

ORANGE COUNTY BOARD OF COMMISSIONERS

QUARTERLY PUBLIC HEARING AGENDA

May 23, 2016

7:00 P.M.

Richard Whitted Meeting Facility
300 West Tryon Street
Hillsborough, NC 27278

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. Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments** - To review government-initiated amendments to the text of the Comprehensive Plan and UDO regarding revisions to the O/I (Office Institutional) zoning district and to add a new permitted use type, Research and Manufacturing Facility, to the modified O/I district and to the Industrial districts (I-1, I-2, and I-3).
- 2. Unified Development Ordinance (UDO) Text Amendment** - To review government-initiated amendments to the text of the UDO regarding signs.

D. ADJOURNMENT OF PUBLIC HEARING

**ORANGE COUNTY
BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 23, 2016

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

SUBJECT: Unified Development Ordinance Text Amendment – O/I (Office/Institutional) Zoning District and Establishment of a New Permitted Use Type

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form
2. Statement of Consistency
3. Proposed Ordinance
4. Proposed Amendment Summary
5. Approved April 4, 2016 Ordinance Review Committee Notes
6. Draft May 4, 2016 Planning Board Minutes and Statement of Consistency

INFORMATION CONTACT:

Ashley Moncado, Planner II (919) 245-2589
Craig Benedict, Director (919) 245-2575

PURPOSE: To hold a public hearing on a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) and Comprehensive Plan regarding the O/I (Office/Institutional) Zoning District and establishment of a new permitted use type that would also be permitted in the Industrial Districts (I-1, I-2, and I-3).

BACKGROUND: Based on Board of County Commissioners' goals to promote economic sustainability through planning policies and orderly growth this amendment is proposed. In order to manage, accommodate, and review mixed use developments containing office, research, and manufacturing, the Planning Director has initiated a text amendment to the O/I (Office/Institutional) zoning district. The amendment proposes to:

- Rename the O/I (Office/Institutional) zoning district to the O/RM (Office/Research and Manufacturing) zoning district.
- Allow for additional principal uses to be permitted by right in the modified O/RM district.
- Delete residential uses as a permitted use in the modified O/RM zoning district.
- Delete tourist home as a permitted use in the modified O/RM zoning district.
- Modify the existing assembly and packaging use type in Section 5.2, *Table of Permitted Uses*.
- Create a new permitted use type, Research and Manufacturing Facility, to allow for research facilities with advanced manufacturing operations in the modified O/RM and existing I-1, I-2, and I-3 (Industrial Light, Medium, and Heavy, respectively) zoning districts.

The proposed amendment previously included the establishment and permitting of secondary uses in the modified O/RM zoning district. Following a recommendation from the Orange County

Attorney's Office, Planning staff separated the original amendment allowing for secondary uses to be presented as a second amendment package which is planned for the September Quarterly Public Hearing. This was recommended because the concept of secondary uses could be applied to a variety of zoning districts in the future.

The proposed amendment was presented for review and comment at the April 4, 2016 Ordinance Review Committee (ORC) meeting. Agenda materials from that meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>. Approved summary notes from this meeting are included in Attachment 5. In addition, a public information meeting was held on April 20, 2016 to review the proposed amendments and accept public comment. No concerns about the proposal were expressed by attendees.

The Planning Department and Economic Development Departments have reviewed and discussed these amendments and find they further joint goals.

Attachment 1 contains additional information and analysis regarding this amendment. Proposed text amendment language can be found in Attachment 3 within a "track changes" format. The table in Attachment 4 summarizes the proposed amendments to the Table of Permitted Uses.

Planning Director's Recommendation: The Planning Director recommends **approval** of proposed text amendments, including the:

- i. Statement of Consistency contained in Attachment 2, which indicates the proposed text amendments are consistent with the adopted Comprehensive Plan, are reasonable, and are in the public interest, and
- ii. The text amendment as contained in Attachment 3.

Planning Board Recommendation: At its May 4, 2016 meeting, the Board voted unanimously to **recommend approval** of the Statement of Consistency and the amendment package. Draft minutes from this meeting and the signed Statement of Consistency are included in Attachment 6. Agenda materials from the May 4, 2016 Planning Board meeting can be viewed at: <http://www.orangecountync.gov/Planning Board Agenda Packet Jan 20161.pdf>.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement were paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

RECOMMENDATION(S): The Administration 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 comment on the proposed amendments.

3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted).
4. Decide on one of the following options:
 - a. Adopt the proposed amendments by approving the Statement of Consistency (Attachment 2) and Ordinance (Attachment 3).
 - b. Defer a decision to a later BOCC regular meeting date.
 - c. Refer the item back to the Planning Board for a specific purpose.

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

UDO / Zoning-2016-03

O/I (Office/Institutional) Zoning District

A. AMENDMENT TYPE

Map Amendments

Land Use Element Map:

From:

To:

Zoning Map:

From:

To:

Other:

Text Amendments

Comprehensive Plan Text:

Section(s): Appendix F: Relationship Between Land Use Categories and
Zoning Districts Matrix

UDO Text:

UDO General Text Changes

UDO Development Standards

UDO Development Approval Processes

Section(s): Section 3.4, *General Commercial Districts*
Section 5.2, *Table of Permitted Uses*
Section 6.4.3, *Noise*
Section 6.4.4, *Vibrations*
Section 6.8.6, *Land Use Buffers*
Section 6.12, *Signs*
Section 10.1, *Definitions*

Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment related to the O/I (Office/Institutional) zoning district. The purpose of this amendment is to allow for

mixed use developments comprised of office, research, and manufacturing to be permitted by right on a parcel. An additional permitted use type would also be added to the modified O/RM zoning district and the existing I-1, I-2, and I-3 zoning districts.

2. **Analysis**

As required under Section 2.8.5 of the UDO, 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'.

In order to accommodate and permit for new mixed use developments comprised of office, research, and manufacturing, the Planning Director is proposing to initiate a text amendment to the O/I (Office/Institutional) zoning district. The amendment proposes to:

- Rename the O/I (Office/Institutional) zoning district to the O/RM (Office/Research and Manufacturing) zoning district.
- Allow for additional principal uses to be permitted by right in the modified O/RM district.
- Delete residential uses as a permitted use in the modified O/RM zoning district.
- Delete tourist home as a permitted use in the modified O/RM zoning district.
- Modify the existing assembly and packaging use type in Section 5.2, *Table of Permitted Uses*.
- Create a new permitted use type, Research and Manufacturing Facility, to allow for research facilities with advanced manufacturing operations in the modified O/RM and existing I-1, I-2, and I-3 (Industrial Light, Medium, and Heavy, respectively) zoning districts.

The Comprehensive Plan text amendment is necessary to ensure references to the current O/I (Office/Institutional) zoning district are modified to reflect the proposed O/RM (Office/Research and Manufacturing) zoning district.

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

Chapter 3: Economic Development Element - Section 3.5 Goals

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

Objective ED-1.5:

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

Objective ED-2.1:

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

Chapter 5: Land Use Element - Section 5.6 Goals

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

Land Use Goal 1:

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

Land Use Goal 3:

A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.

Land Use Goal 4:

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

Objective LU-1.1:

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

Objective LU-3.1:

Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

4. New Statutes and Rules

N/A

C. PROCESS**1. TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

March 22, 2016

- b. Quarterly Public Hearing

May 23, 2016

- c. BOCC Updates/Checkpoints

April 6 – Ordinance Review Committee (receive materials)

May 4 – Planning Board Recommendation (receive materials)

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements.

a. Planning Board Review:

April 6, 2016 – Ordinance Review Committee
 May 4, 2016 – Recommendation to the BOCC

b. Advisory Boards:

The proposed amendments were provided to the Economic Development Advisory Board for review and comment on April 5, 2016. No comments have been received.

c. Local Government Review:

d. Notice Requirements

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

e. Outreach:

General Public:

A public information meeting was held on April 20, 2016 at the Efland-Cheeks Community Center from 6:00 p.m. to 7:30 p.m. to review the proposed amendments and accept public comment. Mailings were sent to property owners in the county who own property zoned as O/I (Office/Institutional) to inform them of the proposed amendment. An e-mail was sent to Efland-area residents who have previously attended meetings and provided an e-mail address. Additionally, the Efland-Mebane Small Area Plan Implementation Focus Group was notified of the meeting. Eleven people attended the meeting. No concerns about the proposal were expressed by attendees.

Small Area Plan Workgroup:

Other:

FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of county services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

Adoption of the proposed amendment will rename the existing O/I (Office/Institutional) zoning district to O/RM (Office/Research and Manufacturing) zoning district, allow for additional principal uses in the O/RM district, delete residential uses and tourist home as a permitted use in the O/RM zoning district, modify the existing assembly and packaging use type, and create a new land use type, Research and Manufacturing Facility. This amendment will allow for mixed use developments comprised of office, research, and manufacturing to be permitted by right on a parcel which will allow for a faster review process than would currently be required.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3

Primary Staff Contact:
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**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) regarding the O/I (Office/Institutional) Zoning District and establishment of a new permitted use type that would also be permitted in I-1, I-2, and I-3.

The Board of County Commissioners finds:

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

1. *Supports the following 2030 Comprehensive Plan goals and objectives:*

Chapter 3: Economic Development Element

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

Objective ED-1.5: Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Objective ED-2.1: Encourage compact and higher density development in areas served by water and sewer.

Chapter 5: Land Use Element

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

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

Land Use Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.

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

Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

Objective LU-3.1: Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

d. The amendment is reasonable and in the public interest because it:

1. Supports and accommodates innovative and diverse economic development opportunities in the future.
2. Balances economic suitability with orderly, compact growth.
3. Promotes mixed use development in appropriate areas of the county served by water and sewer infrastructure which limits sprawl, protects the rural environment, and lessens land use conflicts.

The Board of County Commissioners hereby adopts this Statement of Consistency and findings expressed herein.

Earl McKee, Chair

Date

Ordinance # _____

**AN ORDINANCE AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN AND UNIFIED
DEVELOPMENT ORDINANCE**

Whereas, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance, as established in Sections 1.1 and 1.7 of the Orange County Unified Development Ordinance (UDO), in order to promote economic development in appropriate areas in the County, and

Whereas, the County determined existing language in the UDO limited mixed-use development potential in districts intended for economic development, and

Whereas, the County determined existing language in the UDO needed to be amended to support and accommodate innovative and diverse economic development opportunities in the future, and

Whereas, the requirements of Section 2.3 and Section 2.8 of the Unified Development Ordinance have been deemed complete, and

Whereas, the County has held the required public hearing and has found the proposed text amendment is consistent with the goals and policies of the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Orange County Comprehensive Plan and Unified Development Ordinance are hereby amended as depicted in the attached pages.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO
HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2016.

SEAL

Clerk to the Board of Commissioners

UNIFIED DEVELOPMENT ORDINANCE AND COMPREHENSIVE PLAN AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment regarding the existing O/I (Office/Institutional) Zoning District. The amendment package will modify Sections 3.4, 5.2, 6.4.3, 6.4.4, 6.8.6, 6.12, and 10.1 of the Unified Development Ordinance (UDO) and Appendix F of the Comprehensive Plan.

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

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO and Comprehensive Plan.
- **Black Strikethrough Text:** Denotes existing text that staff is proposing to delete from the UDO and Comprehensive Plan.
- *****: Denotes existing text that staff is proposing to delete from Section 5.2, *Table of Permitted Uses*, of the UDO.

Only those pages of the UDO and Comprehensive Plan 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 and Comprehensive Plan it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

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

Users are reminded that these excerpts are part of a much larger document that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>. The full Comprehensive Plan is available at: http://www.orangecountync.gov/departments/planning_and_inspections/2030_comprehensive_plan.php.

O/I O/RM OFFICE / INSTITUTIONAL OFFICE / RESEARCH AND MANUFACTURING		DIMENSIONAL AND RATIO STANDARDS	
	Lot Size, min. (square feet)	R [1]	None
		NR NR-CU	5,000
PURPOSE	Lot Width, min. (feet)	R NR-CU	None
		NR	50
The purpose of the Office/Institutional (O/I) Office/Research and Manufacturing (O/RM) District is to provide locations for medium and high intensity office, service, institutional, and residential research, and light manufacturing land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes.	Front Setback from ROW, min. (feet)	R NR - CU	None
		NR	25
	Side Setback, min. (feet)	R	None
		NR	10 [2]
APPLICABILITY	Rear Setback, min. (feet)	R	None
		NR	10 [2]
This district will usually be applied where the following conditions exist: 1. Site is located in areas designated by the adopted Comprehensive Plan as Commercial Transition Activity Node or Commercial-Industrial Transition Activity Nodes. 2. Water and sewer mains are existing at the site or are to be made available during the development process.	Height, max. (feet)	NR - CU	None [2]
		35 [3]	
DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential, CU = conditional use. [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.	Floor Area Ratio, max.	R - CU NR	.40
		NR-CU	.45
	Required Open Space Ratio, min.	.55	
	Required Livability Space Ratio, min.	R-CU	.52
	Required Recreation Space Ratio, min.	R	.111
		R-CU	.114
	Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
NR-CU		200,000/ none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05	
O/I O/RM DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1. Uses shall be restricted to those indicated for the O/I O/RM District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.			
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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.			
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).
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
 6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
 7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
 8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
 - ~~9. Normally, the maximum amount of land zoned to this district shall not exceed five acres.¹~~
 10. The site shall be located near major transportation corridors and have access to adequate public roadway network.

¹ Planning staff is proposing the removal of this standard in order to support larger economic development projects in the future.

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	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													*			*					
Cold Storage Facility																A		*	*	*	
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 Mill ~																*		*	*		
Greenhouses with On Premises Sales ^		*									*	*	*	*		*					
Meat Processing Facility, Community ^	*	*								*	*					*		*			
Meat Processing Facility, Regional ~																A					
Non-Farm Use of Farm Equipment ^	*	*														*					
Stables, Commercial ~	B	B	B									B	B			B					
Stockyards / Livestock Markets ~																*					
CHILD CARE & EDUCATIONAL FACILITIES																					

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! O/RM	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)																				
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										*	*	*	*	*						
Country Store										*	*					*				
Drive In Theaters ~													*							
Funeral Homes ~												*	*							
Garden Center										*	*	*	*			*				
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										*	*	*	*	*	*			*	*	*

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	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)																					
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												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Sexually Oriented Businesses																			*	*	
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
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

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! O/RM	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)																					
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Army) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Distribution ² and Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~															*		*	*	*	*	
Industrial, Medium ~																		*	*	*	
Microbrewery, production only ^	B	B													*			*	*	*	
Printing & Lithography												*	*	*				*	*	*	
Sawmills ~																*					
Winery, production only ^	B	B													*			*	*	*	
MEDICAL USES																					
Health Services: Over 10,000 Sq. Ft. ~													*		*						
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						

² Modifications to this existing land use type are intended to clarify how distribution uses related to assembly and packing are classified in the table of permitted uses. The existing definition for assembly/packaging operations contained in Section 10.1 allows for merchandise distribution.

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/RM	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)																					
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
Veterinary Hospitals												*	*	*	*	*			*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*		*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Recreational Facilities	B	B	B	B	B	B	B	B	B	B	B	*	*		B			*	*	*	
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	*	*	*	*	*	*	*	*	*	*	*	*		*							
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 (Fraternalities, Sororities, and Dormitories) ~								A	A	A			A	A							
Rooming House							*	*	*	*					*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! O/RM	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)																						
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 (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 ~												*	*									
Motor Vehicle Sales / Rental (New & Used)											*		*	*			*	*	*	*		
Motor Vehicle Services Stations										*	*	*	*	*								
Parking As Principal Use, Surface or Structure											*	*	*									
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		
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	

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! O/RM	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)																					
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	
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
Solar Array – Public Utility	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	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
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 and Manufacturing Facility															*			*	*	*	
Research Facility ~											*	*	*		*			*	*	*	

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	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O! O/RM	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)																					
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
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 Distribution and Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills ^	*			
Winery, production only	*	*		
MEDICAL USES				
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		

6.4.3 Noise

(A) General Standards

- (1) Sound levels shall be measured with an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.
- (2) All measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.
- (3) Impact Noises
 - (a) Impact noises are sounds that occur intermittently rather than continuously.
 - (b) Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10dba in excess of the figures listed in Table 6.4.3.B. This exception shall not apply from 7:00 pm to 7:00 am when the adjacent lot is used or zoned for residential purposes.
 - (c) The impact noise shall be measured using the fast response of the sound level meter.
- (4) Noise levels resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (5) Noise levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Zoning Districts

- (1) Within the LC-1, O-1, O/RM, EI, or I-1 district, no permitted Principal Use, Special Use or Accessory Use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.
- (2) The following table establishes the maximum permissible noise levels for permitted uses, special uses, conditional uses and accessory uses in the NC-2, CC-3, GC-4, EC-5, AS, I-2, I-3, and CZ districts:

TABLE 6.4.3.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS			
ZONING OF ADJACENT LOT OR TYPE OF USE IF CONDITIONAL OR "OTHER" DISTRICT	ZONING OF DEVELOPMENT SITE	NOISE LEVEL LIMITS [dBA] FOR GENERATING LAND USE	
		7:00 PM TO 7:00 AM	7:00 AM TO 7:00 PM
Residential	NC-2, I-2 [1]	50	60
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	50	60
Commercial	NC-2, I-2 [1]	60	65
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	65	70
Industrial	NC-2, I-2 [1]	65	70
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	70	75

NOTES:
 [1] Measurements shall be taken at the boundary line of the zoning lot.
 [2] Measurements shall be taken at the boundary line of the zoning district.

- (4) The values stated in Tables 6.4.4.B & 6.4.4.C may be multiplied by 2 for impact vibrations.
- (5) Vibrations resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.
- (6) Vibration levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Districts

- (1) No permitted Principal Use, Special Use or Accessory Use in LC-1, O/RM, EI, or I-1 districts may generate transmitted vibration that is perceptible to the human sense of touch, measured at the outside boundary of the structure occupied by the use generating the vibration.
- (2) No permitted Principal Use, Special Use, Conditional Use or Accessory Use in the NC-2, CC-3, GC-4, EC-5, I-2, I-3, and AS, and CZ districts may generate any ground transmitted vibration in excess of the limits set forth in the following table:

TABLE 6.4.4.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL DISTRICTS MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION		
ZONING OF ADJACENT LAND USE	ZONING OF DEVELOPMENT SITE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential	NC-2 & I-2 [1]	0.02
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
Non-residential	NC-2 & I-2 [1]	0.10
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
NOTES: [1] Measurements taken at the boundaries of the zoning district lot containing the use generating the vibrations. [2] Measurements taken at the zoning district boundaries		

(C) Economic Development Zoning Districts

(1) Maximum Permitted Ground Transmitted Vibration

TABLE 6.4.4.C: MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION	
RECEIVING LAND USE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential development	0.02
Non-residential development	0.10

(2) Mitigation

- (a) Design features used to mitigate vibration must be clearly identified on the site plan.
- (b) Applicants must provide documentation of the source and level of vibration, and the specific manner in which the design feature will reduce vibration to acceptable levels.

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	Ø# O/RM, 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
	Ø# O/RM, 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	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

- (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.

(A) On-Premise Commercial Signs

- (1)** These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
- (2)** On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, ~~⊖~~ O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ, MHP-CZ and all of the Economic Development zoning districts.
- (3)** All on-premise commercial signs shall be setback ten feet from the front, side, and rear property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.
- (4) Number of Signs Permitted**

 - (a) One on-premise commercial sign shall be permitted per parcel. However, one additional on-premise commercial sign may be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.
 - (b) Under no circumstances shall more than one three-dimensional sign be permitted on-site.
 - (c) For multi-tenant buildings and/or sites permitted as a conditional use or conditional zoning district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.
- (5) Height of Signs**

 - (a) Pole signs shall be limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign
 - (b) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign
- (6) The allowable area for on-premise commercial signs shall be determined as follows:**

 - (a) Single or double-faced signs shall not exceed 32 square feet in area, per sign face.
 - (b) Three-dimensional signs shall not exceed a maximum volume of 54 cubic feet with no dimension exceeding six feet.

- (8) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.
- (9) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.
- (10) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:
 - (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
 - (b) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,
 - (c) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.

(C) Wall Signs

- (1) Shall either be mounted or painted on a building.
- (2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.
- (4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.
- (5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.
- (6) Number of Signs Permitted
 - (a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.
 - (b) For multi-tenant buildings permitted as a conditional use or conditional zoning district additional wall signs may be permitted by the Board of County Commissioners.
- (7) The allowable sign area shall be determined as follows:

One square foot of sign area for every ½ foot of building length facing a public right-of-way, not to exceed 32 square feet.
- (8) A changeable copy sign may be utilized as a wall sign.
- (9) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(D) Projecting Signs

- (1) Projecting signs shall be mounted on a building.
- (2) Projecting signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.

- (3) Projecting signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, ~~Θ~~ O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.
- (4) Projecting signs shall adhere to the minimum setback requirements established for all structures within the zoning district in which it is located.
- (5) Only one projecting signs shall be permitted per building facade even in cases of a building located on a corner lot.
- (6) The allowable sign area shall be determined as follows:
 - (a) One square foot of sign area for every ½ foot of building length, facing a public right-of-way, not to exceed 32 square feet in area.
- (7) Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten feet above finished grade.
- (8) Projecting signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (9) Projecting signs shall not be located at the corner of a building except at right angles to the building façade.

(E) Window Signs

- (1) Window signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, ~~Θ~~ O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.
- (2) Window signs shall be limited to a maximum of 30% of the total window area where the sign is to be located.
- (3) Window signs may be utilized for advertising specials or sales within the business, or displaying the name and other pertinent business information associated with the principal use.
- (4) Signs may be etched, painted or otherwise attached to be made a permanent addition to the pane of glass.

(F) Awning Signs

- (1) Awning signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, ~~Θ~~ O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts. See Section 6.12.14(E) for additional standards for Awning Signs located in Economic Development Districts.
- (2) Awning Signs shall be located above the main entrance to a nonresidential land use and shall contain the name of the use.
- (3) Awning Sign area shall be limited to a maximum of 50% of the total awning area erected over the entrance of a nonresidential land use. Where an awning sign is utilized at a multi-use development, the amount of sign area shall be computed as part of the overall sign area allotted to wall signs, not to exceed 50% of the total awning area.

(G) Drive-Through Menu Signs

- (1) Applicants must establish to the satisfaction of the Planning Director that a drive-through menu sign is considered a customary accessory use to the principal business on the property and is necessary for the normal operations of the commercial operation.
- (2) Signs shall be limited to 32 square feet in area.
- (3) No external illumination shall be permitted.

Repetitive loss

Flood-related damages sustained by a structure on two separate occasions during any ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value, or the tax value in the absence of recent comparative sales, of the structure before the damage occurred.

Research and Manufacturing Facility

An enclosed structure which accommodates research and research applications as well as related light industrial uses. Facilities may include laboratories, offices, other facilities for research and development, and production facilities.

Research Facility

An enclosed structure A facility which accommodates research and research applications. Facilities Such facilities may include laboratories, offices, and other facilities for research and development, as well as prototype production facilities for product creation. Prototype production shall be limited in scale to that necessary to fully analyze the merits of the product. Facilities may be housed in multiple structures in a cohesive, campus-like design, provided all research and development activities are conducted wholly indoors.

Reservoir, Class I

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.

Reservoir, Class II

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.

Residential Development

Buildings for residential use such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.

Residential Floor Area

The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access.

Not countable as floor area are:

- a) Open terraces, patios, atriums, or balconies
- b) Carports, garages, breezeways, toolsheds
- c) Special-purpose areas for common use of occupants, such as recreation rooms of social halls
- d) Staff space for therapy or examination in care housing
- e) Basement space not used for living accommodations
- f) Any commercial or other non-residential space.

Residential Land Area

All portions of a parcel or tract of land intended to support residential development of any classification (i.e. single-family, multi-family, etc), including accessory uses, and all land necessary to comply with the provisions of this Ordinance. With respect to subdivisions and Conditional District projects, this term shall be construed as including streets located entirely within the residential portion(s) of the development, common open space, lands accepted for dedication for public purposes, and accessory and commercial uses when developed as part of a mixed use development project.

Residential Use

A use of property characterized by the use of a structure(s) for habitation by an individual, family, or group of unrelated individuals.

2030 Comprehensive Plan Amendments



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 and Institutional)~~ **O/RM (Office/Research and Manufacturing)**.

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 Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3



Appendix F: Land Use and Zoning Matrix

(Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).
O/RM (Office/Research and Manufacturing).

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), and EDH-5 (Economic Development Hillsborough Office/Flex).

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER

Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support 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	040/RM	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	
Transition	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							◆	◆	◆	◆		◆	◆	◆	◆					◆		◆	◆	
	Economic Development Transition Activity Node																		◆		◆		◆		
Rural	Rural Buffer	◆																				◆		◆	
	Rural Residential			◆																		◆		◆	
	Agricultural Residential		◆																◆			◆		◆	
	Rural Community Activity Node							◆	◆													◆	◆		
	Rural Neighborhood Activity Node							◆	◆													◆			
	Rural Industrial Activity Node													◆								◆			
Overlay	Public Interest Area																				◆				

Amended 05-05-15

Proposed Amendments to Section 5.2, Table of Permitted Uses

	EXISTING STANDARDS	PROPOSED AMENDMENT
COMMERCIAL USES		
Hotels & Motels	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Tourist Home	Use currently permitted in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
MANUFACTURING, ASSEMBLY & PROCESSING		
Industrial, Light	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Microbrewery, production only	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
Winery, production only	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
MEDICAL USES		
Health Services (Over 10,000 Sq. Ft.)	Use currently not permitted in the O/I Zoning District	Permitted by right in the in the modified O/RM Zoning District
RESIDENTIAL USES		
Dwelling; Multiple Family	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Family Care Home	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Group Care Facility	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
Rooming House	Use currently permitted by right in the O/I Zoning District	Removed as a permitted use in the modified O/RM Zoning District
UTILITIES		
Elevated Water Storage Tanks	Use currently not permitted in the O/I Zoning District	Permitted in the modified O/RM Zoning District with an approved Class B Special Use Permit
MISCELLANEOUS		
Research and Manufacturing Facility		New use type to be permitted by right in the O/RM, I-1, I-2, and I-3 Zoning Districts.

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

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

MEMBERS PRESENT: Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Kim Piracci, At-Large;

MEMBERS ABSENT: Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Ashley Moncado, Special Projects Planner, Meredith Pucci, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lydia Wegman called meeting to order and introduced new member, Kim Piracci.

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – O/I
(OFFICE/INSTITUTIONAL) ZONING DISTRICT AND NEW PERMITTED USE TYPE
TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING
REVISIONS TO THE O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND ESTABLISHMENT OF A
NEW PERMITTED USE TYPE.

PRESENTER: ASHLEY MONCADO, SPECIAL PROJECTS PLANNER

Ashley Moncado reviewed abstract

Craig Benedict presented information on map

Tony Blake: So the part that would be OI or OI/RM is the green/gray place but not Buckhorn? And you would not want residential in there at all?

Craig Benedict: The mixed use that we're promoting in this we checked with economic development department, the mixed use their interested in is employment centers and possibly retail, but there's other land uses in the Efland area that allow for multi-family and even single family. So, right now we want to protect our economic development zones as much as possible for non-residential because if you allow a multi-family or a single family, which was allowed in some of our other uses, if they happen to be the first proposals to come in and they were permitted by right in many cases we most likely would allow them. And then when the business comes in we have residential people saying they don't want that business there, even though the intent of the economic development zone was for jobs. Ninety-five percent of Orange County Planning jurisdiction allows residential, it's only about 5 percent within our power to focus on our economic development efforts, so we want to protect that from too much residential in that area.

Paul Guthrie: I have a basic question. How are you defining residential? I asked the question because I can think of a circumstance when a business that this area would be useful to be in might very well want to have a residential security manager or residential over-seerer for research or something like that where the residents would actually be on-site. How would you handle a situation like that?

52 Craig Benedict: We could allow that as an accessory use. We've had mini warehouses where they wanted an on-site
53 resident and you could accommodate that as not a primary use but as an incidental and secondary use. And we can
54 make sure that's allowed for big factories there might be some residential or over night component to it.
55

56 Paul Guthrie: It just occurred to me that if you barred that completely it could give you a problem. On the other hand,
57 if you allowed it then I think somebody could attack the whole principal on the basis.
58

59 Craig Benedict: We're allowing hotels and motels, and someone might say that's residential but that's a commercial
60 use.
61

62 Michael Harvey: I would make the argument that's not a residential land use. The principal use of the property would
63 be X and it's up to the applicant to justify, "I need this for this reason" and again I know we shouldn't be fixating on
64 the examples, but in that example that's what I would say; that it's not functioning as a residential development, there
65 is a component, but it's in support of the principal use which, let's say, is this research manufacturing unit.
66

67 Lisa Stuckey: So if I drove through this, what would it look like?
68

69 Craig Benedict: These would be more of a corporate park but, corporate parks and business parks and industrial
70 parks have changed over the last 15-20 years. Our zoning, as evidence by office institutional, was very regimen. This
71 is where you put your Class A office building, and then somewhere else you put your warehouse, and somewhere
72 else you put your manufacturing, and somewhere else you have R&D. Now they don't do that anymore, they put
73 everything in the same place. They'll have their clean office, they'll have their R&D Park they'll put it all together. This
74 district will allow office, and research, manufacturing, and distribution. So, the buildings could be from 20,000 to
75 100,000 square feet. So you could see a few of those buildings in there that have multiple activities. And by the
76 secondary uses that are allowed means that somebody could come in with a business and say, "I don't see enough
77 restaurants around here, how about if I bring as part of my master plan a Chili's with me?" and that's a bonus. When
78 we were looking at another retail site, Cabella's, even though that was all retail they brought a hotel with them and a
79 restaurant. We're definitely not having this as a retail focus, we're listing this stuff as secondary uses in there so we
80 can keep that prime use as job based light industrial manufacturing.
81

82 Lydia Wegman: Have we heard of any companies that are interested in this particular kind of land use? Or this is just
83 to make us attractive to companies if one is interested?
84

85 Craig Benedict: This is just to make us attractive. When the candy factory came, they were designated
86 Office/Institutional, and it did say manufacturing was okay. I'd say it's a relatively small fix, as you were mentioning
87 some of the economic development zones; we need to go into there and take a look at the way the uses are
88 fashioned in there too. The next project that you'll hear from Perdita Holtz, probably in the next month or so, is in the
89 Hillsborough Economic Development. Because we have a joint agreement with Hillsborough we're trying to align both
90 our joint land uses and the zoning categories that can go within that land use. And right now, they're all over the
91 place.
92

93 Tony Blake: I have a question. I read through this and I read the column and what it allows and accessory use and all
94 that stuff and I came down to the automotive/transportation and because I'm sort of passionate about the way we're
95 doing our transit and thinking that BRT is a good rapid transit solution. I noticed that it would allow a bus passenger
96 shelter, which I view as one of these little cubicles by the side of the road, but not a bus terminal or garage. And Bus
97 Rapid Transit has a raised platform appeal, especially in an area where there's a concentrated number of transit
98 people. Would that be allowed in this zone?
99

100 Craig Benedict: Well, we can make it. It does make sense. I think what they were thinking about was kind of a simple
101 city bus terminal, so we can make sure that our bus stops and level platforms and all stuff could be allowed. Because
102 we do have our bus service that is going very close to this zone, if not through it, and if we get some employment
103 concentrations we will modify that transit system.
104

105 Tony Blake: If you can. A lot of people live within walking distance; the least we could do is provide a good, raised
106 platform sort of transit.

107
108 Lisa Stuckey: What is raised platform?

109
110 Tony Blake: The big slam against buses versus light rail is light rail you board and you walk directly from the platform
111 onto the platform without steps. But BRT actually has the ability to pull a bus in at a raised platform and where you
112 are walking directly onto the bus, the same way you would walk onto a light rail train. And it's being deployed and it's
113 a lot cheaper than light rail and more flexible. And the travel lane down Martin Luther King will actually be able to be
114 used for emergency vehicles as well.

115
116 *Ashely Moncado continued with the presentation*

117
118 James Lea: What would that do to the property owners? Would that raise their taxes?

119
120 Craig Benedict: No. The property taxes are based on the properties of a similar zoning category sell over time. So,
121 putting even sewer on a piece of property eventually would raise the value of it but changing the uses would not
122 automatically, until somebody determines that this new use list is better and therefore more valuable but, we're a
123 couple years from where that would ever matriculate into higher values.

124
125 Lisa Stuckey: It leads to the potential of higher value, so higher taxes.

126
127 Paul Guthrie: It could potentially. Property is less and less areas available for residential, for example, outside of that
128 district if someone wanted to sell their house in that they would have, potentially, a sale of their house that would
129 raise as assess valuation in the next re-evaluation.

130
131 Craig Benedict: We have examined which districts have residential. If they sell their residential property for office
132 research manufacturing and they get more money for it at some point in the future, they'd love that.

133
134 Paul Guthrie: But you can't keep them from selling it for another residential person.

135
136 Craig Benedict: Probably not.

137
138 Paul Guthrie: This is a far out thing, but we're still in the area. I spent a good part of the afternoon reading about this
139 other thing, the Supreme Court case, and these are the kinds of things you start getting trouble with down the road.

140
141 Craig Benedict: One last thing about that, we addressed this in the Buckhorn EBB area. We asked the people if they
142 would like the zoning rollback to residential one that would allow the house to be reconstructed and burned down or
143 would you like it to remain Buckhorn District 2 that has higher value if you ever sell it, it was resounding to leave it
144 EDB-2.

145
146 Michael Harvey: One more thought in question when I read this. There's a demand right now. There's a lack of wet
147 lab space in the area and this talks about laboratories, not limited laboratories, prototype production, general facilities
148 but, wet labs sometimes have some pretty onerous stuff going on in them. Is there something that you would put in
149 here to protect that or restrict that or change that? Basically, this is something I can see where somebody would want
150 to come in and put in a wet lab and this thing they're dealing with some kind of biological agent or something like that
151 and people go crazy, but it's permitted by right and so I'm just trying to air on the side of caution here.

152
153 Craig Benedict: Two answers in there. There might be room to add something here. One is we tried not to legislate
154 water consumption, even though there are some provisions in some of our economic development zones that talk
155 about it, but it doesn't say that if you use over one galloon per square foot we're not going to allow you. So that's one
156 element we try not to legislate uses by the water they use but, admittedly in all of our economic development zones
157 we have limitations on water use because there's just not a lot of water. In Hillsborough there's some water limitation,

158 also in Eno. The bigger restriction is the sewer outfall that comes from it, that's where the restriction is. So with the
159 sewer element of it there are some pre-treatment requirements that all utility providers have. And we could note that
160 they must meet the environmental regulations of the utility. For example, Morinaga; there is a pre-treatment function
161 so there's not high level organic matter that goes in the sewer that can create issues.

162
163 Michael Harvey: I guess I was asking; is that covered somewhere else? Or because we're permitting this by right are
164 we leaving the door open for a big use?

165
166 Craig Benedict: I think either turn it into a policy, like a small area planning policy so that we have to be aware in of that
167 and I agree if you have something permitted by right you better have some way to have it black and white; it's okay
168 by the site plan or it's not okay by the site plan. So, I'll work with Michael and Ashley to see if there's a way to keep
169 that in mind.

170
171 Michael Harvey: Also, remember that just because something is permitted by right, there are still regulatory
172 permitting processes that we may say we could use. But using this example, if a local utility or even the state says
173 you can't do what you're proposing in this manner.

174
175 Tony Blake: But given what's going on in politics right now, relying on the EPA or the state for things like that might
176 not be the wisest.

177
178 Craig Benedict: The one area we may consider is some of those performance measurements. Vibration, glare, and
179 soot; maybe we could have some sort of sewer.

180
181 Tony Blake: Yeah, or require them to contain whatever it is and dispose of it in some other way, elsewhere... What
182 I'm worried about is somebody is going to come in here and do something that's potentially dangerous or harmful and
183 not be properly regulated.

184
185 Lydia Wegman: But as Michael says the EPA or the state. They would have to have some kind of hazardous waste
186 disposal or incineration permit in order to do that.

187
188 *Ashley Moncado continued presentation.*

189
190 Craig Benedict: And the last thing, if you have any more comments on this or any of the other Board Members have
191 comments send them to Ashley and before the next meeting we'll try to answer them. So feel free to send Ashley
192 some additional comments.

193
194 **AGENDA ITEM 3: ADJOURNMENT**

195
196 *Meeting was adjourned by consensus.*

**MINUTES
PLANNING BOARD
MAY 4, 2016
REGULAR MEETING**

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MEMBERS PRESENT: Lydia Wegman-At-Large Chapel Hill Township (Chair); Tony Blake, Bingham Township Representative (Vice-Chair); Paul Guthrie, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Kim Piracci, At-Large; James Lea, Cedar Grove Township Representative; Patricia Roberts; Cheeks Township Representative;

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner; Meredith Pucci Administrative Assistant; Audrey Spencer-Horsley, Housing, Human Rights and Community Development Director;

OTHERS PRESENT: None

AGENDA ITEM 7: 2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS - To make a recommendation to the BOCC on government-initiated amendments to the text of the Comprehensive Plan and UDO regarding revisions to the O/I (Office/Institutional) zoning district and establishment of a new permitted use type. This item is scheduled for the May 23, 2016 quarterly public hearing.
Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado reviewed the abstract.

Tony Blake: Do you have to put a definition for distribution on page 39?

Ashley Moncado: The definition for distribution is the assembly and packaging. This is just a clarification since there was some confusion of how distribution falls into the table of permitted uses. Assembly and packaging in Article 10 specifically calls out distribution so it's already in there.

Lydia N. Wegman: Did you hear any concerns expressed about this amendment?

Ashley Moncado: No. We sent out letters to everyone in the County who currently owns property zoned as O/I. We had 11 people attend and it was a good discussion, but there was no concern among the attendees.

Tony Blake: Looking at the table in the land use and zoning matrix on page 43 I noticed that this is only in the commercial/industrial transition, n but not in the rural industrial. Is that something scheduled for later or is that initial?

Craig Benedict: The commercial/industrial land use category was limited to areas where there is public water and sewer.

Lydia N. Wegman: What would you like us to vote on?

Ashley Moncado: In the past the board has done the statement of consistency and amendment package together.

Lydia N Wegman: We might as well do them together. If there are no more concerns or questions we can go ahead and vote.

55 **MOTION** made by Lisa Stuckey to recommend approval to the BOCC on the statement of consistency and the
56 proposed amendment package. Seconded by Tony Blake.

57
58 **VOTE: UNANIMOUS**

59

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) regarding the O/I (Office/Institutional) Zoning District and establishment of a new permitted use type that would also be permitted in I-1, I-2, and I-3.

The Planning Board finds:

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

Chapter 3: Economic Development Element

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.

Objective ED-1.5: Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Objective ED-2.1: Encourage compact and higher density development in areas served by water and sewer.

Chapter 5: Land Use Element

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

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

Land Use Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.

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

Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

Objective LU-3.1: Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan. (See also Economic Development Objective ED-2.8.)

d. The amendment is reasonable and in the public interest because it:

1. Supports and accommodates innovative and diverse economic development opportunities in the future.
2. Balances economic suitability with orderly, compact growth.
3. Promotes mixed use development in appropriate areas of the county served by water and sewer infrastructure which limits sprawl, protects the rural environment, and lessens land use conflicts.

The Planning Board of Orange County hereby adopts this Statement of Consistency and findings expressed herein.


Lydia N. Wegman, Chair

5/9/16
Date

**ORANGE COUNTY
BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 23, 2016

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

SUBJECT: Unified Development Ordinance Text Amendment – Sign Amendments

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Unified Development Ordinance Outline Form (UDO & Zoning 2015-01) 2. Draft May 4, 2016 Planning Board Minutes 3. May 4, 2016 Planning Board Statement of Consistency 4. Statement of Consistency 5. Proposed UDO Text Amendment | <p>Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Planning Director (919) 245-2575
James Bryan, Staff Attorney (919) 245-2319</p> |
|---|--|

PURPOSE: To hold a public hearing on a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) modifying existing sign regulations.

BACKGROUND: As the Board may already be aware, staff has been working on amendments to existing sign regulations for approximately 1 year. Originally staff focused on expanding advertising needs for non-residential development on larger parcels of property and establishing uniform standards for digital signage.

During the course of working on the amendment package the US Supreme Court issued a ruling in Reid versus Town of Gilbert impacting the regulation of signage by local governments.

During the summer/fall of 2015 and spring of 2016, staff worked with the County Attorney's office to modify the proposed amendment package to address the Court's findings. Several iterations of potential sign amendments were reviewed and discussed at the Planning Board's Ordinance Review Committee (ORC) with the plan for eventual presentation at the May 23, 2016 Quarterly Public Hearing. Please refer to Section B of Attachment 1 for more background information.

At the recommendation of the County Attorney's office, amendments designed to address the impacts of the aforementioned US Supreme Court decision will not be included as part of this process. The Attorney's office would like more time to work with staff and discuss the impacts of the Gilbert court case before proceeding with a comprehensive amendment package.

As a result staff has proposed an amendment package, as contained within Attachment 3, which does the following:

1. Eliminates superfluous sign regulations contained in Section(s) 5.5.4 and 5.5.6 of the UDO;
2. Corrects identified grammatical errors and contradictory language in Section(s) 6.12.1 and 6.12.3;
3. Establishes standards defining what constitutes an electronic scrolling message sign in Section 6.12.6; and
4. Recommends the adoption of new standards allowing for larger signage within specific non-residential zoning districts based on the size and road frontage of a parcel of property.

Work to address the impact of the Gilbert US Supreme Court case will be presented at a future public hearing once a new Comprehensive Plan and Unified Development Ordinance Amendment Outline Form is reviewed and acted upon by the BOCC.

Planning Director's Recommendation: The Planning Director recommends **approval** of proposed text amendments, including the:

- i. Statement of Consistency contained in Attachment 4, which indicates the proposed text amendments are consistent with the adopted Comprehensive Plan, are reasonable, and are in the public interest, and
- ii. The text amendment as contained in Attachment 5.

Planning Board Recommendation: At its May 4, 2016 meeting, the Board voted unanimously to **recommend approval** of the Statement of Consistency and the amendment package. Draft minutes from this meeting are contained in Attachment 2. The Planning Board's signed Statement of Consistency is included within Attachment 3.

Agenda materials from the May 4, 2016 Planning Board meeting can be viewed at: <http://www.orangecountync.gov/5.4.16%20PB%20Agenda%20Package.pdf>.

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals is applicable to this agenda item:

GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

RECOMMENDATION(S): The Administration 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 comment on the proposed amendments.
3. Close the public hearing.
4. Decide on one of the following options:
 - a. Adopt the proposed amendments by approving the Statement of Consistency (Attachment 4) and Ordinance (Attachment 5).
 - b. Defer a decision to a later BOCC regular meeting date.
 - c. Refer the item back to the Planning Board for a specific purpose.

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

UDO / Zoning-2015-01

UDO Text Amendment(s) clarifying allowable sign area.

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:

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 text amendment(s) to modify existing regulations governing allowable signage.

Current regulations do not offer a suitable distinction between various types of commercial development allowing for a sign of suitable size to accommodate a non-

residential project on a larger parcel of property.

The amendment was previously also attempting to revise existing regulations to address a US Supreme Court decision. After reviewing the issue with the County Attorney's office, work these revisions will be delayed to afford additional review time.

2. Analysis

As required under Section 2.8.5 of the UDO, 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'*.

There has been an increase in inquires and interest with respect to development of large-scale commercial operations within the County.

Current sign regulations limit the total allowable square footage for freestanding and wall signs for most non-residential general use zoning districts to 32 square feet (8 feet by 4 feet in size) regardless of the property's location, size of parcel, or amount of road frontage. The 'one-size fits all' sign limit may, in fact, be a deterrent to non-residential development.

There is also a noticeable lack of clarity within the UDO addressing what constitutes a blinking/flashing sign, or digital signage with scrolling messages, leading to enforcement concerns.

The amendments are necessary to address current concerns over advertising needs for non-residential development on larger parcels within the County and clarify the prohibition on the use of blinking/flashing signage by incorporating new definitions into the UDO.

As the Board is aware from past discussion, recent court decisions impact the County's sign regulations. In the Reid versus Town of Gilbert US Supreme Court case, the court found sign regulations cannot be seen as allowing/disallowing a sign based on its content. For more information on the case and its potential impacts please refer to the following: <http://canons.sog.unc.edu/?p=8167>.

While work had commenced on amendments designed to address the impacts of Gilbert, the Attorney's office has recommended additional time be allotted to the review and processing same. Staff will be bringing forward a new Amendment Outline Form in the near future outlining the timeline for completion and review of these revisions but is proceeding with an amendment package to address the concern(s) detailed herein.

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

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

4. New Statutes and Rules

Proposed amendments are designed to offer clarity on existing regulations and expand advertising opportunities for large parcels of property. Future amendments will be necessary to address the impacts of the Reed versus Town of Gilbert US Supreme Court case.

a. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

January 22, 2015 – The BOCC authorized staff to proceed with the amendment.

b. Quarterly Public Hearing

May 23, 2016

STAFF COMMENT: This item was originally intended for presentation at the February 19, 2015 Quarterly Public Hearing, which was cancelled due to weather.

Further delays were the result of various court proceedings. For more information on recent court decisions relating to sign regulations please refer to the following: <http://canons.sog.unc.edu/?p=8167>.

c. BOCC Updates/Checkpoints

January 22, 2015 – Approval of Amendment Outline form authorizing staff to proceed with project.

April 1, 2015 Ordinance Review Committee (ORC) meeting (BOCC received materials).

December 2, 2015 Ordinance Review Committee (ORC) meeting (BOCC received materials).

STAFF COMMENT: this item was pulled from the ORC agenda the day of the meeting.

March 2, 2016 –Planning Board meeting (BOCC received materials).

April 6, 2016 –Planning Board meeting (BOCC received materials).

May 4, 2016 – Planning Board meeting (BOCC receives materials).

May 23, 2016 – Public Hearing.

d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements.

a. Planning Board Review:

January 26, 2015 – Planning Board members were e-mailed the amendment packet for initial review and comment.

April 1, 2015 – ORC. During this meeting the following comment(s) were made:

- A Board member asked if digital signs were dangerous?

STAFF COMMENT: Staff believes digital signs pose several issues for motorists due to the frequency of the sign's message being changed as well as the incorporation of a scrolling message. We believe they represent a distraction as motorists are frequently looking at the sign to see the next advertisement.

- A Board member asked how portable signs are addressed.

STAFF COMMENT: Portable signage is addressed in Section 6.12.6 of the UDO and are specifically banned.

- A Board member asked what constituted a snipe sign.

STAFF COMMENT: As detailed in Article 10 *Definitions* of the UDO a snipe sign is a small sign advertising services (i.e. 'We Buy Houses') or off-site signage advertising homes for sale.

December 2, 2015 – ORC. This item was pulled from the ORC agenda as staff was still working to address comments from the Attorney's office.

March 2, 2016 – Planning Board meeting. During this meeting the following comment(s) were made:

- A Board member observed that gas stations are using TV's and interactive menu screens for advertising and asked if they would be included as part of proposed sign allotments.

STAFF COMMENT: Such devices would be counted as part of a properties sign allotment.

- A Board member asked if the proposed amendments would prohibit flashing or blinking lights as part of a sign?

STAFF COMMENT: Section 6.12.6 *Prohibited Signs* contains language prohibiting flashing, blinking, moving, or pulsating signage.

- A Board member asked if real estate signs would still be allowed.

STAFF COMMENT: Real estate signs advertising the sale of property are still allowed.

- A Board member asked if the County could still regulate billboards.

STAFF COMMENT: We can still regulate the location of billboards (i.e. limiting them to specific zoning districts) we just cannot regulate their content.

- A Board member asked how special event signs would be handled.

STAFF COMMENT: The allowance of such signage is based on the underlying zoning of the property. Such signage is prohibited on residential property.

- The Planning Director asked if farms are exempt from sign regulations?

STAFF COMMENT: As farms are exempt from zoning regulations they would

be exempt from sign regulations.

- A Board member asked if the proposed sign regulations will be enforceable in public rights-of-ways?

STAFF COMMENT: The County does not have enforcement authority within rights-of-way maintained by the State.

April 6, 2016 – Review and recommendation. The Board delayed action until the County Attorney’s office had completed its review.

May 4, 2016 – Review and recommendation.

b. Advisory Boards:

N/A

c. Local Government Review:

N/A

d. Notice Requirements

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

e. Outreach:

- General Public:
- Small Area Plan Workgroup:
- Other:

3. FISCAL IMPACT

Modification of existing language will not require the outlay of additional funds by the County. Processing of the amendment shall be handled by staff utilizing existing budgeted funds.

b. AMENDMENT IMPLICATIONS

The amendment will allow for larger freestanding and wall signs for projects where there is adequate road frontage necessitating the development of additional advertising space and clarify what constitutes a blinking/flashing sign to aid in enforcement efforts.

c. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 3.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

MINUTES
PLANNING BOARD
MAY 4, 2016
REGULAR MEETING

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MEMBERS PRESENT: Lydia Wegman-At-Large Chapel Hill Township (Chair); Tony Blake, Bingham Township Representative (Vice-Chair); Paul Guthrie, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Kim Piracci, At-Large; James Lea, Cedar Grove Township Representative; Patricia Roberts; Cheeks Township Representative;

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner; Meredith Pucci Administrative Assistant; Audrey Spencer-Horsley, Housing, Human Rights and Community Development Director;

AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding sign regulations. This item is scheduled for the May 23, 2016 quarterly public hearing.

Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed the abstract

Paul Guthrie: Why did the attorneys make the decision to wait?

Michael Harvey: I think their concern is that there are other court cases pending that could clarify what Reed vs. Gilbert. I also believe they wanted more time to review the proposal to ensure we did not create additional legal hardships for the County. Finally there was a concern the proposal was becoming too complex and might create further compliance issues associated with the Reed decision.

Lisa Stuckey: Isn't this a nationwide problem?

Michael Harvey: Yes, we are not the only Planning Board reviewing this. A lot of communities are choosing not to deal with it and just wait to get sued or wait to see if another community adopts an ordinance that survives a court challenge to use as a model. There are several communities that are doing the same thing we are doing, specifically trying to figure out how best to address the implications of the Reed case.

Lydia N. Wegman: Why are the on premise commercial signs within the agricultural support enterprises being added?

Michael Harvey: They were supposed to be added when we originally created the zoning district but they were not and we didn't want to deny them signage. So as indicated within the footnote we are correcting a previous omission.

Tony Blake: Is there any attempt to align the two sign ordinance between the ETJ and rural areas?

Michael Harvey: No there is not currently a move to do so. Frankly I believe our policy with respect to signage is differently from our municipal planning partners and we should not necessarily be looking for parity.

Lisa Stuckey: On page 107 and 109 I found the language very confusing.

Michael Harvey: This is language that has been approved by the county attorney's office.

55
56 Michael Harvey: If you have any further questions outside of the meeting tonight I am happy to communicate further
57 with you about this item.

58
59 Paul Guthrie: What if you regulate the structure or the materials in the structure of the sign?

60
61 Michael Harvey: We could do that and in certain aspects of this ordinance we can still do that.

62
63 Lydia N. Wegman: Will the results of these court cases are going to address content?

64
65 Michael Harvey: Possibly which is why we are waiting on revising the ordinance.

66
67
68 **MOTION** by Maxecine Mitchell to recommend approval to the BOCC on the statement of consistency and the
69 proposed amendment package. Seconded by Tony Blake.

70 **VOTE: UNANIMOUS**

71

Attachment 3

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify existing sign regulations.

The Planning Board finds:

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

Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
- c. The amendment is reasonable and in the public interest because it:
 1. Clarifies regulations governing the use of electronic displays on signage.
 2. Provides additional sign area for non-residential projects on larger parcels.
 3. Eliminates identified contradictory sign regulations.

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


Lydia N. Wegman, Chair

5/4/16
Date

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify existing sign regulations.

The Board of County Commissioners finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
 Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
- c. The amendment is reasonable and in the public interest because it:
 1. Clarifies regulations governing the use of electronic displays on signage.
 2. Provides additional sign area for non-residential projects on larger parcels.
 3. Eliminates identified contradictory sign regulations.

The Board of County Commissioners hereby adopts this Statement of Consistency and findings expressed herein.

Earl McKee, Chair

Date

Ordinance # _____

**AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

Whereas, Orange County has initiated amendments to its Unified Development Ordinance (UDO) to modify existing regulations governing signage.

Whereas, staff as determined the amendments are necessary to address existing inconsistent language within the UDO, establish definitive standards associated with what constitutes electronic scrolling messages, and expand opportunities within specific non-residential zoning districts for additional sign area based on the size and road frontage of a parcel of property, and

Whereas, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

Whereas, the Orange County Planning Board has recommended approval of the proposed text amendments, and

Whereas, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2016.

SEAL

Clerk to the Board of Commissioners

UNIFIED DEVELOPMENT ORDINANCE AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment regarding the establishment and permitting of signage, specifically impacting Section(s) 5.5.4, 5.5.6, 6.12.1, 6.12.3, and 6.12.6.

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 recommending 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 deletion.

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>.

f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.3.A(2)(e)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage Space

a. Up to 500 square feet of outdoor storage area may be permitted in conjunction with major home occupations provided that it is:

- i. Clearly defined on the site plan and on the ground.
- ii. Setback standards for outdoor storage space shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines; and
- iii. Totally screened from the view from the road and from adjacent property in the same manner required for accessory buildings.

Entire section included for reference purposes only

5.5.4 Mobile Home Parks

(A) Standards for MHP-CZ

(1) Permitted Uses and Structures

In addition to Mobile Homes, as defined by this Ordinance, the following accessory structures and uses shall be permitted:

- (a) Caretaker's or manager's home or office.
- (b) Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, and other similar services provided by the facility for the use and convenience of the mobile home park tenants.
- (c) Recreation buildings/facilities and areas serving only the mobile home park in which they are located.
- (d) Customary accessory buildings and facilities necessary for operation of the mobile home park in which they are located.
- (e) Storage buildings for individual mobile home spaces and intended for the exclusive use of the occupants of the mobile home space.
- (f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents.
- (g) Sales of mobile homes already located on approved and established mobile home stand spaces.

(2) Mobile Home Stand Space Requirements

- (a) A mobile home park shall be divided into mobile home spaces, each having an area of at least 5,000 square feet and a minimum width of at least 50 feet. However, the Orange County Health Department may increase the minimum area requirements for the park and/or individual stand spaces where necessary to be consistent with groundwater resources and/or the limitations of providing sewage disposal systems for the proposed mobile home park.
- (b) Only one mobile home and its customary accessory buildings may be erected on any mobile home stand space at one time.

(3) Mobile Home Stand Requirements

Each mobile home must be placed on a permanent stand in accordance with the following specifications:

- (a) The location of each mobile home stand must be at an elevation, distance and angle in relation to the adjacent access drive or street such that placement and removal of the mobile home is practical by means of customary moving equipment.
- (b) The surface of each mobile home stand and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.
- (c) Each mobile home stand shall have a solid base surface consisting of at least three inches of compacted fill dirt, crusher run or Chapel Hill gravel, or paved slab, and it shall comply with those standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing. Prior to installation of the base surface, all top soil shall be removed from the area to be occupied by the mobile home stand.

(4) Separation Requirements

The following separation requirements shall pertain to every mobile home, single or double wide, within a mobile home park.

- (a) Each mobile home shall be located at least 20 feet from another mobile home and/or building within the mobile home park, external to the individual mobile home stand space. For purposes of determining separation requirements, all attached structures, including storage buildings, carports and covered porches, will be considered part of a mobile home.
- (b) Each mobile home shall be located at least 22 feet from the right of way line or edge of pavement of an access drive or street providing access to the space on which the mobile home is located, whichever is greater.
- (c) A detached accessory structure located within an individual mobile home stand space and intended for the use of the occupants of the space shall be located at least five feet from any mobile home or other building.

(5) Installation of Individual Mobile Homes

- (a) Each mobile home shall be set up and installed in accordance with standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing.
- (b) The owner/operator of a mobile home park shall designate a uniform type of solid foundation enclosure or skirting fully enclosing the crawl space beneath each mobile home in the mobile home park. Foundation enclosures or skirting must be installed in accordance with applicable standards of the North Carolina State Building Code and, in any event, within 90 days of placement of a mobile home on a mobile home space.

- (c) Access shall be provided to all entrances of a mobile home by way of steps (including handrails) installed in accordance with the standards of the North Carolina State Building Code. Where the residents of a mobile home choose to install decks adjacent to entrances, the mobile home will be required to have steps and handrails which meet the standards of the North Carolina State Building Code until the decks are completed.

(6) Vehicular Access

- (a) Each mobile home space shall abut an improved access drive or street approved by the County.
- (b) No mobile home space shall have direct vehicular access to a street or thoroughfare other than those located within the mobile home park.
- (c) The street layout within the mobile home park should be appropriately related to the topography, locations of abutting land uses, drainage patterns, street function and other natural features of the site.
- (d) The planned layout of streets should minimize overall length of streets and provide for the safe, continuous flow of traffic within the mobile home park.
- (e) All streets within a mobile home park shall be located within a 40 foot right of way
- (f) The travelway for all streets shall be at least 18 feet in width and must comply with the drainage standards established in this Ordinance.
- (g) All streets shall be constructed with paved, all-weather surfaces consisting of four inches of base material (crusher run) and 1 ½ inches of 1 2 asphalt or tar and gravel surface treatment consisting of a minimum of six inches of base material (crusher run) covered with alternating layers of tar and pea sized gravel.
- (h) Every street within a mobile home park shall have a maintained six foot wide shoulder running parallel and adjacent to each side of the paved street surface. The shoulder section may be used for walkways, driveways, grass or low growing vegetative ground cover or utility rights of way.
- (i) The maximum length of a cul-de-sac shall be 800 feet. Cul de sacs shall have a paved turnaround radius of 45 feet with a right of way radius of 55 feet.
- (j) No street shall intersect another street at an angle less than 60 degrees.
- (k) The turning radius at street intersections shall not be less than 30 feet.
- (l) Offset intersections are to be avoided, but where permitted, they shall be separated by a minimum distance of 200 feet between street center lines.
- (m) Where streets serving a mobile home park intersect with a State maintained street, the intersection design shall conform to the standards of the North Carolina Department of Transportation specified in Subdivision Roads Minimum Construction Standards.
- (n) Required off street parking spaces must be surfaced with at least four inches of compacted crushed stone or an all weather paved surface.

(7) Signs

~~(a) — There shall be no more than one double faced sign per park entrance announcing the name of the mobile home park, limited to 16 square feet in area with the top of such sign no higher than ten feet above ground level. In addition to the name of the mobile home park, such signs shall identify the name of the park owner/manager and his or her phone number.¹~~

~~(b)~~(a) Any sign erected on-site shall comply with the standards established in Section 6.12 of this Ordinance.

~~(c)~~(b) Traffic control signs (stop, yield, speed limit, children playing signs, etc.) meeting the standards of the Uniform Traffic Control Manual shall be placed throughout the mobile home park where necessary. Cul-de-sacs shall have 'Dead End' street signs erected at the entrance to such streets.

(8) Street Names, Signs & Unit Numbering

- (a) All street names shall be approved by the Orange County Planning Department and street signs shall be constructed to Orange County standards. All street signs must be installed outside the right-of-way at all intersections.
- (b) Each applicant must submit to the Planning Department for approval a mobile home space numbering/location system for the park, based on the equal interval house numbering system employed by Orange County. Upon approval of the mobile home park, the applicant shall submit an approved copy of the space numbering/location system to the emergency services/fire protection agency responsible for providing such services to the Mobile Home Park.
- (c) Each mobile home stand space shall have a permanent site number sign consistent with the following:
 - (i) The site number sign shall be composed of reflective materials or contrasting colors,
 - (ii) The number on the sign shall be at least six inches or greater in height,
 - (iii) The sign shall be affixed to the mobile home when the unit is placed on the stand space, at a point six feet or more above ground level, and
 - (iv) The number on the sign shall match that number assigned to the space on the approved space numbering/location system plan.

(9) Grounds and Buildings

- (a) The grounds of a mobile home park shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.
- (b) Grounds, buildings and storage areas within the mobile home park shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds.

(10) Mail Facilities

¹ There are already regulations governing the erection of mobile home park identification signs in Section 6.12.11. The language in subsection (a) is superfluous and is being eliminated.

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

5.6.4 Junkyards

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements –

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

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

(2) Standards for Evaluation -

- (a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.
- (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.
 - (i) The 150 foot setback established by this section shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
 - (ii) For Class II Kennels developed within the EDE-2 zoning district, this setback shall not apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.

- (iii) For Class II Kennels developed within the EDE-2 zoning district, all buildings, structures, dog runs, pens, or exercise yards in which animals are housed or exercised shall observe the principal setbacks established within Section 3.7 of the UDO in those instances where the property abuts other EDE-2 zoned property and US Highway 70.
- (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. All proposed signage~~ shall comply with dimensional requirements as set forth within ~~this Ordinance~~ Section 6.12.²
- (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 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.

² Again staff is eliminating contradictory language establish sign regulations inconsistent with Section 6.12.

It is the intent of this section to require minimum light levels during established business hours or in those instances where members of the general public will be on-site to ensure public safety.

- (B) Pedestrian walkways and plazas must be lighted and fixtures mounted at a lower height for security and to create an inviting pedestrian environment.
- (C) Accent lighting must also be provided to illuminate such key locations as building and driveway entries, and activity areas.
- (D) Lighting for the purpose of illuminating landmarks and unique features of the site is also encouraged.
- (E) All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.
- (F) Security lighting fixtures or floodlights must not project over the fascia or roof line of the building(s).
- (G) Parking area and driveway fixtures should be mounted at or below a maximum height of 25 feet above the surface of the parking area or driveway.
- (H) The design of light fixtures and structural supports must be compatible with the architecture of the principal building(s) and identification signs.
- (I) Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.
- (J) Ground-mounted lighting fixtures must be weather-proof and vandal resistant.
- (K) **Hillsborough EDD**

In addition to the standards established above, the following standards shall apply within the Hillsborough EDD:

- (1) Lighting must be high efficiency lighting systems and lighting levels must be reduced during non-use hours to promote energy conservation.
- (2) 12:1 minimum/maximum glare ratio.
- (3) Maximum footcandles = 80

SECTION 6.12: SIGNS

6.12.1 Purpose and Intent

The purpose of this Section is to regulate the type, placement and physical dimensions of all signs in the interest of public health, safety and welfare, while recognizing ~~the their need for signs within the business community.~~³

It is the intent of this section to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as described on the ~~current tax roll official Zoning Atlas~~⁴ ~~weather-whether~~⁵ a sign is directly visible from a street right-of-way or not.

³ This language was a 'holdover' from the old zoning ordinance. Signs are allowed throughout the County for various reasons having nothing to do with the 'business community'. The language is unnecessary and is being recommended for deletion.

⁴ The 'current tax roll' has nothing to do with designating the zoning of a parcel of property. Language is being modified to identify the correct document containing same.

⁵ Correcting a spelling error.

6.12.2 Outdoor Advertising

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards).

The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between County regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent.

In cases where there is no applicable State/Federal standard, then existing County regulations shall be enforced.

6.12.3 General Requirements

- (A) No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.
- (B) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on his property except in conformity with these regulations.
- (C) A Zoning Compliance Permit approved in accordance with the provisions of this Ordinance shall be required prior to erecting a sign, unless otherwise permitted.
- (D) A permit shall be required for change of copy of an existing sign, for any sign when the use of the premises changes, or when an existing sign is altered, however no permit will be required for change of copy on a changeable message or reader board sign.
- (E) In no case shall decorative features or landscaping at the base of a sign obstruct the view of motorists.
- (F) Sign Locations
 - (1) All signs shall be located outside the sight visibility triangle (see Section 6.2.10).
 - (2) No sign, including supporting frames or base, shall be located within five feet of a public right-of-way.
 - (3) No sign may be attached, affixed, or painted upon any utility poles, governmental signs, trees, rocks, or other similar natural object within the public right-of-way.
 - (4) No sign shall be permitted ~~on the side street frontage of a corner lot if the lot is located~~⁶ within 100 feet of a residential district.
- (G) Illuminated Signs
 - (1) No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties.
 - (2) Signs shall be illuminated in accordance with the provisions of this Ordinance.

6.12.4 Determination of Sign Area

- (A) For the purposes of this Ordinance, the area of display surface of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combination of forms, comprising all of the display area of the surface and including all of the elements within the display area and the sign frame, including the lattice work, frame, border molding, lettering and display area incidental to the sign's

⁶ This language was a holdover from the old zoning ordinance and created confusion. The regulation is being modified accordingly to ensure an enforceable standard.

- (2) A Zoning Compliance Permit shall not be required to allow for the placement of a political sign on private property.
- (3) There shall be no limit to the number of political signs that can be placed on private property so long as the placement of these signs complies with the provisions of this Ordinance and the signs do not create a public safety hazard.
- (4) Within residential zoning districts, political signs shall not exceed nine square feet in area or four feet in height.
- (5) Within non-residential zoning districts, political signs shall not exceed the maximum allowable sign area permitted for freestanding signs.
- (6) Political signs shall only be erected 90 days prior to the established date of a general election, school board election, referendum, special election, primary, or other similar political activity.
- (7) Political signs shall be removed within 21 days after an election.
- (8) Political signs shall be allowed within rights-of-way of the State highway system only in accordance with State law.
- (9) Political signs shall not be allowed on telephone poles, utility poles, trees, other similar natural objects, and other signs or sign structures.

6.12.6 Prohibited Signs

The following signs are prohibited in all zoning districts:

- (A) Advertising signs resembling traffic signals, traffic signs, emergency vehicles' flashing lights, non-governmental sanctioned signs utilizing the words 'stop', 'slow', 'caution', 'danger', or any sign that is likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings or which by their distracting nature create a hazard to motorists;
- (B) Signs, except for off-premises signs allowed under this Section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of such activity. Upon failure of the owner to remove such signs within the prescribed time, the Planning Director shall take appropriate legal action to have such sign removed;
- (C) Flashing, blinking, pulsating, signs or signs with moving parts except for signs showing time of day and temperature that are part of an approved sign advertising a permitted business activity on a parcel of property;
- (D) Signs with electronic moveable copy, scrolling messages or other similar electronic displays designed to change display more than once an hour or a maximum of 8 times in a 24 hour period⁷;
- (E) Signs, other than traffic, governmental, street name signs, political signs erected in accordance with State law, or other official governmental or public agency sign, shall not be permitted within any street right-of-way;
- (F) Roof signs;
- (G) Snipe signs;
- (H) Beacon lights, animated signs, trailer signs and snipe signs;
- (I) Portable signs, unless approved for a special event in accordance with Section 6.12.11(D);

⁷ Staff is proposing a universal standard for what constitutes electronic changeable copy to ensure proper enforcement.

- ~~(2) Signs shall not be placed within any public street right-of-way.~~
~~(3) Signs must be removed after property has been transferred.~~

~~(I) **Landmark Signs**~~

~~Signs shall be erected only after the historical significance of the particular site has been verified and that proposed location of the sign has been approved by the Orange County Planning Department and all other related agencies (i.e. NC Department of Transportation).~~

6.12.12 Signs Permitted in Specific Zoning Districts

The following signs shall be permitted in the zoning districts indicated, in accordance with all other provisions of this Section and specific standards for each sign established herein:

(A) On-Premise Commercial Signs

- (1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
- (2) On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, MHP-CZ, ASE-CZ, REDA-CZ-1,⁸ and all of the Economic Development zoning districts.
- (3) All on-premise commercial signs shall be setback ten feet from the front, side, and rear property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.
- (4) Number of Signs Permitted**
- (a) One on-premise commercial sign shall be permitted per parcel. However, one additional on-premise commercial sign may be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.
- (b) Under no circumstances shall more than one three-dimensional sign be permitted on-site.
- (c) For multi-tenant buildings and/or sites permitted as a conditional use or conditional zoning district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.
- (5) Height of Signs**
- (a) Pole signs shall be limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign
- (b) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign
- (6) The allowable area for on-premise commercial signs shall be determined as follows:**

⁸ Staff is correcting for previous omissions by including Agricultural Support Enterprises Conditional Zoning (ASE-CZ) and the NC Highway 57 Speedway Area Rural Economic Development Area Conditional Zoning (REDA-CZ-1) in the list of allowable signage.

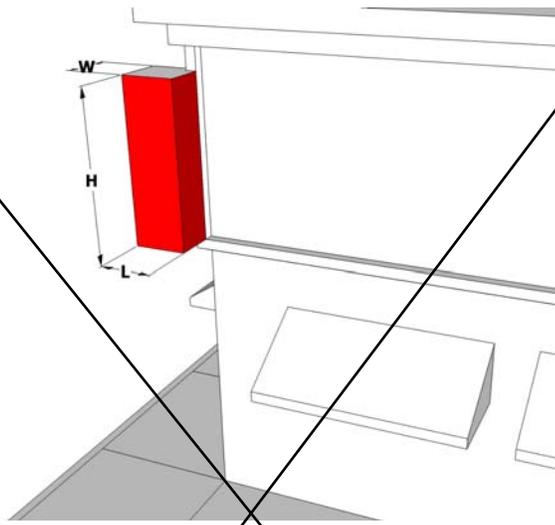
(a) Single or double-faced signs shall not exceed 32 square feet in area, per sign face. For parcels zoned CC-3, GC-4, OI, I-1, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 72 square feet in area for parcels that:

(i) Are larger than 60,000 square feet in area, and

~~(a)(ii)~~ Have more than 300 linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

(b) Three-dimensional signs shall not exceed a maximum volume of 54 cubic feet with no dimension exceeding six feet.

Figure 6.12.12.A.6: Three-Dimensional Sign Allowable Volume



NOTE: $L \times W \times H$ may not exceed 54 cubic feet with no dimension exceeding 6 feet.

(7) An on-premise commercial sign may contain a changeable copy sign as defined in this Ordinance. However, the total sign area, including the area of changeable copy, shall not exceed the maximum allowable area established in Section 6.12.12(A)(6)(a) above.

(8) No on-premise commercial sign shall be oriented in such a manner as to be directly visible from a major transportation corridor as established in this Ordinance.

(B) Off-Premise Commercial Signs

(1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

(2) Off-premise commercial signs (billboards) shall be permitted within the GC-4, EC-5, I-1, and I-2 zoning districts.

(3) No electric tap outs allowing for an independent light source to receive power shall be allowed.

- (4) Off-premise commercial signs shall be considered the principal use of property. There shall be no additional principal uses allowed on the same parcel. Off-premise commercial signs shall not be permitted as accessory uses.
- (5) No off-premise commercial sign shall be located closer than 200 feet to the right-of-way of major thoroughfares (i.e. US 70, NC 86, NC 40, and NC 57) and 600 feet to the right-of-way for all other thoroughfares and streets.
- (6) The height of an off-premise commercial sign shall not exceed 25 feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of an off-premise sign shall not be less than eight feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less.
- (7) Off-premise commercial signs shall be limited to 480 square feet of sign area.
- (8) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.
- (9) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.
- (10) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:
 - (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
 - (b) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,
 - (c) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.

(C) Wall Signs

- (1) Shall either be mounted or painted on a building.
- (2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.
- (5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.
- (6) Number of Signs Permitted
 - (a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.
 - (b) For multi-tenant buildings permitted as a conditional use or conditional zoning district additional wall signs may be permitted by the Board of County Commissioners.
- (7) The allowable sign area shall be determined as follows:

One square foot of sign area for every $\frac{1}{2}$ foot of building length facing a public right-of-way, not to exceed 32 square feet. For parcels zoned CC-3, GC-4, OI, I-2, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 64 square feet in area for parcels that:

- (a) Are larger than 60,000 square feet in area, and
- (b) Contain a structure with more than 100 linear feet of building length facing a public right-of-way, and
- (c) Have more than 300 feet of linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

- (8) A changeable copy sign may be utilized as a wall sign.
- (9) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(D) Projecting Signs

- (1) Projecting signs shall be mounted on a building.
- (2) Projecting signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.
- (3) Projecting signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (4) Projecting signs shall adhere to the minimum setback requirements established for all structures within the zoning district in which it is located.
- (5) Only one projecting signs shall be permitted per building facade even in cases of a building located on a corner lot.
- (6) The allowable sign area shall be determined as follows:
 - (a) One square foot of sign area for every $\frac{1}{2}$ foot of building length, facing a public right-of-way, not to exceed 32 square feet in area.
- (7) Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten feet above finished grade.
- (8) Projecting signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (9) Projecting signs shall not be located at the corner of a building except at right angles to the building façade.

(E) Window Signs

- (1) Window signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.
- (2) Window signs shall be limited to a maximum of 30% of the total window area where the sign is to be located.
- (3) Window signs may be utilized for advertising specials or sales within the business, or displaying the name and other pertinent business information associated with the principal use.
- (4) Signs may be etched, painted or otherwise attached to be made a permanent addition to the pane of glass.

(F) Awning Signs

- (1) Awning signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts. See Section 6.12.14(E) for additional standards for Awning Signs located in Economic Development Districts.
- (2) Awning Signs shall be located above the main entrance to a nonresidential land use and shall contain the name of the use.
- (3) Awning Sign area shall be limited to a maximum of 50% of the total awning area erected over the entrance of a nonresidential land use. Where an awning sign is utilized at a multi-use development, the amount of sign area shall be computed as part of the overall sign area allotted to wall signs, not to exceed 50% of the total awning area.

(G) Drive-Through Menu Signs

- (1) Applicants must establish to the satisfaction of the Planning Director that a drive-through menu sign is considered a customary accessory use to the principal business on the property and is necessary for the normal operations of the commercial operation.
- (2) Signs shall be limited to 32 square feet in area.
- (3) No external illumination shall be permitted.
- (4) A land use that utilizes such a sign shall also be permitted an independent speaker box, no greater than 12 square feet in area with a height no greater than four feet.

6.12.13 Sign Standards for Specific Uses

In addition to the requirements contained herein, the following land uses shall adhere to these additional standards:

(A) Changeable Copy Signs Utilized by Churches or Public Entities

- (1) Shall not exceed 32 square feet in area.
- (2) Bulletin boards/reader boards may be internally illuminated.

(B) Service Stations/Gas Station

- (1) Signs may be erected above gas pumps subject to the following standards:
 - (a) No internal or external illumination shall be permitted;
 - (b) Signs shall be limited to four square feet in area; and
 - (c) Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property.
- (2) Signs may be erected on the canopy covering gas pumps subject to the following standards:
 - (a) Advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display.
 - (b) Such displays shall be limited to six square feet of area.

(C) Yard Sales/Garage

- (1) Signs shall be erected on the property where the sale is taking place.
- (2) Signs shall be limited to four square feet of area.
- (3) No off-site displays shall be permitted.

- (4) Signs shall be removed no later than sunset of the day the event occurs.

(D) Institutional Uses and Private Parks Located within Residential Zoning Districts

- (1) One ground and one wall sign shall be permitted;
(2) Maximum sign area shall be 32 square feet per sign face; and
(3) No ground sign shall exceed six feet in height.

(E) Home Occupations

- (1) The Home Occupation shall have a valid Zoning Compliance Permit issued by Orange County;
(2) There shall only be one sign limited to eight square feet in area and four feet in height;
(3) Such sign shall not be illuminated by any means;
(4) Sign shall not be located within any public street right-of-way, sight visibility triangle, easement, vehicular area or other similar area; and
(5) The sign message shall be limited to the business name and telephone number.

(F) Parks, Public and Non-profit; Recreational Facilities, Non-Profit; Recreational Facilities, Golf Courses; and Recreational Facilities, Profit

(1) Purpose and Intent

- (a) Unlike signs for non-residential development(s), signs for recreational land uses are intended to serve a different function and purpose. Signs within these types of land uses are intended to provide essential information concerning:
- (i) Rules and regulations governing the operation of the facility;
 - (ii) Educational information identifying unique aspects of the facility, the property itself, or significant environmental features that are located on the property; and
 - (iii) Identification of sponsors or public/private partnerships that are responsible for the development, upkeep, and maintenance of existing recreational amenities.
- (b) While some of this information could be construed as being advertising material, the County views such signs as identifying those responsible for the existence of the facility and allows for recognition of entities that have entered into partnerships with the operator of the facility to provide local residents with recreational opportunities.

(2) Applicability

The regulations included herein govern the erection of signs at the following:

- (a) Parks, Public and Non-profit,
- (b) Recreational Facilities, Non-Profit,
- (c) Recreational Facilities, Golf Courses, and
- (d) Recreational Facilities, Profit within the County.

(3) Permitted Signs

- (a) Freestanding identification signs announcing the name of the facility/land use are subject to the following standards:
- (i) There shall be only one freestanding identification sign per property,

- (ii) Freestanding identification signs shall be limited to 20 square feet of sign area. In Economic Development Districts, a maximum sign area of 32 square feet shall be permitted,
- (iii) The sign may be either a ground or pole sign,
- (iv) Freestanding identification signs shall be set back a minimum of ten feet from all property lines, and
- (v) Illumination of freestanding identification signs shall be permitted in accordance with the provisions of this Ordinance,

(b) Wall Signs

- (i) Shall either be mounted or painted on a building.
- (ii) All wall signs shall be offset a minimum of five feet from the corner of the building face on which it is mounted.
- (iii) Wall signs shall not protrude more than 12 inches from the side of building on which it is mounted.
- (iv) Only one wall sign shall be permitted per building except as follows:
 - a. In cases where a building is located on a corner lot, a second wall sign may be erected on the building wall facing the second street right-of-way subject to the requirements of this Ordinance.
 - b. If a building façade faces athletic fields or other similar recreational areas on the property, a second wall sign, up to 32 square feet in area, may be erected facing these facilities, not to exceed the allowable sign area as calculated herein,
 - c. Under no circumstances may more than one wall sign be located on the same building façade.
- (v) The maximum sign area shall be determined as follows:
 - a. One square foot of wall sign area for every $\frac{1}{4}$ linear foot of building length along a right-of-way or facing an athletic field or similar recreational use, not to exceed 32 square feet in area.
- (vi) A changeable copy sign can be utilized as a wall sign.
- (vii) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.
- (viii) The sign may be internally illuminated or have external illumination installed consistent with the provisions of this Ordinance.

(c) Informational Signs

- (i) Shall be allowed in an effort to provide information concerning individual recreational amenities available on the property and are limited to those signs necessary to identify the name of a specific recreational facility, amenity, or use.
- (ii) Signs shall be no larger than 20 square feet in area.
- (iii) The sign shall contain information identifying the recreational amenity.
- (iv) The number of signs shall be directly proportional to the number of individual recreational amenities present on the site.