

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: March 2, 2010

Action Agenda
Item No. 4 - 1

SUBJECT: Contract Award for Professional Services Related to the Orange County Unified Development Ordinance

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Request for Proposals (RFP) (pp.3-9)
2. List of RFP Finalists (p. 10)
3. Proposed Contract (pp. 11-18)
 - 3.1 Scope of Services (pp. 19-22)
 - 3.2 Consultant Proposal in Response to RFP (UNDER SEPARATE COVER pp. 23-157)
4. Project Timetable (pp. 158)

INFORMATION CONTACT:

Craig Benedict, Director, 245-2575
Michael D. Harvey, Planner III, 245-2597
Tom Altieri, Planner III, 245-2579

PURPOSE: To consider approval of the Professional Services Contract with Clarion Associates to assist in the development of a Unified Development Ordinance (UDO).

BACKGROUND: In this year's 2009-2010 fiscal year budget, the BOCC included funds for professional services to assist in the development of a UDO. On October 23, 2009 the Planning Department released a Request for Proposals (RFP), which is provided as Attachment 1.

Staff received eleven (11) proposals and interviewed five (5) finalists (Attachment 2) in January of 2010. The interview team consisted of:

- Mr. Willie Best, Assistant County Manager
- Ms. Judith Wegner, Vice-Chair of the Planning Board
- Mr. Craig Benedict, Planning Director
- Mr. Tom Altieri, Comprehensive Planning Supervisor
- Mr. Michael D. Harvey, Current Planning Supervisor

Based on the consultants' responses to the RFP and interviews, the interview team is recommending Clarion Associates to provide professional planning services associated with the completion of the UDO.

Clarion Associates, an Orange County based firm with offices in Chapel Hill and Denver, Colorado was selected due to its understanding of the project, demonstrated ability to remain within established budgets, work on similar projects, and ability to meet the County's work schedule. Clarion has recently completed similar projects in Cary and Jacksonville, North Carolina, as well as Henrico County, Virginia.

Clarion Associates was also selected for its extensive knowledge and understanding of Orange County. In addition to the Orange County 2030 Comprehensive Plan, Clarion completed the Town of Hillsborough/Orange County Strategic Growth Plan and is under contract with the Town to complete a UDO and an Annotated Outline.

The proposed contract with Clarion Associates, including the complete Scope of Services, is provided as Attachment 3. The contract amount is \$30,000. In general, services are to include:

1. **Task One – Project Initiation and Assessment:** The Consultant will meet with County staff to review/assess existing regulations and graphics. During this Task, the Consultant will identify areas within ordinance text where graphics would be beneficial to support written regulations and improve understanding.

This step will also involve identification of improvements to existing regulations that could be addressed through this, and future processes.
2. **Task Two – First Draft UDO:** The Consultant will propose and County staff and Consultant will agree on an outline for the restructuring and format of the revised UDO. The Consultant will also provide formatting suggestions and identify the topical areas in the new UDO where graphics/illustrations can/should be included. The Consultant will not be expected to re-write existing regulations for inclusion within the UDO. This is staff's responsibility. During this Task, the Consultant will be compiling options on how to possibly revise other regulations to be expressed in the Implementation Bridge, described in Task Three, which is a primary focus of the Consultant's contract.
3. **Task Three – Public Hearing Draft UDO and Annotated Outline for the August 23, 2010 Quarterly Public Hearing:** The Consultant will be responsible for taking the first draft UDO, prepared by the County, and reformatting it to serve as a draft for Public Hearing. The Consultant will not be reviewing the document for content or substance, but focusing on formatting and presentation of the regulations. This Task will include inserting graphics and reformatting for publication quality fit and finish. During this Task, the Consultant will also be working to complete the Implementation Bridge.

The Implementation Bridge that will be prepared as part of this Task will include a summary of issues, comments, suggestions, and concerns, along with proposed strategies to address. The Implementation Bridge will discuss the structure and use of the new UDO and identify issues and opportunities for inclusion in subsequent amendments to the new UDO.

Attachment 4 includes the complete project timetable.

FINANCIAL IMPACT: The BOCC provided \$32,600 in this year's 2009-2010 budget, Departmental Contract Services Account, to complete this BOCC priority. The costs of consulting services as outlined in the proposed contract are not to exceed \$30,000. The additional \$2,600 not included in this contract was budgeted for advertising, copying and printing expenses.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached contract with Clarion Associates for \$30,000 and authorize the Chair to sign the contract.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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



306F Revere Road
 P O Box 8181
 Hillsborough,
 North Carolina, 27278



**Request for Proposals to provide professional services related to the development of a
 Unified Development Ordinance for Orange County, North Carolina**

I. Overview:

Orange County, North Carolina is releasing this Request for Proposals (hereafter 'RFP') seeking responses from qualified consultants to assist County Planning Staff with the development of a conventional Unified Development Ordinance (UDO) consisting of:

- i. Zoning Ordinance,
- ii. Subdivision Regulations,
- iii. Erosion Control Ordinance,
- iv. Stormwater regulations,
- v. Flood Damage Prevention Ordinance, and
- vi. Land use development standards.

The purpose and intent of the project is to allow Orange County Planning staff to produce development regulations that address contemporary development and zoning practices that are easily understood by administrators, the public, and the development community and support the goals and policies of the 2030 Comprehensive Plan, adopted in November of 2008.

The primary responsibilities for the consultant shall be:

1. Develop new and revised graphic representations/illustrations that will serve as practical examples of the development standards contained within the UDO,
2. Assisting with the re-packaging of the revised regulations,
3. Assisting staff with the documentation and cataloguing of all public comments and/or suggestions related to the development of the UDO throughout the process, and
4. Assisting staff to complete an annotated outline, which explains the organization of the UDO, as well as providing the following:
 - a. A detailed synopsis of all public comments received during the process,

- b. Identifying potential future amendments to the UDO that may be necessary in order to address public concerns/comments or various objective of the Comprehensive Plan, and
- c. Providing a rough work plan/schedule for the Board of County Commissioner's review on possible future UDO amendments.

The annotated outline will provide a tentative schedule for the possible presentation and review of future amendments seeking to modify various land use regulations in an effort to further implement the Orange County Comprehensive Plan. This document is intended for presentation at the August 2010 Quarterly Public Hearing after the presentation of the draft UDO.

II. Background:

Orange County is centrally located in the Piedmont region of North Carolina. Development within the County ranges from highly urbanized (i.e. the municipalities of Chapel Hill, Carrboro, Hillsborough, and Mebane) to rural areas where farming activities still serve as the predominant land use.

The County is approximately four hundred (400) square miles in area with a population of approximately 128,000 with approximately sixty percent (60%) of local residents living within the aforementioned municipalities.

Over the past several years, the County has undergone an extensive revision to its Comprehensive Plan, which was adopted in November of 2008. One of the many goals of the plan was the consolidation of existing land use regulations into a more user friendly format to avoid unnecessary confusion amongst individuals attempting to develop property. In order to accomplish this task, staff proposed and received authorization from the Orange County Board of Commissioners to develop a UDO for the County.

III. Scope of Services:

The UDO shall impact development activities outside of the incorporated areas, extraterritorial jurisdictional (ETJ) boundaries, and established Joint Planning areas of the Town's of: Chapel Hill, Carrboro, Hillsborough, and the City of Mebane.

A staff person within the Department of Planning and Inspections shall serve as the County's primary contact for the selected firm and shall be responsible for coordinating, implementing, and administering the project's timeline and deliverables.

The consultant team is expected to attend select public meetings and workshops, along with pre-determined Planning Board advisory meetings, as part of the work program associated with the project.

This project will involve four (4) distinct phases:

1. Working with staff, the consultant will evaluate the existing development regulations and existing graphics contained within the various Ordinances. This process will involve reviewing various graphics and diagrams for:
 - a. Compliance with all applicable Local, State, and Federal regulations (i.e. NC DOT standards, DENR stormwater standards, etc), and
 - b. Success at conveying the intended standard,
2. Review, with staff, all proposed revised regulatory standards and identify ways to represent proposed regulations in a visual/graphic manner,
3. Re-package all graphics/diagrams into the draft UDO by March 2010 for public review and presentation at the August 2010 Quarterly Public Hearing, and
4. Assist staff with the completion of a final UDO synopsis outlining all public comments relating to the development of the document as well as identifying possible future amendments to address citizen concerns. This document shall also be presented at the August 2010 Quarterly Public Hearing.

IV. Procedures – Submitting Response:

Completed proposals shall be submitted to the County Planning Department no later than **noon** on **Wednesday November 25, 2009**.

All interested firms shall send an e-mail indicating their interest and/or intent of filing a response to Michael D. Harvey by **November 6, 2009** at mharvey@co.orange.nc.us.

All e-mail notifications, as well as any other correspondence sent to the County relating to this RFP, must contain within the subject line of the e-mail the words “**Orange County UDO RFP**”. The purpose of this e-mail notification requirement is to allow staff to send to all interested firms any modifications, updates, or answers to general project questions that would benefit all parties.

Interested bidders are invited to submit written questions they may have relating to this project. All questions must be submitted via email, with the aforementioned subject line heading, to Michael D. Harvey, by **November 11, 2009**. All questions will be compiled, and a complete list of written questions and answers will be forwarded to all firms that have sent an email indicating intent to respond to the RFP.

The proposals must conform to the requirements set forth in this RFP, and shall include the following:

1. A cover letter identifying the firm, or firms proposed for a team approach for the project.
2. An explanation on how the consultant will adhere to the scope of work including a proposed work timeline/schedule that corresponds with the timeline outlined herein. This narrative should include an explanation of the following:
 - a. An indication of your understanding of the project,
 - b. The proposed approach to the project consistent with the timeline outlined herein,

- c. The proposed scope of work for the project, including a detailed description of the proposed deliverables. The scope should be responsive to the draft scope items presented within this RFP.
3. Identification of the roles and responsibilities of all team members with the firm including:
 - a. Team organization including an identification of the lead consultant and project manager, key personnel that will be working on the project, the role of any proposed sub-contractor, etc,
 - b. A statement of qualifications for all team members including references and educational background, and
 - c. A description of the current workload for identified individuals.
4. Examples, if any, of similar work product or involvement with the development of a UDO and/or the development of graphics/drawings intended to provide a visual explanation of a regulatory standard.
5. A minimum of three (3) references for similar projects including:
 - a. The name and date of the project,
 - b. The location of the client, and
 - c. A contact name including relevant contact information.
6. A cost estimate/proposed budget including anticipated payment schedule coordinated with the completion of identified milestones.

All proposals, exhibits, responses, attachments, reports, charts, schedules, maps and illustrations shall become the property of Orange County upon receipt.

All proposals received will be reviewed by a selection committee composed of County staff against the selection criteria set forth in this RFP. A short list will be developed. Short-listed firms will be invited to interview with the County on or about the second week of December 2009. Based on the interviews, a final selection will be made on or about **December 11, 2009**.

V. Selection Criteria:

All proposals will be ranked based on qualifications. Orange County will establish a short list of candidates and schedule interviews accordingly. The following criteria will be the basis on which consultants will be selected for further consideration (in no particular order):

- Specialized or appropriate expertise in the type of project,
- Past performance of the lead consulting firm, subcontractors, and their employees on similar projects,
- Adequate and experienced staff and proposed team for the project,
- Recent experience with successfully maintaining project schedules and budgets,
- Current workload and firm capacity,

- Proposed design approach for the project(s) and schedule for completion,
- Understanding of the area where the project is located,
- Rate structure for proposed staff including all sub-contractors, and
- Other factors that may be relevant to the project.

VI. Project Timeline:

The timeline for this project is as follows:

Process Task	2009					2010																					
	a	s	o	n	d	j	f	m	a	m	j	[Shaded Column]												a	s	o	n
Task 1																											
1. BOCC Adoption of Process	X																										
2. Draft UDO Outline		X																									
3. Outreach - Countywide Mtgs. (2)			X																								
4. Joint Board Mtg.				X																							
5. Consultant RFP Process			X	X	X																						
6. BOCC Update - Approve UDO Outline					X																						
Task 2																											
7. Draft Sections of UDO - New Regulations						X	X																				
8. Courtesy Review						-	X	X	X																		
9. Staff/Consultant Coordination - Graphics						-	X	X	X																		
10. Outreach - Countywide Mtgs. (2)								X																			
11. Planning Board (PB) Review						X	X	X																			
12. BOCC - Staff Report									X																		
Task 3																											
13. Complete First Draft UDO								X	X																		
14. Outreach - Countywide Mtgs. (2)										X																	
15. Courtesy Review									X	X	X	X															
16. Planning Board Review									X	X	X	X															
17. Consultant Final Deliverables								X																			
18. Complete Public Hearing Draft UDO												X															
19. BOCC - Staff Report												X															
20. Joint BOCC/PB Public Hearing																				X							

The various critical dates for the consultant are as follows:

- A. Review existing land use development regulations with staff and discuss existing limitations on graphics and other similar depictions of regulatory standards: **December 2009 through January 2010.**
- B. Begin developing revised graphics. First draft package due for review by County staff on or about **January 29, 2010.**
- C. Consultant shall attend the two (2) outreach meetings scheduled for **February or March 2010** (actual dates, times, and meeting locations are pending). At this meeting the consultant shall be prepared to explain any proposed graphic change and will provide a few examples of possible amendments for public review/comment.
- D. Consultant shall attend the **February** and/or **March 2010** Planning Board meeting to review revised graphics package.
- E. Final graphics package for inclusion within draft UDO due to County staff by the end of **March 2010.**
- F. Consultant shall attend the **April** and/or **May 2010** Planning Board meetings to participate in the review of the draft UDO.
- G. Beginning in **May 2010** (actual dates, times, and meeting locations are pending) consultant shall begin meeting with staff to begin developing the final report documenting possible future amendments and a rough timeline for possible implementation.
- H. Completion of final document end of **June 2010.**
- I. Consultant shall attend **August 2010** Quarterly Public Hearing and shall be prepared to participate in the presentation of the UDO.
- J. Consultant shall make revisions, as necessary, to the graphics to address comments/concerns received during the public hearing, and subsequent advisory board review, beginning in **September** through **November 2010,**
- K. Final exit interview with consultant, and closing out of project, occurring sometime in **December 2010.**

VII. Deliverables – Work Product:

All completed work product shall be delivered electronically in a format mutually agreed upon by the consultant and the County that will allow County staff to modify, reproduce, and amend any and all information generated as part of this project.

VIII. Submission Requirements:

As previously indicated, interested firms are required to submit ten (10) copies of their proposal by noon on **November 25, 2010** and include all information as detailed herein. The proposals may be mailed to:

Orange County Planning Department
Attention: Michael D. Harvey AICP, CZO – Planner III
PO Box 8181
Hillsborough, NC 27278

The County will not accept proposals for review that are received after the 12:00 p.m. deadline, even with a November 25, 2009 postmark. It is the responsibility of the consultant to ensure that the proposal is received by the deadline date and time as detailed herein.

If you plan to hand deliver copies, please contact the Planning office first at (919) 245-2575 to verify the drop off point.

Questions relating to the RFP can be directed to Mr. Michael D. Harvey in writing at the aforementioned address, emailed to mhavey@co.orange.nc.us, or you may contact Mr. Harvey at (919) 245-2575.

Consulting Firms Selected for Interview

Attachment 2

Consultant:	Contact:	Location:	Budget:
N Focus	Richard Flowe (owner/president)	Corporate office in Kannapolis, NC	\$67,499.90
Clarion Associates	Roger Waldon (Chapel Hill office representative)	Field office in Chapel Hill, NC	\$30,000.00
Studio Cascade In partnership with The Brough Law Firm	William Grimes (owner/president) TC Morphis (Brough Law firm representative)	Studio Cascade office is in Spokane Washington Brough Law firm office is in Chapel Hill, NC	\$57,500.00
Benchmark CMR Inc. In partnership with Hill Studio Firm	Jason Epley (Executive Vice- president)	Benchmark office is in Kannapolis, NC Studio Hill office is located in Roanoke, VA	\$29,500.00
Reno and Cavanaugh PLLC In partnership with Town Planning and Urban Design Collaborative (TPUDC)	David Kleinfelter	Both firms are based out of Nashville, TN	\$30,000.00 plus travel expenses (i.e. air travel, accommodations, food, etc.)

NORTH CAROLINA

**SERVICES AGREEMENT OVER \$25,000.00
RFP – NO REIMBURSABLE EXPENSES**

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this 2nd day of March, 2010, ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") and Clarion Associates, (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

- i) This Services Agreement ("Agreement") is for professional services to be rendered by Provider to County with respect to: assisting with the completion of the Orange County Unified Development Ordinance (UDO) consistent with the included scope of services and deliverables.
- ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.
- iii) Time is of the essence with respect to this Agreement.
- iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

- a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.
- b. Standard of Care.
 - i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional

quality, accuracy and timely completion and/or submission of all work related to the Basic Services.

- ii) Provider shall be responsible for all errors or omissions, in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.
- iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.
- iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.
- v) Provider agrees that Provider, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Provider's services under this Agreement.
- vi) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

3. Basic Services

a. Basic Services.

- i) The Provider shall perform as Basic Services the work and services described herein and as specified in the County's Request for Proposals (the "RFP") "RFP Number 09-001 for "Orange County Unified Development Ordinance (UDO)" issued October 23, 2009, and the Provider's proposal, which are fully incorporated and integrated herein by reference together with Attachments One (Scope of Services) and Two (Clarion Associates RFP Response). In the event a term or condition in any document or attachment conflicts with a term or condition of this Agreement the term or condition in this Agreement shall control. Should such conflict arise the priority of documents shall be as follows: This Agreement, the County's RFP together with attachments, Provider's Proposal together with attachments.
- ii) The Basic Services will be performed by the Provider in accordance with the following schedule: (Insert task list and milestone dates)

<u>Task</u>	<u>Milestone Date</u>
1. Review existing regulations and graphics	March 10, 2010
2. Meeting to discuss findings	March 31, 2010
3. Community Outreach (2 meetings)	March/April 2010
4. Document/catalogue public comments	April 17, 2010
5. Assist with first draft UDO	April 21, 2010
6. Community Outreach (2 meetings)	May 2010
7. Preparation of Annotated Outline	July 9, 2010
8. Prepare public hearing draft of UDO	July 16, 2010
9. Attend August 2010 Quarterly Public Hearing	August 23, 2010
10. Project close out	December 17, 2010

- iii) Should County reasonably determine that Provider has not met the Milestone Dates established in Section 3(a)(ii), County shall notify Provider of the failure to meet the Milestone Date. The County, at its discretion may provide the Provider seven (7) days to cure the breach. County may withhold the accompanying payment without penalty until such time as Provider cures the breach. In the alternative, upon Provider's failure to meet any Milestone Date the County may modify the Milestone Date schedule. Should Provider or its representatives fail to cure the breach within seven (7) days, or fail to reasonably agree to such modified schedule, County may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Provider. This section shall not be interpreted to limit the definition of breach to the failure to meet Milestone Dates.

4. Duration of Services

- a. Term. The term of this Agreement shall be from March 2, 2010 to December 17, 2010.
- b. Scheduling of Services
- i) The Provider shall schedule and perform his activities in a timely manner so as to meet the Milestone Dates listed in Section 3.
- ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate his efforts, including providing additional resources and working overtime, as necessary, to perform his services in accordance with the approved project schedule at no additional cost to the County.
- iii) The Commencement Date for the Provider's Basic Services shall be March 2, 2010.

5. Compensation

- a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services under this Agreement. The maximum amount payable for Basic Services is thirty-thousand Dollars (\$30,000.00). In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice

until the parties resolve the dispute. Payment for Basic Services shall become due and payable in direct proportion to satisfactory services performed and work accomplished. Payments will be made as percentages of the whole as Project milestones as set out in Section 3(a)(ii) are achieved. *(For example, if there are 10 Project Tasks with Milestone Dates then Provider may invoice for the first 10% of the whole upon County's acknowledgement of the satisfactory completion of Task one. Upon the County's acknowledgement that the second Task has been satisfactorily completed Provider may invoice for the next 10% of the whole.)*

- b. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

6. Responsibilities of the County

- a. Cooperation and Coordination. The County has designated the *(Planning Director)* to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager and/or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

- a. General Requirements. The Provider shall purchase and maintain and shall cause each of his subcontractors to purchase and maintain, during the period of performance of this Agreement:
- i) Worker's Compensation Insurance for protection from claims under workers' or workmen's compensation acts;
 - ii) Comprehensive General Liability Insurance covering claims arising out of or relating to bodily injury, including bodily injury, sickness, disease or death of any of the Provider's employees or any other person and to real and personal property including loss of use resulting thereof;
 - iii) Comprehensive Automobile Liability Insurance, including hired and non-owned vehicles, if any, covering personal injury or death, and property damage; and
 - iv) Professional Liability Insurance, covering personal injury, bodily injury and property damage and claims arising out of or related to the performance under this Agreement by the Provider or his agents, Providers and employees.
- b. Insurance Rating. The minimum insurance rating for any company insuring the Provider shall be Best's A.
- c. Limits of Coverage. Minimum limits of insurance coverage shall be as follows:

INSURANCE DESCRIPTION	MINIMUM REQUIRED COVERAGE
• Worker's Compensation	Limits for Coverage A - Statutory State of N.C. Coverage B - Employers Liability \$100,000 each accident and policy limit and disease each employee
• Commercial General Liability	\$1,000,000 Each Occurrence; \$2,000,000 Aggregate.
• Automobile Liability	Combined Single Limit \$500,000
• Professional Liability	NOTE: Insert coverage limits required by <u>Risk Manager</u> if applicable.
d. <u>Additional Insured.</u>	All insurance policies (with the exception of Worker's Compensation and Professional Liability) required under this Agreement shall name the County as an additional insured party. Evidence of such insurance shall be furnished to the County, together with evidence that each policy provides the County with not less than thirty (30) days prior written notice of any cancellation, non-renewal or reduction of coverage.

8. Indemnity

- a. Indemnity. The Provider agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

- a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

- a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days prior written notice to the Provider.
- b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause.
- c. Compensation After Termination.

- i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider.
 - ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.
- d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

11. Additional Provisions

- a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.
- b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.
- c. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.
- d. Entire Agreement. This Agreement, together with the RFP and its attachments and the Proposal and its attachments, represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.
- e. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.
- f. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or

things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

- g. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

In the event of a change in the County's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

- h. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
 Attention: _____
 P.O. Box 8181
 Hillsborough, NC 27278

Provider's Name & Address
 Clarion Associates
 101 Market Street Suite D
 Chapel Hill, NC 27516

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

PROVIDER:

By: _____
 Valerie Foushee, Chair
 Orange County Board of Commissioners

By: _____

Printed Name and Title
 Federal Tax ID #: _____

Attest: _____
 Donna Baker, Clerk to the Board

[SEAL]

This instrument has been approved as to technical content.

Craig Benedict, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Clarence G. Grier, Finance Director

This instrument has been approved as to form and legal sufficiency.

John L. Roberts, County Attorney

CONTRACT ATTACHMENT ONE – SCOPE OF SERVICES:

The following is a detailed scope of services outlining the timeline and deliverables for the UDO project. This expands on the information detailed within the attached contract, specifically the milestone dates contained within Section Three – Basic Services:

- A. **Task One – Project Initiation and Assessment:** Clarion will meet with County staff as outlined below in this section, to review/assess existing regulations and graphics. During this task, Clarion will identify areas within ordinance text where graphics would be beneficial to support written regulations and improve understanding.

This step will also involve identification of improvements to existing regulations that could be addressed through this, and future processes.

Meeting Targets: March 10, 2010 – One meeting with consultant and staff to review process for project, begin review/discussion of existing reformatting and graphic issues, and review timeline. The Consultant shall review graphics for the new UDO with staff, and review with staff the goals/objectives of the County contained within the 2030 Comprehensive Plan. The consultant shall review with staff existing examples of modern UDO's from other communities, for identification of ideas to include in Orange County's new UDO. The consultant will also discuss with staff the operation of existing regulations, from the staff perspective.

March/April 2010 – Consultant will attend, with staff, two (2) community outreach meetings to review new regulations to be incorporated into the UDO and formatting options with the public. Staff shall be responsible for documenting and summarizing public comments, suggestions, and concerns.

These comments, suggestions, and concerns shall become part of the Implementation Bridge, described below in Task Three.

March 31, 2010 – Consultant shall deliver to staff an initial memorandum (expected length of approximately five pages) summarizing initial findings from the March meetings described above, including preliminary recommendations addressing existing contradictions and inconsistencies in the UDO that have been identified, issues with existing graphics, and possible reformatting options for the UDO with a follow-up meeting or conference call.

Deliverables: Initial memorandum of existing issues and opportunities for the UDO as identified in the March meetings, including preliminary recommendations for addressing existing contradictions and inconsistencies (expected length of approximately five pages). This report will identify topics that are candidates for graphic illustration, but will not include any graphics at this point in the project. – due **March 31, 2010**

- B. **Task Two – First Draft UDO:** The Consultant will propose and County staff and Consultant will agree on an outline for the restructuring and format of the revised UDO. Consultant will also provide formatting suggestions and identify the topical areas in the new UDO where graphics/illustrations can/should be included. When the revised structure of the revised UDO is agreed upon, the Consultant will provide County staff a skeletal framework, with templates, of the revised organizational structure for the UDO, in Word, for County staff to use as it revises the UDO. Consultant will also spend up to one-half day instructing staff on how to use the Word framework. County staff will then place existing ordinance text into the new template format for refinement and adjustment by Consultant.

The Consultant will not be expected to re-write existing regulations for inclusion within the UDO. This is staff's responsibility. During this Task, the Consultant will be compiling options on how to possibly revise other regulations to be expressed in the Implementation Bridge, described in Task Three, which is a primary focus of the Consultant's contract.

The Implementation Bridge is intended to detail public comments and suggestions relating to the development of the UDO, outline ideas on possible future amendments (including where they would be placed in the UDO), suggest timelines (following discussion with staff), and provide the County with a road map on how future Comprehensive Plan implementation efforts could be initiated by the BOCC.

Meeting Targets: **March through April 2010** – Review of preliminary recommendations by Planning Board, advisory boards, and staff. Consultant to attend meeting of Planning Board, with staff.

April 2010 – Consultant shall meet with staff, as needed, to review reformatting options for the UDO project and the Implementation Bridge. Estimate two meetings with staff, and additional telephone consultation as needed.

May 2010 - Consultant will attend, with staff, two (2) community outreach meetings to review proposed Ordinance amendments with and present formatting

structure to the public. Staff shall be responsible for documenting and detailing public comments, suggestions, and concerns.

These comments, suggestions, and concerns shall be addressed in preparation of the Implementation Bridge.

- C. **Task Three – Public Hearing Draft UDO and Annotated Outline for the August 23, 2010 Quarterly Public Hearing:** Clarion personnel will be responsible for taking the first draft UDO, prepared by the County, and reformatting it to serve as a draft for Public Hearing. Clarion will not be reviewing the document for content or substance, but focusing on formatting and presentation of the regulations. This task will include inserting graphics and reformatting for publication quality fit and finish. During this Task, the Consultant will also be working to complete the Implementation Bridge described below. \$5,000 of the project budget will be set aside for production of graphics to include in the new UDO.

The Implementation Bridge that will be prepared as part of this Task will include a summary of issues, comments, suggestions, and concerns, along with strategies for addressing these. The Implementation Bridge will discuss the structure and use of the new UDO, and identify issues and opportunities for inclusion in subsequent amendments to the new UDO. (The length of the Implementation Bridge is expected to be 15-17 pages.) All comments received as part of the review of the initial drafts of the UDO shall be compiled within the Implementation Bridge as well.

At the August 2010 Quarterly Public Hearing the Consultant, along with staff, will present the public hearing draft of the UDO and the Implementation Bridge to the BOCC and Planning Board for review and comment.

Meeting Targets: May through July 2010 – Consultant shall meet with staff, as needed, to review reformatting options for the UDO project and the Implementation Bridge (two on-site meetings, and telephone discussions as needed).

August 23, 2010 – Quarterly Public Hearing. Consultant to attend.

September through November 2010 – The Consultant will work with staff to address necessary revisions to the Implementation Bridge in person or via conference call (estimate one on-site meeting). Consultant will commit up to \$1,500 of project budget for time related to revisions to the UDO. Consultant shall be available to complete additional revisions on a time and materials basis.

November 16, 2010 –Consultant will attend the BOCC meeting where the UDO and Implementation Bridge are to be reviewed for adoption.

December 17, 2010 – Exit interview and project closeout.

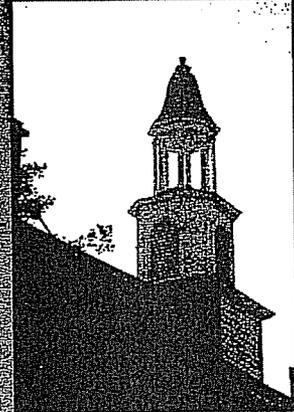
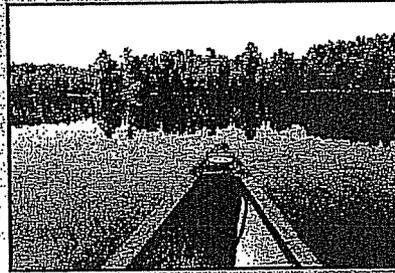
Deliverables:

July 9, 2010 – Consultant shall submit the Implementation Bridge for review and comment.

July 16, 2010 – Delivery of public hearing draft UDO (contingent upon timely delivery of staff draft to Consultant for formatting).

November 3, 2010 – Delivery of revised copies of the Implementation Bridge. The Consultant shall also be responsible for assisting staff with any revisions to the UDO necessary to address comments made during the public hearing review process, up to a limit of \$1,500 of consultant time.

Consultant shall deliver one paper copy and one digital copy of all deliverables to the County.



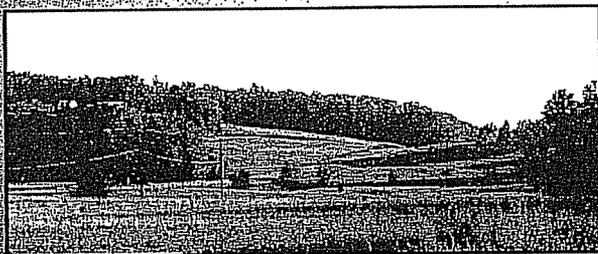
ORANGE COUNTY, NORTH CAROLINA

ASSISTANCE IN PREPARING A UNIFIED DEVELOPMENT ORDINANCE

November 24, 2009

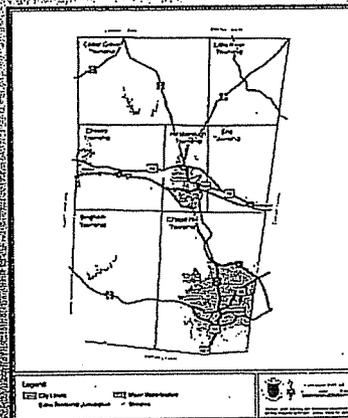
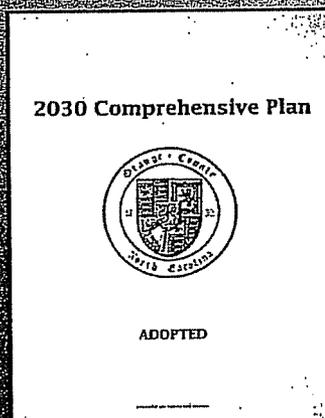
Submitted by

CLARION ASSOCIATES
101 Market Street, Suite D
Chapel Hill, NC 27516
919.967.9188
www.clarionassociates.com



In Association With

Tetra Tech



101Market Street Zoning
 Suite D Growth Management
 Chapel Hill, N.C. 27516 Comprehensive Planning
 919.967.9188 Real Estate Consulting
 Fax 919.967.9077

C L A R I O N

November 24, 2009

(VIA HAND DELIVERY)

Mr. Michael D. Harvey, AICP, CZP
 Orange County Planning Department
 306F Revere Road
 PO Box 8181
 Hillsborough, NC 27278
 (919) 245-2575

RE: Request for Proposals to Provide Professional Services Related to the Development of a Unified Development Ordinance for Orange County

Dear Mr. Harvey,

Thank you for the opportunity to submit this proposal to provide professional services related to the development of a Unified Development Ordinance for Orange County. Clarion Associates is a national land use and zoning consulting firm with a strong North Carolina presence. Firm professionals have substantial experience in assisting local government clients in evaluating, drafting, and updating development regulations in North Carolina, the southeast, and nation. We are excited about the prospect of working with Orange County on this project.

If we are selected, Roger Waldon, a Clarion Principal working out of our North Carolina office, will manage the project. He will be assisted by Craig Richardson and Leigh Anne King, both professionals in our North Carolina office.

We also describe in this proposal the qualifications and experience of Tetra Tech, an environmental management and engineering firm with specialties in stormwater management, erosion control, and flood damage prevention. Available for assistance to Orange County would be Kimberly Brewer, a long-term Orange County resident specializing in water quality issues. Other resources available from Tetra Tech include Jonathan Smith, a stormwater management engineer and Regina Scheibner, a graphic designer and illustrator.

As is discussed in more detail in subsequent sections of this response, we have extensive relevant experience in assisting cities and counties in the evaluation and updating of development regulations. Our team's strengths are summarized as follows:

- We know Orange County well. We live and work here, helped Orange County prepare and adopt its Comprehensive Plan, and have worked to prepare and help implement intergovernmental agreements here (which are important components of this new UDO). We understand the context intimately.

- We have substantial experience in drafting effective development codes adopted by communities in North Carolina, the southeast, and across the nation.
- We specialize in implementation of comprehensive plans, growth strategies, area plans, special studies, and similar long range planning documents.
- We have extensive experience in drafting award-winning, "user-friendly" codes that are written in plain English and made available through web-based technology.
- We are experts at integrating illustrations, diagrams, and graphical depictions of complex regulatory concepts into code documents.
- We have broad experience "re-tooling" outdated development codes for growing communities.
- We have in-depth knowledge of "best practices" on zoning issues generally, and in substantive areas which are relevant to Orange County, such as modernizing zone districts, form standards, infill development standards, design regulations, planned development regulations, traditional neighborhood development, and mixed-use development standards.
- We are experts in revising development standards to "raise the bar" for development quality in areas such as parking, landscaping, tree protection, signage, and community appearance.

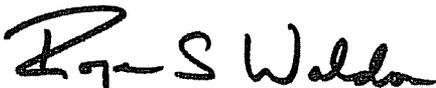
This response is organized into six sections:

1. Cover Letter
2. Proposed Approach and Project Schedule
3. Roles and Responsibilities
4. Examples of Relevant Experience
5. References
6. Budget

We also include, as samples of our work, an Annotated Outline for a new UDO for Hillsborough (work currently underway), and an excerpt from a UDO we are preparing for Fayetteville. One of the key components of work on this Orange County UDO is to be consultant assistance in preparation of an Annotated Outline and assistance in layout and graphics for use in the final document. Those are specialties of ours.

We are excited about the prospect of working with the Orange County and again thank you for the opportunity to submit this scope of services. We look forward to discussing our ideas with you.

Very truly yours,

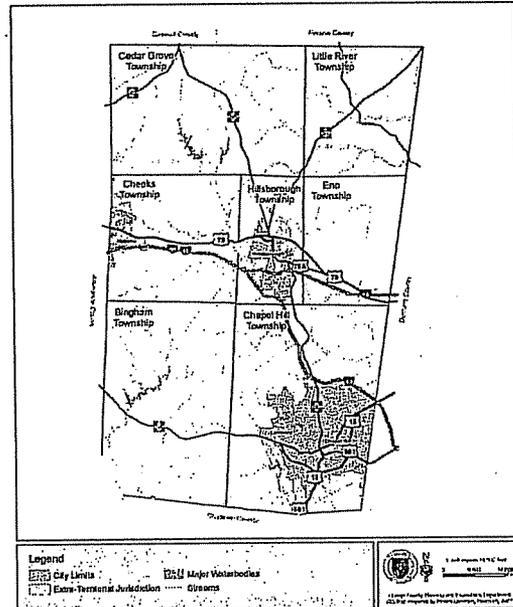


Roger S. Waldon
Principal, Clarion Associates

PROPOSED APPROACH AND SCHEDULE

We are pleased to prepare a proposal for Orange County to assist in the preparation of a new Unified Development Ordinance. In this proposal we describe services that we are prepared to offer immediately, and also identify options for the County's consideration as work proceeds in subsequent phases of UDO production.

We understand Orange County's regulatory context very well. We assisted the county in preparation and adoption of the current Comprehensive Plan. We have worked on intergovernmental agreements involving Orange County, Hillsborough, Carrboro, and Chapel Hill. The project manager for Clarion's work on this initiative will be Roger Waldon, who served as Chapel Hill's Planning Director for two decades prior to joining Clarion Associates in 2005. We are currently working with the Town of Hillsborough on preparation of its UDO. We have been advising Chapel Hill regarding growth management strategies.



And we understand what it takes to craft a UDO that meets community goals. Clarion has extensive experience in drafting of development codes for communities in North Carolina, the southeast, and across the nation:

- We have written zoning regulations for cities and counties in North Carolina, the southeast, and the nation that are well-illustrated, written in plain English, and made available through web-based technology (including codes in Cary, NC; Mooresville, NC; Folly Beach, SC; Rock Hill, SC; Franklin, TN; Greenville, SC; Alachua, FL; Louisville/Jefferson County, KY; Fort Collins, CO; Colorado Springs, CO; Anchorage, AK; and Henderson, NV).
- We have re-tooled development codes for growing communities, to encourage development and redevelopment that is consistent with the community's planning and development objectives (including codes in Folly Beach, SC; Rock Hill, SC; Cary, NC; Mooresville, NC; Alachua, FL; and Franklin, TN).
- We have in-depth knowledge of "best practices" on land development issues generally, and in designing workable solutions for communities in substantive "best practices" areas we believe are important to the project, such as:
 - Infill development (Clayton, MO; Overland Park, KS; Rock Hill, SC; Greenville, SC; Oak Park, IL)
 - Form-based design (Jefferson County/Louisville, KY; Carson City, NV; Mooresville, NC)
 - Mixed-use development (Colorado Springs, CO; Montgomery County, MD; Henderson, NV; Franklin, TN; Cary, NC; Rock Hill, SC), and
 - Landscaping and parking (Rock Hill, SC; Cary, NC; Franklin, TN).

Comprehensive reviews and updates of development regulations are major undertakings that must be carefully considered and systematically pursued. They are more technical in nature than

comprehensive plans. Language and standards must be clear and precise. While citizen participation is important, it tends to be more focused than with most comprehensive plan projects, with more emphasis on technical review rather than on numerous neighborhood meetings.

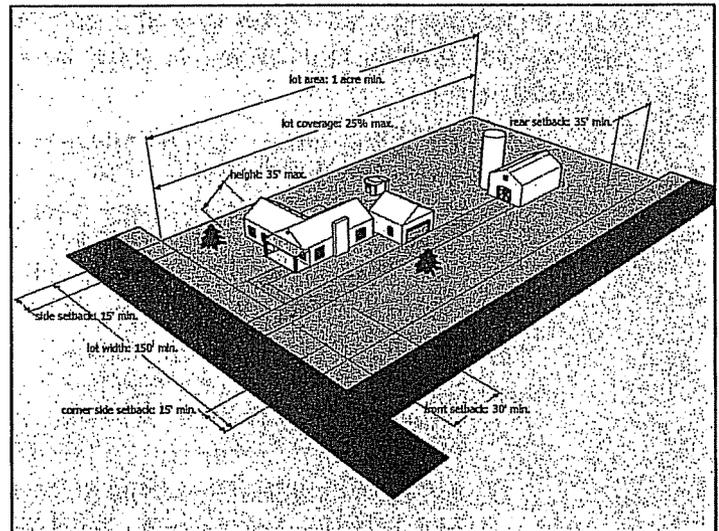
Our experience suggests that it is well worth the time for a community to produce and discuss a written assessment of existing development regulations before drafting revisions to those regulations, especially given the need to consider and implement policy recommendations from the community's recent adopted plans. We therefore applaud Orange County's decision to initiate its consideration of UDO revisions with this essential first step - preparation of an Annotated Outline - one that we routinely incorporate into every code revision project we undertake.

Based on our experience in drafting development codes, we have developed a preliminary scope of services that we believe will enhance the County's ongoing work to update these regulations. We also offer here, in addition to a proposed scope of work, a series of options for subsequent work that would enhance the usability of the new regulations. We are flexible and, if selected to do the work, would be pleased to work with Orange County in making any adjustments to the scope Orange County believes appropriate.

The preliminary scope includes four basic tasks, which are set forth below.

TASK 1: INITIATION, GRAPHICS AND ILLUSTRATIONS

After reviewing all relevant ordinances, plans, and other related documents, Clarion will meet with planning staff and other county staff as appropriate, to discuss overall project goals, and discuss roles. As part of these initial meetings, Clarion will offer examples of graphics, illustrations, and formatting used in other ordinance projects to determine Orange County's preferences. The graphic representations/illustrations will serve as practical examples of the development standards to be contained within the new UDO.



TASK 2: ASSIST WITH RE-PACKAGING REGULATIONS

Orange County staff has been and will continue working to refresh Orange County's development regulations. This UDO project is not intended to be a full re-write of all regulations, but rather a re-packaging of regulations in a more organized, contemporary, user-friendly format. As part of this re-packaging, there will be adjustments made to particular regulations that are out-of-date or inadequate to meet current goals and community standards.

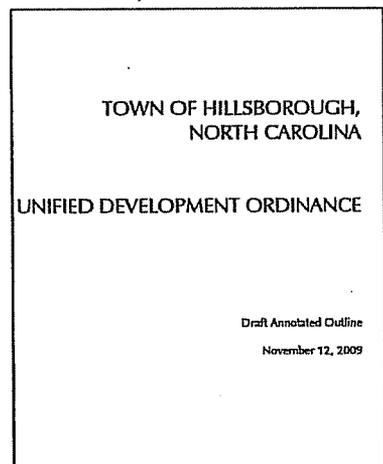
We suggest focusing on the following key ideas:

- o Making the ordinance more user-friendly, through:
 - Greater use of illustrations and graphics;
 - Structural re-organization;
 - Updating and clarifying definitions;
 - Providing a referencing system;
 - Removal of out-dated or conflicting provisions; and
 - Improving development review processes (as appropriate);

- o Consolidating procedural provisions and revising them so they are more efficient, remove confusing language, and provide more certainty; and

- o Incorporating selected new provisions that serve to implement objectives that are included in the new Comprehensive Plan.

We are currently undertaking a similar initiative with the Town of Hillsborough, crafting a new UDO that combines zoning and subdivision ordinances into one user-friendly document. We have just completed a draft Annotated Outline for Hillsborough (presented to the Town Board of Commissioners on November 23). We attach the Hillsborough outline here as an appendix. We believe that one benefit of selecting our team for assistance with Orange County's UDO is an opportunity for coordinating language, terminology, and approaches to "edge" areas with our work in Hillsborough.



TASK 3: DOCUMENTING / CATALOGUING PUBLIC COMMENTS

We understand that Orange County staff will be leading this UDO effort, including planning and facilitating public input meetings. We can assist in this effort in several ways:

- o Using our keypad-polling technology in public meetings to gauge public opinion; and
- o Helping to document and catalogue public comments for use in reports that can be posted and made available for review.

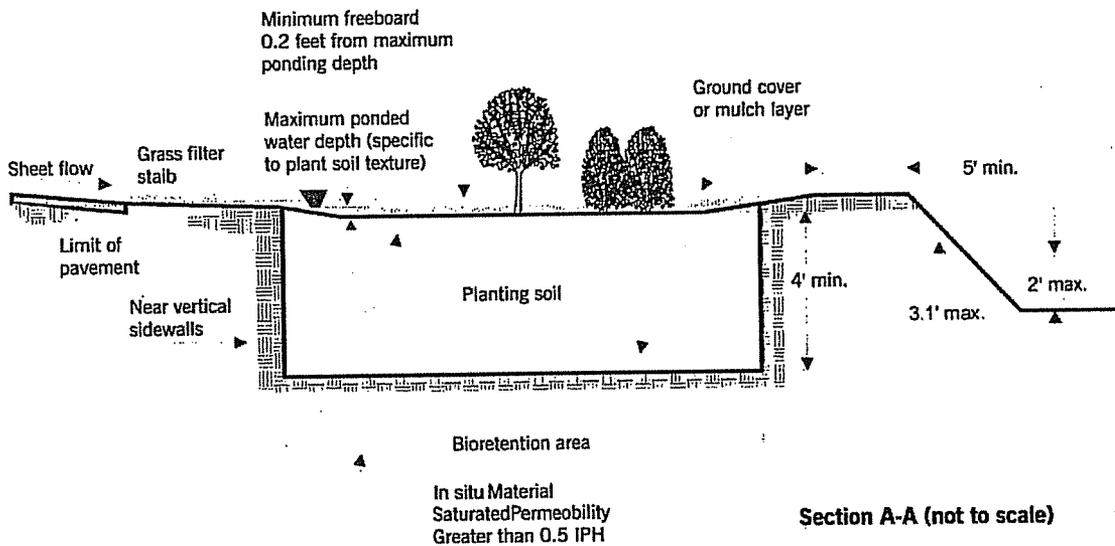


We have had great success in using keypad-polling as a technique to promote public engagement and obtain valuable information. Feedback from participants is universally positive, and we would be pleased to make this technology available for use as part of this UDO project. We will plan on attending public meetings along with county staff as agreed upon during project initiation.

TASK 4: ASSIST IN PREPARATION OF AN ANNOTATED OUTLINE

Clarion routinely helps communities prepare Annotated Outlines as an initial step in preparing a UDO. We have found this to be an extremely useful approach to gain consensus on general approaches prior to actually drafting ordinance language. We will be pleased to consult with staff as work on an Annotated Outline proceeds, offering our examples and sharing experiences from similar work in other communities. A typical Annotated Outline will include a summary of all public comments received during the process, a summary of the key issues to be addressed in the UDO writing, identifying the issues where new or revised ordinance language will be prepared to implement key policies and plans, and providing a protocol and schedule for review of subsequent UDO amendments. We attach here, as an appendix, our work on Hillsborough's Annotated Outline as one example of how such a document might be structured.

Included in this Orange County Annotated Outline should be examples of the types of illustrations, graphics, and formats that will be used in the resulting UDO. During our project initiation meetings with staff we will discuss the extent to which the County might move to develop such graphics. We have as an optional resource for this project our Clarion designers who have developed specific illustrations for other ordinances, along with the professionals at Tetra Tech who can assist the County, if the County so decides, in drafting and illustrating key environmental regulations. Following is an example of such illustrations:



We have included here, as an appendix, excerpts from a UDO that we are drafting for Fayetteville, NC. These excerpts describe zoning districts in that community's UDO, and show what can develop growing out of an Annotated Outline.

SCHEDULE/TIMEFRAME

We understand the timeframes that have been put in place by the County, and which are displayed in the Request for Proposals. We are ready to begin work immediately, and continue our engagement with the County through the first half of 2010. The schedule set forth in the RFP is aggressive, but can be accomplished with close collaboration. We are on-board for helping staff produce a draft UDO in June, 2010.

We believe that our close proximity to county offices, and our previous working relationships with county staff, advisory boards, and elected leadership, will allow us to be efficient in the use of our resources and allow us to be of immediate help to staff upon execution of a contract.

ROLES AND RESPONSIBILITIES

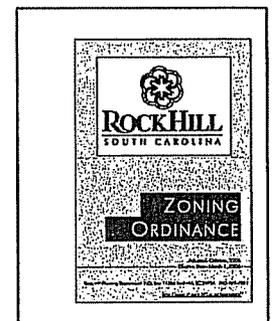
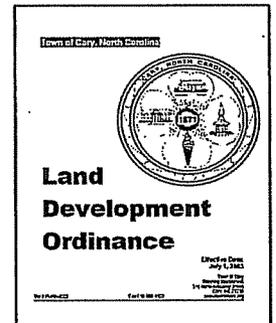
If the Clarion team is selected for the effort, Clarion Associates would be the prime contractor. The project would be managed out of the Chapel Hill, North Carolina office. We also offer the option of involving Tetra Tech in the county's work, to assist on approaches and illustrations related to environmental issues.

FIRM DESCRIPTIONS

Clarion Associates, LLC

Clarion Associates is a national land-use and zoning consulting firm founded in 1992, with offices in Chapel Hill, North Carolina, Denver and Fort Collins, Colorado, and affiliate offices in Chicago, Cincinnati, and Philadelphia. No firm in the country matches the combination of land use and zoning, urban design, real estate economics, community development and planning experience of its principals. Clarion is particularly known for its expertise in:

- o Innovative zoning and development code revisions;
- o Design of "user-friendly" development codes;
- o Design of development codes to make them procedurally efficient;
- o Design of development standards to address community character;
- o Design of mixed use development regulations;
- o Development of form-based regulations;
- o Design of aesthetic regulations;
- o Incorporation of neo-traditional principles into codes and plans;
- o Design of innovative approaches to parking and buffering;
- o Protection of sensitive lands, open space, and historic resources;
- o Design of regulations to protect existing neighborhoods;
- o Performance standards / innovative growth management systems;
- o Historic preservation issues; and
- o Legal issues and growth management.



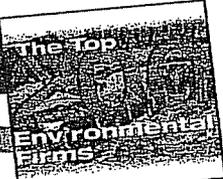
Tetra Tech

Tetra Tech is a leading provider of consulting, engineering, and technical services worldwide. The company supports government and commercial clients by providing innovative solutions focused on water, the environment, and energy. Tetra Tech is a diverse company, including individuals with expertise in science, research, engineering, construction, and information technology.

With more than 10,000 employees worldwide, Tetra Tech’s capabilities span the entire project life cycle. Tetra Tech’s strength is in collectively providing integrated services—delivering the best solutions to meet our clients’ needs. In a complex world with competing demands for limited resources, Tetra Tech offers clear solutions made possible with sound science, understanding, innovation, and industry-leading approaches.

Tetra Tech’s design expertise is well known and internationally acclaimed. In the latest rankings by the *Engineering News-Record (ENR)*, Tetra Tech was ranked #1 in Water, #1 in Environmental Management, #1 in Water Treatment/Desalination, #2 in Dams/Reservoirs, and #5 in Sanitary/Storm Sewers. Tetra Tech is proud to have been ranked in the top 10 Green Design Firms by ENR in its first such ranking last year.

Tetra Tech is very familiar with North Carolina laws and regulations that are in place related to erosion control, stormwater management, and flood damage prevention.

Engineering News-Record Rankings, 2008 (select rankings)	
No. 8 Design Firm (among Top 500 Design Firms)	
No. 6 Environmental Firm (among Top 200 Environmental Firms)	
No. 1 in Water	
No. 1 in Environmental Science	
No. 5 in Sanitary/Storm Sewers	
No. 7 in Hazardous Waste	
No. 8 Marine and Port Facilities	
No. 9 Green Design Firm (among Top 100 Green Design Firms)	
No. 12 General Building	

KEY PERSONNEL

Biographical sketches of the professionals who would be involved in the project if the Clarion team is selected are outlined below. Resumes appear in an appendix.

Clarion Associates, LLC



Roger Waldon, FAICP, is a Principal in Clarion’s Chapel Hill office, and will serve as Project Manager. Roger has assisted communities throughout North Carolina and the Southeast with plans, ordinances, and growth management programs. He is currently working on plans for Greensboro, Chapel Hill, Wilson, Clemmons, and Hillsborough in North Carolina, along with plans for Union and Iredell Counties. He served as Planning Director for the Town of Chapel Hill from 1984-2005, responsible for drafting and implementing ordinances and intergovernmental agreements.

Craig Richardson is a planner, lawyer, and Vice President of Clarion, as well as director of the firm's North Carolina office. Mr. Richardson has consulted with over 100 local government clients in a number of states throughout the country on issues such as the preparation of development codes, adequate public facility regulations, impact fees, affordable housing plans and regulations, mixed-use development regulations, scenic corridor regulations, landscaping, and aesthetic regulations. Mr. Richardson has a strong record of success in either managing or serving as a principal in a number of code revision efforts, including projects in Fayetteville, NC; Jacksonville, NC; Rock Hill, SC; Falls Church, VA; Williamson County, TN; Portsmouth, VA; Mooresville, NC; Palm Beach City, FL; Henrico City, VA; Alachua, FL; Folly Beach, SC; Greenville, SC; Beaufort County, SC; Teton County, WY; Kalamazoo, MI; St Lucie County, FL; Larimer County, CO; the Town of Aspen, CO; the Town of Jackson, WY; Houston, TX; and Jacksonville Beach, FL. Mr. Richardson is a frequent speaker at planning and legal conferences on plan implementation issues. He has written on a variety of plan implementation issues including adequate public facility regulations, impact fees, and general plan implementation. He serves on the faculty for APA's national Zoning Clinic.



Stephen Sizemore, AICP, is a Senior Consultant in Clarion's Chapel Hill office. He is a planner and lawyer with over 25 years of experience in preparing and implementing development codes, comprehensive plans, design standards and guidelines, and growth management policies for local governments. He also has substantial experience in addressing coastal area management issues. Prior to joining Clarion, Mr. Sizemore served in a number of planning related jobs in the public sector. He was Planning Director for Onslow County, North Carolina, where he oversaw development of a comprehensive plan and implementation of county/military compatible land use strategies; served as the Editor of *Planning & Environmental Law* for the American Planning Association; prepared growth management policies and development regulations for Wake County, North Carolina; developed guidelines for local government preparation and implementation of comprehensive plans for the State of Maine; and assisted in the preparation and administration of unified development regulations for Chapel Hill, North Carolina. He has written on a variety of planning issues. Mr. Sizemore holds a planning degree and a law degree from the University of North Carolina at Chapel Hill. He is a member of the American Institute of Certified Planners and the North Carolina State Bar.

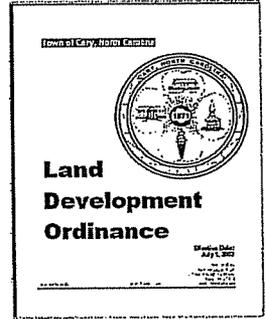


EXAMPLES OF RELEVANT EXPERIENCE

The Clarion team has experience working in North Carolina and across the nation in drafting development codes. Selected recent and relevant examples are identified below, with a short description of the project and client reference.

Cary, North Carolina | Land Development Ordinance

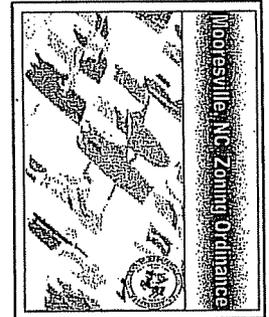
The rapidly growing Town of Cary, North Carolina, retained a team led by Clarion Associates which included WRT and the VIC Group to prepare comprehensive revisions to Cary's Unified Development Ordinance. The project included a heavy emphasis on public participation; significant streamlining of the current code, including revision and clarification of several development review procedures; and implementation of planning and growth management goals adopted in Orange County's 1996 Growth Management Plan, including many neo-traditional design principles. An interactive, web-based Visual Interactive Code™ (VIC) was produced, including training of the staff for preparing updates in-house.



Client: Town of Cary, North Carolina
 Reference: Jeff Ulma, Planning Director
 Telephone: 919.469.4082

Mooresville, North Carolina | Land Development Ordinance

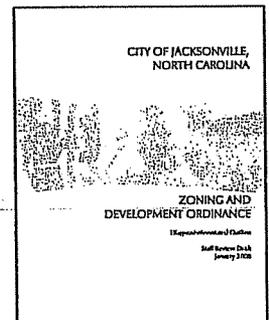
Mooresville, a mid-sized town of 50,000 people located just north of Mecklenburg County in the Charlotte metro area, has selected Clarion Associates to assist the staff in the preparation of a unified Land Development Ordinance. Mooresville is a fast-growing community on the shores of Lake Norman with its own school district and a highly diversified economy, including several NASCAR racing teams and the headquarters of Lowe's Home Improvement Warehouse. The Land Development Ordinance is intended to modernize and streamline the Town's existing development standards while integrating elements of form-based use regulation and a generous use of user-friendly techniques such as graphics, illustrations, summary tables, and process diagrams. The project will result in a web-based fully interactive digital version of the ordinance that will be hosted on the Town's webpage. In addition to the graphical and user-friendly enhancements, the new Land Development Ordinance will streamline the Town's development review procedures and raise the bar for development quality.



Client: Town of Mooresville, North Carolina
 Reference: Tim Brown, Planning Director
 Telephone: 704.799.8019

Jacksonville, North Carolina | Land Development Ordinance

Jacksonville is a mid-sized city of about 70,000 people located adjacent to one of the fastest developing areas of the North Carolina coastline. The city is also home to Camp Lejeune, the nation's largest Marine Corps facility. To better address new development expected from the growth of Camp Lejeune, The city recently retained Clarion Associates to prepare a unified development ordinance (UDO). The new UDO will focus on making city development regulations and review processes more user-friendly through consolidation, reorganization, improved formatting, improved referencing, and expanded use of illustrations and graphics. It will also streamline development review, modernize zoning districts and uses, improve development quality, encourage infill and redevelopment in The city's downtown and along its major transportation corridors, and otherwise implement The city's new

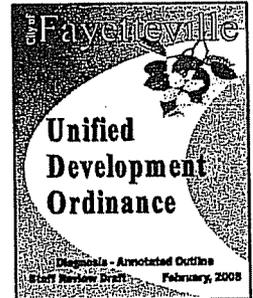


growth management, land use, and downtown design policies. The VIC Group will produce a digital version of the UDO for The city's website, which will allow users to quickly view code contents, illustrated commentary, and color graphics on-line, as well as take advantage of dynamic text links, index and word search functions, and bookmarking capabilities.

Client: City of Jacksonville, North Carolina
 Reference: Reggie Goodson, Planning and Development Services Director
 Telephone: 910.938.6529

Fayetteville, North Carolina | Land Development Ordinance

Clarion Associates has been retained to prepare a new unified development ordinance (UDO) for Fayetteville, a city of 174,000 that is home to Fort Bragg, one of the world's largest military complexes and a major influence on the city's growth and development. Besides modernizing zoning districts and uses, streamlining development review, and making regulations user-friendly, the UDO will focus on improving open space and landscaping standards to "green" the community, using cutting edge tools to promote sustainable development practices, adding design standards to improve development quality, and revising downtown zoning and development standards to encourage mixed uses, public space, attractive urban design, and pedestrian accessibility.



Client: City of Fayetteville, North Carolina
 Reference: Karen Hilton, Assistant Planning Director
 Telephone: 910.433.1437

Emerald Isle, North Carolina | Design Concepts for Village Center

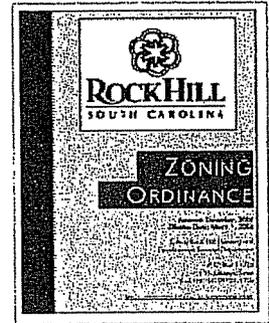
Emerald Isle is a coastal community in North Carolina with a long-standing local population, and a destination for fishing and beach-related visitors. Clarion Associates was retained by the Town of Emerald Isle to conduct a workshop and prepare Design Concepts for redevelopment of a strategic beachfront area, at the base of a fishing pier. The Town's Land Use Plan, approved under the terms of the N.C. Coastal Areas Management Act, call for this area to become a Village Center. Town leaders, full-time residents, property owners, and seasonal visitors were brought together to explore ideas for redevelopment of the area, resulting in a set of Design Concepts that form the foundation for new regulations and development proposals. Another component of the project involves an update of the Town's development ordinances, to combine various regulations into a single document that is user-friendly and targeted to residents, property owners, and the development community.



Client: Town of Emerald Isle, North Carolina
 Reference: Kevin Reed, Planning Director
 Phone: 252.354.3338

Rock Hill, South Carolina | Zoning Ordinance

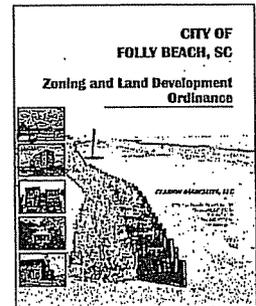
Clarion Associates, in association with the Walker Collaborative, has drafted a new Zoning Ordinance for The city of Rock Hill, South Carolina, which was adopted in December of 2005. Rock Hill is one of the five "Ring City" nodes in the Charlotte metropolitan region, and is an old Piedmont textile mill town which has experienced substantial growth in recent years due to its strategic location in the Charlotte metro area. The focus of the effort was to implement the city's recently adopted General Plan, which promotes a more livable future by encouraging appropriate infill and re-development of the "old town" area of the community; protecting and enhancing older neighborhoods; while encouraging more compact, dense, and sustainable growth in greenfield areas. Major issues that were addressed included: making the code more usable and "user friendly;" making the development review process more efficient and effective; modernizing the zone district and planned development regulations, encouraging new infill development that is compatible with its context, and establishing minimum development and design standards to ensure community form and appearance protects existing character while encouraging a high quality of mixed use and connected neighborhoods. Following drafting of the code, Clarion partnered with the VIC Group to produce a digital version of the code which is served on the web by The city's computer network. Code users can quickly view code contents, illustrated commentary, and color graphics on-line, as well as take advantage of dynamic text links, index and word search functions, as well as bookmarking capabilities.



Client: City of Rock Hill, South Carolina
Reference: Frances M. Thomas, Planning and Development Director
Telephone: 803.329.7080

Folly Beach, South Carolina | Zoning and Land Development Ordinance

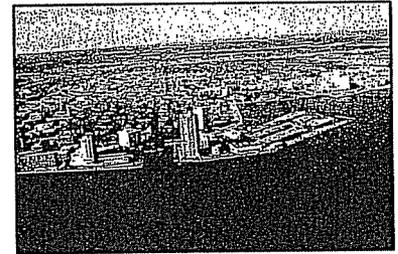
The city of Folly Beach, a barrier island beach community south of Charleston, South Carolina, has been facing extreme growth pressures, including "tear-downs" of the existing beach cottages in favor of new large-scale vacation homes being used as vacation rentals. Based on land costs, FEMA regulations, and the area's popularity as a vacation destination, many of these new structures (and the traffic associated with them) have been affecting the area's "small-town" character. After adoption of a six-month moratorium, The city hired Clarion Associates to re-write the community's development regulations, including new vacation rental standards, single-family development standards, and a variety of other provisions to help protect community character. The project will result in a complete revision to The city's development regulations into a modern unified development ordinance that addresses community character and environmental protection while allowing for economic development and tourism.



Client: City of Folly Beach, South Carolina
Reference: Aaron Pope, Zoning Administrator
Telephone: 843.588.2447

Portsmouth, Virginia | Zoning Ordinance

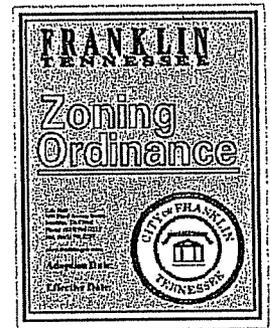
Clarion Associates, in association with WRT, is drafting a new Zoning Ordinance for this mature community in the Hampton Roads area. The effort includes the preparation and administration of a Visual Preference Survey (VPS) to gauge local opinion on design and appearance related issues such as building orientation, commercial corridor development, and commercial design standards. Clarion and WRT will use the results of the VPS to inform the work program on the range of design standards needed by the community. In addition to commercial design, some other major issues to be addressed by the project include establishment of new mixed use districts, a neighborhood conservation overlay district framework, improving basic landscaping, tree protection, parking, fencing, and exterior lighting development standards. New standards to address development and redevelopment on the city's nonconforming lots will also be included. After adoption of the new Ordinance, it will be placed into an interactive digital format by the VIC Group for serving on The city's web page.



Client: City of Portsmouth, Virginia
Contact: Fred Brusso, Current Planning Manager
Phone: 757.393.8836 x42120

Franklin, Tennessee | Zoning Ordinance

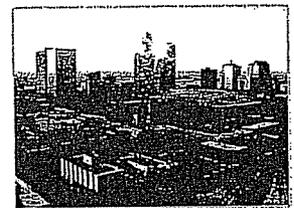
Clarion Associates was retained by the City of Franklin to draft a revised development code for this fast-growing, progressive community in the Nashville region. The code is focused on implementation of a cutting edge comprehensive plan that included the development of character areas, innovative open space and natural resource preservation techniques, and a much stronger focus on urban design. The development code includes substantive re-structuring of The city's current ordinance, including integration of The city's stand-alone design guidelines, and an overall upgrade to the development standards related to landscaping, parking, and open space.



Client: City of Franklin, Tennessee
Reference: Jaime Groce, Planning Director
Telephone: 615.791.3212

Louisville, Jefferson County, Kentucky | Land Development Code

Clarion Associates was retained to lead a team including WRT and Tim Bishop, Esq. to complete a revision of the joint land development codes for The city of Louisville and Jefferson County (including all incorporated and unincorporated parts of the county). Development challenges facing The city include revitalization of downtown Louisville and the Ohio River waterfront; preservation of its older housing stock and traditional neighborhoods and villages; the preservation of important natural, cultural, and scenic areas including critical watershed lands, karst terrain, and mature woodlands; and ensuring better compatibility between new development and adjacent neighborhoods. Important new development code provisions will include (1) detailed community and site design and development standards keyed to eleven character-based "form districts" that overlay The city's standard zone district system (including a "village form district" and a "town center" form district; and (2) detailed environmental protection standards generally

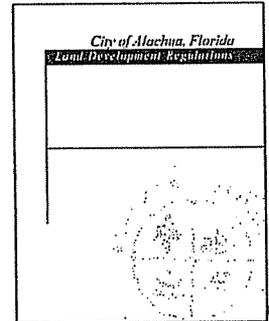


applicable to all new development, including standards addressing steep slopes, unstable soils, woodland/tree preservation, and water quality.

Client: City of Louisville and Jefferson County, Kentucky
 Reference: Clark Bledsoe, Planning Director, Jefferson County Planning & Development Services
 Telephone: 502.574.6230

Alachua, Florida | Land Development Regulations

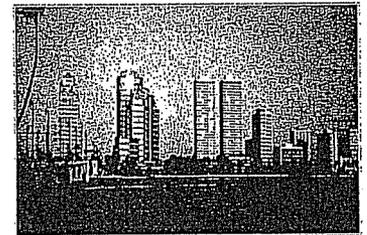
Clarion updated the Land Development Regulations for Alachua, Florida, which was adopted by the city Commission in February of 2006. Alachua is an old north central Florida city close to Gainesville that has experienced substantial residential and business-related growth throughout the 1990s. The code rewrite focused on structural, procedural, and substantive improvements to The city's existing regulations to implement the recently revised comprehensive plan. Structurally, the update consolidated scattered land development provisions into a single, clearly organized development code. Procedurally, The city's complex assortment of procedures and responsibilities for development review were simplified into an integrated, easy-to-understand review process. Substantively, the new code presents a number of innovative measures to encourage infill development in the older parts of the community, along with new development standards that will raise the bar for development quality.



Client: City of Alachua, Florida
 Reference: Laura Dedenbach, Planning Director
 Telephone: 386.418.4078

Palm Beach County, Florida | Land Development Code

Mr. Richardson managed a multi-disciplinary team of lawyers, planners, and ecologists in the design and preparation of a unified Land Development Code for this large urbanized southeast Florida County of over 1,000,000 residents. The effort focused on the implementation of specific community objectives established in the county's Comprehensive Plan, and the consolidation and streamlining of the county's development review procedures. The effort culminated in the preparation of a unified Land Development Code which consolidated over fifty (50) of the county's existing land use and environmental regulations into the Code document, streamlined and consolidated development review procedures, and added new substantive regulations. The substantive regulations added included: (1) adequate public facilities regulations (concurrency regulations); (2) landscaping and xeriscape regulations; (3) signage regulations; (4) excavation regulations; (5) mixed use districts and planned development district regulations, and (6) coastal management regulations (sea turtle protection regulations, wetland regulations, coastal regulations, and well field protection regulations).



Client: Palm Beach County, Florida
 Reference: Donna Kristaponis (former Director, Planning, Zoning, and Building Dept.), County Manager Lyon County, NV
 Telephone: 775.463.6531

REFERENCES

Client: Town of Mooresville, North Carolina
 Reference: Tim Brown, Planning Director
 Telephone: 704.799.8019
 Unified Development Ordinance - 2008

Client: Town of Hillsborough, North Carolina
 Reference: Margaret Hauth, Planning Director
 Telephone: 919.732.1270
 Unified Development Ordinance - ongoing

Client: Town of Chapel Hill, North Carolina
 Reference: J.B. Culpepper, Planning Director
 Telephone: 919.968.2728
 Inclusionary Housing Ordinance – ongoing

Tetra Tech Client Reference
 Client: Charlotte-Mecklenburg Storm Water Services
 Reference: Rusty Rozzelle, County Water Quality Program Manager
 Telephone: 704.336.5449

BUDGET

There is a range of services that could be provided to Orange County in providing assistance in the development of the new Unified Development Ordinance. We understand that county staff will be taking the lead in this initiative. We have reviewed the Request for Proposals and its proposed Scope of Services, and are prepared to offer those services, as described in the RFP and in this proposal, within a project budget of \$30,000.

Not included within that project budget are (1) The involvement of Tetra Tech for any work other than occasional consultation about environmental regulations and sources for illustrations; and (2) Custom-drawn illustrations for the new UDO. Those services are available as options, and we would be pleased to discuss possibilities. We have generalized graphics, and often photographs will work well to illustrate a point. We are flexible. If selected to assist on this project, we would be pleased to work with Orange County in making reasonable adjustments to the scope and budget as the county sees fit to ensure that the county maximizes efficiencies in the project.

APPENDICES

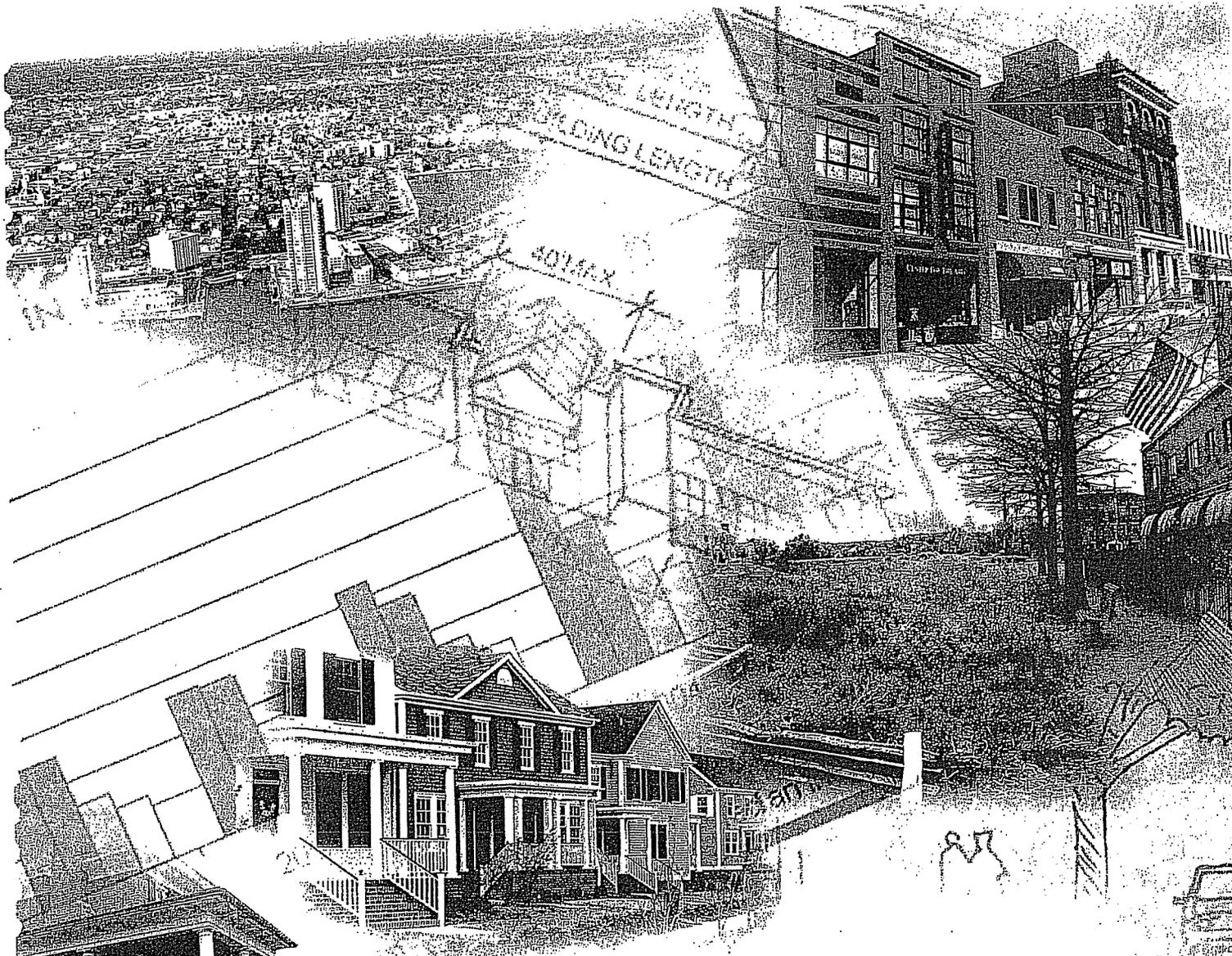
We attach the following information to supplement our descriptions in this proposal of our experience and the kinds of assistance that we provide to local governments. Following are:

- Appendix 1: Clarion Southeast Experience
- Appendix 2: Staff Resumes
- Appendix 3: Hillsborough Annotated Outline
- Appendix 4: Excerpt from Draft Fayetteville Unified Development Ordinance

Thank you for your consideration of this proposal. We look forward to discussing these ideas with you, and to being part of this important UDO process.

APPENDIX I

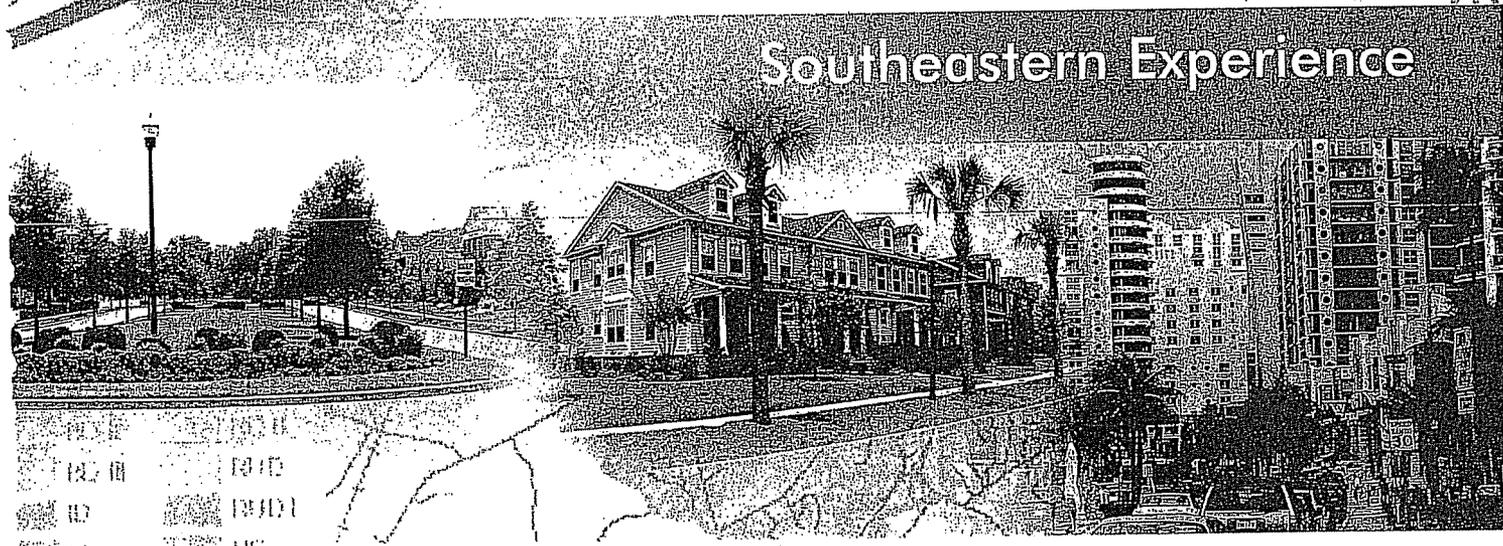
Clarion Southeast Experience



CLARION

associates

Southeastern Experience



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Clarion Associates in Chapel Hill

Clarion Associates is a national land-use consulting firm with offices in Chapel Hill, North Carolina; Denver and Fort Collins, Colorado; and affiliate offices in Chicago, Philadelphia, and Cincinnati. Our unusual combination of talents in land use and urban planning, growth management strategies, development codes, design, land use law, and real estate economics allows us to develop creative solutions to difficult land use and design questions. Clarion is particularly known for its expertise in land use and plan implementation. The firm has represented both public and private sector clients on a variety of land-use planning and zoning matters. Its principals have written plans and drafted development codes, other regulations and design standards throughout the United States. Since its founding in 1992, the firm has developed expertise in a broad range of planning areas, including:

- Community, regional, and neighborhood planning;
- Development codes
- Impact fees
- Growth Management strategies for cities and regions;
- Design standards and development regulations;
- Historic Preservation;
- Development Financing;
- Downtown plans and strategies;
- Citizen participation strategies; and
- Implementation strategies.

Clarion is particularly known for our expertise in:

Zoning

Clarion Associates has represented public sector clients on a variety of design guidelines, standards, ordinances, and regulations throughout the United States, with particular emphasis on historic preservation, development financing, design standards, natural resource protection, and both downtown and suburban zoning systems.

Planning

With our multi-disciplinary team and broad experience, comprehensive planning is one of our specialties. Clarion offers a wide variety of planning services, including community/comprehensive planning, regional planning and growth management, environmental protection and open space planning, urban renewal and development, and international development.

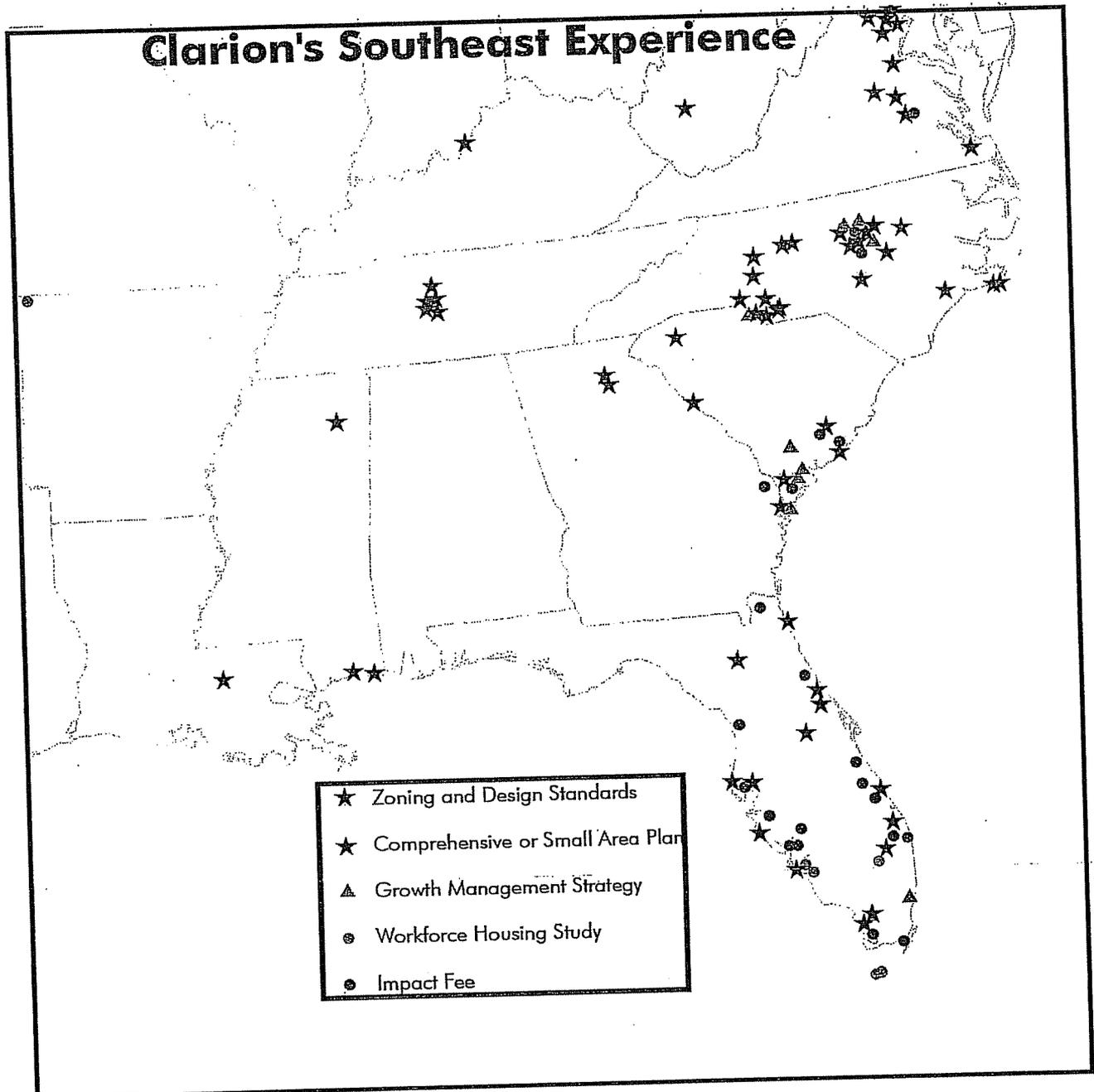
Development Economics

Clarion specializes in advising public sector clients on the economics and fiscal impacts of development proposals, incentives needed to encourage development, and other aspects of project feasibility. We have analyzed the economics of numerous types of real estate development in both urban and rural contexts and the impacts of proposed plans and cost recovery systems on different forms of development.



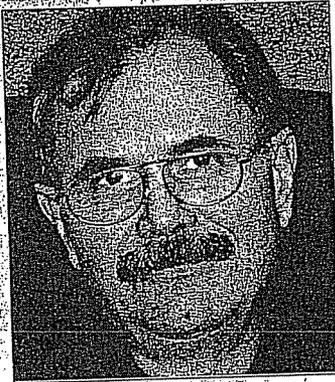
Southeastern Experience

Clarion Associates has extensive experience working with communities in the southeastern United States. From Northern Virginia to the Florida Keys, and from the South Carolina coast to Mississippi, Clarion has assisted over 100 local government clients in the southeast with their land use planning and implementation needs.



The Chapel Hill Team

The Chapel Hill office provides a unique blend of planning and implementation experience. Collectively Clarion's two principals and three associates in Chapel Hill have over 60 years of experience working with communities on land use planning and zoning solutions. Bringing together both public planning and legal leadership experience, the Chapel Hill office assists its clients in developing comprehensive plans, growth strategies, development codes, impact fee programs, affordable housing strategies and many other implementation strategies that address a wide array of issues including rural preservation, neighborhood conservation, improvement of design quality, resource protection, balancing residential and commercial development, affordable workforce housing, and provision of public services.



Craig Richardson is a planner, lawyer, and Vice President of Clarion. He is Director of the firm's North Carolina office. Mr. Richardson has consulted with over 100 local government clients in a number of states throughout the country on the preparation of development codes, growth management strategies, adequate public facility regulations, impact fees, and workforce housing plans and regulations. He has a strong record of success in leading code revision projects, growth management strategies, and other plan implementation efforts. Recent code projects include Rock Hill, SC; Portsmouth, VA; Mooresville, NC; St. Lucie County, FL; Falls Church, VA; Folly Beach, SC; and Teton County, WY. Recent growth management efforts include leading the firm's preparation of the *South Beaufort County Regional Plan* (selected the Outstanding Multi-Jurisdictional Plan by SCAPA); designing the plan conformance and projects of regional significance process for the *Southern Nevada Regional Plan* (which won the DeBoer Award for Planning Excellence); and leading the public facilities and cost of growth components of the *Wake County Growth Management Strategy*. In addition, Mr. Richardson has consulted with numerous local governments in 12 states in the design, implementation, and defense of over 100 impact fee programs, and recently lead efforts in the design and implementation of workforce housing strategies in Jackson/Teton County, WY; Aspen/Pitkin County, CO; Islamorada, FL (the Florida Keys) and Lee County, FL. He is a frequent speaker at planning conferences and has written on a number of plan implementation issues. He serves on the faculty for APA's national Zoning Clinic.



Roger Waldon, FAICP, is a Principal in Clarion's North Carolina office. He served as Planning Director for the Town of Chapel Hill for 21 years, directing the Town's comprehensive planning and development review functions. His planning and design background, combined with experience as a former elected official, contributed to the success of numerous planning initiatives, including: implementation of comprehensive plans, special area studies, neighborhood plans, and design guidelines. He has prepared growth management strategies for Hillsborough, NC; Rock Hill and Beaufort County, SC, and Hanover County, VA. He has developed neighborhood plans in Chapel Hill and Wake Forest, NC, and comprehensive plan updates in Fredericksburg, VA, Brentwood, TN, Union County, NC and Tupelo, MS. Mr. Waldon is a member of the College of Fellows of the American Institute of Certified Planners, and author of *Planners and Politics*, a book recently published by the American Planning Association.

Professional Experience

Chad Meadows, AICP, is a Senior Associate and planner in Clarion's North Carolina office. He has more than ten years of practical experience, primarily in the areas of planning, zoning, and growth management. Prior to joining Clarion, Mr. Meadows oversaw the Land Development Ordinance Update in Cary, North Carolina, and worked on growth management issues in the Florida Keys. He has worked on development codes and design standards for the firm in several communities along the eastern seaboard, including Rock Hill, SC; Portsmouth, VA; Franklin, TN; Falls Church, VA; Alachua, FL; and Miami Beach, FL. He serves as one of the primary authors for the zoning ordinance updates being completed by Clarion in Mooresville, NC; and Folly Beach, SC. Mr. Meadows is an immediate past Chair of the Raleigh, North Carolina Appearance Commission, and is deeply involved with the implementation of the city's urban design guidelines.



Stephen Sizemore, AICP is a Senior Associate in Clarion's Chapel Hill office. He is a planner and lawyer with over 25 years of experience in preparing and implementing development codes, comprehensive plans, design standards and guidelines, and growth management policies for local governments. He also has substantial experience in addressing coastal area management issues. Prior to joining Clarion, Mr. Sizemore served in a number of planning related jobs in the public sector. He was Planning Director for Onslow County, North Carolina, where he oversaw development of a comprehensive plan and implementation of county/military compatible land use strategies, served as the Editor of Planning & Environmental Law for the American Planning Association, prepared growth management policies and development regulations for Wake County, North Carolina, developed guidelines for local government preparation and implementation of comprehensive plans for the State of Maine, and assisted in the preparation and administration of unified development regulations for Chapel Hill, North Carolina. He has written on a variety of planning issues. Mr. Sizemore holds a planning degree and a law degree from the University of North Carolina at Chapel Hill. He is a member of the American Institute of Certified Planners and the North Carolina State Bar.



Leigh Anne King, AICP, is a land use planner with experience working with local governments on planning initiatives. Her experience includes zoning code update projects in Portsmouth, VA and Alachua FL; affordable housing mitigation projects in Lee County, Palm Beach County, Islamorada, and Marathon FL; growth management strategies in Hillsborough, NC and Rock Hill, SC; comprehensive plan updates in Union County, NC; Tupelo, MS and Fredericksburg, VA; and neighborhood plans in Chapel Hill and Wake Forest, NC. Ms. King has been with Clarion for more than two years. Prior to joining Clarion Associates, she earned a Master in Regional Planning degree from the University of North Carolina, Chapel Hill, was a research assistant with the Center for Urban and Regional Studies, and worked several years for a national conservation nonprofit in Arlington, Virginia.

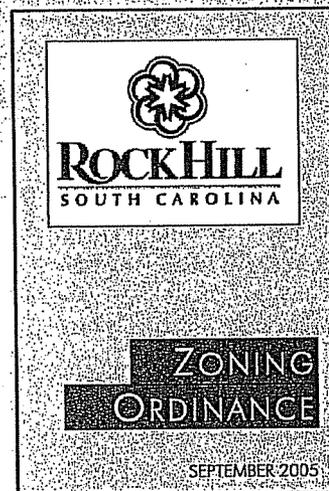


Project Experience

Zoning and Development Regulations

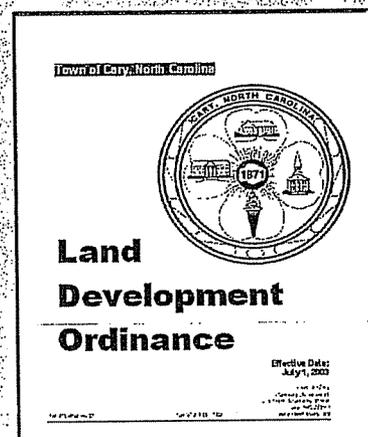
Rock Hill, South Carolina | Zoning Ordinance

Clarion Associates, in association with the Walker Collaborative, prepared a new Zoning Ordinance for the City of Rock Hill, South Carolina. Rock Hill is one of the five "Ring City" nodes in the Charlotte metropolitan region, and a city that has experienced substantial growth in recent years due to its location around Charlotte. The focus of the effort was to implement the city's General Plan, which promotes a more livable future by encouraging appropriate infill/development of the "old town" area while protecting older neighborhoods and encouraging more compact and sustainable growth in greenfield areas. The code effort was built on citizen input about the modifications that need to be made to the city's existing land use regulations to implement the plan. Major issues addressed included: making the code more usable and "user-friendly," making the review process more efficient and effective, modernizing the zone district and planned development regulations, encouraging new infill development that is compatible with its context, and establishing minimum development and design standards to ensure community form and appearance protects existing character. The city adopted the code in 2005. Following drafting of the code, Clarion partnered with the VIC Group to produce a digital version of the code which is served on the web by the City's computer network.



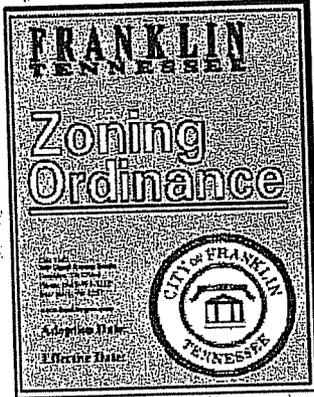
Cary, North Carolina | Land Development Ordinance

Clarion prepared a Unified Development Ordinance for the rapidly growing Town of Cary, located just outside North Carolina's large Research Triangle Park. The project included a heavy emphasis on public participation, significant streamlining of the current code, including revision and clarification of several development review procedures; and also implementation of planning and growth management goals adopted in the city's 1996 Growth Management Plan, including many neotraditional design principles. A computerized, interactive version of the final code was produced for the Town's website.



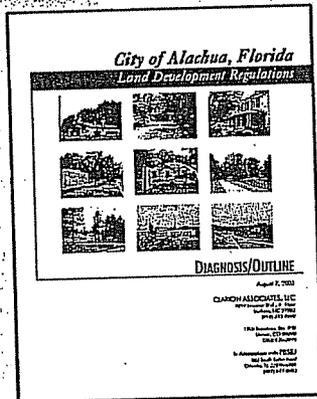
Project Experience

Franklin, Tennessee | Zoning Ordinance



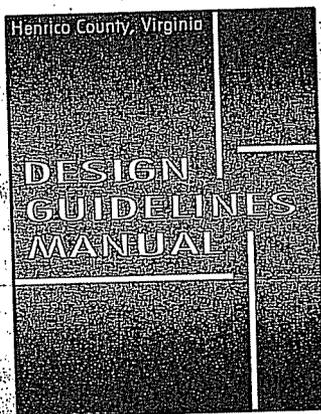
Clarion Associates recently prepared a revised development code for this fast-growing community in the Nashville region. The code is focused on implementation of a comprehensive plan that includes the development of character areas, innovative open space and natural resource preservation techniques, and a much stronger focus on urban design. The development code includes substantive re-structuring of the City's current ordinance, including integration of the City's stand-alone design guidelines, and an overall upgrade to the development standards related to landscaping, parking, and open space.

Alachua, Florida | Land Development Regulations



Clarion updated the Land Development Regulations for Alachua, Florida. Alachua is an old north central Florida city close to Gainesville that has experienced substantial residential and business-related growth throughout the 1990s. The code rewrite focuses on structural, procedural, and substantive improvements to the city's existing regulations to implement the recently revised comprehensive plan. Structurally, the update consolidated scattered land development provisions into a single, clearly organized development code. Procedurally, the city's complex assortment of procedures and responsibilities for development review were simplified into an integrated, easy-to-understand review process. Substantively, the new code presents a number of innovative measures to encourage infill development in the older parts of the community, along with new development standards that will raise the bar for development quality.

Henrico County, Virginia | Design Manual

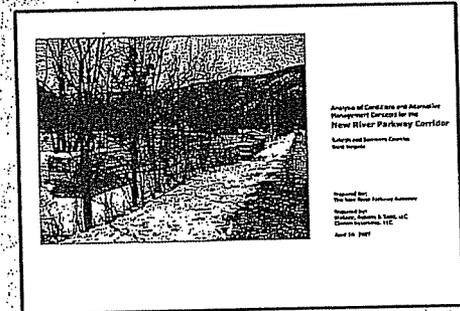


As part of its work on the County's Vision 2026 Comprehensive Plan, Clarion Associates prepared a stand-alone Design Guidelines Manual for all new development in the County. The guidelines address four different types of land uses (residential, commercial, office/industrial, and mixed-use), as well as new residential development within rural areas, and are suggested as a means to ensure that new development is consistent with the goals and objectives in the Comprehensive Plan. Special emphasis is placed on the retention of community character, suggestions on how to raise the bar for development quality, and the use of mixed-use master planned development as a method of accomplishing infill and redevelopment that is consistent with its context. The manual is highly illustrated and includes captions that explain the concepts and techniques being presented.

Project Experience

New River Parkway, West Virginia | Parkway Corridor Land Management System

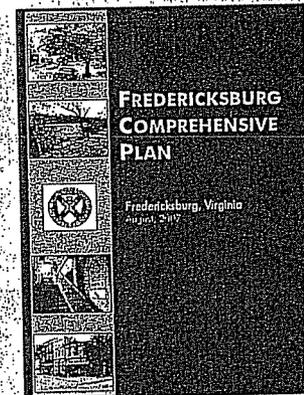
In collaboration with WRT Planning and Design, Clarion Associates is working with the New River Parkway Authority of West Virginia to prepare a land management system for the future New River Parkway corridor. The New River is a designated National Park Service river and one of the oldest rivers on the continent. The State of West Virginia is currently developing a parkway to be constructed along an existing roadway adjacent to a southern section of the river. To ensure that the pristine qualities of the park are ensured for future generations, a land management system is being developed that will provide a legal framework to guide future development in the corridor.



Comprehensive Plans

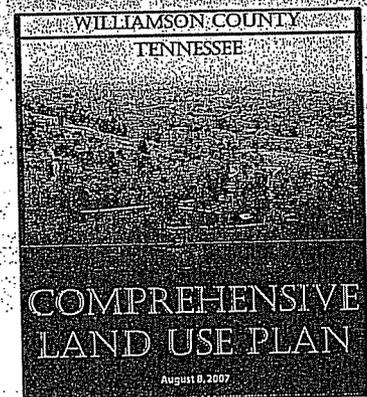
Fredericksburg, Virginia | Comprehensive Plan Update

Clarion Associates worked with Fredericksburg, Virginia to prepare an Updated Comprehensive Plan. The goals of the plan are to maximize economic development opportunities while maintaining the unique character of the historic city and its valued neighborhoods, as well as protecting the Rappahannock River – the city's water supply. Regional access to the Washington, D.C. metro area has brought unique opportunities to the Fredericksburg area. Challenges to the community include threats to existing neighborhoods, coordinated efforts to protect the watershed, improving quality of new development, and capturing a share of the region's expected growth. Working with a diverse collection of stakeholders, Clarion has helped draft a Comprehensive Plan that will guide future development and conservation efforts in the community.



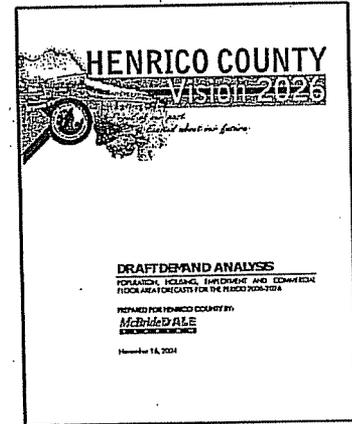
Williamson County, TN | Comprehensive Plan

In 2004, Clarion in association with Randal Arendt began preparation of a Comprehensive Plan update for Williamson County, Tennessee, in the Nashville Region. Over the past two decades the region has experienced rapid growth. Primary concerns for the county are rural preservation and protection of the area's rich historical resources. The updated plan was readily adopted by the County.



Henrico County, Virginia | 2026 Comprehensive Plan Update

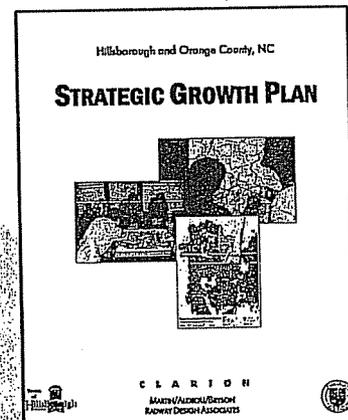
In 2004, the Clarion Team led by McBride Dale Clarion was retained to complete an update to Henrico County's Comprehensive Plan. The effort will involve detailed analysis of future land use scenarios that will assess the best planning options for the county based on fiscal, transportation, and innovative land use issues. The team assembled for this effort includes specialists from Clarion Associates, Tischler Associates, and Kimley-Horn and Associates. The Comprehensive Plan will include interrelated recommendations for community facilities, park and recreation, land use, and transportation. Additionally, Clarion has created a development design handbook and will revise the zoning code for proper implementation of the plan's recommendations.



Growth Management Strategies

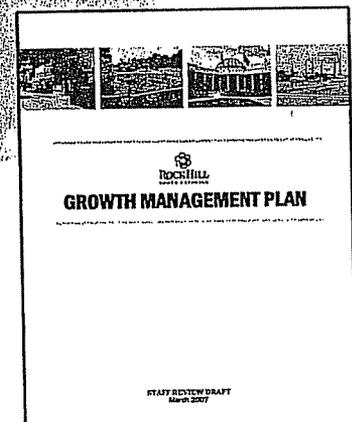
Hillsborough, NC | Strategic Growth Plan

Clarion Associates led a team of consultants in helping this historic and growing community manage growth patterns, with emphasis on economic development and environmental preservation. Intergovernmental coordination was key to success in managing growth at the edges of the community, and town-county cooperation was a paramount consideration. A growth pattern was developed that took best advantage of utility infrastructure, minimizing traffic impacts and emphasizing mixed-use development. Interlocal considerations included establishing priorities for annexation, coordinating land use plans at the interface of jurisdictional boundaries, and establishing ongoing mechanisms for joint action. The growth management planning process provided a mechanism to coordinate numerous Town initiatives already underway (e.g., corridor studies, downtown revitalization initiatives, and design guidelines).

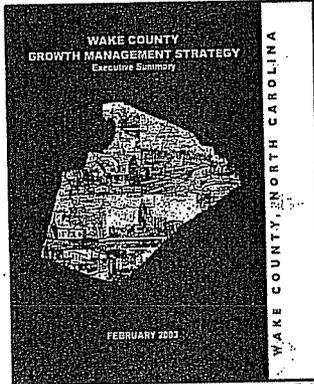


Rock Hill, South Carolina | Growth Management Plan

The City of Rock Hill, South Carolina, hired Clarion to prepare a Growth Management Plan for the City and its Urban Services Area. Rock Hill had previously retained Clarion to update its Zoning Ordinance to address growth management and design issues within the City. The additional task was to address development pressures in the 35,000 acre unincorporated portion of Rock Hill's Urban Services Area. Rural land was quickly being consumed by low-density residential development. The Growth Management Plan focuses on these unincorporated areas and identifies strategies for five key aspects of new development: location, amount, rate, cost, and quality. Identified strategies include re-examination of policies for extension of public facilities, and designating priority development.



Project Experience



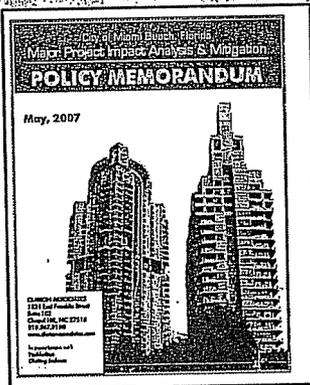
Wake County, North Carolina | Comprehensive Growth Management Strategy

Clarion Associates led a multi-disciplinary team to create a comprehensive Growth Management Strategy for Wake County, North Carolina, which has experienced significant and unprecedented economic development and population growth since 1990. While this growth has brought significant benefits, Wake County is bracing for at least 500,000 new residents anticipated to flow into the region over the next 20 years. In an innovative, intergovernmental approach, Clarion Associates worked closely with a 42-member task force, consisting of representatives from the County, the school district and twelve municipalities. The planning process, which was not legislatively mandated, focused on growth concerns in seven areas: community character, cost of growth, water/sewer, schools, transportation, open space, and land development standards.



Beaufort County, South Carolina | Southern Regional Plan

Clarion Associates, in association with Tischler Associates, developed a regional plan for Southern Beaufort County, the fastest growing county in South Carolina. In an innovative approach, Clarion Associates worked with staff and representatives from the County, the Town of Bluffton, the Town of Hilton Head Island, and key stakeholders from the area. This collaborative effort created a long-lasting regional cooperation effort between the local municipalities and county government, as well as focus specifically on the evaluation of four key regional issues: land use, natural resources, transportation, public facilities, and costs of growth. All local governments adopted the plan in 2006 and are well into developing the mechanisms and growth management tools to implement the Regional Plan.



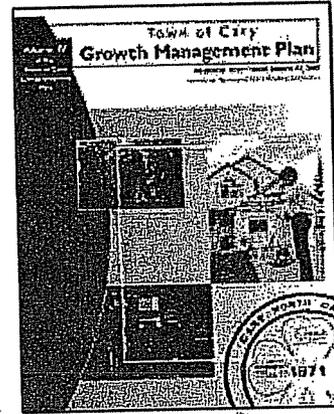
Miami Beach, Florida | Development Impact Mitigation System

Clarion Associates has been retained by the City of Miami Beach to develop an impact mitigation strategy for major development projects over 50,000 square feet in size. Phase I of the project will explore the impacts of large development projects on roadway capacity, on-street parking, public transportation, park and recreation facilities, schools, and workforce housing and suggest a range of policy and regulatory responses for City Council consideration. Phase II of the project will result in a set of revised Land Development Regulations, Comprehensive Plan amendments, and other regulatory actions design to address the impacts of large projects.

Project Experience

Cary, North Carolina | Growth Management Plan

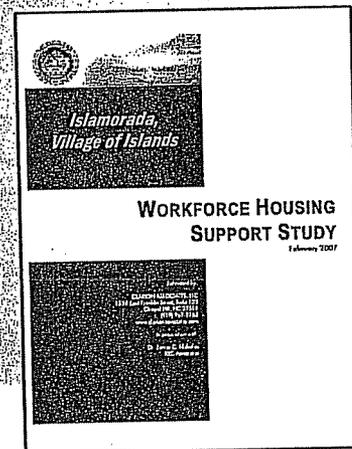
Clarion Associates led a team of consultants in helping this extremely fast-growing town in North Carolina's Research Triangle plan for and manage its future growth. The firm drafted a new growth management plan for the Town that articulates goals, objectives, strategies, and proposals related to (1) the timing and rate of growth; (2) the amount and density of growth; (3) the location of growth; (4) the costs of growth; and (5) the quality of growth. The growth management planning process provided a mechanism to coordinate numerous Town initiatives already underway (revision of the Unified Development Ordinance, and drafting of adequate public facilities ordinances).



Affordable Housing Strategies

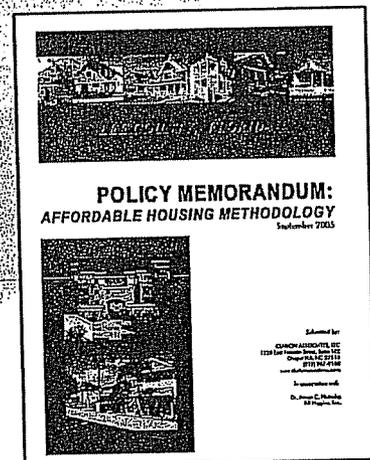
Islamorada, Village of Islands, Florida | Workforce Housing Methodology

Faced with rapidly increasing housing prices, the Village of Islamorada sought solutions to create affordable housing for their workforce population. Clarion Associates, in association with Dr. James Nicholas, has developed a legally supportable methodology to assess the impacts of residential and non-residential development on affordable housing. The team developed implementation legislation for a workforce housing mitigation program that incorporates the methodology for the Village of Islamorada, the first of its kind in the state of Florida. Clarion and its partner worked to diagnose the local workforce housing problem based on an evaluation of the community-wide economic impacts created by new residential and non-residential development.

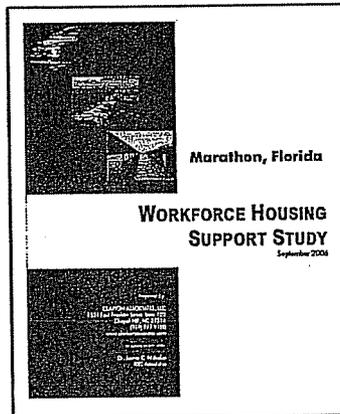


Lee County, Florida | Workforce Housing Methodology

Clarion Associates, in association with Dr. James Nicholas and William Higgins, is developing a legally supportable methodology to assess the impacts of commercial and residential development on affordable housing, and to develop implementation legislation for on affordable housing mitigation program for Lee County, Florida. Like many communities in Florida, Lee County has experienced a substantial rise in local residential real estate prices. Because of this trend, it is becoming evermore difficult for the county's workforce population to find local affordable housing. Clarion and its partners are working with Lee County to diagnose the local affordable housing problem, assess what other communities are doing to address similar affordable housing shortages, develop a legally defensible methodology for assessing the impacts that both nonresidential and residential development have on local affordable housing, and develop the implementing legislation for the program.



Project Experience



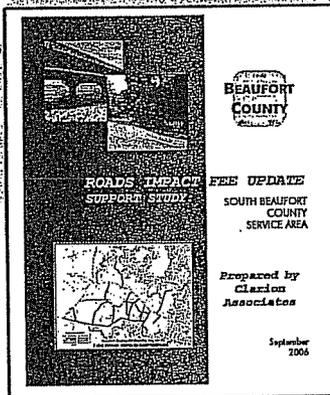
Marathon, Florida | Workforce Housing Methodology

Clarion Associates, in association with Dr. James Nicholas, developed a legally supportable methodology to assess the impacts of residential development on affordable housing. Clarion and its partner diagnosed the local affordable housing problem based on an evaluation of the community-wide economic impacts created by new residential development. Following the evaluation, Clarion developed a formal methodology for assessing the extent of impacts that new residential development has on local demand for affordable housing.

Impact Fees

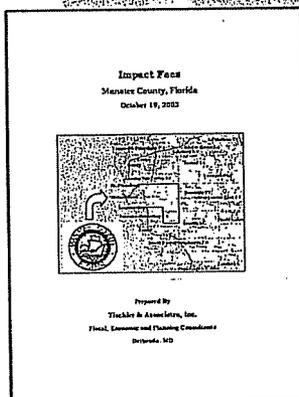
Beaufort County, South Carolina | Multi-Jurisdictional Impact Fees for Library, Parks, and Roads

Clarion Associates, worked with Beaufort County, the Town of Hilton Head Island, and the Town of Bluffton, South Carolina to update all three local governments' impact fee programs. Clarion advised the multi-jurisdictional effort through the update of development fee programs that included fees for roads, parks, and libraries. The update included a significant redesign of the fee program for this County and the two municipalities, as well as a significant modification to the impact fee legislation to address a number of administrative and credit issues.



Manatee County, Florida | Roads, Parks, Law Enforcement and Public Buildings

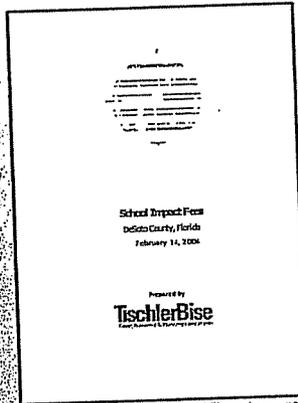
Clarion, in association with Tischler Associates, updated this fast-growing Florida county's impact fees for roads, parks, law enforcement, and public buildings. As part of this effort, Clarion restructured the county's existing impact fee legislation to conform the regulations to current "best practices". The legislation addresses the calculation of fees, the possibility of alternative fee studies by landowners, and the conditions under which refunds and credits would be granted. As part of the effort, firm members also evaluated various fee options and methodological approaches. Clarion also worked with the county in the preparation of interlocal agreements to assist in the countywide implementation of the impact fee program.



Project Experience

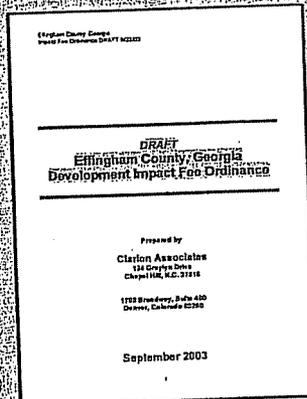
DeSoto County, Florida | Impact Fees for Libraries, Schools, Parks, Roads, General Government, Fire/Rescue, and Law Enforcement

In collaboration with TischlerBise, Clarion Associates, worked with DeSoto County, Florida to update multiple impact fee programs, including fees for schools, parks, library, fire/rescue, general government, roads, and law enforcement. Clarion advised the county on legal issues related to the update and drafted the implementing ordinances for the fee programs and an intergovernmental agreement to assist in administration of the school impact fee program. Key changes to the impact fee programs included the addition of an appeals process, updating the independent impact analysis option, and creating separate fees for the county's unincorporated areas and the City of Arcadia.



Effingham County, Georgia | Impact Fees

Clarion, in association with Tischler Associates, prepared the legislation to implement development impact fees for water, sewer, roads, parks, law enforcement, and libraries for Effingham County, Georgia. The ordinances address the calculation of fees, the possibility of alternative fee studies by landowners, and the conditions under which refunds and credits would be granted. As part of the effort, firm members also evaluated various fee options and methodological approaches.



Awards

Awards

In collaboration with clients from across the country, Clarion has received recognition for numerous planning efforts.

2007 APA Daniel Burnham Award for Comprehensive Plan

PlanCheyenne – Cheyenne, Wyoming | Comprehensive Plan Update, Transportation Plan, and Parks and Recreation Master Plan

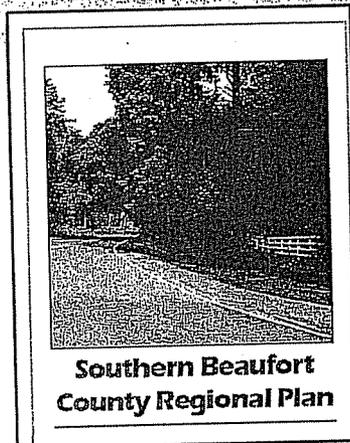


Clarion Associates worked with the Cheyenne Metropolitan Planning Organization to lead a project to update the area's community plan, transportation plan, and develop a parks and recreation plan for the City of Cheyenne and portions of Laramie County surrounding the city. Cheyenne is located at the northern end of the Rocky Mountain Front Range of the Denver Metropolitan area. PlanCheyenne provides directions on a host of growth issues such as rural development patterns and agricultural conservation, natural areas and open space conservation, mixed-use development and activity centers, neighborhoods as building blocks, "raising the bar" on design quality, and preserving the community's historic downtown core.

2006 South Carolina Chapter of APA Multi-Jurisdiction Award

Beaufort County, South Carolina | Southern Regional Plan

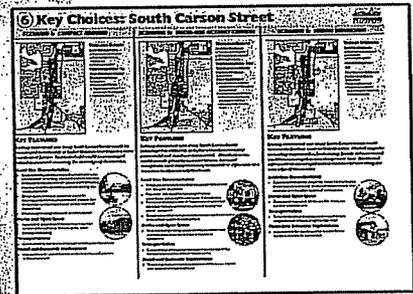
Clarion Associates, in association with Tischler Associates, developed a regional plan for Southern Beaufort County, the fastest growing county in South Carolina. In an innovative approach, Clarion Associates worked with staff and representatives from the County, the Town of Bluffton, the Town of Hilton Head Island, and key stakeholders from the area. This collaborative effort created a long-lasting regional cooperation effort between the local municipalities and county government, as well as focus specifically on the evaluation of four key regional issues: land use, natural resources, transportation, public facilities, and costs of growth. All local governments adopted the plan in 2006 and are well into developing the mechanisms and growth management tools to implement the Regional Plan.



2006 Vision 20/20 Award from the Sierra Business Council

Carson City, Nevada | Master Plan Update

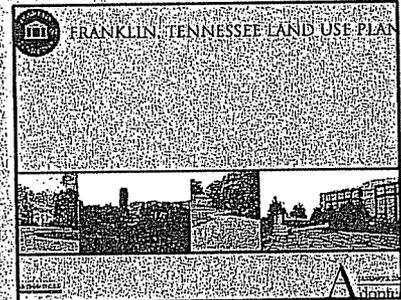
Surrounded on three sides by public lands, Carson City is nearing build-out and, as a result, is facing many tough challenges. Clarion Associates was retained to prepare an updated Master Plan for the City. The potential for disposal of some of these public lands for development was a key issue under consideration, as was the protection of these lands as open space. Other key issues included a desire to strengthen and diversify the city's historic downtown core, diversification of housing options, preservation of rural neighborhoods, enhancement and redevelopment of underdeveloped commercial corridors, and the anticipation of future development patterns along the Carson City Freeway, currently under construction.



Cumberland Region Tomorrow 2003 Excellence Award

Franklin, Tennessee | Land Use Plan

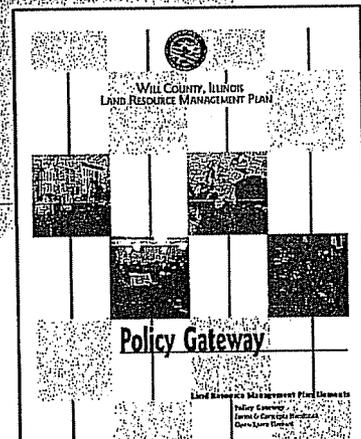
Franklin, Tennessee, located just south of Nashville, is a city that experienced rapid growth during the 1980s and 1990s, doubling its population every decade. McBride Dale Clarion assisted the Franklin community in the creation of an innovative land use plan that addresses quality of development in conjunction with infrastructure availability in both the city and its urban growth boundary. The necessity to maintain and enhance a strong community identity and pride was the force that drove the direction and end product of the plan. With many historical resources and an active citizenry, Franklin has the opportunity to expand on its already thriving community.



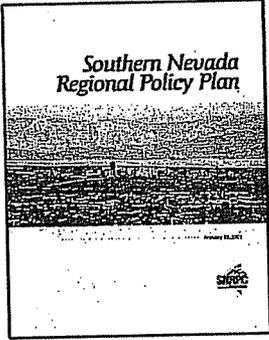
2002 APA Daniel Burnham Award for Excellence in Planning

Will County, Illinois | Land Resources Management Plan

Clarion prepared a comprehensive land use plan for this fast growing outer ring county adjacent to Chicago. The north part of Will County is rapidly becoming urbanized with significant commercial and residential growth while the south part of the county remains mostly agricultural and undeveloped. The plan addresses critical issues such as open space, transportation, and intergovernmental relationships between the county and its many municipalities. The plan also has a strong implementation focus.



Awards



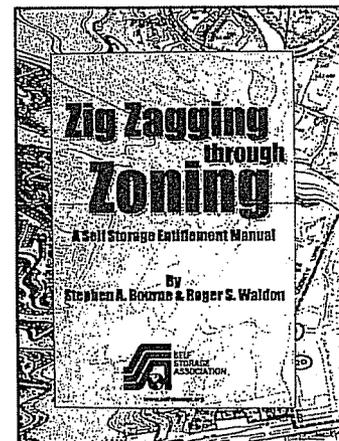
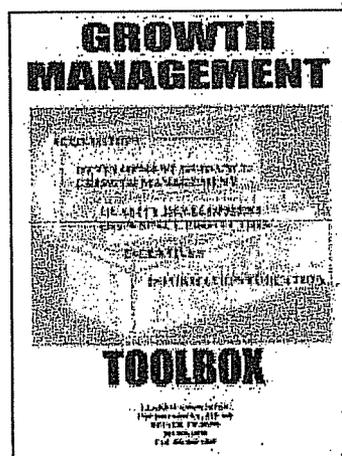
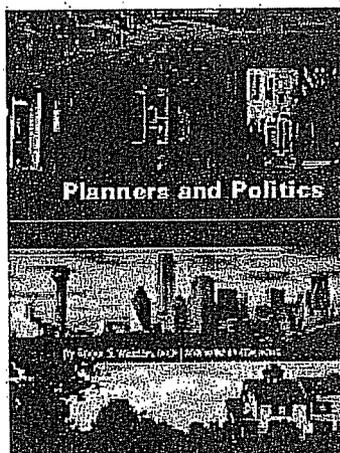
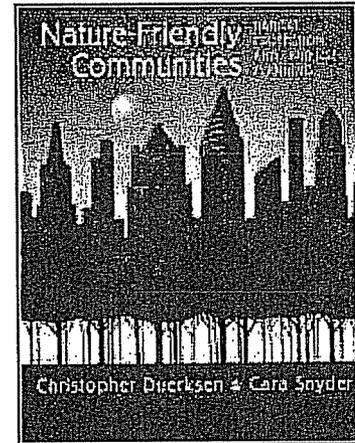
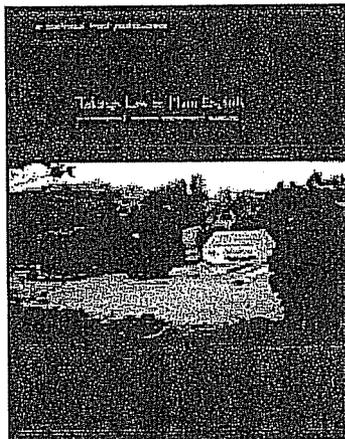
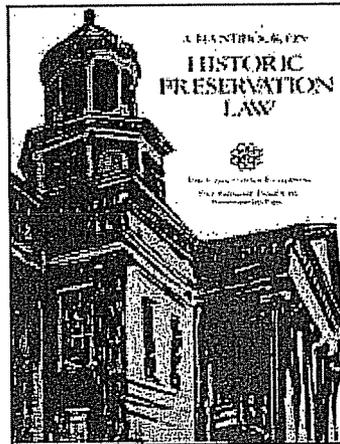
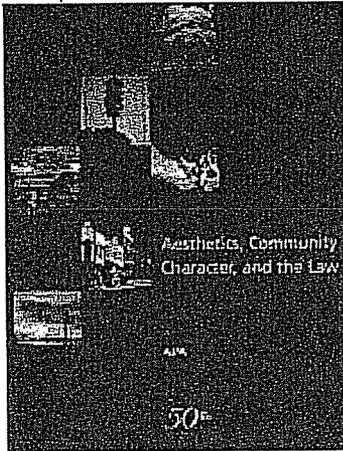
2001 DeBoer Excellence in Planning Award
Las Vegas, Nevada | Southern Nevada Regional Plan

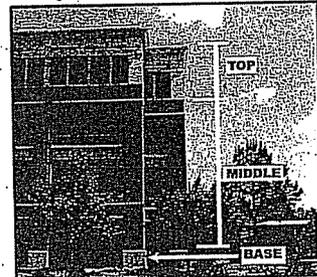
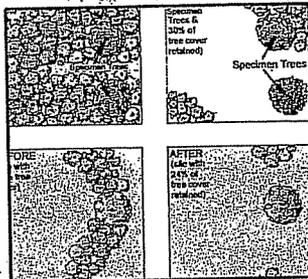
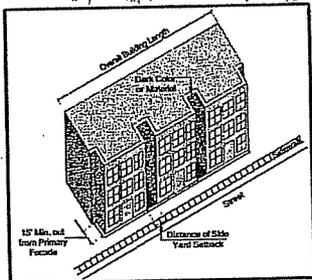
Clarion was retained to lead a team to produce a regional plan and growth management strategy for the Las Vegas Valley, the fastest growing region in the nation. Mandated by the state legislature, the regional plan addresses transportation, land use, air quality, infill development, and public services and infrastructure. Working closely with the Regional Planning Coalition, comprised of elected officials of the five jurisdictions in the Las Vegas Valley, Clarion prepared a plan that focuses on implementation, to conform to state law requirements for local plan consistency with the regional plan. The team also defined a process to review developments of regional significance, also a feature of the state legislation.



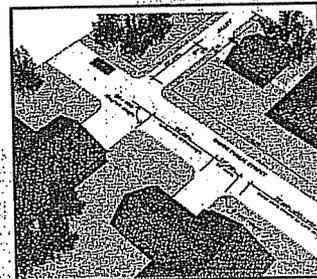
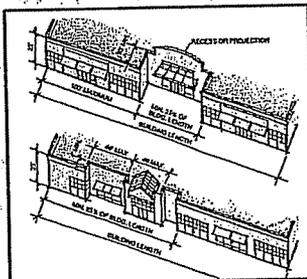
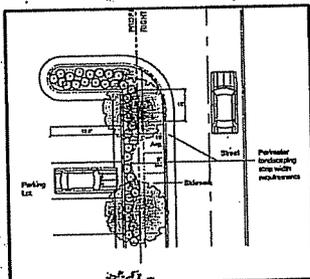
Clarion Publications

Working in collaboration with the American Planning Association and other professional organizations, Clarion Associates has authored many publications on a variety of topics.





7/21/08



CLARION ASSOCIATES

<http://www.clarionassociates.com/>

- Craig Richardson, Vice President, principal · crichardson@clarionassociates.com
- Roger Waldon, FAICP, principal · rwaldon@clarionassociates.com
- Chad Meadows, AICP, senior associate · cmeadows@clarionassociates.com
- Stephen Sizemore, senior associate · ssizemore@clarionassociates.com
- Leigh Anne King, AICP, associate · laking@clarionassociates.com

APPENDIX 2**Resumes****Clarion Associates**

- Roger Waldon
- Craig Richardson
- Stephen Sizemore
- Leigh Anne King

Tetra Tech

- Kimberly Brewer
- Jonathan Smith
- Regina Sheibner

CLARION ASSOCIATES

Clarion Associates is a national land-use consulting firm with offices in Denver and Fort Collins, Colorado; Chapel Hill, North Carolina; and affiliate offices in Chicago, Philadelphia, and Cincinnati. Our unusual combination of talents in land use and urban planning, design, land use law, and real estate economics allows us to develop creative solutions to difficult land use and design questions. Clarion is particularly known for its expertise in land use and plan implementation. Clarion Associates has represented both private and public sector clients on a variety of land-use planning and zoning matters. Its principals have written plans and drafted ordinances, regulations and design standards throughout the United States.

Since its founding in 1992, the firm has developed expertise in a broad range of planning areas, including:

- Community, regional, and neighborhood planning;
- Downtown and suburban zoning systems;
- Design standards and development regulations;
- Historic Preservation;
- Development Financing;
- Downtown plans and strategies;
- Growth Management strategies for cities and regions;
- Citizen participation strategies; and
- Implementation strategies.

Clarion is particularly known for our expertise in:

PLANNING AND ZONING

Clarion Associates has represented both private and public sector clients on a variety of land-use plans, design guidelines and standards, and ordinances and regulations throughout the United States, with particular emphasis on historic preservation, development financing, design standards, natural resource protection, and both downtown and suburban zoning systems.

MARKET ANALYSIS

The members of Clarion Associates have diverse backgrounds in finance, economics, marketing, planning, urban design, environmental studies, political science and land use law. With integration of this combination of skills, we develop creative solutions to difficult real estate questions. Clarion Associates has extensive experience in analyzing the market for every type of property—including residential, office, industrial, major mixed-use developments, convention centers, large transportation facilities, tourism complexes—in a variety of locations such as suburban sites, downtowns, lakefronts, and rural areas.

DEVELOPMENT ECONOMICS

Clarion specializes in advising public sector clients on the economics and fiscal impacts of development proposals, incentives needed to encourage development, and other aspects of project feasibility. We have analyzed the economics of numerous types of real estate development in both urban and rural contexts and the impacts of proposed plans and cost recovery systems on different forms of development.

Qualifications of

Roger Waldon, FAICP Clarion Associates

Roger Waldon is a Principal with Clarion Associates, based in the North Carolina office. Mr. Waldon served as Planning Director for the Town of Chapel Hill for 21 years, directing the Town's comprehensive planning and growth management functions. His work has emphasized neighborhood conservation and growth management, including preparation of land use plans and special area plans, preparation and administration of design guidelines, transportation planning, annexation, capital improvements, housing and community development initiatives, and evaluation of development applications. Prior to his work for Chapel Hill, Mr. Waldon worked on regional initiatives as Director of Planning Programs for the Triangle J, Council of Governments, a regional planning organization based in the Research Triangle Park, North Carolina. He has also served as an elected official on the Chapel Hill-Carrboro Board of Education. Mr. Waldon is a frequent speaker at national planning conferences, and has lectured on planning topics at Universities in Massachusetts and North Carolina. He has been recognized as a Fellow of the American Institute of Certified Planners.

Representative Major Projects

- Growth Management and Neighborhood Plans for Chapel Hill, including land use, community facilities, housing, transportation, environmental protection; neighborhood preservation, downtown revitalization, and growth management elements.
- Comprehensive Plans in Fredericksburg, VA; Orange County, NC; Brentwood, TN; Tupelo, MS.
- Facilities Plan for school construction; ordinance provisions to link growth to school capacity in Orange County, NC
- Urban Design projects for downtown areas in Winston-Salem, NC; Thomasville, NC; Lancaster, Texas; Chapel Hill, NC; Montgomery, OH
- Comprehensive Plans in Fredericksburg, VA; Union County, NC; Hanover County, VA; Orange County, NC; Iredell County, NC
- Six Neighborhood Conservation Districts
- Neighborhood Small Area Plan for Wake Forest, NC

Professional History

- Planning Director, Town of Chapel Hill, 1984-2005
- Director of Planning Programs, Triangle J Council of Governments, 1972-1984

Education

- Master of City and Regional Planning, University of North Carolina at Chapel Hill
- Bachelor of Science, Urban Studies and Planning, MIT

Professional Associations

- Fellow, American Institute of Certified Planners
- Member, American Planning Association

Civic Involvement

- Board of Directors, Chapel Hill-Carrboro YMCA, North Carolina
- Advisory Board, Orange County Habitat for Humanity

Qualifications of
Craig Richardson
Clarion Associates

Craig Richardson is a Vice President with Clarion Associates in the Chapel Hill office. Mr. Richardson has consulted with over 70 local government clients in nine states on the preparation of general land development codes, zoning ordinances, adequate public facility regulations, impact fees, comprehensive plan implementation and other forms of land use regulation. In addition, he has had significant experience representing public sector clients in court in their defense of comprehensive plans and land use, and public facility finance regulations.

Representative Major Projects

- Unified Development Ordinances for Rock Hill, SC (in progress); Greenville, SC (in progress); Apex, NC; Herndon, VA; Zoning Codes for Kalamazoo, MI; Alachua, FL; Teton County, WY; Aspen, CO (APA Award of Merit); Larimer County, CO
- Land Development Codes in Florida: Palm Beach County; St. Lucie County; Martin County; Collier County; City of Jacksonville Beach; and the City of Clearwater
- Adequate public facility regulations for Palm Beach County, FL; Martin County, FL; Collier County, FL; City of Jacksonville Beach, FL; Larimer County, CO
- Impact fee programs in Manatee County, FL; Summersville, SC; Steamboat Springs, CO; Palm Beach County, FL; Citrus County, FL; Indian River County, FL; Dade County, FL; Larimer, CO; Washoe County, NV

Professional History

- Shareholder, Icard, Merrill, Cullis, Timm, Furen and Ginsburg, Sarasota, FL
- Attorney and Partner, Siemon, Larsen and Purdy, Chicago, Illinois and Sarasota, FL
- Attorney/Associate, Ross, Hardies, O'Keefe, Babcock and Parsons, Chicago, Illinois and Boca Raton, FL

Education

- Master of City and Regional Planning, University of North Carolina at Chapel Hill
- Juris Doctor, Stetson College of Law
- Bachelor of Arts (Honors), Stetson University

Publications

- *Keeping Up with Growth* Urban Land. Vol. 58, No. 9: 94. September 1999 (with D. Salvesen)
- *Avoiding Coastal Hazard Areas: Best State Mitigation Practices*, Environmental Geosciences. 1999 (with D. Godschalk, R. Norton and D. Salvesen)

Professional Associations

- Member, American Planning Association
- Member, Amicus Committee, APA
- Member, Florida and American Bar Associations

Qualifications of
Steve Sizemore, AICP
Clarion Associates

Stephen Sizemore is a planner, lawyer, and Senior Consultant in the North Carolina office of Clarion Associates. He has more than 28 years of planning experience, primarily with growth management and development regulation for local governments. Before joining Clarion, Mr. Sizemore was planning director for a coastal North Carolina county with a large military installation, overseeing the county's development of a comprehensive plan and implementation of its first county-wide zoning regulations and served on North Carolina's Coastal Resources Advisory Council. Prior planning experience includes 12 years as a land use planner/attorney for an urban North Carolina county - where he prepared growth management/land use policies and regulations, including transitional rural-urban development regulations - and 7 years as a planner for a North Carolina university town - where he helped prepare a unified development ordinance. Mr. Sizemore has also worked as research attorney for the American Planning Association, where he edited *Planning & Environmental Law*, organized the annual Bettman Symposium on land use law, and was an associate editor and contributing author for APA's *Planning and Urban Design Standards*. He also developed rules and guidelines for preparation of comprehensive plans and development regulations by local governments in Maine.

Professional History

- Planning and Development Director, Onslow County, 2005-2008
- Research Staff Attorney and Editor, *Planning & Environmental Law*, American Planning Association, 2002-2005
- Land Use Planner/Attorney, Wake County, 1990-2002
- Senior Planner, Maine Office of Comprehensive Planning, 1988-2000
- Planner, Development Coordinator, Town of Chapel Hill, 1978-1986
- VISTA Volunteer planner, Town of Clayton, NC, 1977-1978

Education

- Juris Doctor, University of North Carolina at Chapel Hill
- Masters in Regional Planning, University of North Carolina at Chapel Hill
- Bachelor of Science, University of North Carolina at Chapel Hill

Professional Associations

- American Institute of Certified Planners
- North Carolina State Bar
- Member, American Planning Association

Qualifications of
Leigh Anne King, AICP
Clarion Associates

Leigh Anne King is an Associate with Clarion Associates. She is a planner who has experience working with local governments on planning initiatives including: neighborhood and city-wide land use planning and visioning, growth management strategies, affordable housing programs, regulatory programs and ordinances, school siting, and open space planning. Prior to joining Clarion Associates, she earned a Master in Regional Planning degree from the University of North Carolina, Chapel Hill, and worked for a national conservation nonprofit in Arlington, Virginia.

Project Experience

- Tupelo, Mississippi Comprehensive Plan Update
- Fredericksburg and Hanover County, Virginia, Comprehensive Plan Updates
- Henrico County, Virginia, Design Guidelines Manual
- New River Gorge, West Virginia, Land Management System
- Emerald Isle, North Carolina, Village East and West Design Concepts Report
- Rock Hill, South Carolina, Growth Management Plan
- Hillsborough, North Carolina, Growth Management Strategy and Land Use Plan
- Wake Forest, North Carolina, Northeast Neighborhood Plan
- Chapel Hill, North Carolina, Neighborhood Conservation Districts (5)
- Beaufort County, South Carolina, Roads, Libraries and Parks Impact Fee Programs
- Marathon and Islamorada, Florida, Workforce Housing Methodologies and Mitigation Strategies
- Lee and Palm Beach Counties, Florida, Affordable Housing Methodology and Mitigation Strategies
- Vienna, Maryland, Community Vision Plan

Professional History

- Associate, Clarion Associates, Chapel Hill, North Carolina, 2005 – present
- Research Assistant, Center for Urban and Regional Studies, University of North Carolina, Chapel Hill, 2004–2005
- Research Intern, The Conservation Fund, Chapel Hill, North Carolina, 2004
- Land Use Projects Coordinator, The Conservation Fund, Arlington, Virginia, 2000-2003

Education

- Master of Regional Planning, University of North Carolina, Chapel Hill
- Bachelor of Arts, University of Tennessee, Knoxville

Publications

- Green Infrastructure Plan Evaluation Frameworks, Journal of Conservation Planning, March 2005
(published under maiden name – Leigh Anne McDonald)

Professional Associations

- Member, American Planning Association (APA)
- Member, American Institute of Certified Planners (AICP)
- Member, North Carolina Chapter of the APA

Kimberly A. Brewer, A.I.C.P.
Senior Planner

EDUCATION

M.R.P., City and Regional Planning, University of North Carolina, 1985

B.A., Economics, Wake Forest University, 1981

Registrations and Certifications

American Institute of Certified Planners (AICP) 1991

QUALIFICATIONS

Throughout her 25 years of water resources planning and management experience, Ms. Brewer has coupled technical and policy analysis with stakeholder facilitation to develop innovative, cost-effective watershed protection and green design strategies. As a planning consultant, she has assisted in conducting numerous local watershed protection studies, pioneered approaches for low-impact design, and co-designed the U.S. Environmental Protection Agency's Watershed Academy. Prior to consulting, Ms. Brewer worked 11 years in local, state, and regional agencies, gaining extensive experience in program development and management in the areas of water resource protection. Ms. Brewer's experience working with government agencies and diverse stakeholder groups, along with her practical experience studying and implementing cost-effective innovations, allows her to understand different perspectives and to design strategies that meet multiple objectives. Ms. Brewer has been the facilitator, principal planner and cost analyst on watershed management projects, providing comprehensive watershed management planning services, including watershed management plans and implementation strategies, stormwater program development, ordinance review and development to encourage LID and green infrastructure, site design evaluation tools for BMPs, training, LID pilot projects and case studies, and public education/outreach. These projects have incorporated onsite performance standards, low-impact development design, conservation offsets, phosphorus banking, and other innovative techniques.

Selected Watershed and Stormwater Management Experience

Third Fork Creek Watershed Plan – City of Durham, NC. Assisting in project to prepare a watershed management plan and implementation plan for restoring watershed function. Currently working with City Coordinating Team to establish core watershed restoration goals, objectives, indicators, and benchmarks that will provide a consistent framework for conducting watershed assessments and management plans city-wide. Also establishing goals and objectives unique to Third Fork Creek. Assisting in critical lands protection analysis, riparian area management planning, and review of existing code, ordinances, criteria, policies, and procedures to support the City's restoration efforts.

Lansing Stormwater Ordinance – City of Lansing, MI. Currently assisting the City of Lansing in developing a stormwater ordinance that meets Phase II stormwater requirements as well as regional stormwater management policies which encourage the use of Low Impact Development. Assisting in the review of local ordinances to recommend revisions needed to implement the new stormwater ordinance and further enhance use of Low Impact Development and green infrastructure techniques.

Athens-Clarke County Watershed Improvement Program – Athens-Clarke County (ACC), GA. Currently lead planner and facilitator in developing a Watershed Improvement Program, including protocols to be used by ACC staff in developing watershed management plans county-wide. The project includes using three pilot watersheds to develop program goals, objectives, indicators, and benchmarks; to develop and apply protocols to be used in monitoring and watershed characterization; and to develop and apply protocols for management strategy development and evaluation. The program is linked to the ACC comprehensive plan and sustainability policies.

Beaver Lake Watershed Management Plan – Northwest Arkansas Council, AR. Co-facilitator and lead planner for the Beaver Lake watershed management planning process for Northwest Arkansas Council focused on restoration of streams designated as impaired waters and protection of regional drinking water supply. Conducted regulatory and planning analysis, co-facilitated Policy Advisory Group, developed goals and objectives, evaluated management

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Senior Planner

alternatives, developed and wrote management plan and implementation strategy, and supported outreach (focus groups, newsletters, and community meetings). The analysis included the cost and benefits of implementing LID in new development and other sustainable practices such as conservation offsets, biomass to energy, agricultural BMPs, and decentralized wastewater systems in targeted areas of the watershed.

Fairfax County Approach for Countywide Watershed Assessment – Assisted Fairfax County, VA Stormwater Services Department in developing new watershed planning protocols that could provide consistency and standardization in plans developed by the County and its contractors. Specifically, assisted the County in developing measurable goals, objectives, and indicators for stormwater management; a standardized watershed characterization and problem ranking scheme, and a countywide project prioritization methodology for selecting restoration, BMP retrofit, and preservation projects which demonstrate achievement of program goals.

Green Infrastructure Ordinance Review. Sanitation District #1, KY. Currently reviewing draft City and County ordinances in Northern Kentucky's Sanitation District # 1 jurisdiction. This includes review of zoning and subdivision ordinances to identify barriers to and opportunities for green infrastructure and LID techniques.

Agua Hedionda Watershed Management Plan – City of Vista, CA. Lead watershed planner for the Agua Hedionda Lagoon watershed in Southern California. Project involved comprehensive watershed management plan development and stakeholder facilitation. The project involved local planning and stormwater ordinance review and recommendations for incorporating appropriate LID and green infrastructure techniques into the arid to semi-arid environment, as well as the cost and benefits of implementing such techniques. High priority areas for LID and green infrastructure BMP retrofits were also identified. Areas and sites within the watershed were prioritized to meet the stakeholder management objectives. Led in development of implementation strategy.

Lake Maumelle Watershed Plan – Central Arkansas Water, AR. Managed planning and cost-evaluation components of project to develop a watershed management plan; co-facilitated Policy Advisory Council and Technical Advisory Council in developing, evaluating, and selecting the preferred management options which included requirements for low-impact development design, conservation offsets, and sustainable management of decentralized wastewater systems; led cost analysis; co-led public education and outreach efforts; led in writing the Management Plan and implementation strategy which was unanimously adopted by the Central Arkansas Commission in February 2007.

Framework for Enhanced Management of Decentralized Wastewater Systems. Berkeley County, WV. Worked with local stakeholder group to develop recommendations for enhanced management of decentralized wastewater systems. This included management and oversight options for newly permitted systems, a tiered management approach for managing existing systems; implementing a management partnership among different agencies; local ordinances needed, and potential costs and funding sources for the program.

NCEEP Local Watershed Planning – North Carolina Ecological Enhancement Program. Lead planner and facilitator in developing the Swift Creek Local Watershed Management Plan and the Morgan Creek Local Watershed Management Plan. Assisted in developing targeting and prioritization criteria for restoration site, LID BMP retrofits, and open space preservation. Conducted local ordinance reviews and recommended revisions for encouraging better site design and Low-Impact Development design.

Cary Town Center Stormwater Management Plan – Town of Cary, NC. Managed the policy and planning components of a project to develop an innovative plan for managing stormwater runoff from an area being redeveloped to intensive commercial and high density residential use. Multiple approaches to management, including low-impact design and density averaging, were evaluated for potential incorporation in the plan. Recommendations for needed revisions to local and state regulations and ordinances, and a process for implementation were also developed.

McDowell Creek Watershed Management (NC) – Mecklenburg County and Town of Huntersville, NC. Worked with staff and advisory boards to develop management goals, targets, and strategies for managing new development centered on low-impact development design. Assisted in developing stormwater management ordinance and water quality design manual, adopted January 2003. Included four low-impact design case studies with stormwater management and cost analysis.

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Charlotte-Mecklenburg Post-Construction Ordinance Development – Mecklenburg County Phase II jurisdictions and the City of Charlotte, North Carolina. Presented Tetra Tech's watershed assessment evaluating future impacts of development without further management, assisted in developing cost tool and site evaluation tool (SET) that could evaluate land use and BMP management techniques; facilitated stakeholder development of alternative management measures, including low impact development (LID) and green infrastructure design, presented watershed and site scale modeling results as well as cost comparisons for the management options, facilitated selection of a preferred option, and assisted in developing post-construction ordinance provisions. Unanimously adopted by 22-member stakeholder committee.

City of High Point Deep River 1 Watershed Assessment Plan – City of High Point, NC. Managed project for a watershed assessment and management plan for the City of High Point, NC. The Plan, which was approved by the State and is currently implemented, involves an innovative Phosphorus Banking program as well as low impact development (LID) education, local LID case studies, and ordinance review to identify revisions needed to encourage LID and green infrastructure. Won 2000 NCAPA Award for Plan Implementation for Multiple Jurisdictions.

City of Chicago Stormwater Ordinance and Design Manual – City of Chicago, ILL. Assisted the City of Chicago in developing a draft stormwater management ordinance and design manual requiring "green design" for new development and redevelopment. Assisted in drafting ordinance, working with multiple City Departments in negotiating stormwater management objectives and associated design performance standards. Coordinated draft ordinance with draft design manual development, which incorporates low-impact design techniques.

Rockdale County Watershed Assessment and Management Plan – Rockdale County GA. Worked with staff, elected officials, and diverse 23-member stakeholder group to develop and adopt a comprehensive watershed management plan for the County. Led in development of management plan objectives; of indicators and targets related to management objectives; evaluation of alternative management approaches; management plan development; outreach; low-impact design education for local staff and development community and a low-impact design pilot program. Developed and wrote Rockdale County Stormwater Management Administrative Review Process.

Upper-Neuse Local-State Watershed Management Framework. Upper Neuse River Basin Association NC. Project Manager and co-facilitator in designing a local-state watershed management framework for the Upper Neuse River Basin. This framework links an Upper Neuse Management Cycle with the State of North Carolina's Neuse Basinwide management cycle. This framework includes agreed-upon management goals, management activities and timelines, partner responsibilities, a multi-agency governance structure, and indicators for tracking success.

Upper Neuse Watershed Management Plan. Upper Neuse Basin Association NC. Lead planner and facilitator in developing watershed management plans to address water supply protection and habitat impacts in eight drinking water supply watersheds. Plans were tailored for local governments to meet adopted goals and measurable targets, and include on-site performance standards for stormwater management. Included planning and participating in a 2-day low-impact design workshop for local elected officials and staff, developers and designers.

Cane Creek Reservoir Watershed Study. Orange Water and Sewer Authority NC. Worked with a diverse community advisory committee. Assisted in developing and tailoring measurable indicators to guide the local watershed study; designing the economic impact analysis; and developing, evaluating, and screening watershed management options. Assisted in presenting and writing the study findings.

EPA Watershed Academy. USEPA. Member of team that assisted EPA in designing its Watershed Academy. Designed and developed core training courses for local, state, and federal officials on how to implement the watershed management approach. Draft course materials include 101 - Principles of Watershed Management, 104 - Executive Managers' Watershed Management Short Course, and 105 - Watershed Management Tools.

Jonathan T. Smith, P.E., CPSWQ, CPESC, LEED-AP Engineering Manager, Stormwater Services

Education

B.S., Biological & Agricultural Engineering, North Carolina State University, 1995
Graduate Course Work: 21 units focused on hydrology and stormwater management, NCSU, 1998 - 2006

Professional Registration

Professional Engineer (NC license# 026523; VA license# 44925; SC license# 26822)
Certified Professional in Erosion and Sedimentation Control (CPESC), registrant #4111
Certified Professional in Storm Water Quality (CPSWQ), registrant #0048

Key Areas of Experience

Hydrologic and Hydraulic Studies
Site Scale Water Quality Modeling
Stormwater Master Planning
Stormwater Program Development and Implementation
Stormwater and Watershed Restoration BMP Design
Environmental Permit Compliance

Professional Affiliations

CPSWQ Inc. Chair (2008 – present); CPSWQ Approved Instructor
NC-APWA Water Resources Committee Director (2008 – present)
CPESC Regional Representative (2005 – 2009)
EnviroCert International Inc., Technical Vice-Chair (2008 – present)

Qualifications Summary

Jonathan Smith has 14 years of experience in water resources engineering, specializing in stormwater management. He is the Engineering Manager for Stormwater Services in the Research Triangle Park, NC office of Tetra Tech. Mr. Smith is a professional engineer, a Certified Professional in Stormwater Quality, a Certified Professional in Erosion and Sedimentation Control, and is a LEED-Accredited Professional. He is an expert in stormwater management and as a consultant focuses on planning, implementing and managing stormwater-related projects for municipal, industrial and development clients. Mr. Smith is an approved instructor for CPSWQ, and is currently the CPSWQ Inc. Chair and EnviroCert International Inc. Technical Vice-Chair. As a project manager, Mr. Smith has extensive experience in supplying clients with project deliverables through technical reports, construction documents and construction management, supervising technical, production and administrative staff throughout.

Before becoming a consultant, Mr. Smith was an Extension Engineer at North Carolina State University, where he supervised the daily activities for numerous projects within a stormwater focused research Group. He led development of several research studies including the effects of BMPs on thermal impacts to stormwater runoff, retrofitting abandoned septic tanks into stormwater infiltration facilities, the effects of media selection on green roof pollutant removal performance, and development of a municipal BMP monitoring pilot program. He completed design and construction of more than fifteen stormwater BMPs including stormwater wetlands, bioretention areas, green roofs, pervious pavement practices, innovative wet ponds and level spreaders. He also supervised Extension Associates, graduate students and undergraduate students in the development of research projects, providing instruction on budgeting, site design, permitting, competitive bid processes, construction, instrumentation, data collection and data analysis.

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Selected Project Experience

Pulaski County Stormwater Design Manual and Site Evaluation Tool Development, Pulaski Co., AR. Managing project for Pulaski County Arkansas to develop stormwater drainage design manual and Site Evaluation Tool (SET). Coordinating the planning for and facilitation of a workgroup meeting comprised of local public agency and stakeholder engineering staff to identify and develop manual components and SET user interface functions. Providing oversight for technical staff in development of design manual incorporating functionality specific to Pulaski County development conditions. Supervised development of the SET incorporating lower limit effluent limitations on BMP performance for local conditions including low density development and steep slope topography.

Third Fork Creek Watershed Planning and Design, Durham, NC – Task manager for a \$1M+ planning and design project in Durham, NC. Relevant tasks included stormwater retrofit planning and design, LID and Better Site Design, and BMP maintenance program review for Third Fork Creek.

NCEEP Alternative Wetland Mitigation Stormwater BMP Pilot Project. For the North Carolina Ecosystem Enhance Program, supervised application of a proposed method for determining mitigation credits associated with two constructed stormwater wetland BMPs in the Catawba River basin. The project represents a potential pilot for urban watersheds where available land for traditional wetland mitigation does not meet overall mitigation needs.

San Diego LID Manual, San Diego CA. Supporting preparation of a Low Impact Development manual for the City of San Diego's stormwater program. To date, has provided review of performance criteria for stormwater best management practices required by San Diego County. Review included research of criteria for volume and flow based control practices and associated publications detailing development of these performance criteria. Results were utilized to recommend criteria which were most appropriate to the city's objectives and incorporation into the manual.

McDowell Creek Watershed Restoration, Mecklenburg Co, NC. Project Manager for restoration of 1,631 feet of second order stream and creation of four stormwater BMPs in an urbanized watershed. Provided project scoping, technical oversight of design, permitting and preparation of construction documents. Stormwater BMPs included offline wetland/infiltration systems incorporating shallow diversion of upstream runoff from the restored stream reach as well as a combination bioretention area/level spreader system treating a municipal animal shelter "hot spot".

McAlpine Creek Stream Restoration and Stormwater Improvements, Mecklenburg Co, NC. Design engineer responsible for preparation of design documents related to the retrofit of an existing urban pond to a stormwater treatment facility consistent with the Center for Watershed Protection's "New Emergent Wetland" design guidance. The existing pond exhibited poor conditions including undersized outlet, failing banks, excessive waterfowl use and lack of vegetation. The modified design incorporated a forebay to pre-treat flows entering the facility, an extended detention settling zone, a bypass structure for larger flows, and a low flow wetland to provide polishing treatment of baseflow and smaller runoff events.

Central Yard Municipal Facility Stormwater Retrofit Design, Charlotte, NC. Project Manager for the identification of methods to reduce impacts of a municipal vehicle maintenance and washing facility on adjacent surface waters through source reduction and modifications to an existing non-functioning filter system. Conducted a feasibility analysis of various source reduction techniques and BMP modifications incorporating site operational restrictions, municipal NPDES phase II compliance requirements, and existing infrastructure conditions. Provided design and preparation of construction documents for specific improvements including diversion of rooftop runoff directly to stream, construction of rooftop over vehicle washpad, and conversion of filter system to a staged detention, vertical filter, finishing wetland system

Partners Equity Stormwater Improvement, Partners Equity Group, Smithfield, NC. Managed the development of design and permitting for the conversion of an existing wetpond serving a 51 acre

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commercial subdivision to an enhanced wetpond facility to achieve nitrogen reduction goals. The conversion was conducted in order to obtain a 401 water quality certification from the NC-DWQ wetlands unit for impacts to jurisdictional wetlands within the development. Specific improvements included the enlargement and deepening of the pond and enhancement through the incorporation of a vegetated littoral shelf.

Trash Guard Hydraulic Analysis, Trash Guard, Inc., Raleigh, NC. Managed the development of a hydraulic analysis of the trash guard system, a patented screening insert developed to capture and retain large stormwater solids. The client requested hydraulic analysis spreadsheet preparation to determine steady flow hydraulic characteristics.

Players Club Bridge Replacement, Reserve Development Co. LLC, Southport, NC. Prepared a FEMA Conditional Letter of Map Revision (CLOMR) application for the modification of a roadway crossing of Beaverdam Swamp in Town of St. James in Brunswick Co, NC. Modification included replacement of an existing culverted road crossing with a 70 ft span prefabricated bridge. Application preparation included incorporation of existing topographical survey in the effective FEMA hydraulic model and iterative analysis of the proposed bridge geometry to reduce impact on nearby properties and structures.

St. James Hydraulics Study and Analysis, Reserve Development Co. LLC, Southport, NC. Managed a hydraulics study to assess the causes of flooding in a large residential development related to two flooding events in Brunswick County. Work included simulation of the storms of interest using a HEC-HMS model and incorporation of as-built survey data as required supporting a HEC-RAS hydraulics model of the existing creeks, ponds, and roadways. Sensitivity analysis was conducted on these two models to determine potential improvements to the drainage system for mitigation of future flooding. A written report was developed from the results of the project to and provided to the client with recommendations of upgrades or replacements of road crossings and diversions.

St. James Drainage Improvements, Reserve Development Co. LLC, St. James, NC. St. James Plantation is located on the Atlantic Inter-coastal Waterway in North Carolina. Being so close to the coast, St. James Plantation needed to develop an emergency action plan for the management of drainage structures in the event of approaching large tropical events. Developed an emergency action plan as well as an operation and maintenance plan for maintaining structures so that capacity is not reduced. Also provided design services to improve drainage structures identified as operating at less than desired condition.

UNC Bell Tower Stormwater Management Services, Skidmore, Owings & Merrill LLP, Chapel Hill, NC. Provided initial feasibility analysis for the design and of a 50,000 cubic feet stormwater harvest system on the existing campus of University of North Carolina at Chapel Hill. The system captures stormwater from a proposed Genome Sciences building with a rooftop of approximately 1 acre and stores it in an underground cistern. The cistern system is connected to a nearby reclaimed water line to provide reliable water supply to irrigate adjacent landscape areas, a nearby stadium athletic field and provide indoor toilet flushing water for the Genome Sciences building.

St. James Main Entrance Storm Drainage, Town of St. James, NC. Provided professional services in the development of a repair plan for the main site entrance to the Town of St. James. The repair consisted of a Phase I for study, Phase II for design & construction drawing preparation and Phase III for construction administration. The noted problem areas were further investigated through field exploration with the NCDOT, watershed delineation, and Hydrologic and Hydraulic Analysis. Data was then evaluated and prioritized, and alternatives were recommended for improvement and repair. Upon selection of preferred alternative, design documents were prepared for use in bidding and construction by the client.

Charlotte Monitoring Standard Details, City of Charlotte, Charlotte, NC. Managed project for City of Charlotte to provide engineering services in the further development of Charlotte Stormwater Services' pilot stormwater BMP monitoring program. Provided consulting and construction documents preparation

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services to correct difficulties in stormwater monitoring at retrofit sites because of improper flow measurement devices, clogging of sampling intakes and difficult access to sampling locations.

Jacksonville Water Supply and Treatment Facilities, City of Jacksonville, Jacksonville, NC.

Design engineer for design and permitting of a stormwater wetland for an 8 mgd nanofiltration treatment facility for the City of Jacksonville. Prepared complete construction plans and application documents for submission to NCDWQ for approval of Coastal Area Stormwater Permit.

Shade Valley Outlet, City of Charlotte, Charlotte, NC. Managed project for City of Charlotte to design structural modifications to the outlet of an existing water quality pond to improve pollutant removal performance. Specific modifications included the implementation of an adjustable outlet to allow modification of permanent pool level and design drawdown period. Modifications were implemented to allow management of water level depths in planted areas and improve vegetative growth

Edwards Branch Feasibility Study and Design, City of Charlotte, Charlotte, NC. Managed Project for City of Charlotte to conduct feasibility study and provide design services for retrofit modifications to the Edwards Branch Stormwater Wetland. The offline wetland provided water quality treatment and detention for a 50+ acre watershed comprised primarily of single family residential and commercial uses. Wetland vegetative coverage within the wetland was limited by poor soil conditions, improper water levels and waterfowl activity. Assessed the condition of the wetland including the soil characteristics and overall management and provided a report on the feasibility and cost of improving the wetland performance through soil amendment/addition, outlet structure modifications, and waterfowl deterrents. The purpose of the design was to improve the general performance of the BMP in relation to water quality treatment. Design services included preparation of construction documents for the modification of the outlet structure, excavation and replacement of existing unsuitable marsh soil where necessary, development of a planting plan, and prescriptive waterfowl deterrent measures.

St. James Hydraulic Study, Brunswick Co, NC. For the St. James Development Company, conducted a watershed hydraulic study of an existing residential/golf course community to identify improvements to relieve flooding concerns observed in recent tropical storm systems. Study included consideration of improvements to golf course ponds such as active management of pond control structures eventually manifesting in the development of an emergency action plan.

Development of a Municipal Pilot Stormwater Retrofit BMP Monitoring Program, Charlotte, NC. Extension Engineer in charge of coordinating city and county stormwater professionals to develop a pilot BMP monitoring program. Developed stormwater BMP monitoring guidance manual. Identified BMP's for monitoring efforts and provided guidance on appropriate site specific and programmatic monitoring equipment and techniques. Advised municipal stormwater staff on appropriate statistical analysis and interpretation of program results for inclusion of program results in local, regional and national monitoring performance databases.

Dye Branch Stormwater Wetland, Mooresville, NC. Provided design services for the site selection, design, construction documents preparation, permitting and construction administration for an offline tiered stormwater wetland an urbanized watershed. Wetland design incorporated multi-cell, tiered configuration allowing the inclusion of the site in a study of the effectiveness of BMP size and performance limitations of multiple cell systems for the North Carolina Division of Water Quality.

Runoff Quantity and Quality Monitoring of Green Roof Installations in Eastern North Carolina. Extension Engineer in charge of design and installation of monitoring systems for three greenroof installations in eastern North Carolina. Purpose of the project was to determine the impacts of greenroofs on the quantity and quality of rooftop runoff in Eastern North Carolina.

Joyner Park Bioretention, Louisburg, NC. Extension Engineer in charge of design, construction management and monitoring of two bioretention areas providing treatment of runoff from a municipal park. Research investigated effects of soil media and hydrology on pollutant removal effectiveness of bioretention areas in piedmont settings.

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Dye Branch Stormwater Wetlands, Mooresville, NC. Extension Engineer in charge of design, permitting, construction, and monitoring of an offline stormwater wetland system. Project included three stormwater wetland cells installed in series to treat runoff from a fully developed 30 acre watershed. A concrete pre-cast diversion structure was constructed to bypass larger flows to the existing stream system. Design included monitoring structures and implementation of monitoring equipment to determine pollutant load and removal characteristics.

Conversion of Abandoned Septic Tanks to Rooftop Runoff Cisterns, Holden Beach, NC. Extension Engineer in charge of concept, design and implementation oversight of the conversion of abandoned septic tank systems to stormwater storage and treatment facilities. Project included demonstration and monitoring to determine the feasibility of concept on a NC barrier island. Rooftop runoff was routed into two abandoned septic tank systems for short term storage and infiltration. A third system was constructed to allow reuse of captured stormwater for residential irrigation. Monitoring equipment was installed to allow determination of long term runoff capture and irrigation use.

Development of Municipal Pilot Stormwater Retrofit BMP Monitoring Project, Charlotte, NC. Extension Engineer in charge of coordinating with City and County stormwater professionals to develop a pilot BMP monitoring program. Developed stormwater monitoring guidance document. Identified retrofit BMPs for monitoring efforts and provided guidance on proper monitoring techniques and approaches.

Investigation on Effects of Stormwater BMPs on Stormwater Runoff Temperature, Western, NC. Extension Engineer in charge of developing a research project determining the effects of BMPs on stormwater runoff temperature. Project purpose was to determine the impact of stormwater wetlands, bioretention and wetponds on reducing elevated runoff temperatures from impervious surfaces in designated trout waters. Identified candidate BMPs for inclusion in study and prescribed monitoring equipment for installation.

Edenton Airport Wetland and Stream Restoration, State of North Carolina Division of Water Quality, Edenton, NC. Extension Engineer Managing Restoration/creation of over 900' of headwater wetland stream system in a 30 acre watershed. Wetland/stream system was installed to treat runoff from industrial park. Project involved design, construction and monitoring of created wetland/stream system as well as monitoring of downstream restored riparian wetland.

Core Creek Agricultural BMP Project, State of North Carolina Division of Water Quality, Cove City, NC. Extension Engineer responsible for monitoring of over 100 Controlled Drainage systems installed in a 2000 acre Agricultural watershed near New Bern. Monitoring consisted of In-stream water level recorders, automatic recording raingages and water quality sampling stations. Project objectives were to determine impact of controlled drainage practices on water quality in a large agricultural watershed.

CEFS Riparian Buffer and Controlled Drainage Study, Goldsboro, NC. Extension Engineer in charge of implementation and instrumentation of over 7000 ft of riparian buffers in a Neuse River tributary. Research objectives were to determine the effect of riparian buffers and controlled drainage on groundwater and surface water quality. Buffers were installed adjacent to agricultural uses and consisted of varying buffer widths and vegetation type. Buffers were intensively monitored with over 600 shallow groundwater quality wells, 100 groundwater table monitoring wells, and 500 soil reduction-oxidation probes.

Dune Infiltration System, Kure Beach, NC. Extension Engineer assisting in the conceptual development and construction design of a system to infiltrate small storm flows from an coastal urban watershed from discharging directly into the Atlantic ocean. Design utilized a flow diversion weir and a system of infiltration cells installed within the dune system. Provided guidance on the design and

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installation of monitoring equipment to determine system performance and track volume reduction of runoff directly reaching surface waters.

Selected Publications and Presentations

- W. F. Hunt, J.T. Smith, S.J. Jadlocki, J.M. Hathaway, P.R. Eubanks. 2008. Pollutant Removal and Peak Flow Mitigation by a Bioretention Cell in Urban Charlotte, NC. *Journal of Environmental Engineering*, 134 (5): 403-408.
- J.T. Smith, 2007. Edwards Branch Wetland. Retrofitting a retrofit. Presented at the NC-APWA Water Resources annual Conference, Wrightsville Beach, NC September 2007
- J.D. Wright, *W.F. Hunt*, J.T. Smith. 2007. Innovative Stormwater Retrofits for Barrier Island Applications: Septic Tank Conversion in Holden Beach, NC. Presented at the 2007 ASABE International Meeting. June 18-20, 2007. Minneapolis, MN.
- J. M. Hathaway, W. F. Hunt, J. T. Smith, and A. Johnson. 2007. *Shade Valley Pond: Final Monitoring Report*. Prepared for City of Charlotte Stormwater Services. Charlotte, NC.
- J. M. Hathaway, W. F. Hunt, J. T. Smith, and A. Johnson.. 2007. *Peirson Pond: Final Monitoring Report*. Prepared for City of Charlotte Stormwater Services. Charlotte, NC.
- J. M. Hathaway, W. F. Hunt, and J. T. Smith. 2007. *Hal Marshall Bioretention: Final Monitoring Report*. Prepared for City of Charlotte Stormwater Services. Charlotte, NC.
- Hunt, W.F., A.R. Jarrett, J.T. Smith, L.J. Sharkey. 2006. Evaluating Bioretention Hydrology and Nutrient Removal at Three Field Sites in North Carolina. *Journal of Irrigation and Drainage Engineering*, 132 (6): 600-608.
- J. T. Smith, W. F. Hunt, S. Jadlocki. 2005. *Stormwater BMP Monitoring for Performance: The Charlotte Experience*. Presented at ASCE-EWRI, World Water and Environmental Resources Congress. Anchorage, AK, July 2005.
- J. T. Smith, W. F. Hunt, P. R. Eubanks, S. Jadlocki. 2005. *Conversion of an Urban Pond to a Water Quality Treatment Pond*. Presented at Southwest Florida Water Management District 8th Biennial Conference on Stormwater Research and Watershed Management, Tampa, FL.
- W. F. Hunt, J. T. Smith, A. M. Hathaway. 2005. *Hydrologic and Water Quality Performance from Green Roofs in North Carolina*. Proceedings of Third Annual International Greening Rooftops for Sustainable Communities Conference, Washington DC.
- E.Z. Bean, W.F. Hunt, D.A. Bidelspach, J.T. Smith. 2004. *Study on the Surface Infiltration Rate of Permeable Pavements*. Prepared for Interlocking Concrete Pavement Institute (ICPI). Washington, DC.
- R. O. Evans, J. T. Smith. 2004. *Evaluation and Demonstration of Stream and Riparian Wetlands Restoration /Construction in the Chowan River Basin*. Prepared for NC DENR-DWQ as part of a 319 grant
- J. T. Smith and W. F. Hunt. 2003. *Update on Bioretention and Greenroof Performance in North Carolina*. Presented at StormCon2003, San Antonio, TX.
- J. T. Smith and W. F. Hunt. 2003. *Permeable Pavement Use and Research in Eastern NC*. Presented at 2003 StormCon, San Antonio, TX.
- W.F. Hunt, A. R. Jarrett, and J. T. Smith. 2003. *Field Study of Bioretention Areas in North Carolina*. Proceedings of 2003 ASCE Water Resources Conference. Philadelphia, PA.
- W.F. Hunt, D.A. Bidelspach, J.T. Smith, E.Z. Bean. 2003. *Permeable Pavement Research in North Carolina*. Proceedings of 2003 ASAE Annual International Meeting, Las Vegas, NV.

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- W.F. Hunt, A. R. Jarrett, and J. T. Smith. 2003. *Field Study of Bioretention Areas in North Carolina*. Proceedings of 2003 ASAE Annual International Meeting, Las Vegas, NV.
- J. T. Smith and W. F. Hunt. 2002. *Designing Bioretention Areas to Increase Denitrification*. Presented at StormCon 2002. Marco Island, FL.
- J. T. Smith and R. O. Evans. 2000. *Field Evaluation of Irrigation Systems Applying Lagoon Effluent*. Proceedings of Watershed Management 2000 Symposium. Science and Engineering for the New Millennium.
- R. O. Evans, R.E. Sneed, R. E. Sheffield, J. T. Smith. 1999. *Wettable Acreage Determination for Hard Hose Traveler*. N.C. Cooperative Extension Service. AG-553-7. N. C. Cooperative Extension Service.
- R. O. Evans, R.E. Sneed, R. E. Sheffield, J. T. Smith. 1999. *Wettable Acreage Determination for Stationary Sprinkler/Irrigation System*. N.C. Cooperative Extension Service. AG-553-6. N. C. Cooperative Extension Service.
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Regina Scheibner Publication Manager

Education and Registrations

B.F.A., Illustration, Academy of Art College, San Francisco, CA, 1989

General Experience

Regina Scheibner is a graphic designer and illustrator specializing in print publication and document design with more than 19 years of professional experience. She has extensive experience designing unique, creative outreach materials and documents, including guidance manuals, handbooks, brochures, newsletters, fact sheets, book covers, posters, workshop and training materials, logos, Web sites and splash screens, for a variety of clients under tight deadlines and within budget. She applies her knowledge of design, illustration, and typography to tailor publications to various audiences (such as scientists, policy makers, the general public, elementary and middle school children), using graphic design to enhance communication. She has a thorough understanding of professional graphics software, digital file formats, and the preparation of electronic files for professional print production and for Internet publication. Ms. Scheibner is proficient in the use of InDesign, Photoshop, Illustrator, Adobe Acrobat, Dreamweaver, Flash, and Powerpoint. She has had formal training in a wide variety of commercial and fine art disciplines in both traditional and digital media, including graphic reproduction technology, typography, design, illustrative techniques, drawing and painting.

Relevant Project Experience Highlights

- *Alaska Storm Water Guide*. Alaska Department of Environmental Conservation. Designed and formatted a Guidance Manual. Created 35 custom pencil drawings illustrating stormwater BMPs described in the text.
- *Handbook for Developing Watershed Plans to Restore and Protect Our Waters*. USEPA Office of Water. Designed and prepared for offset press a 2-color document of more than 380 pages illustrated with numerous custom graphics. Supervised a staff of desktop publishers for the book's layout and production.
- *How Resilient Is Your Coastal Community? A Guide for Evaluating Coastal Community Resilience to Tsunamis and Other Coastal Hazards*. USAID, NOAA and other partners. Designed, formatted and prepared for offset press a full color reference manual of more than 140-pages that included numerous graphics and photos.
- *Stony Coral Rapid Bioassessment Protocol*. USEPA/ORD. Designed, formatted and prepared for offset printing a 60-page full color document, that included custom graphics and numerous full color photos.
- *Low Impact Development Practices*. USEPA and Earth Force. Created watercolor graphics illustrating water cycles, LID practices in a mixed-use setting, and a cross-section of a rain garden. The water color illustrations were used for several purposes: in signs permanently installed along EPA's demonstration rain gardens in Washington, D.C; in a display banner that hung in the US Botanic Garden's 2008 Sustainability Exhibit; in an educational tabletop display; in a PSA/ad campaign for RainScaping.org.
- *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*. USEPA. Developed the template, formatted and prepared for press a full color 46-page document that included numerous custom illustrations and graphics, photos, and tables. Supervised staff in the incorporation of revisions and edits.
- *Citizen's Guide to Water Quality in the Yazoo River Basin, Citizen's Guide to Water Quality in the Pearl River Basin, Citizen's Guide to Water Quality in the Pascagoula River Basin, Citizen's Guide to Water Quality in the Coastal Streams Basin, and Citizen's Guide to Water Quality in the Tombigbee and Tennessee River Basins*. MS Department of Environmental Quality. Designed and formatted, created custom graphics and maps, and prepared for offset printing five 32-page full color guides to major watersheds in Mississippi.
- *What's Going Down with the Rain?* HI Dept. of Health, Clean Water Branch and USEPA. Designed and prepared for offset printing a full color trifold outreach brochure to raise public awareness and involvement in the prevention of polluted runoff.
- *Don't Trash Our Waves*. HI Dept. of Health, Clean Water Branch and USEPA. Designed and prepared for offset printing a bus ad poster. Included custom illustrations and photo montage.

- *Clean Watersheds Needs Survey 2008—Report to Congress*. USEPA. (in progress, scheduled for completion Jan 200) Designed, formatted and prepared for offset press a full color book-length report that includes photos, custom graphics and maps.
- *Clean Watersheds Needs Survey 2004—Report to Congress*. USEPA. Designed, formatted and prepared for offset press a full color book-length report that includes photos, custom graphics and maps.
- *Virgin River Watershed Management Plan*. Washington Co. Water Conservancy District, Utah. Designed and formatted a full color book-length document incorporating photos, customized graphics and maps.
- *Local Tools for Lasting Change, A Handbook for Decision-Makers*. Annis Water Resources Institute and Michigan State University. Designed and prepared for 2-color printing an 82-page spiral bound handbook designed for local units of government within the Muskegon River watershed.

APPENDIX 3

Hillsborough, NC Annotated Outline

**TOWN OF HILLSBOROUGH,
NORTH CAROLINA**

UNIFIED DEVELOPMENT ORDINANCE

Draft Annotated Outline

November 12, 2009

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INTRODUCTION

WORK PROGRAM AND SCHEDULE

WORK PROGRAM

The Town of Hillsborough retained Clarion Associates, a zoning, planning, and growth management consulting firm with offices in North Carolina, Florida, and Colorado to undertake preparation of a new Unified Development Ordinance for the town.

The work program for the Unified Development Ordinance project involves three main tasks. They are:

- Task 1: Project Initiation (completed);
- Task 2: Annotated Outline (current task);
- Task 3: Draft Unified Development Ordinance (UDO).

Task 1, Project Initiation and Scoping, is completed. It involved review and evaluation of the town's planning documents, current zoning and subdivision regulations, and other relevant town documents; discussions with town staff, and interviews with citizens, developers, and other stakeholders about goals for the project and what is and is not working with the existing regulations.

This Annotated Outline is the product of Task 2. It reviews the community's goals and major themes that need to be addressed in the code revision project, and options for achieving those goals. It serves as a basis to frame community discussion about what structural/procedural and substantive changes need to be made during the UDO update project. It is intended to crystallize the most important themes or issues that need to be addressed. The Annotated Outline includes a detailed outline of the new UDO if the goals or major themes identified in the Issues Summary are implemented in the new code. It includes an article-by-article outline of the new Unified Development Ordinance and a textual explanation of the purpose and nature of each article and section. After review and input on the Annotated Outline, the Clarion team will begin drafting the Unified Development Ordinance in Task 3.

In Task 3 the new code document will be drafted and introduced to the public. The template for the new Unified Development Ordinance will be consistent with the Annotated Outline and any other directions provided to the Clarion team by the town. Task 3 involves the actual drafting of the new Unified Development Ordinance. The new ordinance is a substantial re-organization of a majority of the town's current zoning ordinance and subdivision regulations, along with the addition of some new provisions. The template for the new ordinance will be consistent with the Annotated Outline portion of this report and any other directions provided to the Clarion team by the town.

SCHEDULE

The Unified Development Ordinance project began in late summer of 2009, and is expected to be complete by mid-2010. Task 1, Project Initiation, has been completed. This document, the Annotated Outline, is the work product produced in Task 2. It will be considered by the Planning Board, and Town Board of Commissioners in November 2009. The input received during these meetings is used in the development of the new ordinance over the following six months. Following completion of the draft of the Unified Development Ordinance, public hearings on the new ordinance will be conducted.

Estimated Project Schedule

- Annotated Outline November, 2009
- Draft UDO April, 2010
- Public Review/Hearing May/June, 2010

REPORT ORGANIZATION

As is discussed earlier, this document is the Clarion team's initial evaluation of Unified Development Ordinance update issues. It is primarily intended to crystallize the most important goals or themes that need to be addressed in the new UDO. It also sets forth a proposed outline of the new UDO to achieve the goals/themes identified in the Issues Summary.

This Annotated outline is organized into four main parts: Introduction, Issues Summary, Annotated Outline, and the Appendices.

INTRODUCTION

This section contains two subsections:

- Work Program and Schedule, outlines the work program and schedule for the code update project, and
- Organization of this Report, explains how this report is organized.

ISSUES SUMMARY

This portion of the report includes discussion of the primary goals for the code update based on the reconnaissance of the town, review of applicable planning and regulatory documents, Clarion team members' interviews with stakeholders and town staff about zoning and subdivision issues, and our independent review of the current zoning ordinance and subdivision regulations. This Issues Summary identifies five major themes or goals for the project. They are:

- Make the code more customer-friendly,
- Streamline development review,
- Modernize the zoning districts and uses,
- Improve development quality, and
- Encourage redevelopment in targeted areas that is consistent with the town's planning and development goals.

ANNOTATED OUTLINE

The annotated outline section follows the issues summary. It provides town officials, Planning Board members, staff, and citizens with a general understanding of the proposed structure of the new code document if the themes and goals discussed in the Issues Summary are addressed in the new code document. More specifically, the annotated outline sets out the proposed structure of the new code and provides commentary explaining the purpose and scope of each article and section

APPENDICES

Included in the Appendices are summaries of public input received to date, resulting from stakeholder meetings and from a major community forum.

Annotated Outline Report Structure

- Introduction
- Issues Summary
- Annotated Outline
- Appendices

ISSUES SUMMARY

This Unified Development Ordinance project is designed to accomplish two objectives: (1) Combine the town's zoning and subdivision ordinances into one Unified Development Ordinance; and (2) while blending these two ordinances, make adjustments to provisions that are not aligned with current town goals and objectives. Five major themes or goals for the ordinance re-write emerged from the Clarion team's interviews with stakeholders, town staff and the public during the project initiation meetings and independent review of the town's planning and regulatory documents. These goals are consistent with the stated goals of the project as identified by the town and with many best practices in land use regulation. They are:

- Make the code more customer-friendly,
- Streamline the development review process,
- Modernize the regulations, procedures, and definitions,
- Improve development quality, and
- Achieve development and redevelopment that is consistent with the community's planning and development goals.

These five goals or themes inform and guide the annotated outline of the new Unified Development Ordinance. In some cases, a discussion of alternative means of addressing these goals is provided, along with recommendations for the best solution based on our understanding of Hillsborough and best practices in North Carolina and nationwide. The following pages provide more detail on each of the five key goals:

MAKE THE UDO CUSTOMER-FRIENDLY

One of the most frequently cited concerns raised by both stakeholders and town staff is that the current zoning ordinance is difficult to use and not very customer-friendly. This is so for a variety of reasons. Generally, both stakeholders and staff agreed the structure and format of the current regulations frustrates users and town officials alike – even longtime users. A number of changes that can improve the usability and customer-friendliness of Hillsborough's new code are set down below. The primary goal of these techniques is to create a user-friendly document that presents the document in a more customer-friendly way.

CONSOLIDATE ZONING ORDINANCE AND SUBDIVISION REGULATIONS

The town's existing zoning ordinance and subdivision regulations are separate documents. The modern thinking and preferred trend among local governments is to consolidate zoning and land development regulations into one consolidated development code. Most communities adopting this approach find a unified document that organizes all relevant procedures and development regulations in an organized and logical format makes the regulations more customer-friendly. We recommend as part of the update effort the town consolidate the current zoning ordinance and subdivision regulations into one Unified Development Ordinance document.

Key Themes for Improvement

1. Make the code more customer-friendly
2. Streamline the development review process
3. Modernize the regulations, procedures, and definitions
4. Improve development quality
5. Achieve development and redevelopment that promote community goals

Key Customer-Friendly Recommendations

- Consolidate zoning ordinance and subdivision regulations
- Improve format and illustrations
- Consolidate, refine, and update definitions
- Clarify review standards
- Establish a clear procedure for interpretations
- Use an Administrative Manual

ENHANCE STRUCTURE AND ORGANIZATION

There is significant room for improving the organization and structure of the existing regulations. The development review procedures are not consolidated. Another structural problem is the sequence of information in the current ordinance. There are a few sections that do not fit and appear out of sequence.

In addition to structural issues with respect to the procedures and definitions, there are also some organizational problems with the development standards themselves. These kinds of problems make compliance with and interpretation of the ordinance difficult. Multiple sets of definitions are another problem. Modern ordinances establish one single set of definitions to help make the document as user-friendly as possible.

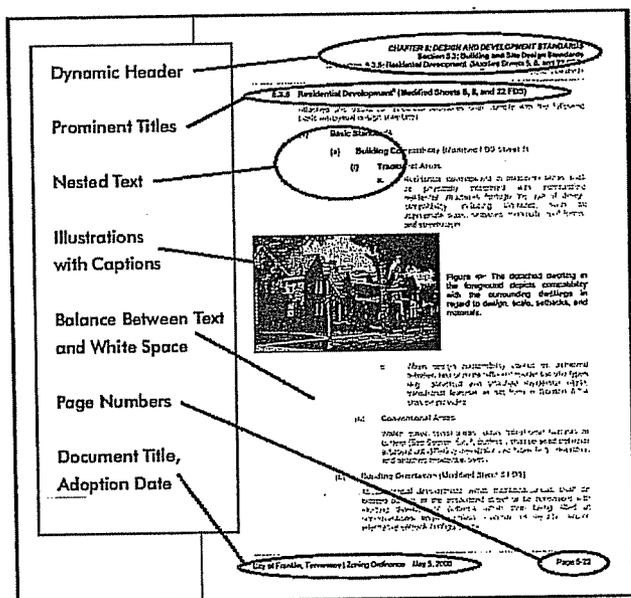
To remedy these concerns, and make the new code more customer-friendly, we recommend the UDO be re-organized to create a comprehensible and logical hierarchy of regulations, based on procedural and substantive relationships. All procedures should be consolidated into one article; furthermore, not only should the procedures be consolidated, but provisions common to all procedures should be included in a common procedures section in the article. Zoning district use regulations should be modernized and consolidated into a single article. Development standards should be consolidated and their applicability to different types of development clarified. We also suggest relocating and consolidating the definitions into one article located at the back of the UDO, since it typically serves as a supplementary reference tool rather than as a primary source of regulatory information.

In addition to these changes, the new UDO will include either new standards (prepared by others), or cross references to other development-related regulations such as stormwater management, floodplain, and erosion control that are located in the Town's Code of Ordinances.

Proposed UDO Structure

- Article 1 General Provisions
- Article 2 Administration
- Article 3 Zoning Districts
- Article 4 Use Regulations
- Article 5 Development Standards
- Article 6 Subdivision Standards
- Article 7 Nonconformities
- Article 8 Enforcement
- Article 9 Definitions

IMPROVE FORMAT AND ILLUSTRATIONS



Over the years, experience has taught that the way a development code "looks," or is formatted, affects its "customer-friendliness." There are a number of formatting and related suggestions that can be applied to the town's new UDO that will also improve its "customer-friendliness." Recommendations are detailed below.

Establish a Hierarchy of Sections and Articles

To better organize the procedural and substantive issues addressed in the new UDO, we recommend using a hierarchy of articles and sections, as well as a hierarchy of section headings and font types and sizes to illustrate the relationship of the procedural and substantive provisions. As discussed above and outlined in detail below, we recommend that the UDO be divided into 9 articles. In addition, we recommend separate section and subsection headings be used to provide "guideposts" that distinguish provisions by topic and purpose.

Improve Referencing System

The existing ordinance also has room for improvement in its referencing system. Cross references are not widely used in the existing ordinance, and the table of contents, while moderately detailed and clear, could also be enhanced and streamlined.

A table of contents, index, cross-references, and headers and footers are referencing systems that can greatly enhance usability of long documents such as the UDO. The table of contents is often the preliminary guiding tool that anchors the reader. Cross-references assist the user in identifying the relevant regulations that apply to the particular use, development permit, or development proposal. Headers and footers highlight the section number and topic on each page (e.g., "Sec. 1.1, Title"), allowing a reader to quickly thumb through the UDO and find a section.

A more effective referencing approach is to include a detailed master table of contents at the beginning of the UDO and a table of contents at the beginning of each article. We also recommend adding an index of topics at the end of the document, with headings and cross-references that serve as guideposts to direct the user to the particular topic of interest to the user.

Illustrate and Summarize Key Concepts

Another way to make a code "customer-friendly" is through illustrations, graphics, flowcharts, and tables. The old adage "a picture is worth 1,000 words" is certainly true when talking about communicating zoning concepts. Illustrations, graphics, flowcharts, and tables are also very helpful in development codes because they convey information concisely (and in many instances more clearly), eliminating the need for lengthy, repetitive text.

There is an opportunity to include graphics and illustrations to convey key concepts in the new UDO, such as required dimensional measurements (e.g., how to measure height). Graphics can also be used to illustrate preferred design concepts, such as parking space dimensions, parking lot landscaping, and other landscaping and screening requirements.

Flow charts also add clarity to specific procedural requirements and timelines, as well as explain the interrelationships between procedures. There are no flow charts in the existing ordinance. Flow charts are becoming commonplace in modern development regulations because of their ease of use and their power to convey complex relationships.

Based on our experience in other jurisdictions, we have found summary tables can be very helpful in presenting information succinctly and eliminating repetition and inconsistent terminology

CONSOLIDATE, REFINE, AND UPDATE DEFINITIONS

Definitions are scattered in several sections in the existing ordinances. We recommend consolidating all definitions into one article so it is easy for a user to find the meaning of terms in one place and to reduce the chance of redundancies or conflicting definitions. We suggest relocating the definitions to the last article of the UDO, since it typically serves as a supplementary reference tool rather than a primary source of regulatory information.

We also recommend the new code include new definitions of key terms, as well as the updating and modernizing of existing definitions, as appropriate. For example, terms such as buffer, xeriscape, manufactured home, and mobile home need definition. All use types identified in the code should be defined – a number of common uses in the existing ordinance are not described (e.g., multi-family residential, recreational facility, commercial use, and others).

Finally, all definitions will be reviewed and will be written in plain English.

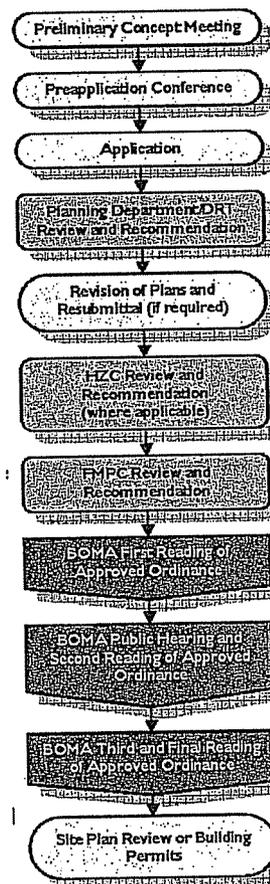
CLARIFY REVIEW STANDARDS

Many of the development review standards in the existing regulations are in need of revision and clarification. There are also several unintended consequences in the current provisions that are resulting in development that is not consistent with the town's goals.

Standards that are unclear invite different interpretation or application and create uncertainty for development applicants as well as staff and the public. Development standards should clearly establish the community's goals for the development of a

Issues Summary

Zoning Ordinance Text & Map Amendment Review Process



Sample process flow chart from another jurisdiction

Issues Summary

project. If unclear or uncertain, unnecessary debate may occur over the standards applied to an individual project, and the result may be a development that is inconsistent with the community's goals. Ideally, this dialogue should take place in the context of adopting generally applicable standards; once clear, objective standards are included in the ordinance, they can be applied in a consistent manner to each project that comes up for review.

During the update process, all review standards for all types of development permits will be reviewed, and where appropriate, clarified and brought into conformance with the planning and development goals of the town.

ESTABLISH A CLEAR PROCEDURE FOR INTERPRETATIONS

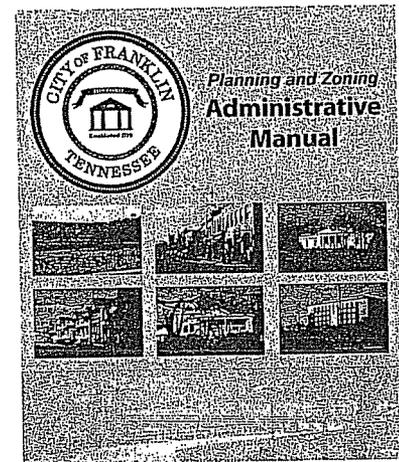
Based on our interviews with stakeholders and discussion with staff, it is clear there would be benefit in clarifying procedures. Based on our experience in other communities, we recommend that a formal process be established in the new UDO for interpretations. It identifies one town staff official (e.g., the Planning Director or a designee), who is responsible for making ALL interpretations, after consultation with staff and the town attorney. The procedure requires the interpretation be made in writing, and then compiled in a "book of interpretations" as a permanent record of the interpretation. It is also suggested the town modify its administrative practices to ensure there is a consistency of interpretations, made through one town official.

USE AN ADMINISTRATIVE MANUAL

The existing zoning ordinance includes several sections listing application submittal requirements. We recommend the submittal requirements be removed from the regulations, and set forth in an administrative manual that may be updated relatively easily, and without formally amending the UDO. Other materials that should be removed from the regulations to a separate administrative manual include application fees and schedules for the processing of applications. This removes bulk from the code, and allows for easy update.

A separate administrative manual, or "user's guide," while not a part of this project, can also be a useful tool for explaining to the public how the review of development applications is conducted in Hillsborough and can suggest ways for the public as well as neighborhoods to monitor development activity. An Administrative Manual would improve the usability of the UDO.

In many cases, town staff will prepare an administrative manual shortly after the adoption of a new code document. These manuals include revised application forms and checklists, sections explaining how to use the new regulations, and in some cases, comparisons between the old and new development regulations.



**An Administrative Manual
prepared for another
jurisdiction**

STREAMLINE DEVELOPMENT REVIEW

Based on our experience, review processes need to be customer-friendly by being efficient and certain. In addition, the new UDO needs to provide permit tools that allow for flexibility in appropriate circumstances.

We recommend the new UDO be supplemented with new provisions to simplify and standardize the review process through new common procedures that are the same for every application for development permit. We also suggest the town modify several of the current review procedures and add more mechanisms for flexibility through new processes like administrative adjustments and development agreements. In addition, review responsibilities need to be clarified, and we recommend the Technical Review Committee be formalized and given more decision-making authority. Finally, we suggest the code be stripped of outdated provisions like amortization provisions that have long since expired. The following sections will provide more detail on these suggestions.

ESTABLISH NEW COMMON PROCEDURES

As discussed earlier, the procedures for the review of development applications are scattered throughout the current zoning ordinance. We suggest the new administration article (Article 2, Administration) include a set of common procedures that address review requirements relevant to all applications for development permits. This section also establishes the rules that take the development applicant from the beginning of the development review process, to the end. The types of procedural requirements included in this common procedures section address:

- Who has authority to submit applications,
- Pre-application conferences,
- Application fees and schedule,
- Rules governing preparation of the staff report,
- Public notification and public hearing requirements,
- Deferral and withdrawal of applications,
- Basic procedures to follow during public hearings,
- Review and approval (including the imposition of conditions on approval),
- Notification of the applicant regarding the decision, and
- Lapse of approval.

Establish a Pre-Application Conference Procedure

According to some stakeholders, one key reason why the development review process in Hillsborough is not efficient is because applicants do not understand procedural or substantive review requirements, or are unaware of other related issues about application submission. Our experience is that requiring a pre-application meeting between a potential applicant and staff, especially for a more complex development proposal, is an effective way to expedite the development review process. Encouraging potential applicants to meet informally with staff to present conceptual plans for development and get staff input prior to submittal of an application helps address issues and procedural requirements before significant time and expense are invested in preparing or processing applications.

We recommend the common procedures section of the new UDO establish a standard requirement for a pre-application conference between the applicant and staff.

Include a Completeness Determination Procedure

It is recommended the new UDO include a subsection authorizing the Planning Director (or a designee) to review submitted applications to determine whether they are "complete." Only "complete" applications should be formally accepted for review and action by the town. The provision would be applicable to all development applications and would state that the processing

Key Streamlining Recommendations:

- Establish New Common Procedures
- Clarify Review Responsibilities
- Refine Certain Development Review Procedures
- Remove Various Amortization Provisions

Criteria for Determination of Completeness

- Application form complete
- Fee included
- Minimum number of copies provided
- Submitted within review schedule timeframe
- Ownership information complete
- All required preliminary steps completed
- All necessary supporting information provided (including maps, site drawings, and analyses)
- Attestation of correctness by applicant

Issues Summary

of an application by the town does not begin until after a formal determination that the application is complete. Applications are "complete" when they contain all the relevant and appropriate application submittal requirements and the required fee. Since the determination of what constitutes a "complete" application is made by the town's professional staff, appeals of completeness decisions would be taken to the board of adjustment.

Typically, town staff should need no more than five working days to review and make such a "completeness" determination. The provision also establishes rules for a deficient application, including a specified period within which a revised application must be submitted or be considered withdrawn. We also suggest a provision for requiring re-submittal fees after a certain number of incomplete applications are submitted, to deter multiple deficient submittals.

Include Public Hearing Procedures

Another technique many communities are using to clarify and make the development review process more procedurally efficient is to include a basic set of rules in the code for the way development applications subject to a public hearing are governed. These provisions normally spell out the rules governing the conduct of the public hearing, including what persons have the right to speak, the order of the proceedings at the public hearing (how the application is to be presented, in what order the applicant and public can speak, and the process for responding to comments), how and under what circumstances testimony and evidence can be excluded, what findings must be made to support the decision, and how requests for a continuance are handled. These kinds of specifics can be included either in the UDO or in an accompanying administrative manual.

CLARIFY REVIEW RESPONSIBILITIES

Clarify Decision-Making Bodies

Currently, review responsibilities for various permit and approval types are scattered in provisions throughout the current zoning ordinance. We recommend the new UDO provide a unified section in the Administration article clearly setting forth the powers, duties, authority, and role of each advisory and decision-making board or person responsible for undertaking development review in the town. It is our experience that provisions such as these help establish clear lines of authority for the review of development in the code.

We also suggest the town consider streamlining and clarifying several of the existing development review procedures by: (1) adding several new procedures; (2) consolidating several review procedures; and (3) codifying review procedures that are being applied in practice but are not in the existing regulations.

The following table summarizes how the development review structure is proposed to work in the new UDO. One proposed departure from the current code is the site plan process. It is recommended the town amend the site plan procedure to recognize two different levels of site plan review (based on the type, size, or location of a proposed use), and that review authority be modified to help streamline the review process.

FORMALIZE THE TECHNICAL REVIEW COMMITTEE

Several people interviewed at the expressed support for a formalized Technical Review Committee (TRC). The TRC should be a group of key town staff members from various departments such as planning, inspections, engineering, and fire who review and comment on site plans submitted to the town. Depending upon the size of the proposed use or type of site plan application, TRC members currently provide review comments directly to applicants or to the Planning Department. In cases where comments are provided directly to an applicant, there is the possibility for inconsistency between comments from different departments. Under the current process, the applicant is often required to mediate between two or more different departments on conflicting review comments – which can add additional time and frustration to the review process.

We suggest the role and responsibilities of the TRC be formalized and codified in the new UDO to address these kinds of problems. Under the provisions in the new UDO, the TRC would be recognized as a formal review and decision-making body responsible for commenting on various applications (e.g., vested rights, planned developments, beneficial use determinations, etc.), as well as decision-making responsibilities for Type II Site Plans. In addition, it is recommended the TRC develop a regular meeting schedule and conduct all pre-application conferences (following submittal of a pre-application request and required materials).

REFINE CERTAIN DEVELOPMENT REVIEW PROCEDURES

Add a Two-Tier Administrative Adjustment Procedure

One of the recurring themes during the stakeholder interviews was the need for flexibility in application of some of the zoning ordinance provisions as a means of encouraging development or redevelopment. The need for this kind of flexibility is underscored by the town's customer-friendly culture and its desire to find ways of accommodating development requests. The intersection of the desire to facilitate development requests with the current code's lack of clarity and flexibility have led to confusion on the part of development applicants and town staff. One of the ways to address these problems (in addition to adding clarity to the development standards and review procedures) is to include mechanisms in the town's development review toolbox that provide for more flexibility in the development review process.

One tool many communities use to streamline development review and allow greater flexibility is an administrative adjustment. This is a method of allowing a minor departure from a dimensional standard (like a setback) or development standards (like the amount of required parking) in cases where such departure better serves the intent of the zoning ordinance or long range planning document. These kinds of departures from standards are reviewed and approved administratively based upon an established set of clear measurable criteria. They are accomplished outside of the variance process, and as such, do not rely on demonstration of a "hardship". The administrative adjustment process provides a "safety valve" to address unintended consequences resulting from application of the development standards or situations where an alternative approach that differs from the minimum development standards provides a higher development quality overall, or results in a condition that is closer in alignment with the goals of the CAMA Land Use Plan.

We recommend the new UDO be supplemented with a formalized two-tier administrative adjustment process. Minor requests to deviate or depart from a dimensional or numeric standard in the UDO by ten percent or less would be considered as a "Type I Administrative Adjustment" and would be reviewed and approved administratively by the Planning Director. "Type II Administrative Adjustments" are requests to deviate from numerical standards by more than 10 percent but less than 25 percent, and are reviewed by the Planning Board; even in cases when the use is subject to Type I or Type II Site Plan review.

Add a Beneficial Use Determination

Over the previous 15 years, many local governments have included a procedure in their land use regulations that allows any landowner who believes the application of the regulations results in a "taking" of their property to seek administrative relief from the local elected body. This procedure is called a beneficial use determination. The procedure is based on United States Supreme Court decisions that state local governments may establish procedures by which they can assess "takings" claims before they go to court and offer relief if the regulations are found to amount to a taking – that is, the regulations deny all economically beneficial use of property.

The current zoning regulations do not include a beneficial use determination procedure. We recommend the town consider adding this new procedure or a similar procedure in the new UDO because it amounts to a safety net against federal takings claims and provides a less onerous means for property owners to secure relief than filing a lawsuit.

Issues Summary

MODERNIZE THE APPROACH TO USE REGULATIONS

The use standards in a zoning ordinance are important because they identify which uses go in which districts. The current ordinance uses a somewhat dated list-based approach to setting out the allowable uses by district. Some of the districts are pyramided, that is, the uses allowed in a less intense district are also allowed in the next highest-intensity district. It is suggested the new UDO include a new single summary use table that sets out the full range of allowable uses, the districts where they are allowed, the process under which they are authorized, and a cross-reference to any additional use-specific standards.

We also suggest the UDO codify the allowed uses under a three-tiered use classification system that adds textual descriptions to clarify use groups at three different levels:

- Use Classifications (broad general classifications such as Residential, Commercial, and Institutional),
- Use Categories (major sub-groups within Use Classifications such as residential that are based on common characteristics, such as "Group Living" and "Household living"), and
- Use Types (specific uses within the Use Categories such as "single-family detached dwellings", "multiple-family dwellings", and "townhome").

Many communities are moving to this use classification approach due to its more robust structure and flexibility. Appendix C of this report provides more detailed information about the proposed listing of use types compared to the town's current line up of uses.

In addition, and as part of the conversion to the three-tiered use classification system, it is also suggested that obsolete uses be removed, and new uses (e.g., large retail establishments, internet cafes, etc.) be added. The revised standards will also include a procedure the town can use to classify new uses not already included in the list.

ADD NEW STANDARDS FOR ACCESSORY AND TEMPORARY USES

The current zoning ordinance addresses accessory and temporary uses within each zoning district's standards. Modern practice suggests that use-specific standards for individual accessory or temporary uses should be set out by use type instead of by district. We suggest the new UDO establish rules about how accessory and temporary uses may be developed, as well as new standards for each kind of temporary use in a stand-alone section. The new ordinance should also broaden the range of accessory and temporary uses to include new uses like major home occupations, stand-alone automated teller machines, portable storage containers, stand-alone ice vending uses, and special events like garage sales or block parties.

IMPROVE DEVELOPMENT QUALITY

The quality of development in Hillsborough, like many communities throughout North Carolina and the nation, is important to the town's economic prosperity and to the continued enjoyment of a high quality of life. This attitude underlies many of the town's goals and policies. This issue was also expressed as an important goal in the code update by some of the stakeholders in interviews during the project kick-off meetings.

One issue is parking requirements, another is landscaping requirements. In addition to the general goal of raising development quality, it is also desirable that development standards be quantifiable and measurable to the maximum extent practicable. Furthermore, the new ordinance should also clarify who has the responsibility of reviewing the site plan or subdivision applications for compliance with the standards.

Development quality is largely addressed in the current zoning ordinance through basic requirements for parking, landscaping, buffering, and signage. Creation of this UDO is an opportunity to consider adjustments in standards such as:

- Modifying parking standards,
- Modifying landscape standards for parking areas, perimeter buffers, commercial sites, and requiring street tree planting,
- Adding tree protection standards,
- Adding open space set-aside standards,
- Adding new exterior lighting standards,
- Adding fence and wall standards, and
- Adding new basic design standards for big box development, multi-family development, and community form.

These will be discussed as the preparation of the UDO moves forward.

ACHIEVE HIGH QUALITY DEVELOPMENT AND REDEVELOPMENT

The community has expressed a desire for more infill and redevelopment in these areas through numerous policies and goals that encourage development and redevelopment in areas already served by infrastructure, maintenance of a vibrant mixed-use downtown, new planned development alternatives for establishment of higher intensity development in selected areas, and conversion of auto-dominated commercial corridors to walkable mixed-use areas.

Redevelopment and revitalization of older areas is a common problem in communities, and effective solutions require a wide variety of responses – many of which are outside the scope of zoning ordinance provisions. However, there are actions that can be taken in the new UDO to help remove obstacles and create some incentives for redevelopment in the downtown and along the major corridors. The basic philosophical approach is to make the desired forms of development or redevelopment easier to accomplish. The basic questions for the consideration by the town are: 1) where, exactly, are redevelopment and infill desired, and 2) how can changes to the zoning provisions best contribute to a comprehensive strategy for redevelopment in these areas?

There are a variety of approaches, including targeted changes in the various procedural and development standard sections to recognize redevelopment situations, use of special procedures like planned developments or development agreements to facilitate keystone projects, and other approaches. Determination of the most appropriate approach for Hillsborough will require additional discussion. The following sub-sections set out some options for the town's consideration.

ESTABLISH CONTEXTUAL STANDARDS

Contextual standards are used by many communities in mature areas where the established development context differs from the minimum dimensional or development standards. Contextual standards are typically flexible and rely on consistency with adjacent existing development instead of fixed numbers or requirements. For example, contextual standards might include a maximum front setback provision for a district that requires development to be within 125 percent of the established front setback for existing buildings along the same block face instead of a rigid fixed dimensional standard. Similar kinds of provisions may be established for building heights, lot coverage, and other dimensional provisions.

Contextual standards are also used for some development standards in targeted redevelopment areas. For example, the long axis of a building's orientation, the presence or absence of a front porch, the amount of glazing on a storefront, or location of off-street parking can all be effectively regulated through contextual standards that rely on existing conditions along particular block faces. This approach allows maximum flexibility for new development, as long as it is compatible with the existing context. It does, however, require the applicant or the town to document existing conditions.

MODIFY DISTRICT AND DEVELOPMENT STANDARDS TO PROVIDE FLEXIBILITY

Another option for consideration is modifications to some of the key district and development standards as a means of providing greater flexibility in redevelopment areas. For example, the range of allowed uses in some of the zoning districts can be reviewed to ensure they are consistent with the desired mix of uses for the downtown and major commercial corridors. The individual permitting procedures for particular uses can also be reexamined to ensure the establishment of preferred uses (e.g., mixed-use, higher density residential, "entertainment" uses, convenience retail, etc.) is as procedurally simple as possible. It is also possible to make the establishment of discouraged uses slightly more difficult procedurally by requiring more detailed review.

Additional flexibility can also be built into the development standards by waiving or reducing the minimum requirements for a variety of standards like parking, landscaping, and signage. For example, a different set of perimeter buffer standards can be utilized in redevelopment areas that reduce minimum buffer widths through use of fencing, or reduced minimum stocking requirements. Off-street parking requirements can be reduced, waived outright, or modified to recognize adjacent on-street parking resources. Signage provisions can be adjusted to provide increased face area for desired sign types (e.g. wall signs, projecting signs, arcade signs, etc.). It is also possible to reduce some of the land-consumptive standards like open space set-aside or tree canopy retention. In terms of open space, credit can be given for roof gardens, public plazas, or provision of pedestrian amenities. Specific criteria for these reductions would need to be developed and included within the new UDO.

MODIFY REVIEW PROCEDURES TO ENCOURAGE REDEVELOPMENT

In addition to modifications to development standards, it is also possible to adjust some of the development procedures to produce incentives for redevelopment.

Issues Summary

One option to consider is allowing any request for administrative adjustments in the downtown or other targeted areas to be considered as Type I adjustments, which can be reviewed and decided by the Planning Director. This could allow adjustments to any numerical standards of up to 25 percent to be considered and decided administratively, subject to compliance with specific review criteria.

These kinds of procedural changes provide incentives for redevelopment by minimizing the amount of review time and removing the uncertainty that can be associated with higher level reviews. If these alternatives are considered, it is important for the development standards to be clear, understandable, and well-defined so that adjacent property owners and other interested parties understand the range of development forms that can be approved.

ANNOTATED OUTLINE

General Commentary: Section 3 of this report provides an overview of what the proposed structure and general substance of the new Unified Development Ordinance (UDO). As part of the review and discussion of this report, the town can provide more detailed direction about the nature and scope of the new code document and specific provisions. When this process is completed, the Clarion team will undertake the actual drafting of the new UDO.

The sidebar outlines the proposed new UDO structure, which is composed of nine new articles. The following pages present a general outline for the new UDO. We view this annotated outline, and the previous issues portion of this report as vehicles for helping to define expectations about what is to be accomplished in the new UDO before we begin the detailed drafting work. In addition to providing a road map for drafting the new ordinance, this outline provides an organizing framework for continued conversations with the town about key zoning and development regulation issues. This material is presented as a starting point for subsequent discussions.

GENERAL PROVISIONS

General Commentary: This article contains important general provisions that are relevant to the new UDO as a whole. While most of these provisions are traditional, all will be specifically tailored to Hillsborough. The article plays an important part in making the UDO user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the UDO is adopted, its administration, and its substantive regulations.

TITLE AND AUTHORITY

"Title" is a standard section. It sets forth the official name by which the Unified Development Ordinance may be cited (e.g., "The Unified Development Ordinance of the Town of Hillsborough") as well as any acceptable shortened references (e.g., "the Ordinance," or "this Ordinance" or "UDO"). "Authority" contains references to the statutory basis for zoning and subdivision in Hillsborough (G.S. §160A Chapter 19 Parts I and II). It will state that the UDO consolidates the town's zoning and subdivision regulatory authority under the North Carolina General Statutes.

Article 1: General Provisions:

- 1.1 Title
- 1.2 Authority
- 1.3 General Purpose and Intent
- 1.4 Applicability and Jurisdiction
- 1.5 Conformance with Adopted Plans
- 1.6 Relationship with Other Laws
- 1.7 Official Zoning Map
- 1.8 Transitional Provisions
- 1.9 Vested Rights
- 1.10 Severability

GENERAL PURPOSE AND INTENT

A general purpose and intent section can inform decision-makers in future years about the intent of the Town Board of Commissioners when they adopted the UDO. This section is absent from the existing ordinance.

APPLICABILITY AND JURISDICTION

This section makes clear who is subject to the regulations of the UDO. In particular, it clarifies that the town, town-controlled entities, colleges and universities, special districts within the town, and all private development are all subject to the UDO. It will also clarify that lands located within the corporate limits as well as the extra-territorial jurisdiction are subject to the requirements of the UDO. In addition, the section clarifies that state and county buildings will need to comply with the UDO (in accordance with G.S. §160A-392), and that development not subject to G.S. §160A-393 (e.g. activities of the federal government) is strongly encouraged to comply with the standards.

Proposed UDO Structure:

- Article 1 General Provisions
- Article 2 Administration
- Article 3 Zoning Districts
- Article 4 Use Regulations
- Article 5 Development Standards
- Article 6 Subdivision Standards
- Article 7 Nonconformities
- Article 8 Enforcement
- Article 9 Definitions

Annotated Outline

CONFORMANCE WITH ADOPTED PLANS

This section sets out the requirements for development to be in compliance with the town's long range planning documents. The section will provide a listing of the relevant plans and explain how compliance with the plan requirements will be evaluated. It will also state other plans might be adopted in the future that are relevant to the UDO.

RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEED RESTRICTIONS

This is a new section that provides that, in case of conflict between the UDO and other legislative enactments of the state or town, the stricter provision shall apply. The section clarifies that the town will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions in reviewing development plans for the purpose of ensuring consistency with town requirements.

OFFICIAL ZONING MAP

This section incorporates by reference the Town of Hillsborough Official Zoning Map as well as any related maps. The section also provides for amendment of the Map upon the approval of a rezoning application.

The section will include a standard provision establishing the rules governing how the town assigns the zoning district classification of newly-annexed lands under the UDO.

The section will also incorporate provisions that relate to boundary interpretation. The section will clarify the Planning Director's authority to interpret the map and determine where the boundaries of the different zoning districts fall (if in dispute). The section also provides that appeals from the Planning Director's interpretations of district boundaries may be made to the Board of Adjustment (BOA). In addition, language related to the application of development standards will be relocated to the appropriate sections in Article 5, Development Standards.

There will be no creation of new zoning districts as part of this UDO-drafting process. Existing zoning districts will be carried over into the new UDO.

TRANSITIONAL PROVISIONS

This section establishes that:

- Violations of the current regulations continue to be violations under the new UDO (unless they are no longer considered violations) and are subject to the penalties and enforcement provisions set forth in new Chapter 8, Enforcement.
- Completed applications that are already in the development approval pipeline at the time of the adoption of the new UDO may be processed under the provisions of the prior zoning ordinance. In the event that an applicant seeks to proceed under the standards in the new UDO (instead of the regulations in place at the time the application was originally submitted), the application would need to be withdrawn and resubmitted.
- Conditional use permits, variances, conditional use rezonings, planned developments, plats for subdivision, statutorily-vested development, vested rights determinations (as part of a site-specific development plan), and building permits are governed by the terms and conditions of their approvals, and the rules in existence at the time of their approval. If, however, they fail to comply with the terms and conditions of their approval, or fail to meet established time frames, their approval expires, and development of the site subject to the permits must comply with the requirements of the new UDO.
- Applications submitted after the effective date of the new UDO are subject to the procedures and standards of the new UDO.

VESTED RIGHTS

This section will confirm the definition of Vested Rights, and include a reference to NC General Statute 160A-385.1.

SEVERABILITY

This standard provision declares that if any part of the UDO is ruled invalid, the remainder of the UDO is not affected and continues to apply.

ADMINISTRATION

General Commentary: For an ordinance to be effective, it is important that its development review process is efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning/development goals are used in making development decisions.

Certainty is provided primarily through the establishment of clear review procedures, definite and understandable development review standards, and a balance of discretionary and more administrative review procedures.

Streamlining is achieved in a combination of ways:

1. Consolidating the permit process so the applicant has fewer permits to obtain;
2. Reducing the number of review steps where possible; and
3. Allowing for increased administrative-level review instead of discretionary review when community planning/development goals are not sacrificed.

Assuring that the community's planning/development goals are embedded in the development review standards requires a close evaluation of existing standards to ensure they are clear, sufficiently specific, and consistent with the substantive planning/development goals embraced by the community.

These factors, all of which are relevant to the procedural efficiency and substantive effectiveness of review procedures, are each considered in the design of this Administration article.

It is suggested this new Chapter 2, Administration, include sections on the following:

- **Administrative and Decision-making Bodies** that consolidates the development review responsibilities of the review boards and key town staff members.
- **Common Review Procedures** that establish a common set of review procedures for the review of applications for development approval.
- **Specific Standards for Development Approvals** that include the specific review standards, any unique procedural review requirements for each individual application, and rules that apply to an application once it is approved (e.g., the life of the development approval, expiration, minor deviations, and amendments).

The structure for review of individual applications for

Article 2: Administration:

- 2.1 Review and Decision-Making Bodies
 - A. Town Board of Commissioners
 - B. Planning Board
 - C. Board of Adjustment
 - D. Town Staff
- 2.2 Common Review Procedures
 - A. Authority to File Applications
 - B. Application Contents
 - C. Fees
 - D. Submission Schedule
 - E. Pre-Application Conference
 - F. Application Submission
 - G. Determination of Completeness
 - H. Preparation of Staff Report
 - I. Scheduling Public Hearing
 - J. Public Notification
 - K. Public Hearing Procedures
 - L. Conditions of Approval
 - M. Appeals of Decisions
 - N. Notification to Applicant
 - O. Deferral of Application
 - P. Withdrawal of Application
 - Q. Examination of Documents
 - R. Simultaneous Processing of Applications
 - S. Lapse of Approval
- 2.3 Specific Standards for Development Approvals
 - A. Land Use Plan Amendment
 - B. Rezoning or Text Amendment
 - C. Conditional Rezoning
 - D. Planned Development
 - E. Site Plans
 - F. Subdivision Plats
 - G. Special Use Permit
 - H. Zoning Permit
 - I. Variance
 - J. Administrative Adjustment
 - K. Interpretation
 - L. Appeal
 - M. Vested Rights Determination
 - N. Beneficial Use Determination

Annotated Outline

development approval will be modified to make the review process more efficient and predictable through the inclusion of the individual standards for review, description of how appeals are handled, and the process for making modifications once an application is approved.

Based on Clarion's understanding of the town's goals and our experience working in other communities across the country, we suggest that variety of existing procedures be modified as well as additional permit types be added to the town's line up of development application procedures. These changes will likely include:

- A new procedure for land use plan amendments,
- A revised conditional rezoning process,
- A new planned development procedure,
- Revisions to the site plan process to establish three different forms of review,
- A temporary use permit,
- A new zoning permit,
- A new administrative adjustment procedure,
- A new interpretation process, and
- A new beneficial use determination process.

An overview of this proposed review structure is outlined in the table that follows (Proposed Development Review Structure).

ADMINISTRATIVE AND DECISION-MAKING BODIES

General Commentary: The first section in the new Administration Chapter is a new section that identifies the administrative and decision-making entities and persons responsible for the review and administration of development under the UDO. It is our experience that provisions such as these help to establish clear lines of authority in the town's decision-making procedures. This section will identify the specific responsibilities relative to the UDO of each review board or staff person. The following table provides an overview of the review structure proposed in the new UDO.

PROPOSED DEVELOPMENT REVIEW STRUCTURE					
"D" = DECISION		"R" = RECOMMENDATION		"C" = COMMENT	
				"A" = APPEAL	
				<> = PUBLIC HEARING	
PROCEDURE	REVIEW AND DECISION-MAKING BODIES				
	TOWN BOARD	PLANNING BOARD	BOARD OF ADJUSTMENT	PLANNING DIRECTOR	TECHNICAL REVIEW COMMITTEE
MAP AND TEXT AMENDMENTS					
Land Use Plan Amendment	<D>	R		C	
Rezoning or Text Amendment	<D>	R		C	
Conditional Rezoning	<D>	R		C	
Planned Development	<D>	R			C
SITE PLANS AND SUBDIVISIONS					
Type II Site Plan	<D>	R			C
Type I Site Plan			<A>	D	C
Exempt Subdivision			<A>	D	
Preliminary Plat		<A>		R	D
Final Plat		<A>		D	R
PERMITS					
Special Use Permit	<D>	R		C	
Zoning Permit			<A>	D	
Building Permit			<A>	D	
VARIANCES, ADJUSTMENTS, AND OTHER PROCEDURES					

PROPOSED DEVELOPMENT REVIEW STRUCTURE									
"D" = DECISION		"R" = RECOMMENDATION		"C" = COMMENT		"A" = APPEAL		<> = PUBLIC HEARING	
PROCEDURE	REVIEW AND DECISION-MAKING BODIES								
	TOWN BOARD	PLANNING BOARD	BOARD OF ADJUSTMENT	PLANNING DIRECTOR	TECHNICAL REVIEW COMMITTEE				
Variance			<D>						
Interpretation			<A>	D					
Appeal			<D>						
Vested Right	<D>	R			C				
Development Agreement	<D>			R					
Beneficial Use Determination	<D>	<R>			C				

COMMON REVIEW PROCEDURES

General Commentary: In the current zoning ordinance, several of the procedures for development applications are set forth as individual permit processes. The modern trend in zoning administration is to consolidate these procedures – which is what this section on “common review procedures” does. It guides the potential applicant through the rules governing who is authorized to submit applications, application content requirements and fees, through the actual application submittal and review stage (the pre-application conference, neighborhood meetings, application submission and completeness determination, staff review, scheduling the public hearing (if one is required) and public notification). Flow charts or other diagrams are included as aids to understanding the review process.

Authority to File Applications

This section establishes the rules governing who can submit an application for development approval. Any exceptions to the rule for any particular types of applications for development approval are identified in this section.

Application Contents

The existing ordinance includes the various submittal and plan detail requirements for some of the permit applications. This kind of information contributes to a longer and more cumbersome UDO, and may create a more frequent need for amendment. It is proposed that Section 2.2, Common Review Procedures, authorize the Planning Director to establish application requirements other than fees. It is also recommended that the new UDO follow the modern trend in zoning administration with respect to application forms and content requirements through use of a separate Administrative Manual or “User’s Guide”. That way, the town can establish an Administrative Manual that sets out all of the application forms, contents requirements, and required plan elements.

Applicants can refer to the Administrative Manual, along with the input received at a pre-application conference (discussed below), to determine what materials and fees must be included in the application submission. Furthermore, the town will be able to respond much more easily to changing application requirement needs, since the application content requirements for a specific type of permit application can be modified by the town staff in the manual without amending the UDO.

Fees

This section clarifies that the Town Board of Commissioners establishes fees, updates them from time to time as necessary, and provides for their inclusion in the Administrative Manual upon adoption. The fees, along with bonding requirements and other application content requirements, may then be listed in the Administrative Manual, which can be updated from time to time to reflect the changes in the fee structure.

Submission Schedule

It is proposed that this section add a new provision that allows the Planning Director to establish a submission schedule that controls the timing for submission of applications for inclusion in an Administrative Manual. The Planning Director can then utilize the

Annotated Outline

provision as appropriate to establish a submission schedule for all applications. A practical benefit to this approach is that the application submission schedule can be changed administratively, so that it is not necessary to amend the UDO every time modifications are needed.

Pre-Application Conference

The Issues Summary above describes the desirability of requiring pre-application conferences. We recommend the common procedures section of the new UDO establish a standard requirement for a pre-application conference between the applicant and staff. This provision would clarify what types of development applications are subject to the pre-application conference, the purpose of such meetings, and the effect of such meetings (i.e., discussions are not binding on the town and processing times do not start until a formal application is submitted and accepted). The following types of major development applications should require a pre-application conference with staff before the application is submitted: zoning map amendments, planned developments (, special use permits, conditional use permits, Type II site plans, preliminary plats, and variances. Pre-application conferences would be voluntary for all other forms of development applications.

Application Submission

The next step in the planning and development process – and what many persons consider the “beginning” of the development review process – starts with the applicant's submission of the necessary application and the required fee. This is followed by staff's review of the application to determine if it meets minimal completeness requirements, and then staff's review of the general merits of the application and preparation of a written staff report. We propose that all applications undergo a completeness review by planning staff. This process prevents staff's and applicants' time being wasted by substantive review of applications that are not complete.

Determination of Completeness

These sections establish that the review of a development application is subjected to two increments of review. The first increment consists of receipt and review of the application to determine if it has the minimal amount of materials (application contents) so that staff can conduct an adequate review of the application; it is called a completeness determination. The provision requires that the determination be made within a reasonable period of time after receipt of the application, such as five business days. The regulations should also specify how long an applicant has to correct a deficient application.

If the application is found to be incomplete, the applicant is notified in writing with the specific deficiencies identified. The applicant may then correct the deficiencies, and resubmit the application within a defined time frame for completeness determination. (The fee schedule established by the Town Board of Commissioners may provide that re-submittals after the first re-submittal be accompanied by an additional fee to discourage recurring incomplete submittals.) We recommend the town avoid codifying any development application review time frames, but include this kind of information in an Administrative Manual so that time frames may be adjusted to changing conditions without need of a lengthy text amendment process.

Actual substantive review of the application, along with preparation of an accompanying staff report, will not begin until the application is determined to be complete.

Preparation of Staff Report

Upon a determination of completeness, the second stage of review begins – the staff's evaluation of the application and preparation of a written staff report. The time frame for review of the application and preparation of a staff report varies between different types of development applications depending on their complexity. For example, the staff review time for a planned development may be longer than a variance because the issues evaluated in the application are broader and more complex.

Scheduling Public Hearing

This subsection establishes a consolidated set of public hearing procedures. Some boards and commissions include public hearing procedures within their by-laws. Typically, these provisions spell out the rules governing the conduct of the public hearing, including what persons have the right to speak, the order of the proceedings at public hearings (how the application is to be presented, in what order the applicant and public can speak, and the process for responding to comments), how and under what circumstances testimony and evidence is excluded, what findings are made to support the decision, and how requests for a continuance are handled. This section will include these general provisions and defer to established bylaws if they exist.

Public Notification

It is recommended that the proposed public notification requirements for all applications subject to public notification requirements be consolidated in this section.

Generally, public notification is required through publication in a newspaper of general circulation, mailing of notice to adjoining property owners, and on-site posting of notice. Specific requirements for each of these different types of notice will be provided, and public notification requirements will comply with North Carolina law governing the notice given for various types of permit applications. To the extent we can comply with state law while at the same time consolidating the notice requirements for the different types of applications for development approval, we will do so in this subsection. We also suggest the town consider including a new provision that authorizes that notice for development applications be sent to persons or organizations that have registered to be notified and paid a fee to defray the costs of the mailing of notice.

The notification procedures and time frames are checked against those required by state law and references to the General Statutes will be included.

We have found it quite helpful in consolidating and simplifying notice requirements to use a table that spells out the general public notification requirements. We propose to use that approach in this subsection. An example format of the table from another jurisdiction is reproduced here.

Public Hearing Procedures

This section will include legally-mandated public hearing procedures. Additional information regarding expectations for public hearings will be included in the administrative manual.

Conditions of Approval

This section will describe generally the types of conditions that may be attached to certain forms of approvals granted under this chapter. The section will only apply in those instances where the procedure expressly allows applications to be "approved with conditions." This section will be written to reflect the General Statutes, federal law, and case law regarding conditional approvals. It will specify that conditions imposed on proposed developments must be limited to those that are related in both type and amount to the impacts that the proposed development will have on the public and surrounding development, and that conditions may not be less restrictive than provisions in the UDO.

Notification to Applicant

This subsection will explain the various ways in which an applicant will receive notification of a decision made by a decision-making body. The section will be developed in accordance with recent changes in state law related to notification regarding Planning Board decisions. In some cases, notification regarding a decision can be provided during a public hearing, while others may require that the Planning Director notify the applicant in writing of the decision on an application for development approval within a specific number of days after the decision on the application.

Appeals of Town Board of Commissioners Decisions

This section will clarify that all decisions by the Town Board of Commissioners may only be appealed to Orange County Superior Court under state law.

Deferral of Application

This section will establish the rules governing when and under what circumstances an applicant may request the deferral of, or the town may defer, an application for development approval.

Withdrawal of Application

TABLE 2-200(I): PUBLIC NOTIFICATION FOR PERMIT APPROVALS			
APPLICATION FOR DEVELOPMENT PERMIT OR OTHER ACTION	NOTICE REQUIRED (DAYS BEFORE HEARING/ACTION)		
	WRITTEN (SECTION 2-200(I)(2))	PUBLICATION (SECTION 2-200(I)(3))	POSTED (SECTION 2-200(I)(4))
Text Amendment		At least 30 days prior to public hearing	
Amendment to Official Zone District Map & Planned Development District	At least 15 days prior to public hearing	At least 30 days prior to public hearing	At least 15 days prior to public hearing
Special Exception Permit & Variance Permit	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Appeal to Board of Zoning Appeals	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Certificate of Appropriateness & Certificate of Hardship & Appeal of Development Services Director's Interpretation or Decision on Certificates of Appropriateness		At least 15 days prior to public hearing	At least 15 days prior to public hearing
Land Development Agreements	At least 30 days prior to public hearing	At least 30 days prior to public hearing before Planning Commission At least 30 days prior to public hearing before City Council	At least 30 days prior to public hearing

Example Summary Table of Notice Provisions

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This section will establish the rules governing when an application can be withdrawn by the applicant, and what penalties occur, if any. The section will also establish basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

Examination and Copying of Application/Other Documents

This section will establish rules governing the examination and copying of application documents and related materials by members of the public.

Simultaneous Processing of Applications

This section will provide that whenever two or more forms of review and approval are required under the UDO, applications for those development approvals may (at the option of the Planning Director), be processed simultaneously, so long as all applicable state and local requirements are satisfied. The provision will note that simultaneous processing can lead to additional costs for the applicant; for example, if a special use permit and a site plan are under review, substantive changes may necessitate revision of both sets of plans. Any simultaneous procedures that are developed during the drafting process will be set forth here.

Lapse of Approval

In general, "lapse of approval" provisions state that approval of a development application lapses if development is not commenced or a subsequent permit is not obtained within specified periods of time. Lapse provisions will be included for all forms of development permits and approvals.

Depending upon the specific type of approval, provisions for extension will also be included, where appropriate. These will specify that an applicant may request an extension (for a period up to a limit stated in the code) by submitting a request prior to the expiration period, and that the extension will be granted upon a showing of good cause by the applicant. Permits that are approved administratively may be extended administratively, while extensions for permits that are granted by a review board will be required to be approved by the review board.

STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

General Commentary: This third section in the Administration Chapter includes the specific review standards that are applied to each individual application for development approval, other unique procedural review requirements for each individual application if there are additional or different procedures apart from the common review procedures, and the rules governing minor modifications and amendments. It broadens the line up of current procedures by adding information on Interpretations, and new permit procedures, including a Planned Development approval process, a Tree Removal Permit process, and more. Each permit procedure will include a review process flowchart.

Land Use Plan Amendment

This procedure will address modifications to the future land use map as well as document text. Each amendment request would be reviewed first by the Planning Board and then decided by the Town Board of Commissioners during a public hearing.

In cases where a rezoning request triggers the need for an amendment to the future land use map or other long-range planning document, these two procedures could occur simultaneously, provided the amendment to the appropriate long range planning documents occurs prior to approval of the rezoning.

Rezoning or Text Amendment

This section will include information on the purpose for the procedure, the authorized review and decision-making bodies, and the procedure for initiation and review (including specified time periods and who may initiate an application for a text amendment). Different review standards will be established for text amendments versus map amendments (rezonings). The section will include new language mandated by recent changes in the state's planning laws that requires town Board of Commissioners to consider the reasonableness of any request to amend the official zoning map in light of consistency with the Land Use Plan and the public interest. The section will include the procedures for addressing valid protest petitions, how re-hearing of amended applications can be allowed, and the different procedures utilized for simple cosmetic corrections to the official zoning map.

Conditional Rezoning

This procedure will replace the current conditional use rezoning procedure (and the accompanying conditional use permit process). The process will use the same procedure as an amendment to the zoning map except that there will be additional provisions related to proposed conditions of approval.

Planned Development

Existing planned development requirements will be carried over to this section. essly spelled out.

Site Plans

Two differing levels of site plan review are anticipated each based on development size. Staff will review and approve Type I Site Plans. Type II Site Plans will be reviewed by the Planning Board prior to consideration and decision by the Town Board of Commissioners. All applications that have a Site Plan component shall be required to obtain a Zoning Permit prior to issuance of a Building Permit. Changes of use or other similar types of applications that do not require a site plan will also require approval of a Zoning Permit. We suggest any submittal requirements be relocated to an administrative manual and that the site plan provisions be supplemented with clear approval criteria as well as clear descriptions on how amendments, extensions, and expiration are addressed.

Exempt Subdivision

The exempt subdivision procedure is included within the town's current subdivision regulations, and it will be carried forward with no substantive revisions. We will include additional language that the "exempt" nature of subdivisions deals with the exemption from the review procedure for preliminary plats (as authorized by the General Statutes) – not outright exemption from the minimum standards for the zoning district.

Preliminary Plats

This process will be carried forward from the current subdivision with reference to plats rather than plans to distinguish this type of application as referring to subdivision of land.

Final Plats

This process will be carried forward from the current subdivision regulations with no substantive revisions, but with a change of label from final plans to final plats.

Special Use Permit

We recommend this procedure be carried forward with only minor changes. For example, we suggest the submittal requirements be relocated to an administrative manual, and the public hearing notice provisions and public hearing procedures be relocated to common review procedures in Article 2.

Zoning Permit

No review process is currently described for issuance of a zoning permit. In general, a zoning permit should be required for all forms of development prior to issuance of a building permit. We suggest this section of the new UDO clearly establish when a zoning permit would or would not be required. The Planning Director would review requests for zoning permits, which would be required prior to issuance of a building permit, and for changes in use where no building permit is required. The zoning permit process will also be used to review and approve sign permits, temporary uses, and applications that may not require a building permit such as a fence or for changes in use that do not modify the building or require adjustments to parking or landscaping.

Variance

This section will carry forward provisions in the existing ordinance, and will incorporate the existing procedure that authorizes the Board of Adjustment (BOA) to review and approve, approve with conditions, or disapprove applications for variances. The portion of the section dealing with appeals is proposed for relocation to the procedure dealing with appeals, in the new UDO.

The variance process allows variation from the dimensional standards (yard requirements, setbacks, height requirements), as well as other development standards in the UDO (i.e., landscaping, parking, signage, or subdivision improvement standards) when an applicant demonstrates that, due to circumstances beyond the control of the landowner, the application of the dimensional or other

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development standards creates undue hardship. The general intent of the existing variance provisions is that the hardship standard required to be demonstrated for approval of a variance be stringent.

In addition, the text will be supplemented with a requirement that an applicant for a variance exhaust all other available forms of relief (e.g., administrative adjustment) before being eligible to apply for a variance. The text will also clarify (based on recently-amended state legislation) that a variance may not be used to allow a change in the uses permitted within a particular zoning district. The section will also require documents memorializing an approved variance be recorded at the Register of Deeds.

Administrative Adjustment

The administrative adjustment is a new procedure recommended for the UDO. It allows the Planning Director to modify, waive, or adjust any numerical standard in the ordinance by up to 10 percent based on a very specific set of criteria. The procedure is designed to serve as a "safety valve" to address any unintended consequences of the ordinance provisions or to address difficult development scenarios on exceptionally difficult to develop site. It is intended for development that: one, advances the goals and purposes of the general zoning district in which it is located; two, is more or equally effective in achieving the relevant standards from which the modification is granted; or three, relieves practical difficulties of developing a site. In addition, we recommend a second tier adjustment process also be included that allows the Planning Board to consider request to deviate from numerical standards by up to 25 percent outside the hardship requirements of the variance. This is suggested as a way to accommodate redevelopment and development on less desirable infill sites.

In either scenario, approval of an administrative adjustment may only be done in accordance with clearly specified criteria and only for the purpose of establishing development that is superior than would otherwise result from a strict application of the typical development standards. The procedure will also include detailed timing provisions as well as limits on multiple use of the procedure to substantially deviate from the UDO standards. See Page 2-15 in the diagnosis for more details on the administrative adjustment proposal.

Interpretation

Numerous stakeholders expressed concerns regarding the interpretation of current zoning provisions, and the lack of a clear procedure for obtaining standardized interpretations. To address these concerns, we recommend a new formal interpretation procedure that authorizes the Planning Director to make an official interpretation of the ordinance with assistance from the Town Attorney only after an application for an interpretation has been submitted. Elected and appointed bodies may request interpretations without need of a formal application. The new procedure will include language indicating that any interpretation made outside of this process shall not be binding.

We recommend that the Planning Director maintain a record of written interpretations related to the text of the UDO in a formal notebook for several reasons. First, they can be referred to when making future interpretations to ensure consistency in the application of the code; and second, they can be used as a road map in identifying provisions that might need future amendments. See page 2-6 of the diagnosis for more details on this procedure.

Appeal

This subsection will carry forward the portion of the provisions related to appeals of administrative decisions and decisions from other decision-making bodies that are considered by the Board of Adjustment (BOA). This section will clarify the right of appeal by persons affected by decisions of staff and reviewing bodies. It will govern the procedure for appeals to the BOA, and clarify the procedure for appeals from decisions by review bodies, and the associated timeframes and limitations specified by the General Statutes associated with appeals to the Superior Court of Orange County.

Vested Rights Determination

This section will include provisions as specified under the North Carolina General Statutes. The section will clarify that the Town Board of Commissioners is the decision-making body responsible for review and consideration of vested rights applications, following review and recommendation by the Planning Board. The section will set out the requirements for vesting, the effect of a vested site specific development plan or preliminary plat, and procedures addressing the revocation or expiration of a vested right.

Beneficial Use Determination

Over the last decade a growing number of local governments have included a procedure in their land use regulations that allows any landowner who believes the application of the regulations results in a "taking" of their property to seek administrative relief from the local elected body. This procedure is called a beneficial use determination.

The procedure is based on United States Supreme Court decisions that state that local governments may establish procedures by which they can assess takings claims before they go to court and offer relief if the regulations are found to amount to a taking -- that is, the regulations deny all reasonable economic use of a property.

The current zoning ordinance does not have a beneficial use determination procedure. It is recommended this new procedure be included in the UDO and be heard by the Town Board of Commissioners.

ZONING DISTRICTS

General Commentary: Zoning district and use regulations are a central feature of any zoning ordinance. They define what may be built on a landowner's property or on the property next door.

We propose no change to the list of designated zoning districts, but do propose to adjust the presentation of the districts and standards to be more user-friendly.

Additional modifications to the structure of the districts may occur after further discussions with staff, the advisory committee, elected officials, and the public.

USE STANDARDS

General Commentary: While the zoning district regulations will be located in Article 3, Zoning Districts, the use regulations will be contained in Article 4, Use Standards. This article will reorganize Hillsborough's use regulations into five main sections. The first section will include a summary use table that will specify the permitted, prohibited, and special exception uses for the residential, business, and planned development zoning districts.

The second section in the chapter will establish a classification system utilized to provide structure and content to the range of permitted uses.

The third section, a set of use-specific standards, will identify any specific regulations or limitations that always apply to certain principal uses, regardless of the underlying zoning district in which they are located. This material will replace the specific use standards that are located throughout the existing ordinance. If there are exceptions to the general standards established in this section, they will be identified. Special attention will be paid to adding new uses, new use standards, and improving upon what currently exists in the zoning ordinance.

Sections four and five will include the provisions relating to accessory uses and structures and temporary uses and structures respectively.

USE TABLE

The heart of Article 4, Use Standards, is the summary use table. It builds on the current lists of uses defined in each zoning district section and includes a range of new uses not found in the current zoning ordinance. It also includes additional information related to any use-specific standards that may apply, and where those standards may be found. The use table in the new UDO reflects revisions to the lineup of zoning districts (as outlined in Article 3, Zoning Districts) and the system of uses described above.

The actual set of uses identified in a use table will be either "permitted" or "special use" (except where uses are "allowed" in Planned Development Districts). Allowed uses are uses that are permitted within a planned development district, but only when such uses are specifically identified in the Master Plan. Review and approval of the proposed list of uses occurs as part of review of the Planned Development Master Plan. A blank cell in a use table will signify that the use is prohibited within a

Article 3: Zoning Districts

- 3.1 General Provisions
- 3.2 Residential Districts
- 3.3 Business Districts
- 3.4 Planned Development Districts
- 3.5 Overlay Districts
- 3.6 Conditional Zoning Districts

Article 4: Use Standards

- 4.1 Use Table
- 4.2 Use Classifications, Categories, and Types
- 4.3 Use-Specific Standards
- 4.4 Accessory Use Standards
- 4.5 Temporary Use Standards

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certain zoning district (including planned development districts). A use table will also include additional information related to any use-specific standards that may apply, and where those standards may be found.

USE CLASSIFICATIONS, CATEGORIES, AND TYPES

In an effort to provide better organization, precision, clarity, and flexibility to the uses in the zoning districts and the administration of the use table, the table and use regulation system will be organized around the three-tiered concept of use classifications, use categories, and use types. Use classifications, the broadest category, organize land uses and activities into general use categories. All use types identified in the use table will be defined in Article 9, Definitions.

In addition, to provide flexibility and insure that the legislative intent of the Town Board of Commissioners is realized, this section will also include provisions allowing a landowner to request an interpretation from the Planning Director that a use type not specifically identified in a use table is included because it is a use type that is similar in nature, function or duration to a use type identified in the use category. In considering whether an unspecified use should be included, the Planning Director will be required to consider whether the proposed use has an impact that is similar in nature, function, and duration to the other use types allowed in the use category.

USE-SPECIFIC STANDARDS

This section will contain all of the special standards and requirements that apply to individual principal use types listed in a use table. The standards generally apply to uses regardless of whether they are permitted as a matter of right or are subject to the special use permit process. Additional standards will be added for new uses as appropriate. Material related to accessory uses will be relocated to Section 4.4, Accessory Uses and Structures.

ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to such use or structure. For example, a stand-alone automated teller machine is considered as an accessory to a commercial use, and an above- or below-ground swimming pool is typically considered an accessory structure to a single-family home.

All of the regulations and standards governing accessory uses and structures will be located in this section, including those pertaining to home occupations (as described in Section 109, for instance) and accessory dwelling units (such as "granny flats" or garage apartments). Standards addressing how decks or other above-grade gathering spaces may or may not encroach into required setbacks or yards will be addressed in the Rules of Measurement portion of Chapter 9, Definitions. Regulations for accessory uses will be added, as will a purpose/intent statement to clarify the relationship of accessory uses and structures to other uses and structures. We will also include area and bulk standards to ensure that the physical features of accessory structures are "accessory in character" to principal structures.

TEMPORARY USES AND STRUCTURES

Temporary uses are uses proposed to be located in a zoning district for a limited duration of time that are not identified as permitted uses. Special events typically last for a shorter duration and are intended to attract large numbers of people at one time, such as concerts, fairs, circuses, large receptions or parties, and community festivals (they do not include private parties attracting less than a certain number of persons, nor do they include events normally associated with the permitted use (such as a wedding reception at a reception hall or a funeral at a funeral home). The types of temporary uses allowed and the standards for their approval will be established in this section.

The existing ordinance does not include a review procedure or standards for temporary uses or special events. The Zoning Permit procedure established in the Article 2, Administration, will be used to evaluate these uses, based on the standards and time limitations for temporary uses and special events established in this section.

DEVELOPMENT STANDARDS

General Commentary: This chapter contains all of the development standards in the new UDO related to the physical layout of new development with the exception of the subdivision standards, which are found in Article 6, Subdivisions. The proposed contents of Article 5, Development Standards, are listed in the sidebar and are discussed below. Examples of standards to be incorporated into this article include:

- Off-street parking and loading standards as described in the diagnosis;
- Revised landscaping standards that emphasize new standards for vehicle accommodation areas, performance-based buffers, and street trees;
- New tree protection standards for retention of existing tree canopy, specimen trees, and tree protection during construction;
- Open space set-aside standards;
- Fence and walls standards that focus on fence appearance and limiting fence heights;
- Exterior lighting standards;
- Traffic impact standards;
- New community form standards;
- Commercial design standards that address the design and orientation of retail establishments;
- Multi-family design standards focusing on multi-family structure appearance; and
- Carrying forward the existing signage standards with no substantive revisions.

OFF-STREET PARKING AND LOADING

This section includes quantitative off-street parking requirements for uses matching the revised use table for consistency and ease of use. The permissible location of off-street parking areas will be set forth and differentiated by district and type of development.

Incentives will be used to allow developers to provide fewer than the minimum number of required parking spaces in exchange for providing public or green space, or developing preferred development types, such as vertically-integrated mixed-use. The provisions include maximum numbers of off-street parking spaces for development, as well as requiring any additional off-street spaces provided in excess of the minimum requirements (for all uses) be on pervious or semi-pervious surfaces.

Flexibility will be built into the provisions by allowing applicants to propose alternative strategies, such as off-site parking, shared parking, valet parking, or (in appropriate settings) credit for on-street parking spaces. Deferred parking provisions are included that allow a developer to construct 80 percent of the minimum required amount of parking and then monitor parking demand during initial operation of the development (for perhaps a year or 16 months), with land area for future parking held in reserve until monitoring proves that the built parking is either adequate or is inadequate and needs to be expanded into the reserved area. Finally, provisions are added requiring pedestrian amenities and bicycle parking facilities. The parking lot landscaping provisions are relocated to the new landscaping section.

LANDSCAPING STANDARDS

The current landscaping requirements will be upgraded and the general planting requirements increased. To improve clarity, graphics will be used, as appropriate, to explain the requirements for landscaping. Provisions allowing greater flexibility in meeting landscaping standards (such as aggregate caliper inch standards per 100 linear feet) will be added to encourage creative design. In addition, a minimum percentage of landscaping may be required to be native or drought tolerant.

In addition to the general requirements for all landscaping, we suggest adding more specific standards for site landscaping for nonresidential and multi-family uses. We recommend upgrades to the parking lot landscaping provisions such as the

Article 5: Development Standards

5.1 Off-Street Parking and Loading

5.2 Landscaping Standards

5.3 Tree Protection

5.4 Open Space Set-Aside

5.5 Fences and Walls

5.6 Exterior Lighting

5.7 Traffic Impact Analysis

5.8 Community Form Standards

5.9 Commercial Design Standards

5.10 Multi-Family Design Standards

5.11 Signage

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inclusion of shrubs within internal areas, and fully opaque screening standards (to a height of 36 inches around the perimeter of a vehicular use area). We recommend performance-based perimeter buffer standards, but with increased options for a sliding scale of minimum buffer width. We recommend adding street tree requirements.

The provisions addressing responsibility, replacement, timing and maintenance of required landscaping will be carried forward, along with new provisions related to performance guarantees and inspections.

Finally, in the interest of maintaining flexibility in addressing unique or difficult sites or development, applicants will be allowed to propose alternative strategies for providing landscaping through an Alternative Landscape Plan. The section includes standards for through the development of an Alternative Landscape Plan that must be reviewed by the Planning Director as part of the approval process.

OPEN SPACE SET-ASIDES

Open space set-asides will be carried forward from existing provisions, with increased language about the characteristics of land to be eligible for open space designations.

FENCES AND WALLS

This section will establish minimum standards for perimeter fencing. Certain fencing materials will be prohibited, and different height limits will apply in residential areas and commercial areas (ten feet), unless it is demonstrated that higher fences are needed for security purposes.

EXTERIOR LIGHTING

This section includes provisions addressing exterior lighting addressing glare, direction, shielding, spillover, maximum height, and maximum on-site levels of light with measurable limits for new exterior lighting. Existing standards will be carried over to the UDO>

TRAFFIC IMPACT ANALYSIS

This section will carry forward the town's current traffic impact analysis provisions with no substantive changes. In cases where it is required, the TIA shall be completed prior to review of an associated rezoning, planned development, special use permit, subdivision, site plan, building permit, or zoning permit (as appropriate).

SIGNAGE

This section will set forth standards for signage, which are currently found in the existing zoning ordinance. We propose only minor alterations to the signage provisions, including: reformatting to be consistent with the rest of the code and moving the definitions to Chapter 9, Definitions.

SUBDIVISIONS

General Commentary: One of the primary goals for this UDO revision effort is to increase the user-friendliness of the document. Recent trends in land regulation have led communities to establish unified development ordinances which incorporate both the zoning and the subdivision regulations into a single document. Recent modifications to the General Statutes provide justification for this kind of consolidation. Along these lines, this chapter will include the standards related to the subdivision of land and the provision of public utilities as a part of new development. The chapter will include provisions from the current subdivision ordinance. The chapter will also include the standards and procedures related to performance guarantees.

SUBDIVISIONS

This section will carry forward material from subdivision ordinance with several minor changes. The definitions will be moved to new Article 9, Definitions. The procedural material in the subdivision ordinance related to approval of plats will be replaced by the subdivision review procedures in Article 2, Administration. All of the submittal/plat requirements are recommended for relocation to an Administrative Manual.

PERFORMANCE GUARANTEES

This section will carry forward the improvement guarantees material from the subdivision ordinance as it relates to the performance guarantees for public improvements associated with new development. This section will include provisions related to guarantees of private site features such as trees provided as replacement or mitigation for removal of trees in a tree protection zone (or when planting of required landscaping is delayed due to weather or construction issues).

Article 6: Subdivisions

- 6.1 Subdivisions
 - A. Purpose and Intent
 - B. Applicability
 - C. Monuments
 - D. Blocks
 - E. Lots
 - F. Easements
 - G. Access & Egress
- 6.2 Performance Guarantees

NONCONFORMITIES

General Commentary: This chapter consolidates all the rules pertaining to nonconformities from the various different sections in the current zoning ordinance. The new chapter will include:

- Differentiation between the standards for nonconforming lots, structures, and uses;
- Nonconforming sign standards;
- The creation of nonconforming landscaping standards for use changes; and
- A new sliding scale of compliance requirements for nonconforming site features like landscaping, parking, signage, etc. triggered by redevelopment.

GENERAL APPLICABILITY

Purpose and Scope

This subsection will establish that the chapter addresses legally established uses, structures, lots, and signs that do not comply with the requirements of the new UDO.

Authority to Continue

All lawfully established nonconformities will be allowed to continue in accordance with the standards of this chapter.

Determination of Nonconformity Status

This new subsection will include a standard provision stating that the landowner, not the town, has the burden of proving the existence of a lawful nonconformity.

Minor Repairs and Maintenance

This subsection will state that routine maintenance of nonconforming structures is allowed to keep nonconforming uses and structures in the same condition they were at the time the nonconformity was established. This rule will also be applied to structures housing nonconforming uses.

Change of Tenancy or Ownership

This section will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

NONCONFORMING USES

This section will include provisions dealing with existing uses that no longer conform with the zoning district provisions where they are located. The standards will deal with conversion of a nonconforming use to a more restricted nonconforming use, as well as the inability to expand an existing nonconforming use. The section will establish the standards for when a nonconforming use is considered discontinued or abandoned, and how reconstruction may or may not proceed following substantial damage to the use.

Article 7: Nonconformities

- 7.1 General Applicability
 - A. Purpose and Scope
 - B. Authority to Continue
 - C. Determination of Nonconformity Status
 - D. Minor Repairs and Maintenance
 - E. Change of Tenancy or Ownership
- 7.2 Nonconforming Uses
 - A. General
 - B. Change of Use
 - C. Expansion and Enlargement
 - D. Discontinuance or Abandonment
 - E. Accessory Uses
 - F. Reconstruction After casualty Damage
 - G. Nonconforming Use of Part of a Structure
- 7.3 Nonconforming Structures
 - A. Relationship with Nonconforming Uses
 - B. Continuation
 - C. Enlargement
 - D. Relocation
 - E. Restoration after Casualty Damage
- 7.3 Nonconforming Lots of Record
 - A. Status of Structures on Nonconforming Lots
 - B. Development of Unimproved Lots in Residential Districts
 - C. Development of Improved Lots in Residential Districts After Casualty
 - D. Governmental Acquisition of Land in a Residential District
 - E. Change of Nonconforming Lot
- 7.4 Nonconforming Signs
 - A. Abandonment
 - B. Routine Repairs and Maintenance
 - C. Change of Copy
 - D. Other Sign Permits on Premises

NONCONFORMING STRUCTURES

This section will establish the key standards governing nonconforming structures. The section will address enlargement, abandonment, relocation, and reconstruction after damage.

NONCONFORMING LOTS OF RECORD

These provisions address established lots of record that were platted prior to the effective date of the UDO, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record when located in a residential district as well as redevelopment or reconstruction on such lots following a casualty (major damage). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). Finally, the section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots.

NONCONFORMING SIGNS

This section will build on the requirements established in Section 109 of the existing ordinance, including how to address applications seeking to reduce the amount of nonconformity associated with a nonconforming sign.

ENFORCEMENT

General Commentary: This section will carry forward the provisions in the existing ordinance with some minor reorganization and reformatting to be consistent with the rest of the UDO. By making it easier to understand the enforcement process, we hope to reduce the time, expense, and uncertainty of enforcing the UDO. One aspect for the town to consider is the inclusion of a discussion of the enforcement process in the administrative manual as a way to help ensure potential code violators better understand the enforcement process.

PURPOSE

This section will set forth the purpose of the enforcement section.

COMPLIANCE REQUIRED

This section will state that compliance with all provisions of the UDO is required.

VIOLATIONS

This section will explain that failure to comply with any provision of the UDO, or the terms or conditions of any permit or authorization granted pursuant to the UDO, shall constitute a violation of the ordinance. The section will include both general violations as well as identifying specific violations.

RESPONSIBLE PERSONS

This section will state that any person who violates the UDO shall be subject to the remedies and penalties set forth in this chapter. "Person" will be defined broadly to include both human beings and business entities (firms and corporations).

ENFORCEMENT GENERALLY

This section will identify those persons responsible for enforcement of the provisions of the UDO, as well as the general enforcement procedure. The Planning Director (or designee) shall be responsible for enforcement of the UDO. This section will include provisions for notice of violation, and procedures to deal with complaints filed by others regarding a perceived or potential violation.

REMEDIES AND PENALTIES

This section will include provisions detailing a range of penalties and remedies available to the town under North Carolina law.

Article 8: Enforcement

- 8.1 Purpose
- 8.2 Compliance Required
- 8.3 Violation
- 8.4 Responsible Persons
- 8.5 Enforcement Generally
- 8.6 Remedies and Penalties
 - A. Remedies and Penalties Available to Town
 - B. Criminal Penalties
 - C. Civil Penalties
 - D. Cumulative Penalties

DEFINITIONS

General Commentary: "Definitions" is proposed as the final chapter of the new UDO. This section will carry forward many of the provisions and defined terms from the existing zoning and subdivision ordinances. It will enhance the definitions and use of definitions through:

- Including rules of construction and measurement;
- Adding encroachment standards; and
- Consolidating the numerous definitions spread throughout the ordinance.

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the UDO and for those who must hear appeals of decisions made by staff -- they also make it much easier for the public to know what is required. The importance of good definitions as a key component of fairness to the public and consistency in decision-making has led to an increased interest in this seemingly mundane topic.

We will use the definitions found in the existing ordinance as a starting point for the definitions section, and add and revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. We will verify that key definitions conform to federal and North Carolina law and constitutional requirements. We will also add definitions, where necessary. Standards and/or procedures that currently exist only in the definitions section of the town's current ordinance will be moved to the appropriate standard/procedures sections of the new UDO.

GENERAL RULES FOR INTERPRETATION

This section will address general issues related to interpretation of UDO language, including:

- The meaning of standard terms such as "shall," "will," and "may,"
- The use of plural and singular nouns,
- The meaning of conjunctions,
- How time is computed, and
- Other general issues that arise in interpreting and administering the UDO and its procedures.

RULES OF MEASUREMENT

This section will establish the rules for measuring bulk and dimensional requirements like height, width, setbacks, and others as well as how encroachments into required yards will be determined and regulated.

DEFINITIONS

This section will include definitions of terms used throughout the UDO.

Article 9: Definitions

- 9.1 General Rules for Interpretation
 - A. Meanings and Intent
 - B. Headings, Illustrations, and Text
 - C. Lists and Examples
 - D. Computation of Time
 - E. References to Other Regulations/Publications
 - F. Delegation of Authority
 - G. Technical and Nontechnical Terms
 - H. Public Officials and Agencies
 - I. Mandatory and Discretionary Terms
 - J. Conjunctions
 - K. Tenses and Plurals
- 9.2 Rules of Measurement
- 9.3 Definitions

APPENDIX 4

Excerpt from Draft Fayetteville, NC Unified Development Ordinance

ARTICLE 30-3: ZONING DISTRICTS

A. GENERAL PROVISIONS

1. TYPES OF ZONING DISTRICTS

Land within the city is generally classified by this Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of a number of a comparable conditional zoning districts in accordance with Section 30-2.C.4, Conditional Rezoning, or to one of several planned development zoning districts in accordance with Section 30-2.C.3, Planned Development. Land within any base, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development zoning district.

2. COMPLIANCE WITH DISTRICT STANDARDS

No land within the city shall be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance, including but not limited to, Article 4: Use Standards, Article 5: Development Standards, and Article 6: Subdivisions.

B. BASE ZONING DISTRICTS ESTABLISHED

Table 30-3.B.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, and Business districts.

TABLE 30-3.B.1: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	DISTRICT NAME
SPECIAL DISTRICTS	
CD	Conservation
AR	Agricultural-Residential
MB	Military Base ⁴⁰
RESIDENTIAL DISTRICTS	
SF-15	Single-Family Residential 15
SF-10	Single-Family Residential 10
SF-6	Single-Family Residential 6
MR-5	Mixed Residential 5
MH	Manufactured Home
BUSINESS DISTRICTS	
OI	Office & Institutional
NC	Neighborhood Commercial
CC	Community Commercial
MU	Mixed-Use
DT	Downtown
LI	Light Industrial
HI	Heavy Industrial

⁴⁰ This district includes Fort Bragg. The city has no land use control in the MB District, and the city will send any rezoning applications within five miles of the base to the designated Ft. Bragg representative.

Article 30-3: Zoning Districts
 Section C: Special Base Zoning Districts
 Subsection I: General Purposes

(a) Classification of Base Zoning Districts

Land shall be classified or reclassified into a base zoning district only in accordance with the procedures and requirements set forth in Section 30-2.C.1, Map Amendment (Rezoning).

(b) Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing a base zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control.

(c) Organization of Base Zoning District Regulations

Sections 30-3.<> through 30-3.<> set out the general purposes of each group of base zoning districts and contain subsections that set out the purpose and bulk and dimensional standards for each individual base zoning district. These subsections have a common structure consisting of a purpose statement, applicable dimensional standards, a photograph showing a hypothetical preferred building form for the district, a graphic depiction of hypothetical street layout and lot patterns, and a hypothetical graphic depiction of the district's bulk and dimensional standards as applied to typical lot patterns and building forms. The building form photographs and lot pattern diagrams are for illustrative purposes only, and may not be consistent with all the dimensional requirements. In these cases, the dimensional requirements text of this Ordinance shall control. Article 30-4: Use Standards, includes Table 30-4.A.2, Use Table, a summary use table specifying permitted, special, and allowable uses for each of the base zoning districts and references any standards specific to individual uses.

C. SPECIAL BASE ZONING DISTRICTS

I. GENERAL PURPOSES

The special base zoning districts established in this section are intended to address special areas where typical urban growth and development does not or should not occur, whether because the areas contain important natural resources or natural hazards (Conservation District), rural character and productive natural resources (Agricultural-Residential District), or a military installation (Military Base District).

Article 30-3: Zoning Districts
 Section C: Special Base Zoning Districts
 Subsection 2: Conservation District (CD)

2. CONSERVATION DISTRICT (CD)

CD

CONSERVATION DISTRICT

PURPOSE

The Conservation District (CD) is established and intends to preserve and protect identifiable natural resources from urban encroachment—i.e., to preserve watercourses and protect them from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide air and noise buffers to ameliorate the effects of development; and preserve and maintain the aesthetic qualities and appearance of the community. The district also discourages development that creates risks for loss of life or property from normal natural processes and events in natural hazard areas (e.g., floodplains).

DIMENSIONAL STANDARDS⁴¹

DIMENSIONAL STANDARD	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
Lot area, min. (acres)	2	n/a
Lot width, min. (ft)	200	n/a
Lot coverage, max. (% of lot area)	10	[1]
Height, max. (ft)	35	35; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft)	50	Not allowed in front or side yards; 5 from principal structure
Side setback, min. (ft)	15	
Rear setback, min. (ft)	35	5
Minimum open space set-aside (% of parcel)	[pending in Module 3]	

NOTES: [1] Accessory structures/use areas shall not exceed the lesser of 7,500 square feet in size or 15 percent of the allowable lot coverage.

Figure 30-3.<: CD Typical Lot Pattern

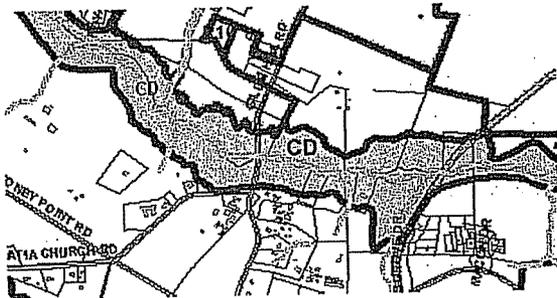
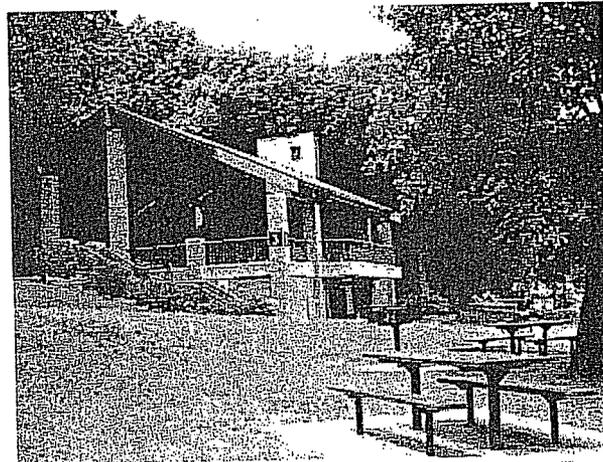


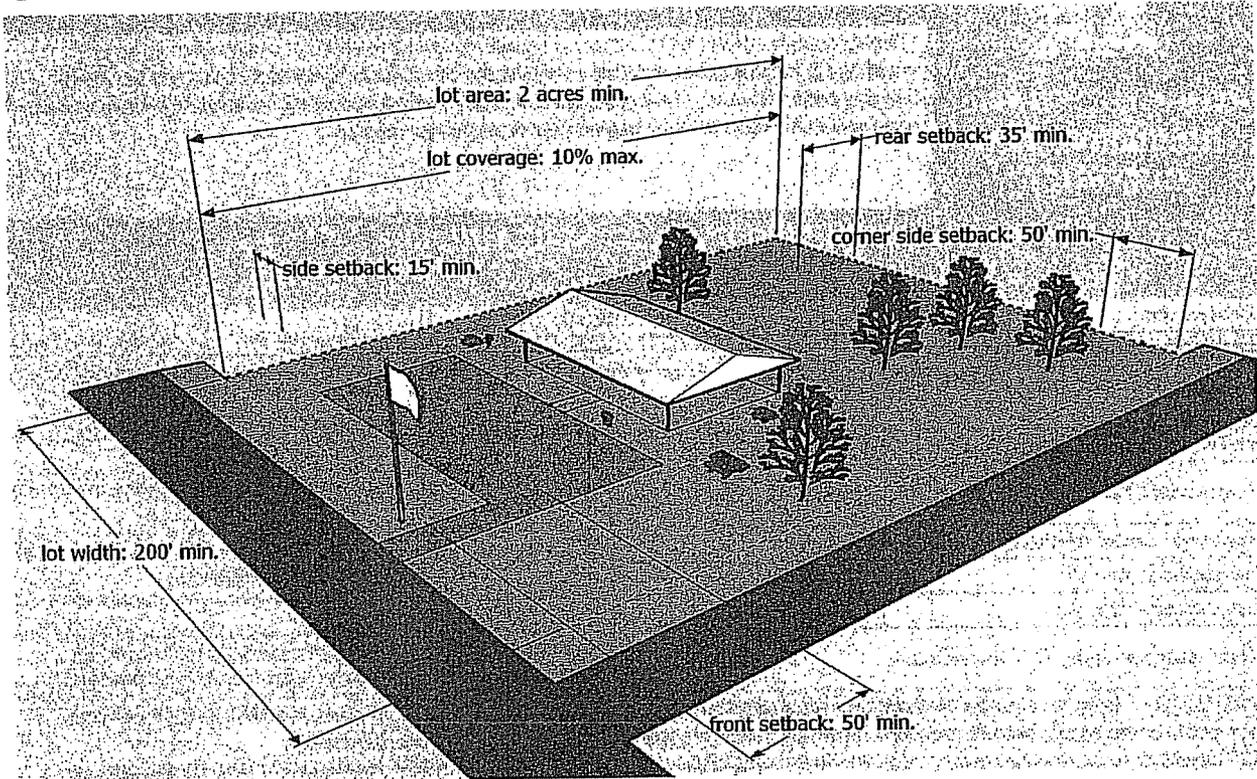
Figure 30-3.<: CD Typical Building Form



⁴¹ The current CD district is carried forward with new dimensional standards for the city's consideration (the current CD district does not include any dimensional standards).

Article 30-3: Zoning Districts
Section C: Special Base Zoning Districts
Subsection 2: Conservation District (CD)

Figure 30-3.<>: CD Typical Building/Lot Configuration



Article 30-3: Zoning Districts
 Section C: Special Base Zoning Districts
 Subsection 3: Agricultural-Residential (AR) District

3. AGRICULTURAL-RESIDENTIAL (AR) DISTRICT

<p>AR AGRICULTURAL-RESIDENTIAL DISTRICT</p>	<p>PURPOSE</p> <p>The Agricultural-Rural (AR) District is established and intends to accommodate rural uses, including agricultural uses, uses that complement or support agricultural uses, and very low-density residential uses. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.</p>
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DIMENSIONAL STANDARDS [1]		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min.	20,000	n/a
Lot width, min. (ft)	100	n/a
Gross residential density, max. (dwelling units/acre) <small>42</small>	2	n/a
Lot coverage, max. (% of lot area)	25	[2]
Height, max. (ft)	35	35; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft)	40	Not allowed in front, side, or corner side setbacks
Side setback, min. (ft)	15	
Rear setback, min. (ft)	35	5
Open space set-aside (% of parcel size)	Agricultural uses: n/a ; Residential uses: [pending in Module 3]; Conservation subdivisions: 50; All other uses: [pending in Module 3]	

NOTES: [1] The gross residential density standard applies to conservation subdivisions, but lot area, lot width, and lot coverage standards do not apply. Setback standards apply only from the perimeter of the conservation subdivision.

[2] Accessory structures/use areas associated with an agricultural use may exceed a principal dwelling unit's size. Accessory uses associated with all other permitted uses shall not exceed the lesser of: 1,500 square feet in size or 15 percent of the allowable lot coverage.

Figure 30-3.<>: AR Typical Lot Pattern



Figure 30-3.<>: AR Typical Building Form



42 The AR district carries forward the current district with a new maximum gross residential density of two units per acre. The new UDO will allow density rounding as is done in Cumberland County. In cases where a site's acreage allows a gross density that exceeds a whole number by 0.6 or more, the new UDO will allow an additional dwelling unit to be located on a site. The new AR district will also allow conservation subdivisions, which allow lot dimensional requirements to be reduced in favor of greater open space provision/protection.

Article 30-3: Zoning Districts
Section C: Special Base Zoning Districts
Subsection 3: Agricultural-Residential (AR) District

Figure 30-3.<>: Hypothetical Conservation Subdivision

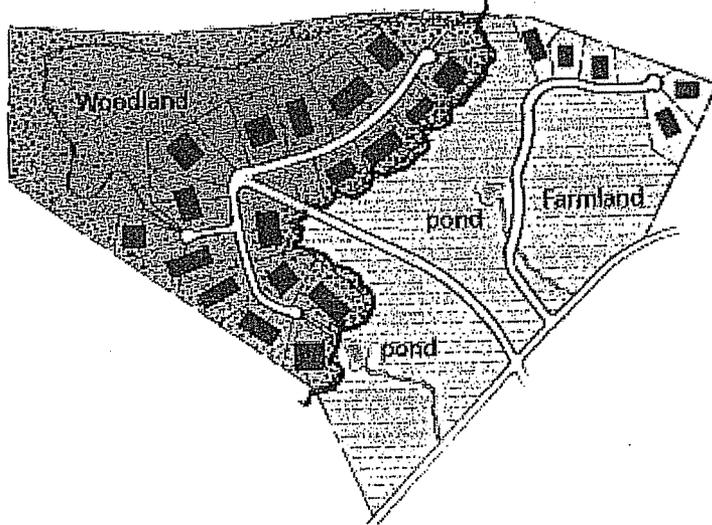
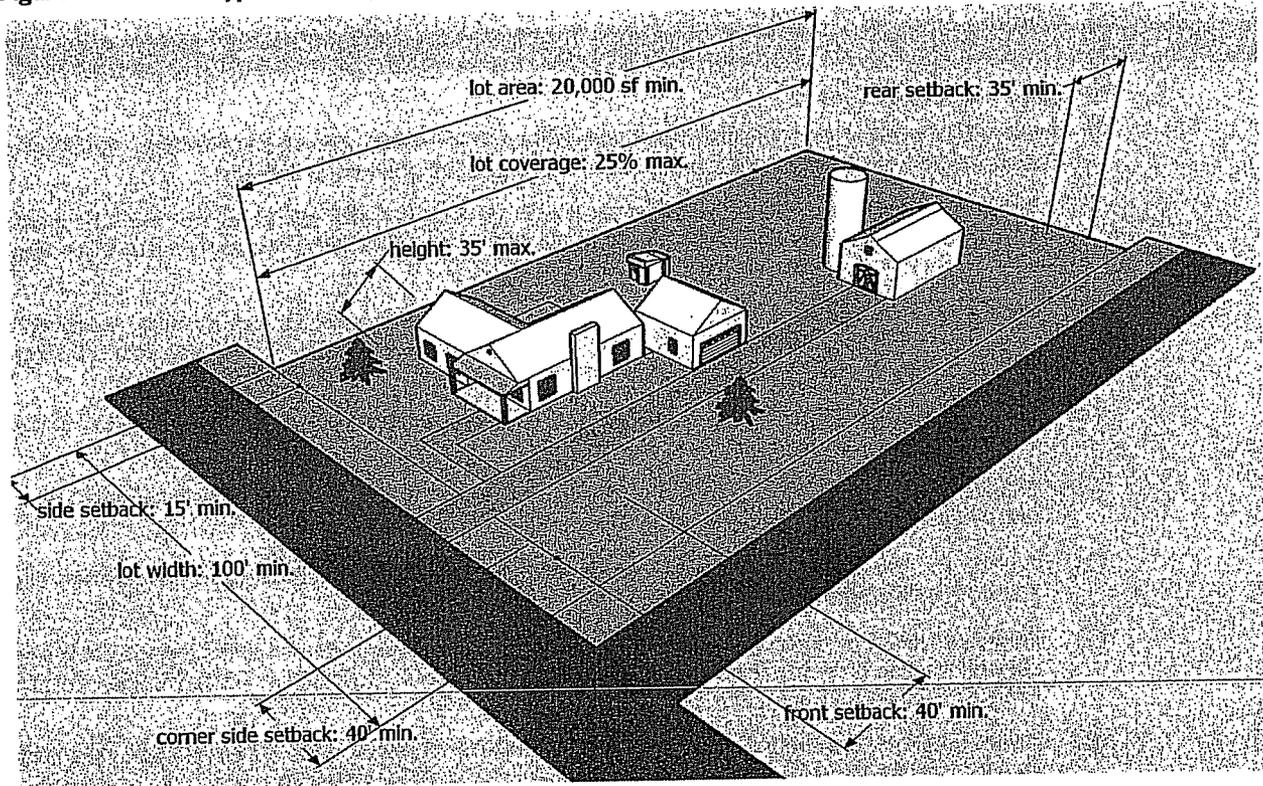


Figure 30-3.<>: AR Typical Building/Lot Configuration



Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 4: Military Base (MB) District

4. MILITARY BASE (MB) DISTRICT

MB MILITARY BASE DISTRICT	PURPOSE
	<p>The Military Base (MB) District is established and intended to identify those lands within the city containing military installations under exclusive federal authority. The district accommodates a wide range of uses and development directly related to the training, housing, and support of military troops and related functions. If land within the MB district is declared surplus or otherwise conveyed to private ownership in the future, the land should then be reclassified to another zoning district in accordance with the provisions of this Ordinance (See Section 30-2.<>).</p>
DIMENSIONAL STANDARDS	
<p>No dimensional standards apply in the MB district, though military facilities are encouraged to provide a building setback from any base perimeter abutting a single-family residential zoning district equal to at least the minimum setback applicable on the other side of the perimeter.</p>	
COMPLIANCE WITH STANDARDS IN THIS UDO	
<p>Uses within the MB district shall be exempt from the standards in this UDO.</p>	
REVIEW OF MAP AMENDMENT APPLICATIONS	
<p>The city shall forward all map amendment (rezoning) applications on lands within five miles of the MB district to the appropriate federal agency for review and comment as part of the application review process.</p>	

D. RESIDENTIAL BASE ZONING DISTRICTS**I. GENERAL PURPOSES**

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- (a) Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the 2030 Joint Growth Vision Plan, the Cumberland County Land Use Plan, functional plans, and applicable small area plans.
- (b) Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- (c) Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- (d) Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- (e) Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
- (f) Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- (g) Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives; and

Article 30-3: Zoning Districts
 Section D: Residential Base Zoning Districts
 Subsection 2: Zero Lot Line Development

- (h) Preserve the unique character and historic resources of the traditional neighborhoods and the community.

2. ZERO LOT LINE DEVELOPMENT⁴³

In addition to traditional development of allowable uses on a lot within a particular base zoning district subject to a set of district-specific dimensional standards regarding lot area, lot width, and setbacks, this Ordinance also allows zero lot line development in the residential and some business districts subject to review and approval of a major site plan (See Section 30-2.<>.), special use permit (See Section 30-2.<>.) approval for zero lot line developments of three acres or less within developed areas, and conformance with all applicable use standards (Article 30-4), subdivision requirements (Article 30-6), and design and development standards (Article 30-5).

(a) Applicability

The zero lot line development option shall be available to development in all base zoning districts except the CD, AR, and MH districts.

(b) Procedure

(1) Major Site Plan Required

All applications for zero lot line development shall be reviewed as a major site plan in accordance with the procedures and requirements in Section 30-2.C.5, Site Plan.

(2) Special Use Permit Required

A Special Use Permit (See Section 30-2.<>.) shall be required for zero lot line development proposed on a lot or site that is:

- a. Located within the SF-15, SF-10, SF-6, or MR-5 district; and
- b. Less than three acres in size; and
- c. Located within a developed area of the city.

For the purposes of this subsection, "developed area" shall mean a lot or site adjacent to an existing platted subdivision or that borders a nonresidential use on two or more sides.

(c) Standards

(1) Density

Zero lot line development shall comply with the maximum allowable gross density and maximum height requirements in the base zoning district where proposed, and the following standards:

(2) Minimum Development Size

Zero lot line development located within the SF-15, SF-10, and SF-6 districts shall be located on a lot or site of at least 40,000 square feet in size.

(3) Setbacks Along the Development Perimeter

- a. All front, side, corner side, and rear setbacks for the base district shall apply to lots comprising the outer perimeter of a zero lot line development, but shall not apply to lots internal to the development.
- b. Setbacks associated with an overlay district and any applicable setbacks from natural resources shall apply to all lots within a zero lot line development.

⁴³ This is a new section that clarifies the standards for zero lot line development. The applicable requirements and exemptions are carried forward from the city's current regulations, but the 40,000 square foot minimum development size standard for some of the residential districts, and the special use permit requirement for smaller sites in developed areas are proposed for the city's consideration.

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 3: Incentives for Sustainable Development Practices

(4) Compliance with Design Standards

All zero lot line development shall comply with the applicable development standards in Article 30-5: Development Standards, including the transitional standards in Section 30-5.<>, and any applicable infill standards in Section 30-5.<>.

3. INCENTIVES FOR SUSTAINABLE DEVELOPMENT PRACTICES⁴⁴

(a) Purpose

In an effort to encourage sustainable development practices within the MR-5 and DT districts as a means of addressing global climate change, the protection of natural resources, and ensuring a high quality of life for future city residents, the following sustainable development incentives are provided.

(b) Incentives

Development providing sustainable features in accordance with the provisions of this section is eligible for a density bonus of up to 20 percent beyond the maximum allowable gross residential density and increases in the maximum allowable height up to two stories beyond the maximum allowable height in the base zoning district.

(c) Applicability

The incentives included in this section are available in the MR-5 and DT districts.

(d) Procedure

- (1)** Development seeking density or height bonuses in accordance with this section shall be reviewed (and approved or denied) by the TRC as part of a major site plan or preliminary plat, as appropriate, or in the event the development requires a special use permit, reviewed (and approved or denied) as part of the special use permit application.
- (2)** The density or height bonus shall be based on the number of sustainability features provided, in accordance with Table 30-3.D.1, Sustainability Bonuses, and Section 30-3.D.<>, Menu of Sustainability Features.

TABLE 30-3.D.1: SUSTAINABILITY BONUSES	
TYPE OF BONUS	MINIMUM NUMBER OF SUSTAINABILITY FEATURES PROVIDED (#) [1]
Increase in gross residential density by up to 10 percent beyond district maximum	3
Increase in building height by one story beyond district maximum	5
Increase in gross residential density between 10 and 20 percent beyond district maximum	7
Increase in building height by two stories beyond district maximum [2]	9
NOTES: [1] The menu of allowable sustainability features is identified in Section 30-3.D.<>, Menu of Sustainability	

⁴⁴ These are new standards designed to allow denser forms of development in the MR-5 and DT districts through the inclusion of sustainable development practices. Development in these districts may obtain modest increases in density or height beyond district maximums based on the provision of a variety of different sustainability features. The range of features are provided as a menu from which an applicant may select, as appropriate.

Article 30-3: Zoning Districts
 Section D: Residential Base Zoning Districts
 Subsection 3: Incentives for Sustainable Development Practices

TABLE 30-3.D.1: SUSTAINABILITY BONUSES	
TYPE OF BONUS	MINIMUM NUMBER OF SUSTAINABILITY FEATURES PROVIDED (#) [!]
Features.	
[2] Development shall be in the DT district or within 500 linear feet of an intersection of two arterial streets to exceed the maximum building height by two stories.	

(e) Menu of Sustainability Features

One or more of the following sustainability features may be offered by an applicant for proposed development within the MR-5 or DT district in accordance with Table 30-3.D.1, Sustainability Bonuses.

- (1) Generation of a minimum of 25 percent of the electricity needed by the development from alternative energy sources (solar, wind, etc.);
- (2) Minimum LEED certification of silver for at least 50 percent of the nonresidential floor area;
- (3) Purchase of carbon offsets in an amount equivalent to 15 percent of the construction costs;
- (4) Energy star recognition for at least 75 percent of the residential floor area;
- (5) Inclusion of green roofs on at least 30 percent of the roof area within the development;
- (6) Provision of solar access to a minimum of 50 percent of the buildings in the development;
- (7) Configuration of nonresidential buildings with one axis 1.5 times longer than the other, and the long axis oriented in an east-west configuration;
- (8) Inclusion of a recycled or grey water system for landscaping irrigation;
- (9) Use of paving materials in driveways and parking lots that have high solar reflectance (excluding gravel or similar paving materials) that reduce the urban heat island effect of parking lots;
- (10) Provision of a network of multi-purpose trails with at least one connection to the public greenway or sidewalk system for every acre of land;
- (11) Provision of 50-foot undisturbed buffers adjacent to all perennial stream banks; or
- (12) Provision of a community garden with at least 500 square feet per dwelling that is controlled by a property-owners association.

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 4: Single-Family Residential 15 (SF-15) District

4. SINGLE-FAMILY RESIDENTIAL 15 (SF-15) DISTRICT

SF-15 SINGLE-FAMILY RESIDENTIAL 15 DISTRICT		PURPOSE		
		The Single-Family Residential 15 (SF-15) District is established to accommodate principally single-family detached residential development at low densities subject to the design standards in Article 30-5: Development Standards. It also accommodates two- to four-family dwellings designed to appear as single-family detached homes, and zero lot line development subject to the requirements of this Ordinance. District regulations are intended to discourage any use that substantially interferes with the development of single-family detached dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts such as parks, open space, elementary schools, and places of worship.		
DIMENSIONAL STANDARD		DIMENSIONAL STANDARDS⁴⁵		
		SINGLE-FAMILY DETACHED DWELLINGS	TWO-TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES
		ACCESSORY STRUCTURES		
Lot area per unit, min. (sq ft)		15,000		n/a
Lot width, min. (ft)		100		n/a
Gross residential density, max. (dwelling units/acre) [1] ⁴⁶		3; 3.2 for zero lot line development		n/a
Lot coverage, max. (% of lot area)		25		[2]
Height, max. (ft)		35		25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]		40; 65 from street centerline		Not allowed in front, side, or corner side setbacks
Side setback, min. (ft) [3]		15		
Rear setback, min. (ft) [3]		35		5
Spacing, between buildings, min. (ft)		n/a	20	5
Zero lot line development		Zero lot line development must be on a site or tract of 40,000 square feet or more, shall comply with the maximum gross residential density standards, and shall require a special use permit (See Section 30-2.3.<->) when proposed on a lot or site smaller than three acres in a developed portion of the city. Setbacks for lots on the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.		
Open Space Set-Aside (% of parcel)		Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]		

NOTES: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.
 [2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 15 percent of the allowable lot coverage.
 [3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

⁴⁵ These standards carry forward the R-15 district dimensional standards but include new gross density requirements and new lot area requirements for two- to four-family dwellings.

⁴⁶ The new UDO will allow density rounding as is done in Cumberland County. In cases where a site's acreage allows a gross density that exceeds a whole number by 0.6 or more, the new UDO will allow an additional dwelling unit to be located on a site.

Article 30-3: Zoning Districts
Section D: Residential Base Zoning Districts
Subsection 4: Single-Family Residential 15 (SF-15) District

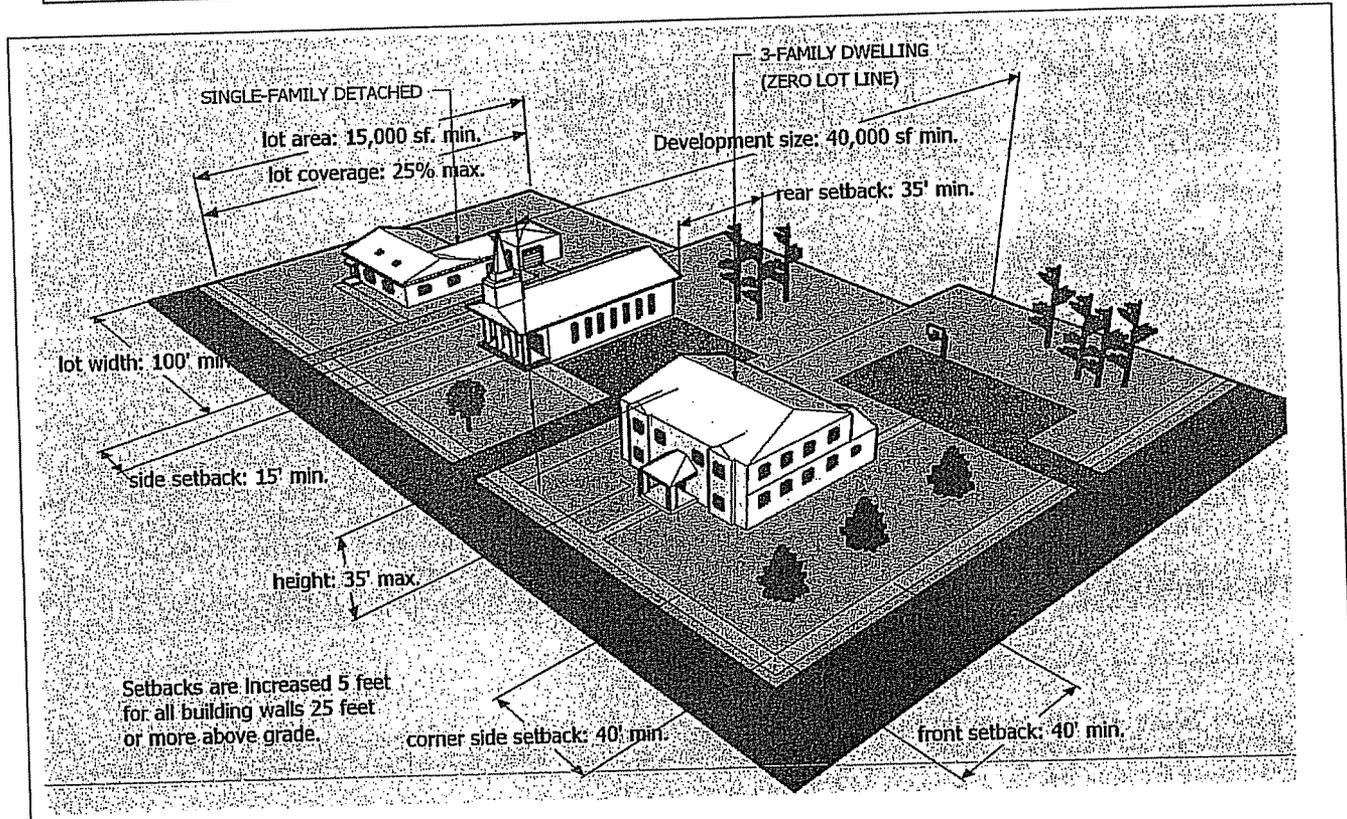
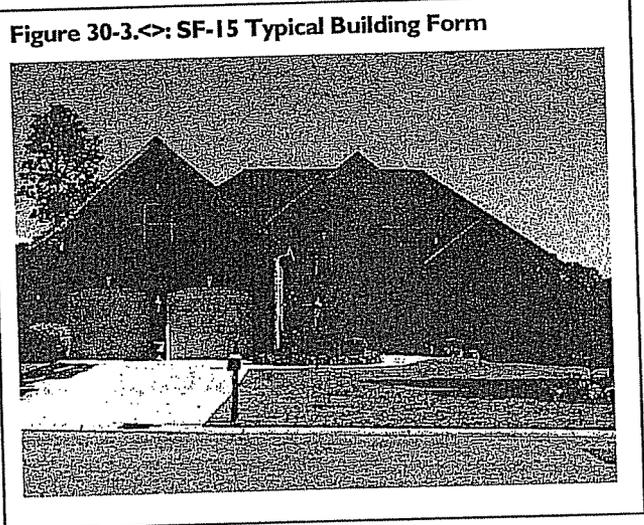
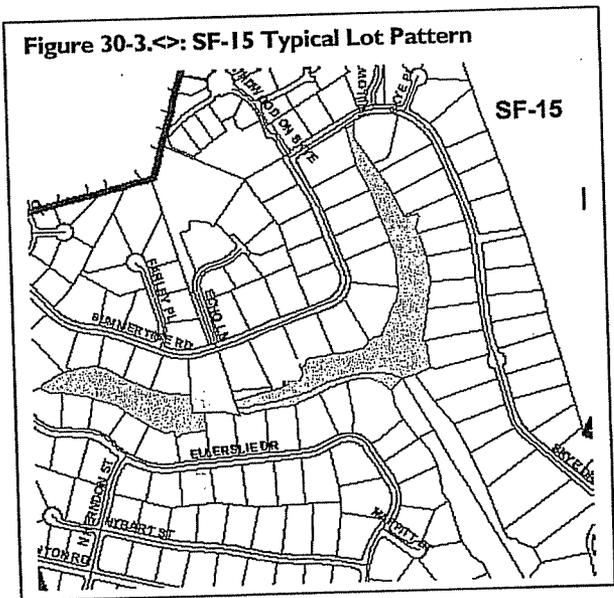


Figure 30-3.<>: SF-15 Typical Building/Lot Configuration

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 5: Single-Family Residential 10 (SF-10) District

5. SINGLE-FAMILY RESIDENTIAL 10 (SF-10) DISTRICT

**SF-10
SINGLE-FAMILY
RESIDENTIAL 10
DISTRICT**

PURPOSE

The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5: Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size⁴⁷, elementary schools, and places of worship.

DIMENSIONAL STANDARDS⁴⁸

DIMENSIONAL STANDARD	SINGLE-FAMILY DETACHED DWELLINGS	SINGLE-FAMILY ATTACHED DWELLINGS	TWO-TO FOUR-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq ft)	10,000	9,000	7,500	10,000	n/a
Lot width, min. (ft)	75				n/a
Gross residential density, max. (dwelling units/acre) [1] ⁴⁹	5; 5.3 for zero lot line development			n/a	n/a
Lot coverage, max. (% of lot area)	30				[2]
Height, max. (ft)	35				25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]	30; 55 from street centerline				Not allowed in front, side, or corner side setbacks
Side setback, min. (ft) [3]	10				
Rear setback, min. (ft) [3]	35				5
Spacing between buildings, min. (ft)	n/a	20			5
Zero lot line development	Zero lot line development must be on a site or tract of 40,000 square feet or more, shall comply with the maximum gross residential density standards, and shall require a special use permit (See Section 30-2.3.<>) when proposed on a lot or site smaller than three acres in a developed portion of the city. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.				
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]				

⁴⁷ Accessory dwelling units help the city meet its goals of housing option diversity, and help accommodate modern living arrangements such as parents or grandparents living with a family. Accessory dwelling units do not count towards density requirements, but such structures are limited to a maximum size of 800 square feet.

⁴⁸ These standards carry forward the current R10 standards with a few exceptions. The current standards do not include a gross density figure, and one is proposed here. In addition, the current standards have a scaled approach to lot area where subsequent dwelling units may have reduced lot size. For the sake of simplicity, this scaled approach is proposed for removal. New use types and lot sizes have also been added.

⁴⁹ The new UDO will allow density rounding as is done in Cumberland County. In cases where a site's acreage allows a gross density that exceeds a whole number by 0.6 or more, the new UDO will allow an additional dwelling unit to be located on a site.

Article 30-3: Zoning Districts

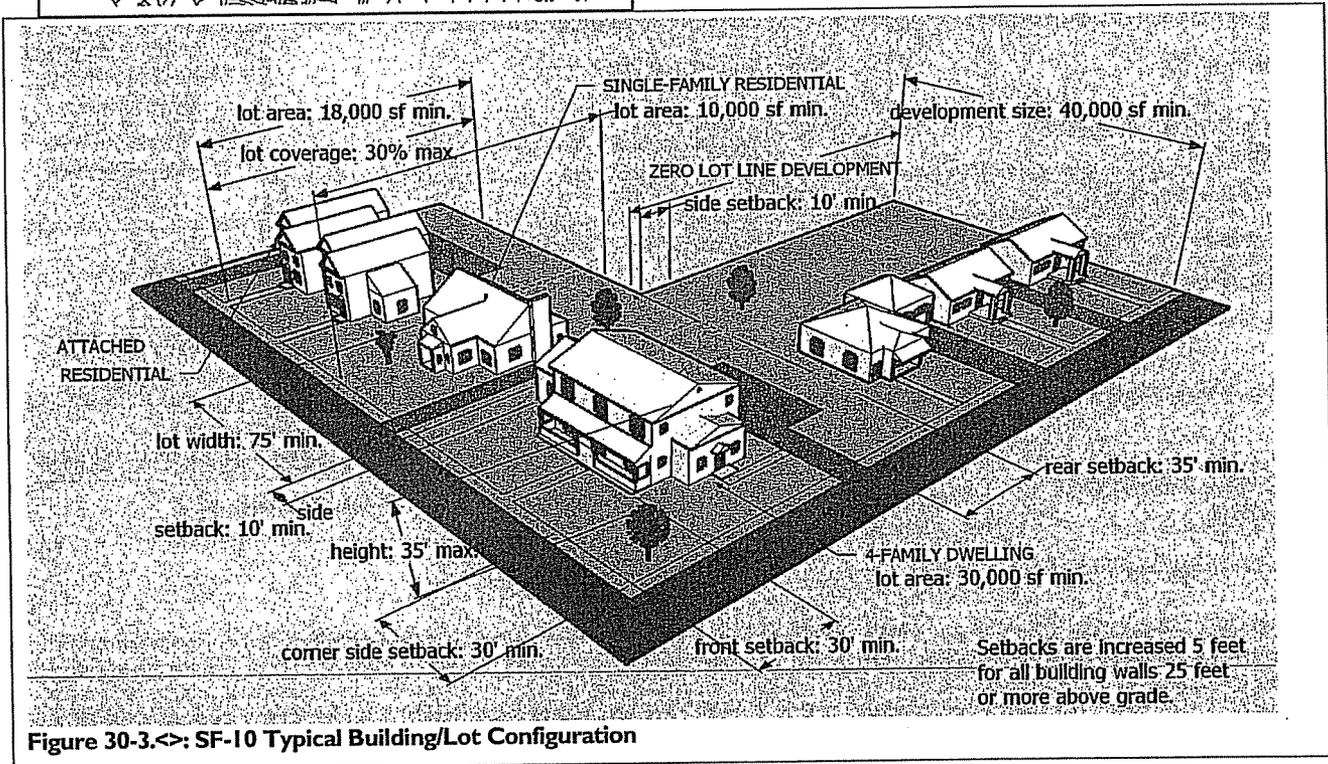
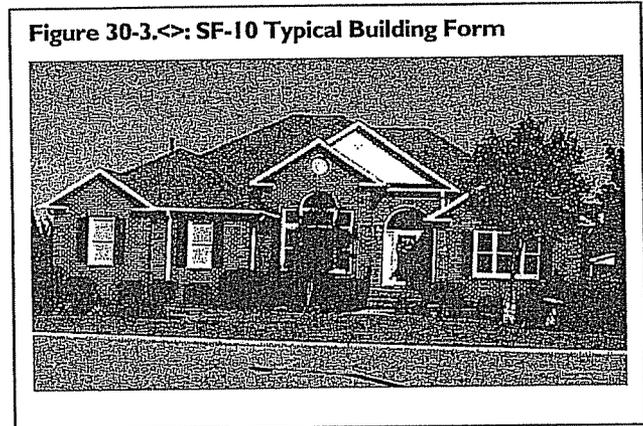
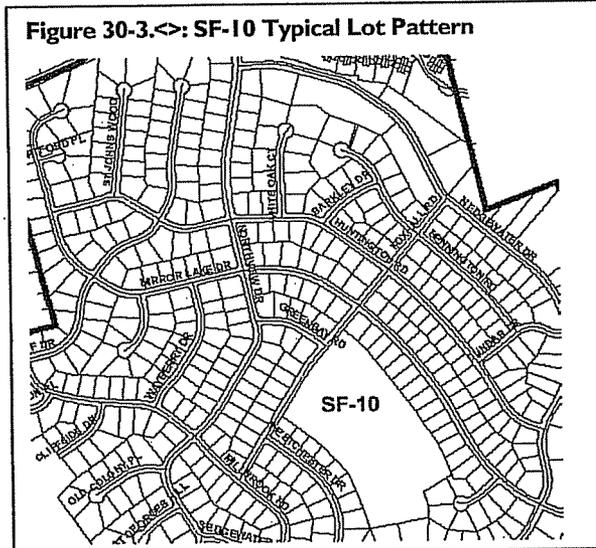
Section D: Residential Base Zoning Districts

Subsection 5: Single-Family Residential 10 (SF-10) District

NOTES: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.

[2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 15% of the allowable lot coverage.

[3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.



Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 6: Single-Family Residential 6 (SF-6) District

6. SINGLE-FAMILY RESIDENTIAL 6 (SF-6) DISTRICT

SF-6

**SINGLE-FAMILY
RESIDENTIAL 6
DISTRICT**

PURPOSE

The Single-Family Residential 6 (SF-6) District is established and intended to accommodate principally single-family detached residential development at moderate densities, that is designed to respond to environmental and site conditions. It also accommodates two- to four-family dwellings and zero lot line development subject to the requirements of this Ordinance. All uses in the district are subject to the design standards in Article 30-5: Development Standards. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings, schools, and places of worship.

DIMENSIONAL STANDARDS⁵⁰

DIMENSIONAL STANDARD	SINGLE-FAMILY DETACHED DWELLINGS [1]	SINGLE-FAMILY ATTACHED DWELLINGS	TWO-TO FOUR-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq ft)	6,000	5,000		6,000	n/a
Lot width, min. (ft)	60				n/a
Gross residential density, max. (dwelling units/acre) [2]	9.6; 10.9 for zero lot line development				n/a
Lot coverage, max. (% of lot area)	40				[1]
Height, max. (ft)	35				25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]	25; 50 from street centerline				Not allowed in front, side, or corner side setbacks
Side setback, min. (ft) [3]	10				
Rear setback, min. (ft) [3]	30; 15 when corner side setback is 25 or more				5
Spacing, between buildings min. (ft)	n/a			20	5
Zero lot line development	Zero lot line development must be on a site or tract of 40,000 square feet or more, shall comply with the maximum gross residential density standards, and shall require a special use permit (See Section 30-2.3.<->) when proposed on a lot or site smaller than three acres in a developed portion of the city. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.				
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]				

⁵⁰ The SF-6 district carries forward many of the R6 district provisions with a few exceptions. The current provisions do not include any density requirements, but one is added (9.6 DU/acre), and is subject to the density rounding standards discussed in earlier footnotes. The current standards allow detached dwellings, zero lot line, and condominium developments to use a sliding scale for minimum lot size where lot size may be reduced to as small as 4,000 square feet per unit as the number of units increase. We have revised this approach by holding lot size constant for detached dwellings, allowing attached residential and two- to four-family dwellings on 5,000 square foot lots. In terms of zero lot line development, each development is required to have 40,000 square feet in development size, and the lot area requirements are removed in favor of density limitations. Lot coverage limitations are increased from 35% to 40% to facilitate infill (subject to new design standards). Finally, the district now includes a 10 percent density bonus for new development occurring within designated "incentive areas".

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 6: Single-Family Residential 6 (SF-6) District

- Notes: [1] Accessory structures/use areas shall not exceed the lesser of 1,200 square feet in size or 20% of the allowable lot coverage.
 [2] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.
 [3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

Figure 30-3.<: SF-6 Typical Lot Pattern



Figure 30-3.<: SF-6 Typical Building Form

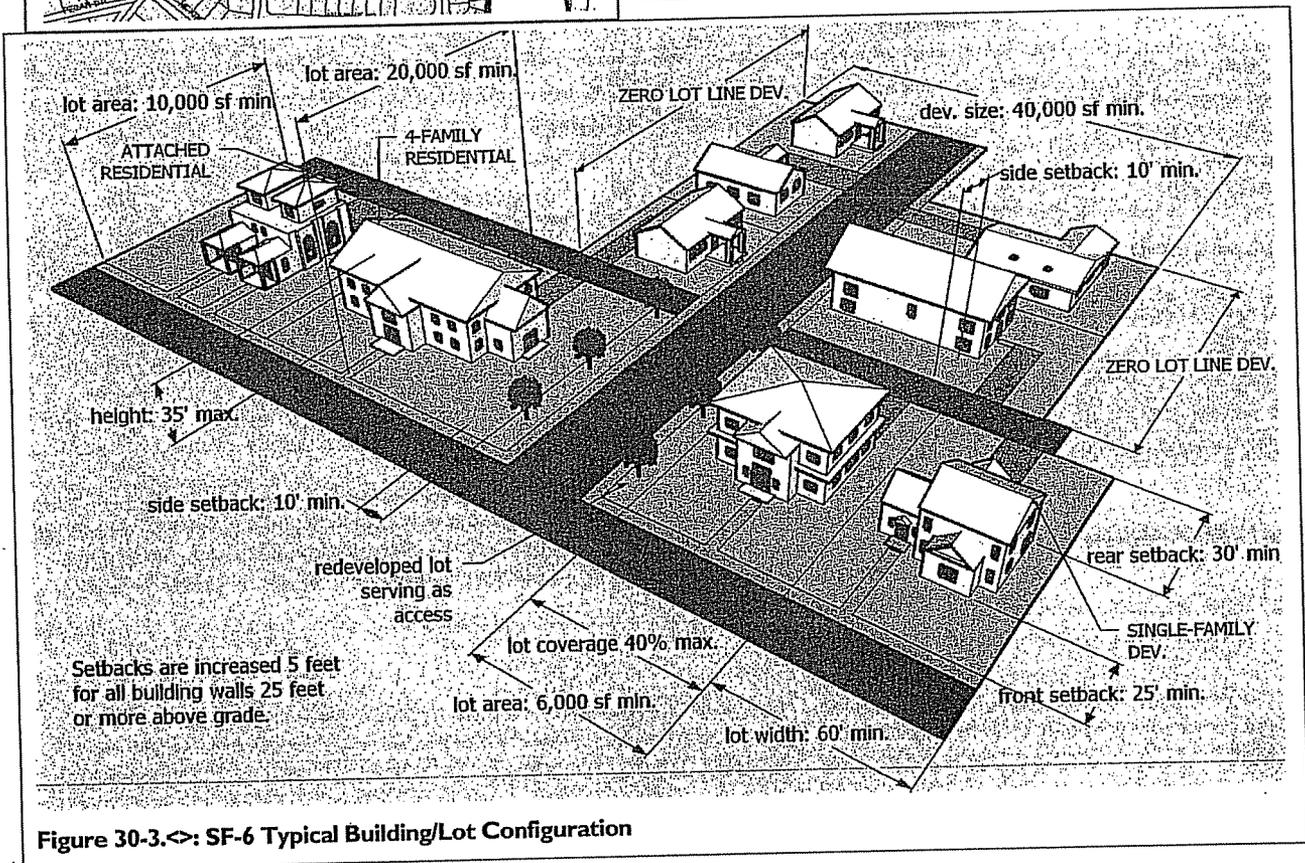
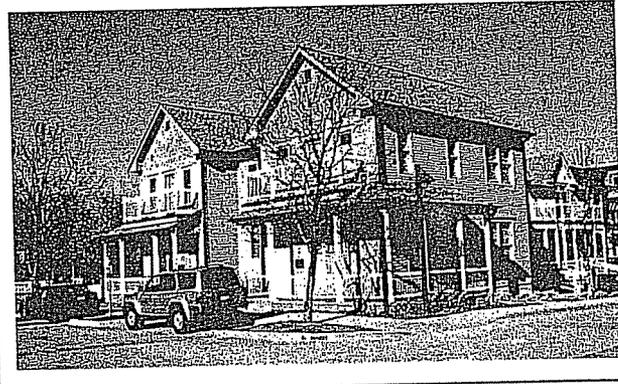


Figure 30-3.<: SF-6 Typical Building/Lot Configuration

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 7: Mixed Residential 5 (MR-5) District

7. MIXED RESIDENTIAL 5 (MR-5) DISTRICT

DIMENSIONAL STANDARD	PURPOSE					
	SINGLE-FAMILY DETACHED DWELLINGS	SINGLE-FAMILY ATTACHED DWELLINGS	TWO-TO-FOUR-FAMILY DWELLINGS	MULTI-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Lot area per unit, min. (sq ft) [2]	5,000 for 1 st , then 4,000	4,000		15,000+ 1,000 per unit	5,000	n/a
Lot width, min. (ft)	50					n/a
Gross residential density, max. (dwelling units/acre) [3]	18; 20 for zero lot line development				8	n/a
Lot coverage, max. (% of lot area)	55					[4]
Height, max. (ft) [3]	Lesser of: 4 stories or 55 feet					25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [5]	25; 50 from street centerline					Not allowed in front, side, or corner side setbacks
Side setback, min. (ft) [5]	10					
Rear setback, min. (ft) [5]	30					5
Spacing between buildings, min.	n/a	20 ft				5 ft
Zero lot line development	Zero lot line development shall comply with the maximum gross residential density standards and shall require a special use permit (See Section 30-2.3.<=>) when proposed on a lot or site smaller than three acres in a developed portion of the city. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.					

⁵¹ The MR-5 district consolidates the R5 and R5A districts. The new MR-5 district allows all forms of residential development as well as low-intensity neighborhood-serving nonresidential uses (including some retail). The current district standards do not include maximum densities, but the new MR-5 establishes a series of different maximum densities based on use type. We note the current R5 district allows fairly high residential densities (23.7 DU/Ac for single-family, 17.4 DU/Ac for single-family in a zero lot line development, and 29 DU/Ac for condominiums in zero lot line developments). The proposed MR-5 district reduces base densities. Development seeking the densities available under the current R5 district could be achieved through the planned development process. In addition to the change in density, the MR-5 district uses the dimensional standards from the current R5 district to minimize the creation of nonconformities. The lot coverage limitations are increased 20% in recognition of new open space standards. A new height limit of 55 feet is proposed (to allow for three and four-story buildings). In terms of zero lot line development, the MR-5 district removes minimum lot area requirements in favor of gross density and the sustainability incentives will allow extra height and density.

Article 30-3: Zoning Districts

Section D: Residential Base Zoning Districts

Subsection 7: Mixed Residential 5 (MR-5) District

Open Space Set-Aside (% of parcel size) | Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]

- NOTES: [1] Including live/work units and upper-story residential development.
 [2] In cases where lot area and gross density conflict, the standard resulting in the lesser number of dwelling units shall control.
 [3] Gross residential density and maximum height may be increased through provision of sustainable development features in accordance with Section 30-3.D.<>, Sustainable Development Practices.
 [4] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25% of the allowable lot coverage.
 [5] Minimum setbacks for multi-family and nonresidential uses shall be increased by five feet for all building walls 25 feet or more above grade.

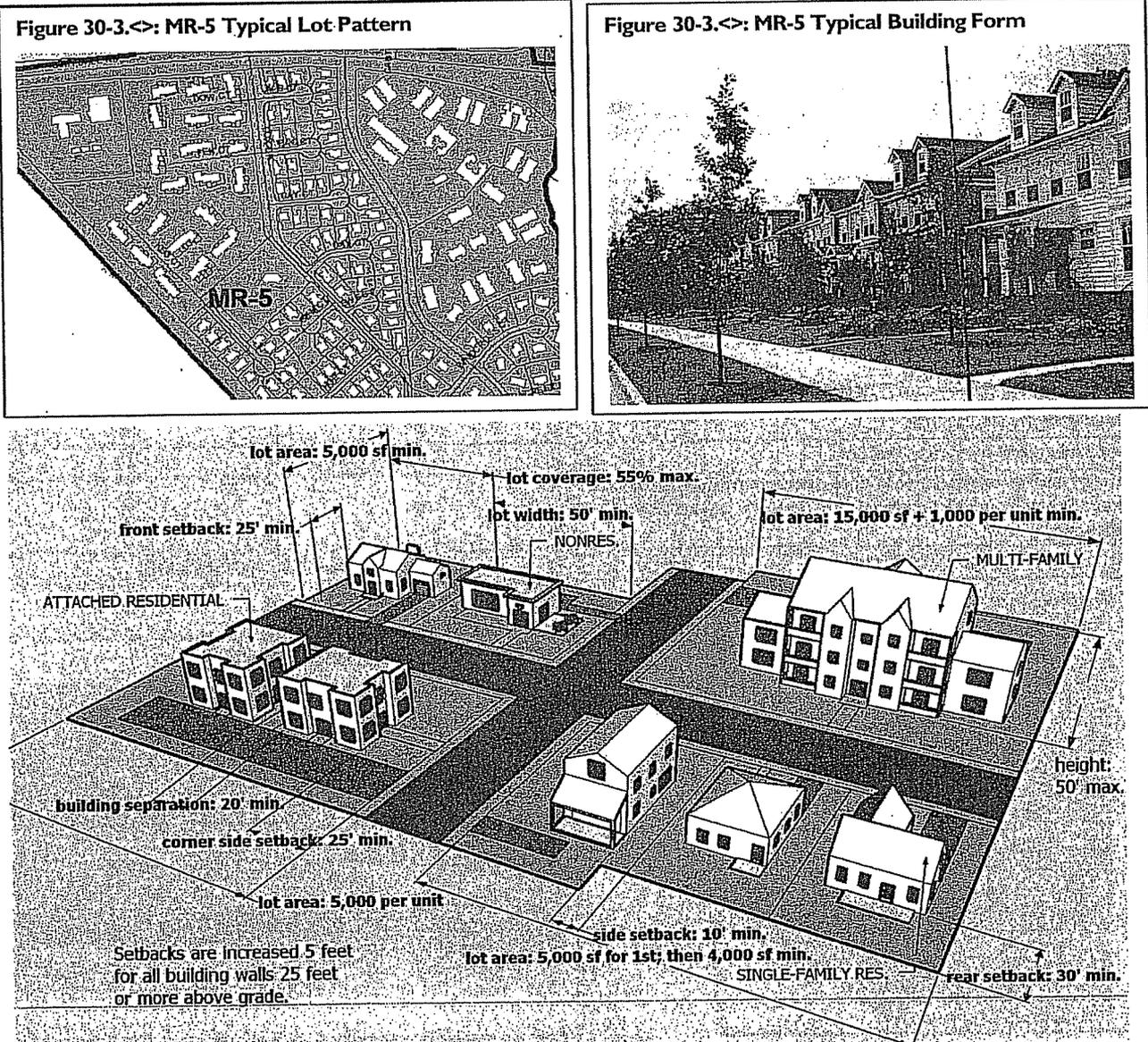


Figure 30-3.<>: MR-5 Typical Building/Lot Configuration (reserved)

Article 30-3: Zoning Districts
 Section D: Residential Base Zoning Districts
 Subsection 8: Manufactured Home (MH) District

8. MANUFACTURED HOME (MH) DISTRICT

MH
MANUFACTURED HOME DISTRICT

PURPOSE

The Manufactured Home (MH) district is established and intended to accommodate the development of manufactured home parks that enhance the availability of affordable housing without sacrificing such amenities as recreation, open space, and landscaping.

DIMENSIONAL STANDARDS⁵²

DIMENSIONAL STANDARD	MANUFACTURED HOMES AND PRINCIPAL BUILDINGS	ACCESSORY STRUCTURES
MANUFACTURED HOME PARK SITE STANDARDS		
Site area, min. (acres)	3	n/a
Site area, max. (acres)	30	n/a
Number of manufactured home spaces, min.	10	n/a
INDIVIDUAL MANUFACTURED HOME SPACE STANDARDS		
Area, min. (sq ft)	4,000	n/a
Width, min. (ft)	40	n/a
BUILDING STANDARDS		
Setback from any manufactured home space boundary, min. (ft)	10	3
Setback from street, min. (ft)	30	30
Setback from park perimeter, min (ft)	30	10
Spacing between manufactured homes, between manufactured homes and other principal buildings, and between other principal buildings (ft)	30	3
Open Space Set-Aside (% of parcel size)	[to be determined in Module 3]	

Figure 30-3.<: MH Typical Lot Pattern

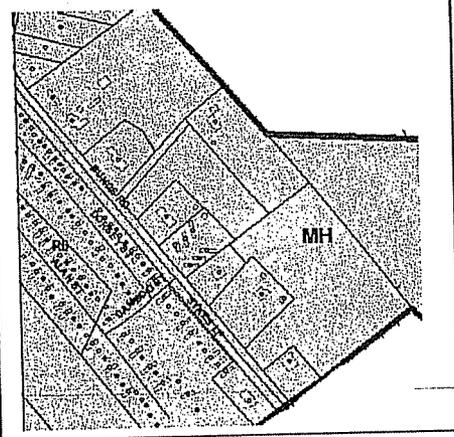
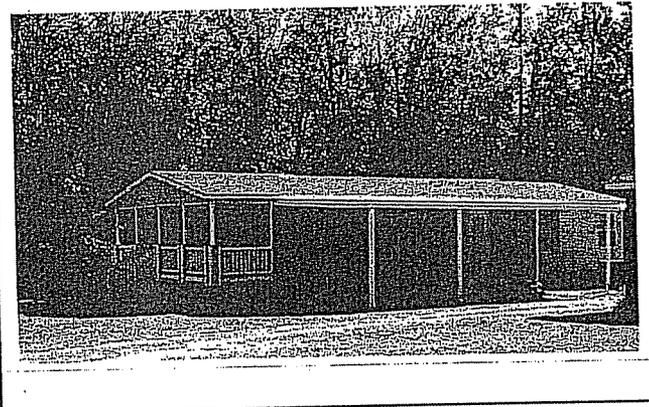


Figure 30-3.<: MH Typical Building Form



⁵² The MH district standards carry forward the current manufactured home park standards in Chapter 27 of the Code of Ordinances.

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection I: General Purposes

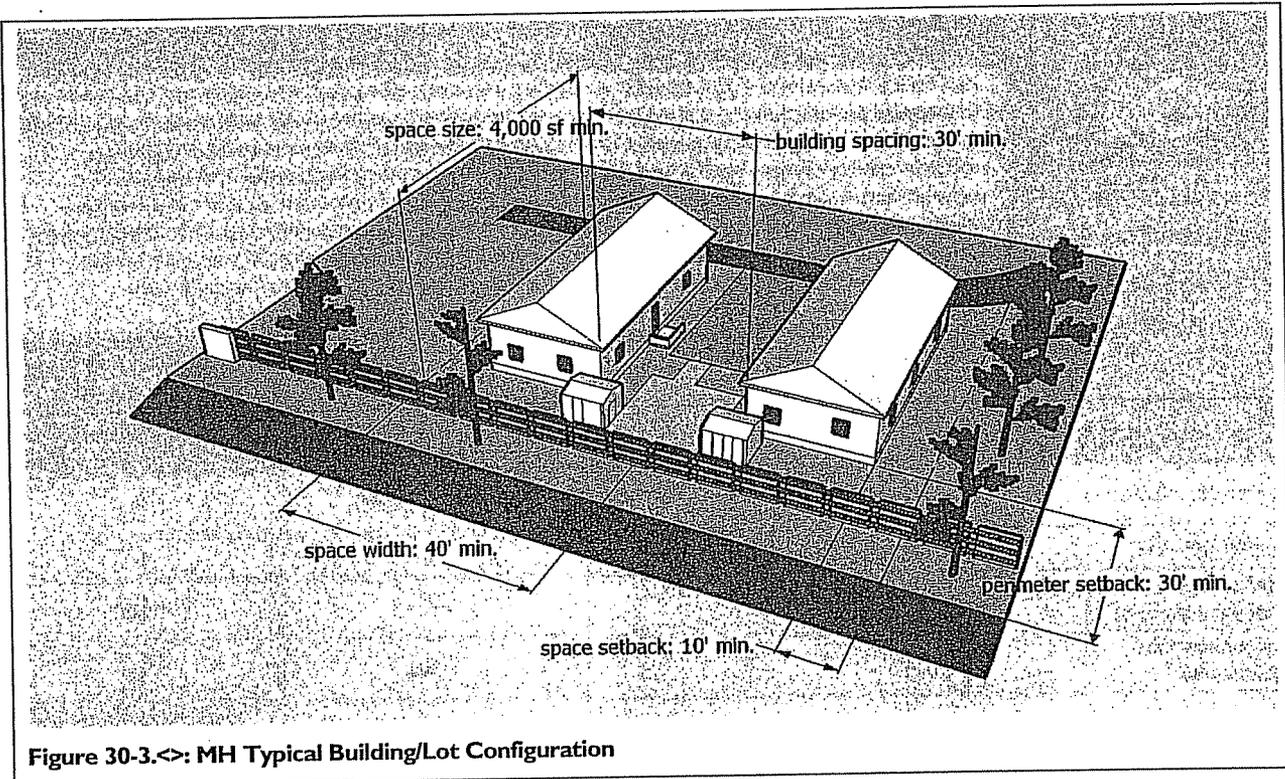


Figure 30-3.<: MH Typical Building/Lot Configuration

E. BUSINESS BASE ZONING DISTRICTS

I. GENERAL PURPOSES

The business base zoning districts are established for the general purpose of ensuring there are lands in the city that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs, and more specifically to:

- (a) Provide appropriately located lands for the full range of business uses needed by the city's residents, businesses, and workers, consistent with the goals, objectives, and policies of the 2030 Joint Growth Vision Plan, the Cumberland County Land Use Plan, functional plans, and applicable small area plans;
- (b) Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;
- (c) Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;
- (d) Create suitable environments for various types of mixed use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;
- (e) Support the military and governmental activities taking place in the vicinity;
- (f) Preserve the unique character and historic resources of the downtown;
- (g) Minimize the impact of business development on residential districts and uses.

Article 30-3: Zoning Districts

Section E: Business Base Zoning Districts

Subsection 2: Office and Institutional (OI) District

2. OFFICE AND INSTITUTIONAL (OI) DISTRICT



OFFICE & INSTITUTIONAL DISTRICT

PURPOSE

The Office & Institutional (OI) District is established and intended to accommodate a mix of small-scale, low-intensity professional and business offices and institutions, together with limited service uses, single-family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between neighborhoods and more intense business districts. Uses in the district are subject to the design standards in Article 30-5: Development Standards. In many cases, OI districts are evolving from land that was once primarily residential in character, and as such, office and institutional uses should be configured for consistency with surrounding residential uses in physical design, scale, and character.

DIMENSIONAL STANDARDS⁵³			
DIMENSIONAL STANDARD	NONRESIDENTIAL, MULTI-FAMILY, & MIXED-USE	SINGLE-FAMILY ATTACHED & DETACHED	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	10,000 for nonresidential; 2,000 per unit	8,000 per unit	n/a
Lot width, min. (ft)	50		n/a
Gross residential density, max. (dwelling units/acre) [1]	12	8	n/a
Lot coverage, max. (% of lot area)	55	45	[2]
Height, max. (ft)	35; 45 for mixed-use		25; 15 where abutting single-family zoning district or use
Front and corner setback, min. (ft) [3]	25; 60 from street centerline		Not allowed in front, side, or corner side yard areas
Side setback, min. (ft) [3]	15	3; 15 when abutting single-family zoning or use	
Rear setback, min. (ft) [3]	25; 20 for corner lots or lots served by alleys		5
Spacing between buildings, min. (ft)	20		
Zero lot line development	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.		
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]		

Notes: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.

[2] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25% of the allowable lot coverage.

[3] Minimum setbacks for nonresidential, multi-family, and mixed-uses shall be increased by five feet for all building walls 25 feet or more above grade.

⁵³ The OI district is new and consolidates the provisions from the P1, P2, and P4 districts in the current ordinance. There are a number of changes between the current and proposed districts. Neither the P1, P2, nor the P4 districts include a lot area, lot width, or density standard (relying, in part, on adjacent districts for residential standards). The OI district establishes different lot sizes and density standards based upon use type. The new OI district increases the lot coverage figures from the current threshold of 35%, and proposes a new height limit that will allow 3- and 4-story buildings. The existing setbacks for the P1, P2, and P4 districts are generally carried forward by the new OI district.

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 2: Office and Institutional (OI) District

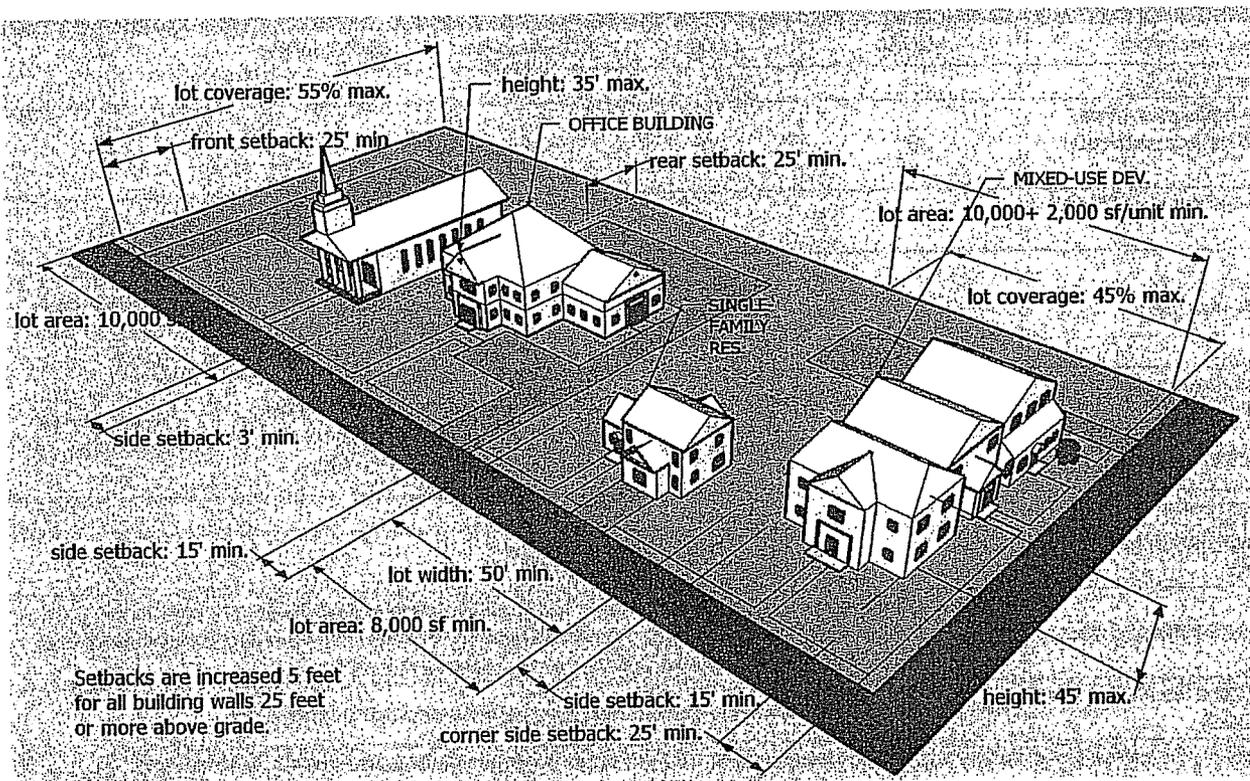
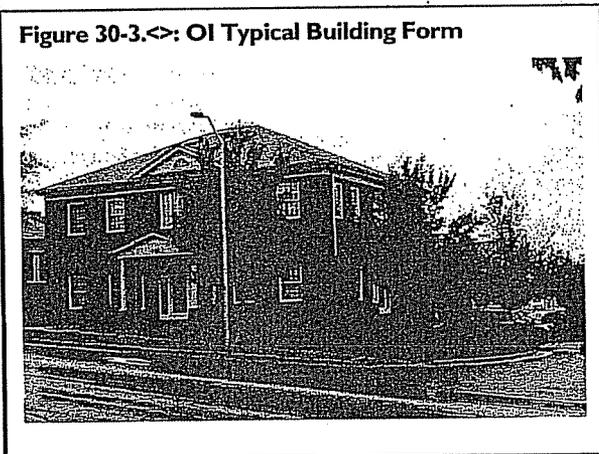
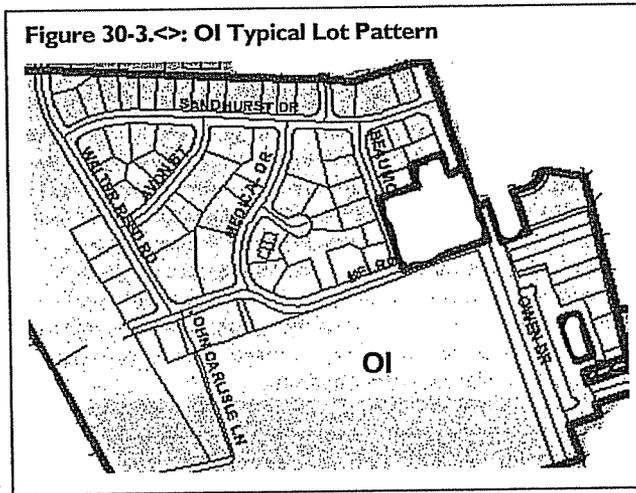


Figure 30-3.<=>: OI Typical Building/Lot Configuration

Article 30-3: Zoning Districts

Section E: Business Base Zoning Districts

Subsection 3: Neighborhood Commercial (NC) District

3. NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

**NC
NEIGHBORHOOD
COMMERCIAL
DISTRICT**

PURPOSE

The Neighborhood Commercial (NC) District is established and intended to accommodate small-scale, low-intensity, and "convenience" retail and service uses that provide goods and services serving the residents of the immediately surrounding neighborhood (e.g., personal service uses, small restaurants, and limited retail). Development in the district should not include uses of a size that is out of scale with a residential neighborhood, or that attracts traffic from outside the surrounding neighborhood. Individual retail uses shall not exceed 2,500 square feet without obtaining a Special Use Permit (See Section 30-2.<->.). Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is consistent with the neighborhood scale and compatible with surrounding uses and the design standards in Article 30-5: Development Standards.

DIMENSIONAL STANDARDS⁵⁴

DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	SINGLE-FAMILY DWELLINGS	ALL OTHER RESIDENTIAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	10,000	8,000	5,000 per unit	15,000 per site	n/a
Lot width, min. (ft)	45			60	n/a
Gross residential density, max. (dwelling units/acre) [1]	8	10	8	6	n/a
Lot coverage, max. (% of lot area)	55		45		[2]
Height, max. (ft)	50		35		25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]	Within 5 feet of average for lots on same block face, but no less than 10 feet				Not allowed in front, side, or corner side yard areas
Side setback, min. (ft) [3]	3; 15 when abutting single-family zoning or use		5	10	
Rear setback, min. (ft) [3]	20				5
Spacing between buildings, min. (ft)	20		n/a	20	5
Zero lot line development	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.				
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]				

NOTES: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.

⁵⁴ The NC district is a new district that consolidates the existing CIA, and P3P districts. None of the current districts include a minimum lot size standard, minimum lot width, or maximum lot coverage. We have suggested new standards for lots in the NC district based on the MR-5 and OI districts. We have suggested an approach that allows 3-story nonresidential and mixed-use developments and 3 story residential uses (additional design standards will also apply that relate to contextual heights, roof forms, and "step backs" towards shorter structures). The setbacks have been established to limit the creation of nonconformities.

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 3: Neighborhood Commercial (NC) District

- [2] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25% of the allowable lot coverage.
- [3] Minimum setbacks for nonresidential, multi-family, and mixed-uses shall be increased by five feet for all building walls 25 feet or more above grade.

Figure 30-3.<=> NC Typical Lot Pattern

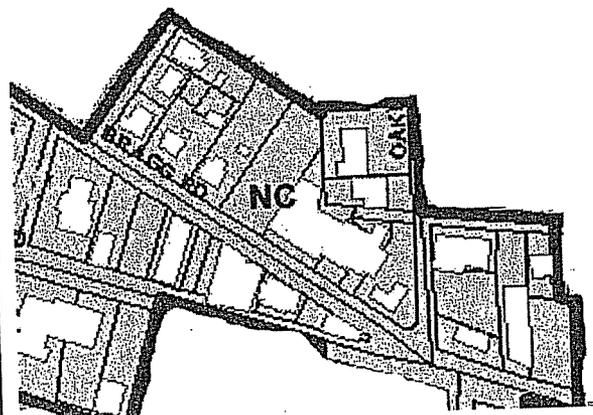


Figure 30-3.<=> NC Typical Building Form

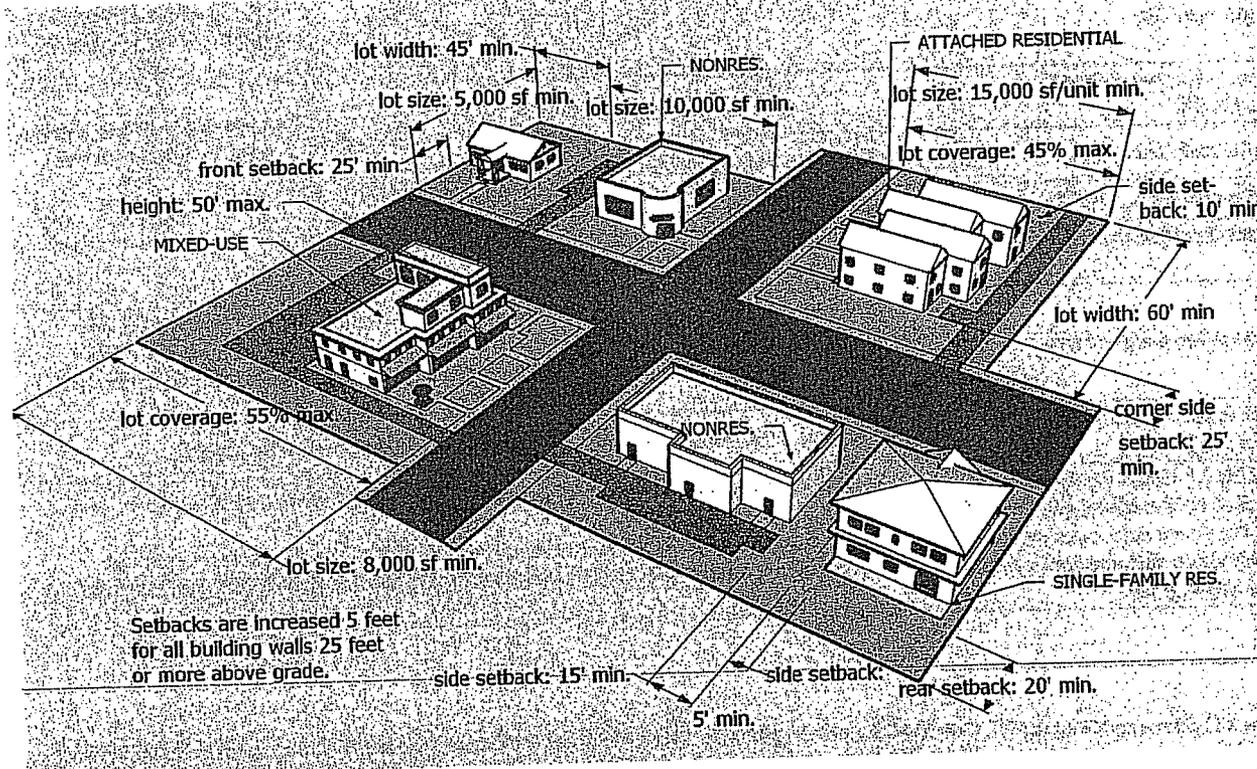
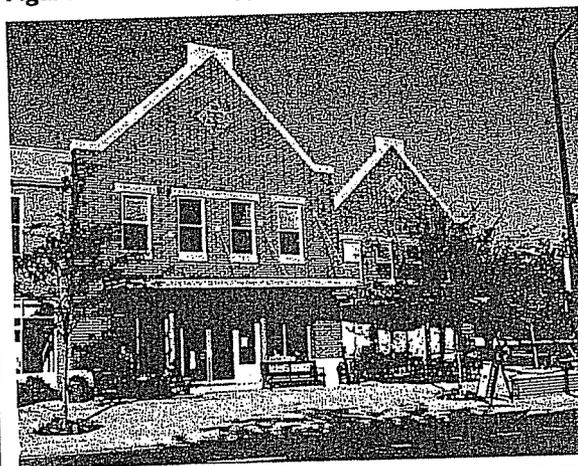


Figure 30-3.<=> NC Typical Building/Lot Configuration

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 4: Community Commercial (CC) District

4. COMMUNITY COMMERCIAL (CC) DISTRICT

CC
COMMUNITY
COMMERCIAL
DISTRICT

PURPOSE

The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (See Section 30-2-<>)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in city plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed-use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.

DIMENSIONAL STANDARDS⁵⁵

DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	10,000	8,000	15,000	n/a
Lot width, min. (ft)	45			n/a
Gross residential density, max. (dwelling units/acre) [1]	n/a	16	12	n/a
Lot coverage, max. (% of lot area)	65			[2]
Height, max. (ft)	65			25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]	25; 60 ft from street centerline			Not allowed in front, corner side, or side yard areas
Side setback, min. (ft) [3]	3; 15 where abutting a single-family zoning district or use			
Rear setback, min. (ft) [3]	3; 20 where abutting an alley or single-family zoning district or use			20
Spacing between buildings, min. (ft)	20		n/a	5
Zero lot line development	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.			
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]			

NOTES: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.

[2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30% of the allowable lot coverage.

[3] Minimum setbacks for nonresidential, multi-family, and mixed-uses shall be increased by five feet for all building walls 25 feet or more above grade.

⁵⁵ The CC district combines the C1, C1P, and C3 district regulations. None of the current districts include a minimum lot size standard, minimum lot width, maximum lot coverage, or height. We have suggested an approach that allows heights up to 65 feet, subject to additional design standards will also apply that relate to contextual heights, roof forms, and "step backs" towards shorter structures. The setbacks have been reduced from the C1 district requirements to limit the creation of nonconformities.

Article 30-3: Zoning Districts
Section E: Business Base Zoning Districts
Subsection 4: Community Commercial (CC) District

Figure 30-3.<>: CC Typical Lot Pattern

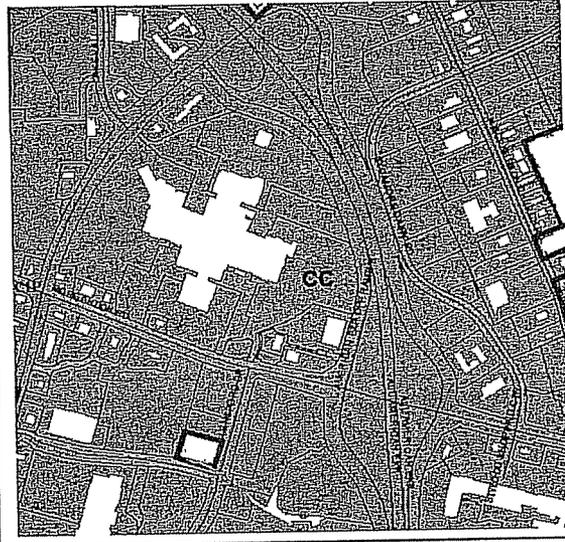


Figure 30-3.<> CC Typical Building Form

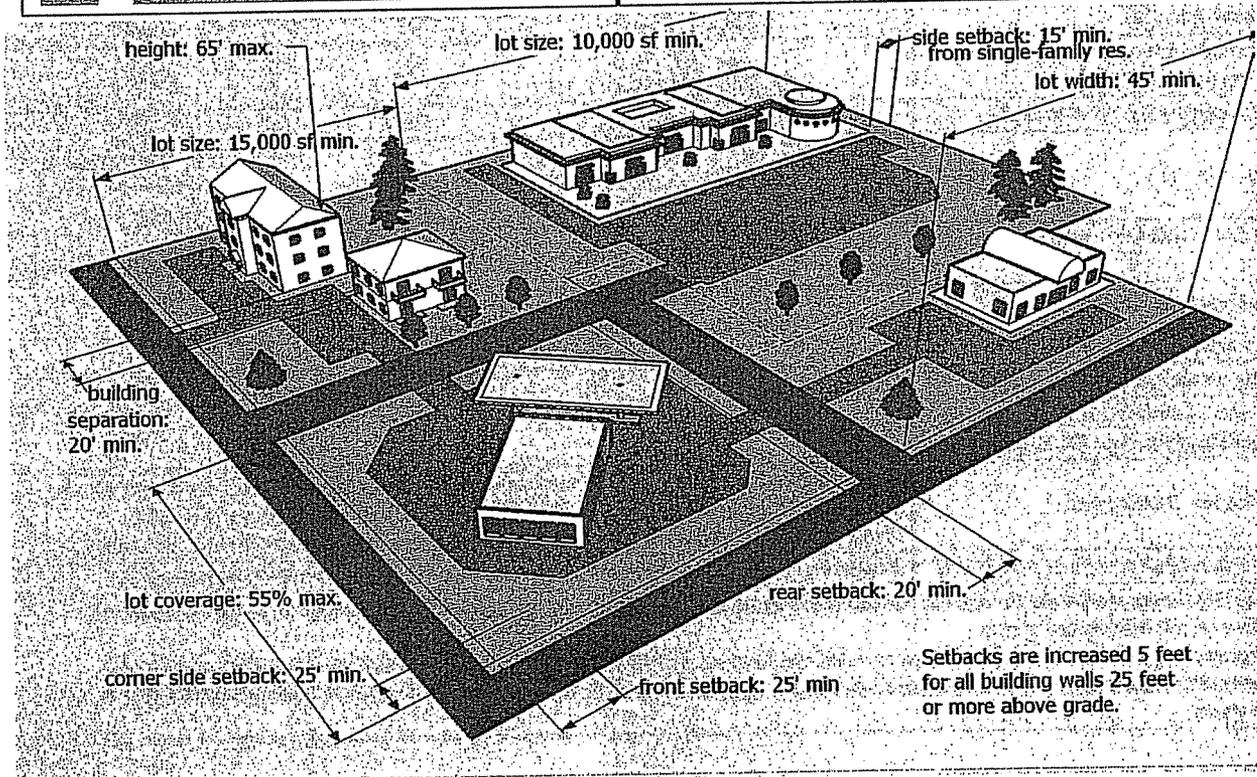
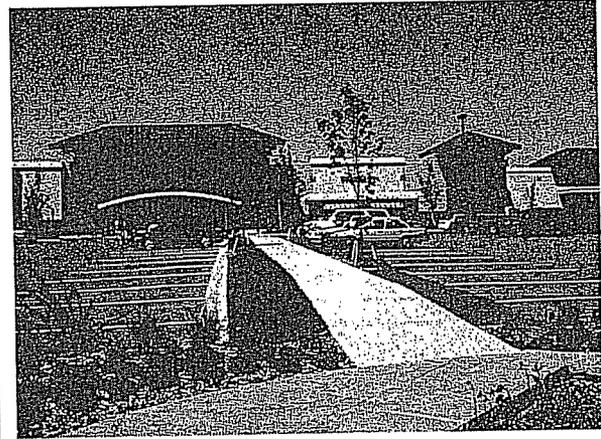


Figure 30-3.<>: CC Typical Building/Lot Configuration (reserved)

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 5: Mixed-Use (MU) District

5. MIXED-USE (MU) DISTRICT

**MU
 MIXED-USE
 DISTRICT**

PURPOSE

The Mixed-Use (MU) District is established and intended to accommodate and foster the coordinated development of a compatible and balanced mix of mutually supporting living, working, shopping, educating, entertainment, and recreating uses, all subject to the design standards in Article 30-5: Development Standards. By providing housing close to nonresidential uses and grouping multiple destinations, such mixed-used development reduces vehicle usage and creates a high-quality, pedestrian-oriented environment. The district is subject to flexible standards intended to encourage an appropriate scale and balance of uses and development to ensure district development is compatible with surrounding uses. Uses may be either vertically-integrated within a single building or horizontally-integrated within separate buildings on the same site. Developments proposed within the MU District that do not include a mix of uses require a Special Use Permit (See Section 30-2.◀.) The MU District is intended to correspond to Cumberland County's Mixed Use District within the city's Municipal Influence Areas.

DIMENSIONAL STANDARDS⁵⁶

DIMENSIONAL STANDARD	MIXED-USES	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	10,000	15,500	n/a
Lot width, min. (ft)	20	45	n/a
Gross residential density, max. (dwelling units/acre) [1]	18	12	n/a
Lot coverage, max. (% of lot area)	65	55	[2]
Height, max. (ft)	50	35	25; 15 where abutting a single-family zoning district or use
Front and corner side setback, min. (ft) [3]	10; 20 from street centerline		Not allowed in front, side, or corner side areas
Side setback, min. (ft) [3]	5; 10 where abutting a single-family zoning district or use		
Rear setback, min. (ft) [3]			
Spacing between buildings, min. (ft)	10		5
Floor area in district occupied by single-use development, max. (% of district)	n/a	25	n/a
Zero lot line development	Zero lot line shall comply with the applicable maximum gross residential density standards. Setbacks for lots abutting single-family detached development shall meet the district minimums; otherwise no setbacks, lot area, or building spacing requirements shall apply.		
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]		

NOTES: [1] Gross residential density may be increased by up to 10 percent for development located within an "incentive area" as identified on the official zoning map.

[2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30% of the allowable lot coverage.

[3] Minimum setbacks for nonresidential, multi-family, and mixed-uses shall be increased by five feet for all building walls 25 feet or more above grade.

⁵⁶ The MU district is a new district that replaces the city's current mixed-use conditional district. The current mixed-use conditional district includes no dimensional standards and relies on review and approval of a site plan that depicts the particular bulk and dimensional characteristics of a development. The MU district is a new approach that allows mixed-use development by right (without need of a site plan reviewed at the rezoning stage) provided the development complies with these standards and all applicable design and development standards.

Article 30-3: Zoning Districts
Section E: Business Base Zoning Districts
Subsection 5: Mixed-Use (MU) District

Figure 30-3.<>: MU Typical Lot Pattern (reserved)

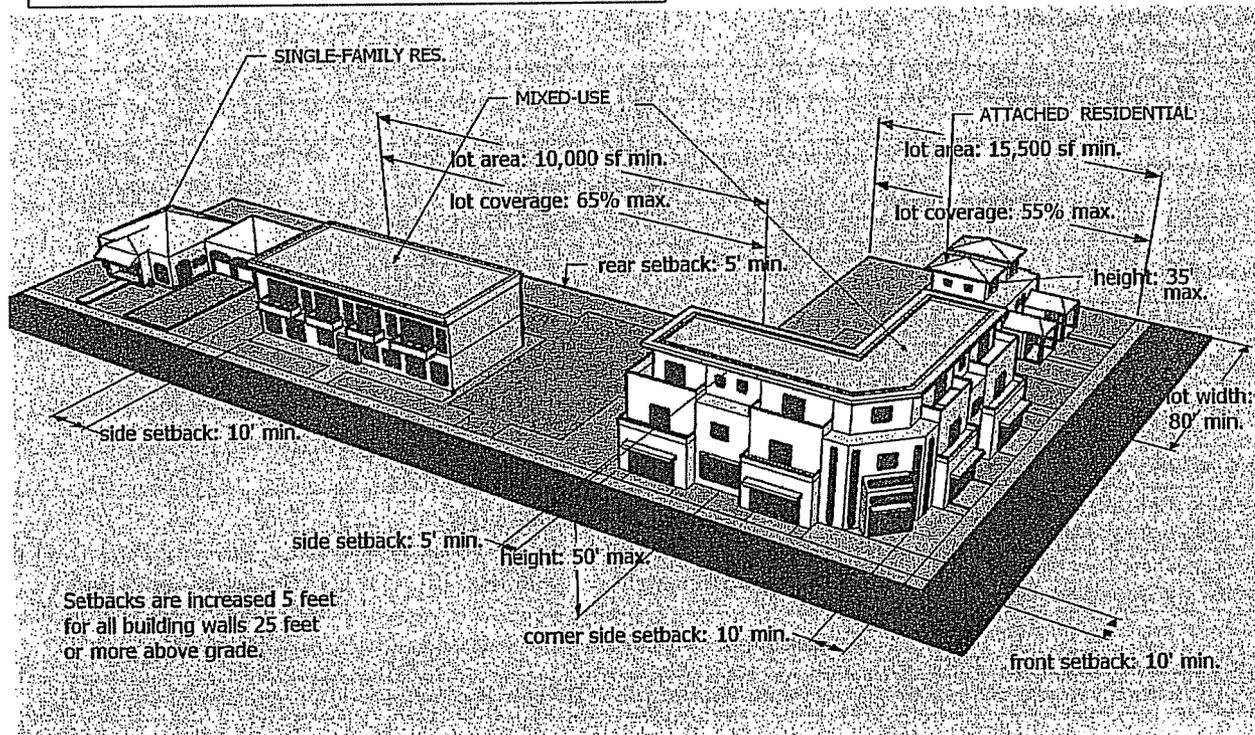
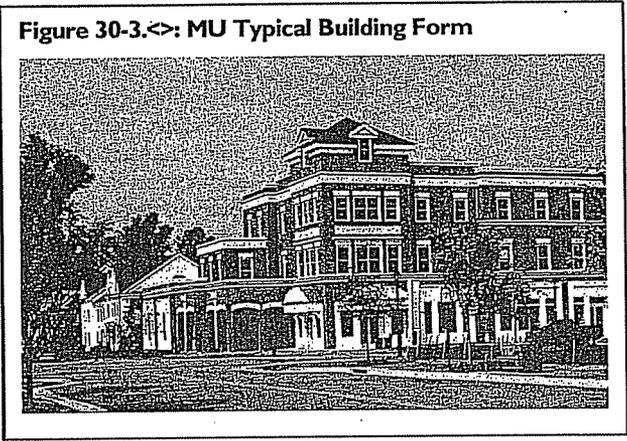


Figure 30-3.<>: MU Typical Building/Lot Configuration (reserved)

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 6: Downtown (DT) District

6. DOWNTOWN (DT) DISTRICT⁵⁷

<h1 style="margin: 0;">DT</h1> <h2 style="margin: 0;">DOWNTOWN DISTRICT</h2>	<h3 style="margin: 0;">PURPOSE</h3>
	<p>The Downtown (DT) District is established and intended to encourage the urban form and architectural character found in the traditional downtown area as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed-use urban center (subject to the design standards in Article 30-5: Development Standards). The district encompasses the same area as the Downtown Municipal Service District and the downtown historic districts. The district is intended to accommodate a well-balanced mix of uses (including more high-density residential development), promote a stronger pedestrian-oriented environment (with a reduced need for parking), and preserve and protect the downtown's historical and architectural scale and character. Uses that will add activity in the downtown after 5:00 pm are encouraged. The district is subject to flexible and incentive-based standards intended to foster such urban development and redevelopment.</p>

DIMENSIONAL STANDARDS ⁵⁸		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	None	n/a
Lot width, min. (ft)	None	n/a
Gross residential density, max. (dwelling units/acre)	40	n/a
Lot coverage, max. (% of lot area)	100	[1]
Height, (min.) ft	24	n/a
Height, max. (ft)	90; may be increased up to 150 for buildings with street-level restaurants or retail	40; 15 where abutting a single-family zoning district
Front setback, min. (ft)	None for first 4 stories; 10 for stories 5-8; 20 for stories 9+	Not allowed in front, side, or corner side yard areas
Front setback, max. (ft)	5 for the 1 st 4 stories unless buildings on either side have deeper front setbacks, then the average setback of both	
Side setback, min. (ft)	None; 10 where abutting a single-family zoning district	
Corner side setback, min. (ft)	Min. required for vehicular visibility	
Rear setback, min. (ft)	None; 20 where abutting an alley or single-family zoning district or use	3' abutting an alley, otherwise none
Spacing between buildings, min. (ft)	None	None
Percentage of primary frontage occupied by building wall (min. %)	100 for interior lots; 80 for corner lots [2]	n/a
Percentage of first-floor wall occupied by glazing/doors (min. %)	60 for interior lots, 50 for corner lots	50 when abutting a street
Open Space Set-Aside (% of parcel size) [3]	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]	

Notes: [1] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30% of the allowable lot coverage.

⁵⁷ Development within the DT district may take advantage of the density and height bonuses associated with Section 30-3.D.3, Incentives for Sustainable Development Practices.

⁵⁸ The DT district is a new single district for the downtown, and is comprised of the C2, C2P, and C2S districts. The only standard for all three districts is a 20-foot setback from private alleys. We recommend a few additional standards that allow some flexibility while addressing key district goals.

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 6: Downtown (DT) District

- [2] Entrances to parking garages, surface parking behind buildings, pedestrian pass-throughs, plazas, and gathering spaces are exempt.
- [3] Open space set-asides in the downtown may be comprised of urban features like plazas, fountains, and pedestrian features.

Figure 30-3.<=>: DT Typical Lot Pattern



Figure 30-3.<=>: DT Typical Building Form

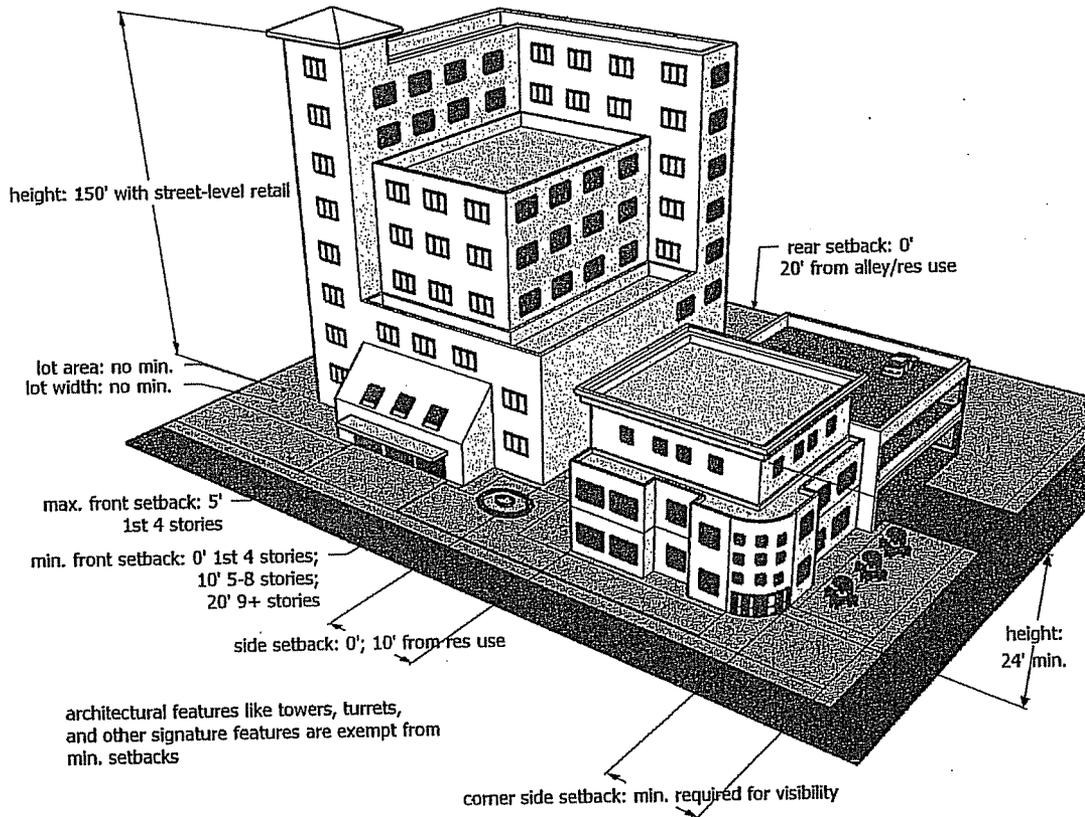


Figure 30-3.<=>: DT Typical Building/Lot Configuration (reserved)

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 7: Light Industrial (LI) District

7. LIGHT INDUSTRIAL (LI) DISTRICT

LI		PURPOSE	
LIGHT INDUSTRIAL DISTRICT		The Light Industrial (LI) District is established and intended to accommodate light manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that are small-scale or otherwise have minimal exterior movement of vehicles, materials, and goods, as well as few or minimal adverse environmental and visual impacts. The district is subject to standards intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses.	
DIMENSIONAL STANDARDS⁵⁹			
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES	
Lot area, min. (sq ft)	20,000	n/a	
Lot width, min. (ft)	75	n/a	
Lot coverage, max. (% of lot area)	65	[1]	
Height, max. (ft)	90; 50 when abutting a single-family residential district	30; 15 when abutting a single-family zoning district	
Front and corner setback, min. (ft)	50; 75 from street centerline	Not allowed in front, side, or corner side yard areas	
Side setback, min. (ft)	30		
Rear setback, min. (ft)	20; none where abutting a railroad right-of-way	5; 50 where abutting a residential zoning district	
Spacing between buildings, min. (ft)	20	5	
Open Space Set-Aside (% of parcel size)	Residential uses: : Nonresidential and mixed-uses: [to be determined in Module 3]		
NOTES: [1] Accessory structures/use areas shall not exceed the lesser of 5,000 square feet in size or 30% of the allowable lot coverage.			

⁵⁹ The LI district carries forward the MI district standards, but there are new provisions for lot area, lot width, lot coverage, and height. We recommend that minimum lot area and lot width standards be added, and that they be small enough to accommodate small-scale light industrial uses (e.g., flex space buildings).

Article 30-3: Zoning Districts
Section E: Business Base Zoning Districts
Subsection 7: Light Industrial (LI) District

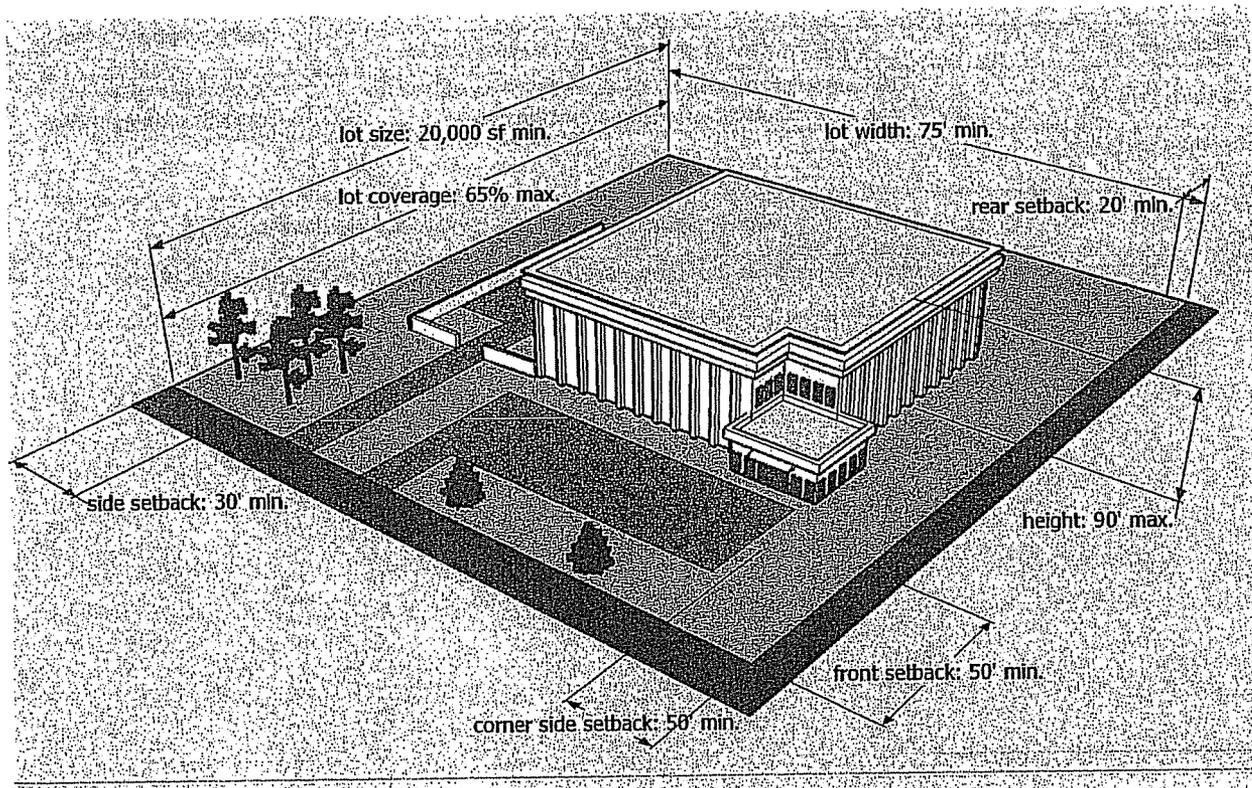
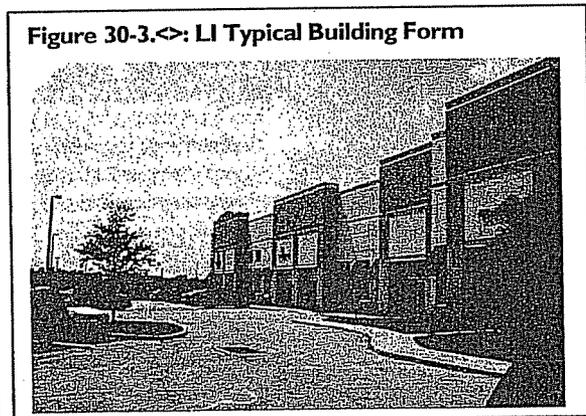
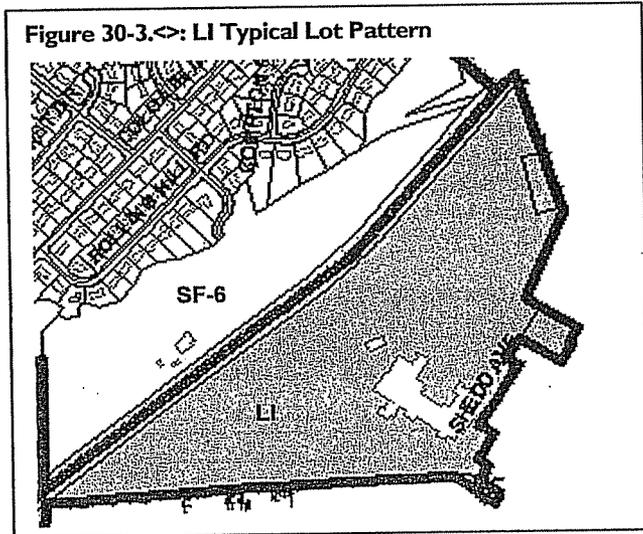


Figure 30-3.<>: LI Typical Building/Lot Configuration

Article 30-3: Zoning Districts
 Section E: Business Base Zoning Districts
 Subsection 8: Heavy Industrial (HI) District

8. HEAVY INDUSTRIAL (HI) DISTRICT

HI		PURPOSE
HEAVY INDUSTRIAL DISTRICT		The Heavy Industrial (HI) District is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicle, materials, and goods, and greater potential for adverse environmental and visual impacts.
DIMENSIONAL STANDARDS⁶⁰		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	40,000	n/a
Lot width, min. (ft)	100	n/a
Lot coverage, max. (% of lot area)	75	[1]
Height, max. (ft)	90; 50 when abutting a single-family residential district	30; 15 when abutting a single-family zoning district
Front and corner setback, min. (ft)	50; 75 from street centerline	Not allowed in front, side, or corner side yard areas
Side setback, min. (ft)	15; 100 where abutting a residential zoning district	
Rear setback, min. (ft)	20; none where abutting a railroad right-of-way; 50 where abutting a residential zoning district	5; 75 where abutting a residential zoning district
Spacing between buildings, min. (ft)	20	5
Open Space Set-Aside (% of parcel size)	Nonresidential and mixed-uses: [to be determined in Module 3]	
NOTES: [1] Accessory structures/use areas shall not exceed the lesser of: 5,000 square feet in size or 30% of the allowable lot coverage.		

⁶⁰ The HI district carries forward the M2 district standards, but there are new provisions for lot area, lot width, lot coverage, and height. The current setback standards for the M2 district are based on the current C3 district, and are considerably more lenient than those for the M1 district, including a 35-foot front setback, no side setback except where abutting residential zoning, and no rear setback except where abutting residential zoning or an alley. Given the more intense activity associated with heavy manufacturing, we recommend that building standards for the HI district equal or exceed those for the LI district. This may result in some nonconforming structures.

Article 30-3: Zoning Districts
Section E: Business Base Zoning Districts
Subsection 8: Heavy Industrial (HI) District

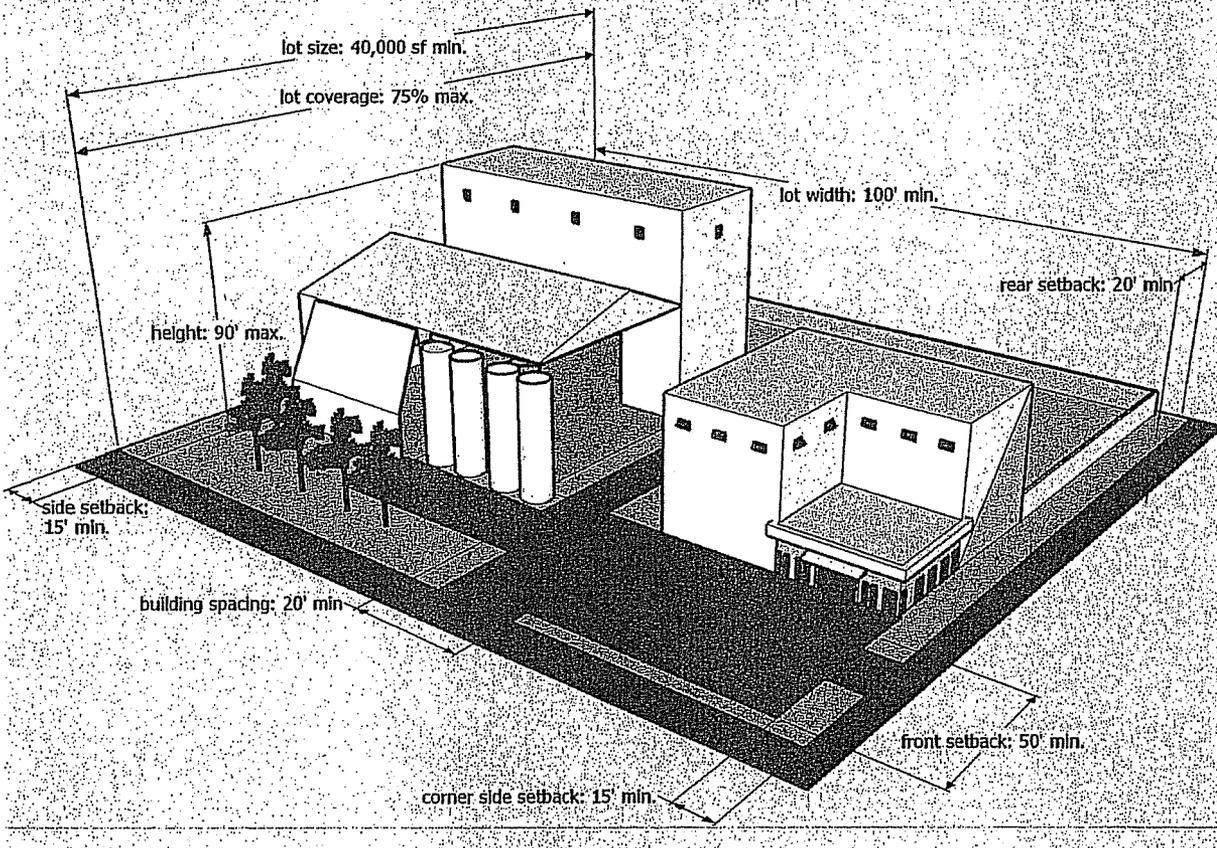
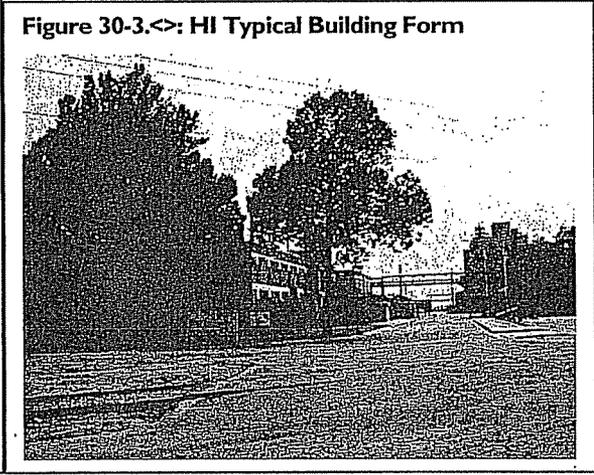
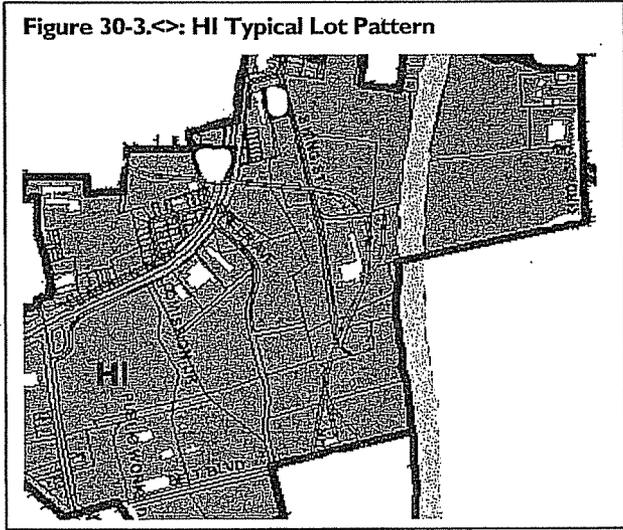


Figure 30-3.<=>: HI Typical Building/Lot Configuration

Unified Development Ordinance (UDO) Timetable

	Process Task	2009					2010											
		a	s	o	n	d	j	f	m	a	m	j	j	a	s	o	n	d
	Task 1																	
1.	BOCC Adoption of Process	X																
2.	Draft UDO Outline	X																
3.	Outreach - Countywide Mtgs. (2)			X														
4.	Joint Board Mtg.				X													
5.	Consultant RFP Process			X	X	X	X	X										
6.	BOCC Update - Approve UDO Outline					X												

	Task 2																	
7.	Draft Sections of UDO - New Regulations					X	X											
8.	Courtesy Review								X	X								
9.	Staff/Consultant Coordination - Graphics								X	X								
10.	Outreach - Countywide Mtgs. (2)								X	X								
11.	Planning Board (PB) Review						X	X	X	X								
12.	BOCC - Staff Report								X									

	Task 3																	
13.	Complete First Draft UDO								X	X								
14.	Outreach - Countywide Mtgs. (2)										X							
15.	Courtesy Review									X	X	X	X					
16.	Planning Board Review									X	X	X	X					
17.	Consultant Deliverables for Public Hearing (UDO & Implement. Bridge)															X		
18.	BOCC - Staff Report											X						
19.	Joint BOCC/PB Public Hearing														X			
20.	Consultant Final Deliverables																X	