden products, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries.

Camp

A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreation vehicles. A camp may be owned by a profit or not-for-profit corporation.

Farming

The use of land consistent with the State of North Carolina's definition of farming, as contained in the General Statutes.

Farm, Bona Fide

The use of land meeting the criteria for “Farm” as defined by the State of North Carolina in the General Statutes.

Garden Center

Retail sales operation providing lawn and garden supplies and small equipment rental primarily for home landscaping. Typical products include, but not limited to, decorative stone, garden ornaments, decorative pots, container plant stock, and bagged or bulk sand, mulch and topsoil. Seasonal sales such as Christmas trees, pumpkins and flowers are permitted in the outdoor display area.

Retreat Center

A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit corporation.

Rural Guest Establishments

A temporary lodging facility that is compatible to the primary land use of agriculture, forestry, open space, or otherwise rural residential activities. Rural guest establishments consist of three subcategories based on intensity and permit requirements, Bed and Breakfast, Bed and Breakfast Inn, and Country Inn, which are further defined below.

- A. **Bed and Breakfast:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Zoning Permit)
- B. **Bed and Breakfast Inn:** A business operated in a structure which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guestrooms may range from four to no more than eight. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Class B SUP)
- C. **Country Inn:** A business, which offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guestrooms may range from four to no more than 24. The restaurant shall contain no more than 60 seats. (Class A SUP)

2030 COMPREHENSIVE PLAN AMENDMENTS



No revisions on first two pages - included for information only. See third page for changes.

Appendix F: Land Use and Zoning Matrix

Appendix F. Relationships Between Land Use Classifications and Zoning Districts

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

TRANSITION LAND USE CLASSIFICATIONS

CHAPEL HILL AND CARRBORO TRANSITION

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

10-YEAR TRANSITION

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

20-YEAR TRANSITION

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

COMMERCIAL TRANSITION ACTIVITY NODE

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

COMMERCIAL-INDUSTRIAL TRANSITION ACTIVITY NODE

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



Appendix F: Land Use and Zoning Matrix

Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).

ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE

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

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER

Only very low density residential and agricultural uses are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL

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

AGRICULTURAL RESIDENTIAL

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

RURAL COMMUNITY ACTIVITY NODE

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

RURAL NEIGHBORHOOD ACTIVITY NODE.

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

RURAL INDUSTRIAL ACTIVITY NODE

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

OVERLAYS

PUBLIC INTEREST AREA

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



Appendix F: Land Use and Zoning Matrix

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