

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, February 4, 2015
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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| 1. | | CALL TO ORDER |
| 2. | | ELECTION OF CHAIR AND VICE-CHAIR FOR 2015 |
| 3. | | INFORMATIONAL ITEMS |
| | 3-4 | a. Planning Calendar for February and March |
| | 5-6 | b. Quarterly Public Hearing on Thursday , February 19 (Planning Board attendance expected) – Draft Legal Ad attached |
| | | c. Work session scheduled after the public hearing on February 19 |
| | | <ul style="list-style-type: none"> • Public Hearing Process changes • Unified Development Ordinance Private Road and Access Standards • The Edge Subdivision in Chapel Hill |
| 4. | | APPROVAL OF MINUTES |
| | 7-8 | December 3, 2014 ORC Meeting Notes |
| | 9-14 | December 3, 2014 Regular Meeting |
| 5. | | CONSIDERATION OF ADDITIONS TO AGENDA |
| 6. | | PUBLIC CHARGE |
| | | Introduction to the Public Charge |

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

Public Charge

The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail

No.	Page(s)	Agenda Item
		to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.
7.		CHAIR COMMENTS
8.	15-20	EXTRATERRITORIAL JURISDICTION (ETJ) EXPANSION POLICY: To review a draft ETJ policy and provide comments on the proposed policy. Presenter: Craig Benedict, Planning Director
9.	21-60	UPDATE ON PROPOSED EFLAND ZONING OVERLAY DISTRICTS: To receive an update on the proposed Efland zoning overlay districts (heard at the February 24, 2014 quarterly public hearing). This item will likely be on the March 4 th Planning Board agenda for a recommendation to the BOCC. Presenter: Perdita Holtz, Planning Systems Coordinator
10.		COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation c. Efland-Mebane Small Area Plan Implementation Focus Group
11.		ADJOURNMENT

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

February 2015

February 2015

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March 2015

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Feb 1 - 7	Feb 1	2 6:30pm Efland-Mebane Small Area Plan Implementation Focus Group Meeting (Efland Cheeks Elementary Cafeteria)	3 7:00pm BOCC Reg Meeting (Whitted Bldg)	4 7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	5	6	7
	8	9 7:30pm Board of Adjustment (West Campus Office Bldg)	10 7:00pm BOCC Work Session (Southern Human Services)	11	12	13	14
Feb 8 - 14	15	16	17 7:00pm BOCC Reg Meeting (Southern Human Services)	18 7:00pm Efland Overlay Districts Public Information Meeting (Efland Cheeks Elementary School Cafeteria) 7:00pm OUTBoard Meeting (West Campus Office Bldg)	19 7:00pm *Quarterly Public Meeting (Whitted Building)	20	21
	22	23	24	25	26 7:00pm BOCC/Town of Hillsborough Joint Meeting (Whitted Building)	27	28
Feb 15 - 21							
Feb 22 - 28							

*Planning Board Member Attendance Required

March 2015

March 2015

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April 2015

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Mar 1 - 7	Mar 1	2	3	4	5	6	7
			7:00pm BOCC Reg Meeting (Whitted Bldg)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	7:00pm BOCC Work Session (Whitted Bldg)		
Mar 8 - 14	8	9	10	11	12	13	14
		7:30pm Board of Adjustment (West Campus Office Bldg)					
Mar 15 - 21	15	16	17	18	19	20	21
			7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)	7:00pm BOCC Work Session (Whitted Building)		
Mar 22 - 28	22	23	24	25	26	27	28
					7:00pm Joint Planning Public Hearing and BOCC/Town of Chapel Hill Joint Meeting (Southern Human Services)		
Mar 29 - Apr 4	29	30	31	Apr 1	2	3	4

*Planning Board Member Attendance Required

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

A joint public hearing will be held at the Whitted Building, 300 West Tryon Street, 2nd Floor, Hillsborough, North Carolina, on Thursday, February 19, 2015 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendments to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Sections 5.5 *Standards for Residential Uses* and 10.1 *Definitions* to incorporate recent changes in State law with respect to the review and permitting of **temporary health care structures**. Session Law 2014-94, adopted August 1, 2014, established new regulations allowing temporary health care structures to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with Session Law 2014-94.

Purpose: To review the item and receive public comment on the proposed amendments.

2. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendment(s) to **Section 6.12 Signs** and Article 10 *Definitions* to do the following:
 - Modify allowable square footage allotment(s) for free standing and wall signs for projects located within Commercial Transition, Commercial-Industrial Transition, and Economic Development Activity Nodes.
 - Clarify and update regulations governing the number of free standing signs that can be erected for projects with multiple tenant(s) in either the same or individual buildings.
 - Clarify existing prohibitions on the use of electronic displays in signs focusing specifically on permitting gas stations to use electronic displays to advertise the price of fuel.
 - Modify existing definition(s) of Sign, On-premise Commercial to ensure the definition is consistent with existing development standards and Sign, Flashing to establish a measureable threshold whereby staff can ascertain if a sign is flashing or not.

The amendment is being proposed to allow for projects within certain Activity Nodes, as designated in the Comprehensive Plan, to have larger signs under certain circumstances; clarify regulations limiting the number of free standing signs for developments involving multiple tenants; and establish standards limiting electronic displays, and provide a standard as to what constitutes a flashing sign.

Purpose: To review the item and receive public comment on the proposed amendments.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling one of the phone numbers below. The full text of the public hearing items may be obtained no later than February 6, 2015 at the County website www.orangecountync.gov at the Meeting Agendas link (<http://orangecountync.gov/OCCLERKS/agenmenu.asp>).

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions or you may e-mail questions to planningdept@orangecountync.gov.

PUBLISH: The Herald Sun
February 4, 2015
February 11, 2015

News of Orange
February 4, 2015
February 11, 2015

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SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 3, 2014
ORDINANCE REVIEW COMMITTEE

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

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Bryant Warren, Hillsborough Township Representative;

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

AGENDA ITEM 1: CALL TO ORDER

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – To review and comment upon revisions to the UDO to allow temporary healthcare structures in all residential zoning districts. This amendment is in response to North Carolina Session Law 2014-94.
PRESENTER: Ashley Moncado, Special Projects Planner

Ashley Moncado review abstract.

Paul Guthrie: Does it implicitly say they can be considered as part of the water and waste water system for approval of this permit?

Ashley Moncado: That is a gray area, Michael Harvey isn't here but that and another portion in the state statute that they provide 'may' regarding connection to the water or sewer and that is an area we have discussed and gone back and forth about because this is a little vague. They leave that open ended for the counties and cities. That is something we may have to look at and discuss.

James Lea: Is it possible to find out how these units are connected in a rural setting?

Ashely Moncado: That is more environmental health, if you were going to put a house on a property or an accessory structure. They would have to connect to the septic and it would have to have the capacity to do that.

Perdita Holtz: A temporary setup could be several years.

Tony Blake: But if you have an RV, you don't have to do that sort of thing. You don't have to extend your system for an RV.

Laura Nicholson: Does say one person, what about a spouse?

Ashley Moncado: This is permitted for one person only.

Pete Hallenbeck: Any other comments or questions? Ok, we'll adjourn.

AGENDA ITEM 10: ADJOURNMENT:

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MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 3, 2014
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Bryant Warren, Hillsborough Township Representative; Lydia Wegman-At-Large Chapel Hill Township;

MEMBERS ABSENT: Lisa Stuckey (Vice-Chair), Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II; Steve Brantley, Economic Development Director;

OTHERS PRESENT: Bonnie Hauser

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for December and January
• Elect Chair and Vice-Chair for the year in January.

AGENDA ITEM 3: APPROVAL OF MINUTES
NOVEMBER 5, 2014 REGULAR MEETING

MOTION by Bryant Warren to approve the October 8, 2014 Planning Board minutes with additional information. Seconded by Laura Nicholson.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

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

DRAFT**AGENDA ITEM 6: CHAIR COMMENTS**

Pete Hallenbeck: Just to clarify, when we have a guest speaker come to speak to us it is for our information and not to create a public forum, that is not the purpose here. We will strike a compromise tonight and allow Bonnie to ask a few questions.

Pete Hallenbeck: Keep in mind that due to open meeting laws, when members email each other back and forth those emails are public record and as such will be part of the record or minutes.

Pete Hallenbeck: In the meeting the BOCC had with advisory board chairs, I asked about the preference for information in the minutes and the consensus was that going around the table is helpful and concise and the open back and forth discussion can become confusing and hard to follow. We will try to get away from that some and especially if something has been discussed at length.

AGENDA ITEM 7: OVERVIEW OF COUNTY'S ECONOMIC DEVELOPMENT ACTIVITIES: To receive an overview on the County's economic development activities, as requested at the November 5th Planning Board meeting.

Presenter: Steve Brantley, Economic Development Director

Steve Brantley gave an in-depth review of the economic development department and its efforts to attract business and the challenges faced in Orange County.

Tony Blake: They broke ground on Chatham Park yesterday, in one sense I'm a little afraid of over building, there seems to be a lot of competing dollars and projects going on, is there a concern that we might try to over build? And not be competitive?

Steve Brantley: How could we over build? We can run 4 million dollars' worth of water and sewer to serve industry that takes these sites whether they are marginal sites with poor topography and eye sores, whatever but the water sewer boundary agreement says you cannot have that industry that would rather be on the other side of the road and connect to utilities, it cannot happen. From there south all the way to the rural buffer to Chapel Hill/Carrboro it is rural. When you factor in watershed protection issues, and the water and sewer boundary agreement, the rural buffer you have multiple overlapping restrictions that won't allow industry or a Tanger mall type of development to be anywhere other than just along the highway.

Paul Guthrie: We've been looking for years at a unified water system, Durham, Cary, Raleigh, Chapel Hill and Hillsborough. There are some connections but there is not a straight way in. One of the long range development plans that needs to be undertaken is a serious look at the long range needs for water and wastewater disposal. Aren't those some common projects for multiple municipalities? That is a real key to give you tools but will also protect this whole area from long term droughts.

Steve Brantley: I wish that certain sites that border the existing EDDs, even though outside the water and sewer boundary agreement, could be incorporated. If that's what it takes to get that big project which would otherwise walk and go to Alamance County, I'd like to be able to have that as an option. Secondly, what I personally consider the best land in Orange County to attract business is where 85 and 40 come together in Efland. There is watershed and water and sewer boundary issues that keep all that land off limits to what actually would be the most successful to develop with big projects. It has rail, it has visibility, it is not encumbered with topography, housing, etc.

Tony Blake: I am really more of a representative of Bingham, and what they want is small community/organic business. What is stopping that is the land doesn't perk and there is no way to support sewer, however, I've seen two instances in my immediate area where there is a technology call AdvanTex. We put it in in the fire department. UNC is using it at their animal research facility. What I'm wondering is there a way to bring in a private organization

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or the County or the State into those areas to enable that kind of small development. Is there a way to enable this type of small business through economic development?

Steve Brantley: I'm not the person to comment on that technology but I will say that I know of a retail prospect that is probably going to Efland, it's about a dozen jobs, it's sales tax and employment opportunity and the ability to shop without driving to Alamance County and I'm in support of that so I think if someone who lives in an area is able to promote a local business situation, I think that's great. There are a lot of people in the County that need choices that fit their scale, we have 6,000 people in Orange County on welfare. 1 in 3 children in Orange County are on Medicaid for their healthcare and 1 in 4 are on free or reduced lunches. We have a poverty index which is under the radar and I want to see opportunities for those people to work and shop.

Tony Blake: Look at the situation for Fiesta Grill, he has been reduced by the health department to 4 or 5 tables because of the septic situation and he could employ more people and serve a lot more food if that situation were resolved but there is no resolution for that.

Pete Hallenbeck: Whenever anyone talks about water, sewer, and power, I always chime in with 'data'. What is being done, particularly in the Efland area, to get data?

Steve Brantley: Craig and I met recently with the county's IT director and he is currently now working with the data providers to help us understand what is in the County, particularly along the highway, what would it cost, and the delivery times to upgrade to the level that projects require.

Pete Hallenbeck: One thing that is interesting is that we have dug up a lot of ground in that area and this came up and I was asking why we were not putting the plastic pipe in for data while we were installing sewer lines. The answer was that the County will not spend anything for infrastructure that would be for the phone company. They are on their own.

Steve Brantley: I think the utility, Time Warner, Duke Energy, PSNC etc. would install the lines to the property for any big projects at no cost to the industry. It is business for them that they can and want to serve. I would think that fiber can work like that.

Bonnie Hauser: Could you give us a number on Morinaga after the incentive is paid, what is the property tax revenue going to be on that property?

Steve Brantley: For the first 5 years, assuming the company actually hires the people they say and makes the investment, then we will pay a five year benefit or bonus to the company. They will pay 100% of their property taxes and we will give them a check equal to 75% of it. So for 5 years we get 25% of the property tax and we have done surveys with all counties like ours across North Carolina and that is exactly what other counties do. We are doing nothing out of the ordinary.

Bonnie Hauser: I want to know what the number is, is it 5 million dollars, or is it, what is the actual tax revenue once we are through the deal, roughly.

Steve Brantley: Well, you're the accountant, you can multiply 87 cents per 100 times 48 million dollars.

Bonnie Hauser: So it's 48 million.

Steve Brantley: I think that is only half if not a third of what we are going to get. We have incentivized phase one of a project that may turn into phase two and maybe even phase three over the next six to 10 years and if that happens then we are going to have 300 jobs not 100; we're going to have 150 million dollar investment not 48 or 58. A 100 million dollar investment, like Carrboro is sitting on with the Lloyd Farm Project, if they were to recruit that tonight and it got built it would generate to Orange County, just to the County, almost 900,000 dollars annually in new property taxes plus whatever Carrboro gets. Then you have the retail sales tax. That retail sales tax goes to transit, economic development and the general fund and schools get 50% of the general fund.

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Bonnie Hauser: If I go to Mebane or another community versus Orange County what is the time table to get something approved in another place versus Orange County?

Steve Brantley: I think Mebane approved Morinaga within 60 to 90 days and had Mebane not annexed Morinaga, it still could have gone on here but it would have taken them longer to go through the process which in Orange County would have been....

Craig Benedict: What Steve mentioned was pre-zoning where zoning has certain uses permitted by right which means review can be a staff function and if it was a staff function we would match the same time frame that Mebane would have. If they have to go through a rezoning process where they have to change or up zone it from the base zoning that is probably 4 to 5 months of process and a developer may not want to go through the site plan process concurrent with this legislative rezoning process.

AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT: To continue discussion and provide input on government-initiated amendments to the text of the UDO to change the existing public hearing for Comprehensive Plan, UDO, and Zoning Atlas related items/ amendments. This item was heard at the September 8, 2014 quarterly public hearing and was discussed at the October 8 and November 5 Planning Board meetings.

Presenter: Perdita Holts, Special Projects Coordinator

Perdita Holtz reviewed abstract

Paul Guthrie: I think the flowchart pretty much portrays the conversation, I am still concerned about how some of this will work. We may not find that out until we do it.

Pete Hallenbeck: I read the minutes and this certainly seems to align with it. The problem is that at the quarterly public hearing the commissioners went in all different directions of opinions and at some point we have to just let them decide. The other problem is the concept that some people only want to deal with the decision makers so no matter what process you put in place some people will want to just wait and talk with the commissioners. We will at least have a system where people can come to the Planning Board and express their concerns early; we can only do as good as the feedback we get from people.

Lydia Wegman: How do you reconcile that with you hearing that the County Commissioners want the Planning Board to attend the quarterly meetings?

Pete Hallenbeck: That's a decision they have to make. My interpretation of that is because it is currently a joint meeting and if the rules change on that then they'll have to give us guidance.

Lydia Wegman: Then what is the point of the Planning Board? How significant has this quorum problem been?

Pete Hallenbeck: We've had two events in the last year of so where the meeting was held up and one 3 or so years ago there was over a 30 minute hold up.

Lydia Wegman: Isn't it a simpler solution to make sure the Planning Board members know they are expected to attend rather than change the whole process.

Perdita Holtz: It depends a lot on who is on the Planning Board and what commitment they have. Some people had jobs where they had to travel a lot and that Monday night meeting was difficult for them. It varies depending on who is on the Planning Board.

Pete Hallenbeck: I think the fact that we've had two problems in the last year or so and we made it clear and it happened again so I don't know what more could be done.

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Laura Nicholson: I brought it up in a previous meeting and the consensus was it is easier to fix it this way. Judging by the push back I think there are things going on the new members don't always get.

Lydia Wegman: I am stating for the record my main problem is having the Planning Board offer its view before the public hearing is problematic. The Planning Board will never be sufficiently informed to offer a well-considered view without having heard the presentations at the BOCC meetings.

Pete Hallenbeck: I understand, we are all wrestling with this problem. At least this mechanism has a way where the Commissioners can identify that this one is going to take a while, etc.

Perdita Holtz: In this process it would also allow the lay person to actually speak to the Planning Board, in a lot of communities if you are not an expert at the quasi-judicial hearing, you don't get to speak. If Orange County were ever to perhaps be sued over that, we might adopt that type of attitude about it too. This process would allow the lay person to come to the Planning Board and speak their concerns and why.

Lydia Wegman: You're right Perdita but I'll just note that because of the public hearing, the layperson's testimony is irrelevant. It would have to be made very clear to the lay person that while they might speak at the Planning Board that because it is quasi-judicial, by the time it's before the Board of County Commissioners, only expert witnesses can give testimony.

Pete Hallenbeck: Again, with the solar project as a reference, if there were interaction with the Planning Board while the developers were here there are a lot of questions, answers, interchanges that just can't happen at a quasi-judicial setting and the resident have an opportunity to get better organized so that when you went quasi-judicial and you have to swear in you have experts and it's much more focused.

Lydia Wegman: The three most critical elements in that was the staff could not make a recommendation.

Craig Benedict: Nor the Planning Board.

Lydia Wegman: Nor the Planning Board, they are the most critical ones and they are the only ones in fact which the case if it ever went to court would be considered. The key one was 'the use will maintain or enhance the value of contiguous property'. In the case of the solar application, there was an appraisal offered by the solar company and I bet that appraiser, even if he showed up, would have come and said whatever he was going to say to the Planning Board and at the public hearing they have a new appraisal and a new appraiser which no one had seen before. And there would be nothing that could have been done.

Pete Hallenbeck: There's another example, they showed this picture of these panels that were further away than what was planned with trees there and claimed that was equivalent and so to have that opportunity to do that in advance...

Lydia Wegman: The advance doesn't necessarily stop the applicant from showing up with new information that is crucial to the decision.

Pete Hallenbeck: I think it is a great way to think through the ramifications of the process because we have an example to look at. Those are the discussion you can have when you're not constrained by the quasi-judicial process and the benefit there if we had this discussion is the residents would have an opportunity to see and get feedback from the Planning Board and staff and all of that would help them to make a better presentation.

Lydia Wegman: It is disingenuous to the community to pretend that what the Planning Board and staff can offer an opinion on the 3 most crucial elements. I think that is a flaw in the process.

Perdita Holtz: That's under state law, it's not something we can change. In some communities the Planning Board doesn't hear the quasi-judicial matters at all.

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Paul Guthrie: It seems to me that if this process will work at all, this Board may have a bigger responsibility because we have one shot to raise the critical questions that need to be considered in the decisions and that doesn't happen in the joint session now where we sit there and listen to something until 11 o'clock at night and then by the time it's over we can't even remember what the questions are that you really think need to be considered. I think we have an obligation if this becomes practice to think through how we communicate through staff to the Board of County Commissioners on issues that need to be dealt with by the Commissioners at the time of testimony. The Boards that I have seen operate in this County only occasionally rise to that level. The staff rises to it but I'm not sure the boards do and we need to think about that as a Board.

Perdita Holtz: Probably what will happen is that the Planning Board minutes will become part of that public hearing packet.

Craig Benedict: We would accent anything different that occurred in the application from the original material. We do accent any new information, any change in information that has occurred from the original application and evidentiary material that comes forward.

Pete Hallenbeck: Ok, so the action for tonight is?

Perdita Holtz: Is there consensus that this flowchart captured the quasi-judicial discussion.

MOTION by Paul Guthrie that the flowchart captured the Planning Board discussion of the quasi-judicial process. Seconded by Buddy Hartley.

VOTE: UNANIMOUS

Lydia Wegman: Let me clarify. I am voting to say the flowchart captures what we've talked about, I am not saying I agree with it just to be clear.

AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS:
a. Board of Adjustment

AGENDA ITEM 10: ADJOURNMENT:

MOTION by Bryant Warren to adjourn. Seconded by Tony Blake.

VOTE: UNANIMOUS

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: February 4, 2015

**Action Agenda
Item No. 8**

SUBJECT: Review of Draft Extraterritorial Jurisdiction (ETJ) Extension Policy

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Draft Policy for Review of ETJ Expansion Requests

INFORMATION CONTACT:

Craig Benedict, Planning Director,
919-245-2592
Tom Altieri, Comprehensive Planning
Supervisor, 919-245-2579

PURPOSE: To review and provide comments on a draft policy for the County's review of municipal ETJ expansion requests.

BACKGROUND: ETJs are afforded to cities in accordance with North Carolina G.S. 160A-360. It is within these areas that the County relinquishes its zoning, subdivision, and building code regulations to the adjacent municipality. Although outside of municipal corporate limits, these areas are most likely within urban growth areas and would develop more compatibly with nearby city/town regulations compared to County because of the proximity to existing or planned urban form.

Counties have to review and act upon these requests using general statutes. The majority of the procedures and processing is done by the municipality but incumbent upon the County to monitor the process. However, counties can develop their own review policies to assist in an orderly transition from rural to urban environments whether the area is likely to be annexed or not in the future.

The Planning Board heard an ETJ expansion request from Chapel Hill at its November 5, 2015 meeting. This was an information item at that time since there was not a formal policy for the Planning Board to process such an item.

Orange County Planning staff presented some of its ideas for ETJ expansion request policies at a November 11, 2014 BOCC work session. In general, comments from the Commissioners included the need to incorporate the Planning Board, as well as consideration of comments and opinions of residents and property owners within the area requested for ETJ, into a future policy ([Attachment 1](#)). Draft policies are to be returned to the BOCC at its March 3 meeting along with any comments that the Planning Board would like to provide.

We will circulate this draft to the municipalities after the Planning Board meeting for their input.

FINANCIAL IMPACT: There is no fiscal impact associated with the Board's review of this item.

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

1. Review the draft policy; and
2. Provide comments for staff and BOCC consideration.

Attachment 1

Orange County Board of Commissioners

Policy Related to the Review of Requests for the Expansion of Municipal Extraterritorial Jurisdictions

Purpose: To evaluate requests from municipalities consistent with NCGS 160A-360.

With the adoption of County-wide subdivision and zoning effective various dates between 1967 and 1994, the following policy is set forth by the Orange County Board of Commissioners and shall apply to all requests for the expansion of municipal extraterritorial jurisdictions (ETJ). The Board of Commissioners has adopted this policy for purposes of evaluating municipal ETJ extension requests and the requesting municipality's capability of and commitment to good planning and management of development. The municipality must prepare a report demonstrating how it can meet the criteria established herein. In addition to the report, the Board of Commissioners will also solicit comments and opinions of residents and property owners within the area requested for ETJ expansion and may include those opinions in its consideration. ETJ extension requests initiated by landowners must be submitted to the affected municipality for review which in turn will be the requesting party, and will follow the review process outlined below. The burden of compliance with the following considerations and the establishment of the municipal growth boundaries is the responsibility of the municipality submitting the ETJ extension request.

Considerations:

1. The municipality must demonstrate a commitment to comprehensive planning through an adopted land use plan for the area encompassed by the proposed ETJ extension. The municipality must also have subdivision and zoning regulations and should have other regulations that protect the environment (i.e. stormwater, flood control, etc.), a citizen representative planning board and a staff, contracted or otherwise, capable of administering such regulations within the additional requested area(s). Areas that were comprehensively planned through county-municipal joint planning efforts is also encouraged.
2. The area proposed for ETJ extension must have a logical and/or geographical connection to the existing corporate limits and/or ETJ of the municipality. Logical and/or geographical boundaries, such as roads, rivers, perennial streams, or parcels lines, must also be used to delineate the proposed area.
3. Proposed ETJ extensions must be within anticipated and natural growth areas of the municipality and in locations where municipal services can be provided in the future.

[Type text]

The extension must be within the planning area of the municipality's or district's [i.e. Orange Water and Sewer Authority (OWASA)] sanitary sewer and water service zone and consistent with Water and Sewer Management, Planning and Boundary Agreement (WASMPBA) as amended from time to time.

4. The requested ETJ extension must not be part of an area being formally considered for growth and development of another jurisdiction. The municipality requesting the ETJ extension must coordinate with neighboring municipalities and their expansion plans or identified urban growth boundaries. The municipality must have an interlocal growth management agreement with the adjacent jurisdiction for the area being considered if at its closest point it is within 2 miles of the adjacent jurisdiction's corporate limits.
5. The municipality must demonstrate how growth has necessitated the need for extension of the ETJ and how the land uses in the area being considered will be better protected within the municipality's ETJ. In addition, the municipality must identify what, if any, proposed zoning and development regulations are more or less restrictive than those currently being enforced by the County.
6. Identification and acknowledgement of any properties that are considered bona-fide farms, as classified by State statute criteria, in the proposed ETJ expansion are subject to state rules as they may supersede ETJ authority.

Process:

A. Pre-Submittal

1. Resolution of Intent to expand ETJ is to be forwarded from Municipality elected board to County from Clerk and/or Manager and to County Commissioners Chair and manager, including basic statutory information.
2. Resolution of Board of County Commissioners (BOCC) and direction from Manager to conduct staff review and proceed in accordance with BOCC ETJ expansion request review policy.

B. Staff Review

1. Preliminary review of proposal in accordance with state law and ETJ expansion policy.
2. Presentation by staff to BOCC regarding request and if acceptable a resolution to be returned back to municipality acknowledging a 'notice to proceed' by municipality with other elements of the ETJ process (i.e. outreach, etc.).

[Type text]

3. Orange County elected officials and administration will be informed of municipal ETJ expansion procedural activities.

C. Submittal

1. The municipality will formally submit ETJ expansion request materials to the BOCC in accordance with 160A-360 including supporting materials including but not limited to:
 - Administrative Memorandum,
 - Resolution and/or Ordinance,
 - Proposed ETJ Boundary and Map,
 - Notice of Affected Parties Mailings,
 - Minutes of Pertinent Meetings and Public Hearings,
 - Any other germane material such as petitions, studies or comments.

D. Planning Board Review

1. The request will be presented to the Orange County Planning Board. The municipality shall provide written material addressing the above mentioned consideration criteria to the Orange County Planning Department at least 30 days prior to the Planning Board Meeting.
2. The County shall publish a notification advertisement in a local paper of general distribution to inform the public of the proposed ETJ extension. (The BOCC may direct the Manager to notify property owners by mail at this juncture, if not later in the process.) The general public will be invited to the Orange County Planning Board meeting to express any concerns and/or comments. The costs associated with this newspaper advertisement will be the responsibility of the municipality requesting the ETJ extension and payment will be expected prior to the Planning Board meeting.
3. During the meeting at which the request is reviewed and considered, the Planning Board will hear any public comments and concerns pertaining to the request and will review written comments, if any. Municipal officials may provide comments at this time.
4. The Planning Board will then vote on a recommendation to be forwarded to the Board of County Commissioners.

[Type text]

E. BOCC Action

1. At the next available Board of Commissioners meeting, the Board will schedule a public hearing date.
2. All property owners within the proposed ETJ area shall be contacted, via first class mail, and invited to attend the Board of Commissioners public hearing. Any and all costs associated with this second mailing will be the responsibility of the municipality requesting the ETJ extension and payment will be expected prior to the Board of Commissioners meeting.
3. At the public hearing, Planning Staff will provide a summary of the request and present the Planning Board's recommendation. The floor will then be open for public comment. At this time the municipality requesting the extension may also provide comments.
4. The Board of County Commissioners will then review the information, taking into consideration the Planning Board's recommendation and public comments, and take action on the request. The Board may disapprove or approve the ETJ extension request in whole or in part.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: February 4, 2015

**Action Agenda
Item No. 9**

SUBJECT: Update on Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the Efland Area

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Chart of Proposed Standards and Rationale Distributed at April 7, 2014 Public Information Meeting
2. Chart of Proposed Standards and Resident Input/Suggestions
3. Map of Proposed Overlay Districts

INFORMATION CONTACT: (919)

Perdita Holtz, Planner III, 245-2578
Craig Benedict, Planning Director, 245-2592

PURPOSE: To:

- Receive an update on the status of proposed amendments to the Comprehensive Plan, Unified Development Ordinance (UDO), and Zoning Atlas to establish two new zoning overlay districts in the Efland area.
- Ask questions and discuss the topic as desired.

BACKGROUND: The proposed amendments were heard at the February 24, 2014 quarterly public hearing (materials available at: <http://orangecountync.gov/occlerks/140224.pdf>).

As a result of comments made at the public hearing, the public hearing was continued to September 8, 2014 and a Public Information Meeting was held on April 7, 2014 at Efland Cheeks Elementary School. Materials related to the public information meeting can be viewed at: <http://orangecountync.gov/planning/includes/ProposedEflandZoningOverlayDistrict.asp> and a chart distributed at the meeting is included as Attachment 1. The chart contains the proposed standard pulled from the UDO text amendment along with a brief explanation as to why the standard is being proposed. It was prepared in response to comments that the actual ordinance amendments were confusing to people not well versed in the UDO format. At the conclusion of the public information meeting, Planning staff extended an invitation for people to contact staff if they wished to meet with staff one-on-one or in small groups to better understand the proposed amendments.

Planning staff was contacted by a group of residents in August 2014 and was asked to meet with the group to discuss the proposed standards related to the overlay district. Planning staff met with the resident group eight times from August 2014 through January 2015. During this time, the public hearing was continued to December 1, 2014 and then again to April 7, 2015. A chart showing the resident group's input/suggestions for each proposed standard is included as Attachment 2.

The Efland-Mebane Small Area Plan Implementation Focus Group (EMSAP IFG), an advisory board appointed by the Board of County Commissioners (BOCC), is scheduled to meet on February 2, 2015 to review and discuss the resident group's suggestions. Additionally, a public information meeting is currently scheduled for February 18 to present the resident group's suggestions to interested persons and receive feedback. At this time, the Planning Board is scheduled to make a recommendation on these amendments at its meeting on March 4, 2015. The BOCC is scheduled to receive the Planning Board's recommendation on April 7 2015 and possibly make a decision regarding the amendments that night.

The resident group's input and suggestions are primarily geared toward "softening" language to allow for more flexibility in enforcing the standards (e.g., change "shall" to "should"). Additionally, some suggestions relate to clarifying the standard while in other cases the resident group was not in favor of having a standard at all (for example, prohibiting the use of chain link fencing, regulating the orientation of buildings on sites, or regulating the location of doorways on a building).

Planning Board Action

The Planning Board is encouraged to **review the materials** in the attachments **prior to the meeting**, particularly the resident group's input/suggestions in Attachment 2 and come prepared to discuss any questions or concerns about the proposed changes.

FINANCIAL IMPACT: There is no direct financial impact in receiving an update on the proposed amendments and discussing them.

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

1. Receive the update on the proposed amendments.
2. Ask questions and/or offer comments as desired.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
1.	4.5.3 (B)(1)	The minimum side and rear setback shall be with width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).	Section 6.6.3(B) pertains to Landscaping & Buffering requirements, which are being lessened from the existing regulations that apply in this area. This will make the smaller parcels found in the area more developable and also will lead to a more “urban village” style of development than in found in areas of the county that do not have water & sewer services.
2.	4.5.3(B)(1)(a)	(Referenced in standard above) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.	Section 4.7.4 pertains to the Major Transportation Corridor (MTC) Overlay District (which is the areas along the interstates in Orange County). The MTC is present in some of the geographic area covered by the proposed Efland Interstate overlay district. In those cases where there is overlap, the requirements of the MTC will apply.
3.	4.5.3(B)(2)	Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare <u>Comprehensive Transportation Plan</u> .	The language in the standard will be updated as shown with the strikethrough/underline text. At this time, the County does not have a Comprehensive Transportation Plan that designates future right-of-way needs but anticipates developing one in the future in order to serve future roadway/transportation needs. If a parcel in the proposed overlay district area is affected by the future plan, it makes good planning and development sense to have buildings setback appropriately from anticipated future roads. Doing so both minimizes the chance that a building would have to be removed due to the need for a new road and ensures buildings are setback far enough from any future roads so that you don't end up with a situation of having a building immediately adjacent to the roadway right-of-way line and no longer having a front yard for that parcel.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
4.	6.6.3(A)(1) (A) is “Circulation and Connectivity”	All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.	The described roadway is depicted on the adopted Access Management Plan for the area (which was done as one of the implementing measures of the small area plan in addition to being good planning practice to designate future access needs in advance of development). Existing Section 2.5.3(V) of the UDO (dealing with site plan requirements) already requires compliance with adopted access management plans. This proposed standard is included in the language for the interstate overlay district so that users are immediately aware of the requirement.
5.	6.6.3 (A)(2)	All site planning west of Mount Willing Road shall take into account: (a) A possible re-alignment of Efland-Cedar Grove Road under the existing railroad track to connect to Mount Willing Road, as described in the adopted Efland-Mebane Small Area Plan. (b) The need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.	The small area plan calls for future re-alignment of Efland-Cedar Grove Road under the railroad track in order to both improve traffic flow and safety in the area by minimizing the number of at-grade railroad crossings and to attempt to ensure that emergency vehicles are not held up at the rail crossing when trains are going by. Although this project is likely far in the future (due to the Department of Transportation [DOT] process to get projects programmed and funded), it is good planning practice to anticipate future needs for road right-of-way when development projects are proposed and to work with developers to ensure that both future needs are met and that future anticipated projects disrupt development as little as possible. Standard (a) achieves this idea. The explanation for proposed standard (b) is the same as the explanation for 6.6.3(A)(1) immediately above (“Easy Reference Number” 4).

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
6.	6.6.3 (A)(3)	In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.	<p>A limit on the number of access points on a roadway helps to maintain traffic flow and capacity on roadways. Capacity is affected when there are many turn movements because traffic must slow down to achieve the turn movements.</p> <p>Additionally, current DOT practice for driveway permits will likely limit all but the largest projects to one access point. Lastly, this is also a requirement in the UDO for properties in the Economic Development Districts because it is good planning practice.</p>
7.	6.6.3 (A)(4)	Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.	<p>This standard is proposed in order to ensure projects do not use the public roadway as the only access to move from one area of the site to another area. This is good site planning practice because it helps to maintain traffic flow on public roadways.</p> <p>Additionally, this is also a requirement in the UDO for properties in the Economic Development Districts because it is good planning practice.</p>
8.	6.6.3 (A)(5)	On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.	This proposed standard helps to maintain traffic safety and flow near intersections. Additionally, current DOT practice for securing driveway permits also requires this distance, for the stated reasons.
9.	6.6.3 (A)(6)	Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width	This proposed standard ensures that driveway points are delineated which avoids situations of the entire street frontage being used to pull into and out of a property, which can result in safety hazards. It helps to improve traffic flow and safety on the roadway. Additionally, current DOT practice for securing driveway permits also requires these widths, for the stated reasons.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
10.	6.6.3 (A)(7)	Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.	This proposed standard provides an area for vehicle queuing/"stacking" for vehicles waiting to exit a site. The purpose is to improve traffic flow and safety.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
11.	6.6.3 (A)(8)	<p><u>Shared Access</u></p> <p>(a) In order to manage access on Mount Willing Road, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared access.</p> <p>(i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.</p> <p>(ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.</p>	<p>The purpose of these requirements is to eventually provide a service/frontage road to serve properties along Mt. Willing Road. Doing so will minimize the number of access points on Mt. Willing Road, which helps to preserve roadway capacity and has a positive effect on traffic flow and safety. The Figure referenced in (i) is part of the existing Efland-Cheeks Overlay District section and is:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Figure 6.6.2.A.3: Shared Access</p> <p style="text-align: center; font-size: small;">Non-residential Developments Within Pre-defined Commercial Areas of Highway 70</p> </div> <p>The technique being suggested here (easements as parcels are developed or redeveloped) is a way to achieve better traffic management facilities (such as frontage roads) in areas that are already developed and/or where insufficient roadways exist to serve traffic volumes.</p>

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
12.	6.6.3 (A)(9)	All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.	This is an existing DOT requirement and is included in an attempt to be comprehensive about what the development requirements in the area are.
13.	6.6.3 (A)(10)	<p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.</p>	This standard ensures that larger projects provide pedestrian walkways so that pedestrians can safely traverse a large parking area or safely walk between the various portions of a large development such as a shopping center or apartment complex.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
14.	6.6.3 (B)(1) (B) is “Landscaping and Buffering”	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.	The buffering requirements in Section 6.8 can be difficult or impossible to achieve on the smaller sized lots that exist in the Efland area. This standard is a lessening of existing requirements in order to make development easier and more in keeping with an “urban village” atmosphere. Since most of the County’s jurisdiction consists of parcels of property measured in acres, not square feet, and is intended to remain rural in character, the current regulations are tailored to larger parcels and ensuring a rural character. In areas of the county where water and sewer service is available, or expected to become available, the development regulations must be tailored to the smaller sized lots that are normally a result of urban services (such as water and sewer systems) being provided.
15.	6.6.3 (B)(2)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.	Same explanation as for “Easy Reference Number” 14 immediately above.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
16.	6.6.3 (B)(3)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.	Same explanation as for “Easy Reference Number” 14 above.
17.	6.6.3 (B)(4)	The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).	For properties subject to the MTC, the buffer requirements for the MTC continue to apply. For informational purposes, the required buffer width along the interstates is 100 feet with limited breaks allowed. Buffers can be comprised of existing wooded areas or plantings, depending on the conditions of a specific site.
18.	6.6.3 (C)(1) “Architectural Design Standards”	In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of chain businesses shall be altered as necessary to complement the surrounding area.	The standards in Section 6.5 are requirements that all development projects must meet. The requirement that chain businesses alter their basic prototype architectural style is a measure to help protect the unique character of Efland and ensure it does not end up looking like “Anyplace, U.S.A.” This idea is directly from the Efland-Mebane Small Area Plan.
19.	6.6.3 (C)(2)	Drive-through facilities on non-residential uses are allowable in this area.	This standard is included to make it clear that drive-throughs on non-residential development are allowable in the Efland Interstate overlay district. It is included because drive-throughs are prohibited in the Efland Village overlay district.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
20.	4.6.3 (B)(1)	In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.	Because a variety of zoning districts could be applied along Highway 70, and the various zoning districts have differing front setback requirements, this standard will allow all parcels along Highway 70 to adhere to the same setback (30-feet). A standard such as this is considered to be a good design principle so that the street frontage has a more cohesive look and “feel.” Setbacks are one of the defining factors that affect the appearance of an area and affect people’s perceptions of how “relatable” an area is.
21.	4.6.3 (B)(2)	In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.	Because a variety of zoning districts could be applied in the village overlay district and the zoning districts have differing front setback requirements, this standard would require that new development adhere to the setbacks of adjacent existing uses. A standard such as this is considered to be a good design principle so that the street frontage has a more cohesive look and “feel.” Setbacks are one of the defining factors that affect the appearance of an area and affect people’s perceptions of how “relatable” an area is.
22.	4.6.3 (B)(3)	The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.	This proposed standard allows the side and rear property line setbacks to match the buffer required on a parcel, so long as a 10-foot minimum is maintained. This is a lessening from the existing regulations that apply in this area. This standard will make the smaller parcels found in the area more developable and also will lead to a more village style of development than is found in areas of the county that do not have water & sewer services.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
23.	4.6.3 (B)(4)	Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan.	At this time, the County does not have a Comprehensive Transportation Plan but anticipates developing one in the future in order to serve future roadway/transportation needs. If a parcel in the proposed overlay district area is affected by the future plan, it makes good planning and development sense to have buildings setback appropriately from anticipated future roads. This both minimizes the chance that a building would have to be removed due to the need for a new road and ensures buildings are setback far enough from any future roads so that you don't end up with a situation of having a building immediately adjacent to the roadway right-of-way line and no longer having a front yard for that parcel.
24.	4.6.3 (B)(5)	Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of the MTC do not apply. The parcels are included in the MTC only because they fall within the prescribed distance criteria but do not fall under any existing requirements pertaining to the MTC.	This information allows users of the UDO to understand that they do not have to research the requirements of the MTC because no parcels in the proposed village overlay district fall under the requirements of the MTC, even though they are shown as being part of the MTC on the Zoning Atlas.
25.	4.6.3 (B)(6)	If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.	Section 6.2.2(A) potentially allows buildings up to 75-feet in height in the County's jurisdiction if additional setbacks are provided. Because buildings this tall exceed most people's idea of a "village" atmosphere, this proposed standard caps building heights at 40 feet, which normally translates to a building up to 3 stories in height.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
26.	4.6.3(C)(1)	No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, unless a demonstrated need can be shown.	This is an aesthetic design principle that would disallow fences in the front yard of new development (except single-family residential) unless an applicant can demonstrate that their project needs a fence in the front yard. The idea behind the design principle is that “wall-to-wall” front yard fences (e.g., if many parcels on a street has one) tend to visually lead to the feeling of walled-off compounds, which is generally not the idea of a village-like atmosphere.
27.	4.6.3(C)(2)	Chain link or similar fencing shall not be permitted for uses other than single-family detached residential.	The idea behind this proposed standard deals with the aesthetics of chain link fencing, especially if it were to be used by many parcels on a given street. The standard would apply only to new development and single-family residential uses (both new and existing) <u>would</u> be able to use chain link fencing.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
28.	6.6.4 (A)(1) “Circulation and Connectivity”	<p><u>Shared Access for Properties Fronting on U.S. Highway 70</u></p> <p>(a) In order to manage access on U.S. Highway 70, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared access.</p> <p>(i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road U.S. Highway 70¹ to each property. Figure 6.6.2.A.3 shows an example of the shared access.</p> <p>(ii) Developments subject to this Section, fronting on U.S. Highway 70, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.</p>	See “Easy Reference Number” 11 for explanation and diagram.

¹ Correct cut-and-paste error.

This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
29.	6.6.4 (A)(2)	In order to manage access on public streets, a site shall be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.	See “Easy Reference Number” 6 for explanation.
30.	6.6.4 (A)(3)	Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.	See “Easy Reference Number” 7 for explanation.
31.	6.6.4 (A)(4)	On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.	See “Easy Reference Number” 8 for explanation.
32.	6.6.4 (A)(5)	Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.	See “Easy Reference Number” 9 for explanation.
33.	6.6.4 (A)(6)	Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.	See “Easy Reference Number” 10 for explanation.
34.	6.6.4 (A)(7)	All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.	See “Easy Reference Number” 12 for explanation.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
35.	6.6.4 (A)(8)	<p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of building area. A large parking area is one containing parking for 50 or more vehicles.</p>	<p>See “Easy Reference Number” 13 for explanation.</p> <p><u>Note:</u> The addition of this standard in the Efland Village overlay district is the only change from the version of the amendments that were presented at the November 2012 quarterly public hearing. It was added in response to a comment made at the November 2012 hearing.</p>
36.	6.6.4 (B)(1) “Outdoor Storage of Materials Prohibited”	All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.	This standard is to address aesthetic concerns about outdoor storage of materials in a “village” area where lots are smaller and, therefore, buildings are closer together.
37.	6.6.4 (B)(2)	This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.	This standard attempts to make clearer that outdoor storage is not allowed unless the materials are an integral part of the use of the property or they are for sale. So, for instance, a garden center <u>could</u> store/display plants and bags of fertilizer, or mounds of compost.
38.	6.6.4 (B)(3)	This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.	This standard explicitly allows the outdoor display of merchandise on uses such as in the case of a car dealership or used car lot.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
39.	6.6.4 (C)(1) “Landscaping and Buffering”	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible. (a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.	See “Easy Reference Number” 14 for explanation. <u>Note:</u> Buffer Yard Type A is a 20-foot wide planted strip (there are 4 different options for specific plant materials). See Table 6.8.6.F in the UDO for additional information. This is a lessening of the type of buffer currently required along Highway 70. The type of buffer required depends on the zoning of the subject property but the proposed lessening of the required buffer reflects the proposed standardized setback requirement for properties along Highway 70 (see “easy Reference Number” 20) and is more in keeping with a village atmosphere than current requirements reflect.
40.	6.6.4 (C)(2)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.	See “Easy Reference Number” 14 for explanation.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
41.	6.6.4 (C)(3)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.	See “Easy Reference Number” 14 for explanation.
42.	6.6.4 (C)(4)	Although portions of the Efland Village Overlay District are also within the Major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.	This information is required so that users of the UDO will know that they do not have to consult the MTC requirements for projects proposed in the Efland Village Overlay District.
43.	6.6.4 (D)(1) “Parking Lot Design”	Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.	This standard addresses the aesthetic concern of having a “sea of asphalt” at the front (street-side) of a building. The location of parking areas greatly affects the look and feel of an area. This standard is included in order to achieve a village atmosphere.
44.	6.6.4 (D)(2)	Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.	This standard attempts to encourage shared parking among contiguous uses, if they meet the requirements of Section 6.9 of the UDO (which addresses distance requirements and peak usage time). The idea is to both limit the amount of impervious surface in the area and address the visual impacts that parking areas can cause in urban/suburban areas.

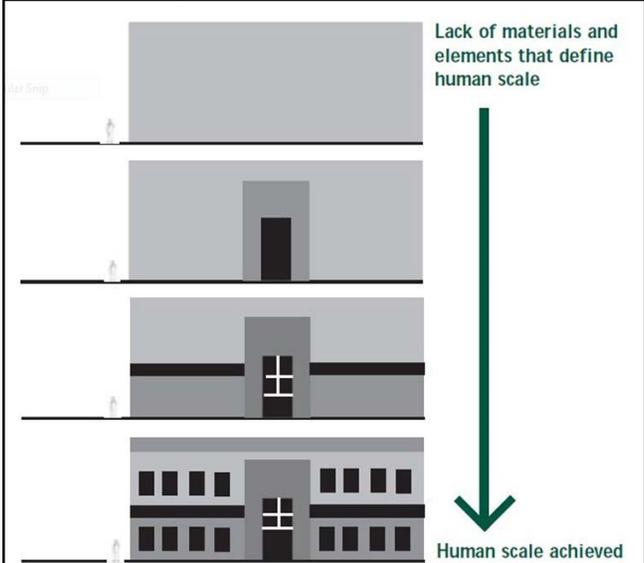
This information was distributed at the April 7, 2014 Public Information Meeting and was the basis of discussions Orange County Planning staff had with a group of residents from August 2014 – January 2015.

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
45.	6.6.4 (D)(3)	Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.	This standard puts a cap on the number of parking spaces a use may provide. It is an attempt to both limit the amount of impervious surface in the area and address the visual impacts that parking areas can cause in urban/suburban areas.
46.	6.6.4 (D)(4)	Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.	This standard is included to direct users of the UDO to another existing, relevant section of the UDO that pertains to landscaping of parking areas.
47.	6.6.4 (E)(1) "Signage"	Signage shall conform to all requirements within Section 6.12 of this Ordinance.	This standard directs users to an existing, relevant section of the UDO that regulates signage.
48.	6.6.4 (E)(2)	Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District <u>unless the sign is considered a wall or window sign.</u>	<p>This standard addresses concerns about the visual impacts signs can have on an area, especially in urban/suburban areas. The <u>underlined text</u> was not part of the public hearing materials but is suggested to be added to make it clear that businesses can still have wall or window signs. The 6-foot height limit is an existing limit on these types of signs.</p> <p>The idea is to ensure that the Efland Village overlay district is provided with the type of signage many people associate with a village atmosphere.</p> <p>See the UDO "Definitions" section ("Signs") for definitions and visuals of the various types of signs.</p>
49.	6.6.4 (E)(3)	Pole signs are not permitted.	This standard addresses concerns about the visual impacts signs can have on an area, especially in urban/suburban areas. The idea is to ensure that the Efland Village overlay district is provided with the type of signage many people associate with a village atmosphere.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
50.	6.6.4 (F)(1) “Architectural Design Standards”	In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply: <u>(1) Corporate Franchise Architecture</u> (a) Under no circumstances shall modern corporate franchise building design be permitted. (b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines. (c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.	The standards in Section 6.5 are requirements that all development projects must meet. Disallowing corporate franchise building design in the Efland Village overlay district is a measure to help protect the unique character of Efland and ensure it does not end up looking like “Anyplace, U.S.A.” This idea is directly from the Efland-Mebane Small Area Plan. This standard does not mean that chains cannot locate in the Efland Village overlay district area; it means that chains wishing to do so must locate in a building designed to blend with the area. There are many examples across the country of chain businesses locating in buildings designed to complement the area in which they are located instead of the businesses’ typical building design.
51.	6.6.4 (F)(2)	The principal building shall be oriented facing towards the fronting street.	This standard implements a good design principle of having the front of a building actually face the street (as opposed to facing sideways or backwards, which is sometimes done to face the parking lot instead of the community in which the building is located). Orientation of buildings is a factor in the “look and feel” of an area and affects how people relate to an area.
52.	6.6.4 (F)(3)(a) (Building Access)	A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.	This standard implements a good design principle of having a functional doorway facing the street. Design details such as this are a factor in the “look and feel” of an area and affect how people relate to an area. The standard does not prohibit a building from having additional entrances facing elsewhere (such as towards a parking lot).

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
53.	6.6.4 (F)(3)(b)	Additional entrances to a building may be provided.	The standard makes it clear that a building can have more entrances that face elsewhere (such as towards a parking lot).
54.	6.6.4 (F)(4)(a)	Buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided and fenestration (the arrangement, proportioning, and design of windows and doors in a building) shall be provided in such a way that a building is relatable to humans and does not overpower the area.	<p>The design principle of human scale is an important aspect of urban design and affects how people relate to a building and area. The following diagram illustrates the concept of human scale:</p> <p style="text-align: center;">Example of Human Scale</p>  <p style="text-align: center;"><i>This series of diagrams illustrates how architectural elements and materials can break a massive building down to a human scale.</i></p>

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Explanation / Rationale
55.	6.6.4 (F)(5)	Drive-through facilities are prohibited on all non-residential uses.	This standard prohibits drive-through facilities in the Efland Village overlay district. The idea is from the Efland-Mebane Small Area Plan and the intent is to channel uses that generally wish to provide drive-throughs to other areas of the planning area covered by the small area plan, namely to locations closer to the interstate. Uses with drive-through facilities tend to have a large impact on traffic volumes and many governments attempt to encourage the location of buildings with drive-throughs to areas that can better accommodate the traffic.
56.	6.6.4 (F)(6)	Mirrored glass is prohibited.	Mirrored glass as a building material is not considered appropriate for the Efland Village overlay district and it would not blend well with existing uses. Additionally, mirrored glass tends to cause glare problems so it is discouraged as a building material for the village area.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
1.	4.5.3 (B)(1)	The minimum side and rear setback shall be with width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).	OK as is
2.	4.5.3(B)(1)(a)	(Referenced in standard above) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.	OK as is
3.	4.5.3(B)(2)	Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare <u>Comprehensive Transportation</u> Plan.	Delete this requirement. It can be added in the future if necessary if/when a Comprehensive Transportation Plan that includes future right-of-way designations is adopted.
4.	6.6.3(A)(1) (A) is "Circulation and Connectivity"	All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.	OK as is
5.	6.6.3 (A)(2)	All site planning west of Mount Willing Road shall take into account: (a) A possible re-alignment of Efland-Cedar Grove Road under the existing railroad track to connect to Mount Willing Road, as described in the adopted Efland-Mebane Small Area Plan. (b) The need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.	The possible realignment of Efland-Cedar Grove Road under the existing railroad track should be removed from the adopted Access Management Plan and proposed standard (a) should be deleted from the proposed UDO amendment.
6.	6.6.3 (A)(3)	In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.	Rewrite as follows: In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement, or other factors.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
7.	6.6.3 (A)(4)	Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.	OK as is
8.	6.6.3 (A)(5)	On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.	OK as is
9.	6.6.3 (A)(6)	Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width	Make it clearer that this standard refers to driveways, not public roads. Rewrite to read: Driveway Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width
10.	6.6.3 (A)(7)	Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.	OK as is

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Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
11.	6.6.3 (A)(8)	<p><u>Shared Access</u></p> <p>(a) In order to manage access on Mount Willing Road, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared access.</p> <p>(i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.</p> <p>(ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.</p>	<p>Rewrite as follows:</p> <p><u>Shared Driveways/Access</u></p> <p>(a) In order to manage access minimize the number of driveway curb cuts on Mount Willing Road, thereby improving traffic flow and safety, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared driveways/access whenever feasible, as determined during site plan review.</p> <p>(i) Methods to achieve shared driveways/access may include reciprocal easement agreements among property owners, reservation of future access easements on property being developed, or other methods determined during site plan review.</p> <p>(ii) The location of shared driveways shall be determined during site plan review. Shared driveways do not necessarily need to be located at the front of lots if rear or side access is proposed and feasible.</p>
12.	6.6.3 (A)(9)	All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.	OK as is

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Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
13.	6.6.3 (A)(10)	<p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.</p>	<p>Rewrite as follows:</p> <p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall may be required to provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall may be required to provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.</p>
14.	6.6.3 (B)(1) (B) is "Landscaping and Buffering"	<p>In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:</p> <p>(1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.</p>	OK as is
15.	6.6.3 (B)(2)	<p>In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:</p> <p>(2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.</p>	OK as is

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
16.	6.6.3 (B)(3)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.	Rewrite as follows: In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet, except in required sight triangles . Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
17.	6.6.3 (B)(4)	The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).	OK as is
18.	6.6.3 (C)(1) "Architectural Design Standards"	In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of chain businesses shall be altered as necessary to complement the surrounding area.	Rewrite as follows: In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of the external design of chain businesses shall be altered as necessary to complement the surrounding area should consider and complement the existing community character. ¹

¹ Planning staff intends to invite the community to submit photos of buildings and/or design features showing what the community members believes are features that should be considered and encouraged in future development. Staff will keep a compilation of the photos in the Planning office (and likely on the website) so site designers, architects, and Planning staff can see the types of features/designs the community would like to see in new development.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Interstate Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
19.	6.6.3 (C)(2)	Drive-through facilities on non-residential uses are allowable in this area.	Delete this standard. Drive-throughs should be allowed in both proposed overlay districts, in accordance with existing County ordinance. Therefore, it is redundant to state that drive-throughs are allowed in the overlay district.
19a.			Add new language for signs in Section 6.6.3: (D) Signage <ul style="list-style-type: none"> (1) Signage shall conform to requirements within Section 6.12 of this Ordinance unless in conflict with this subsection, in which case the requirements of this subsection shall apply. (2) The sign area of signs may be up to 64 square feet in size.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
20.	4.6.3 (B)(1)	In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.	OK as is
21.	4.6.3 (B)(2)	In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.	OK as is
22.	4.6.3 (B)(3)	The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.	OK as is
23.	4.6.3 (B)(4)	Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan.	Delete this requirement. It can be added in the future if necessary if/when a Comprehensive Transportation Plan that includes future right-of-way designations is adopted.
24.	4.6.3 (B)(5)	Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of Section 4.5.4 (Building Setback and Yard Requirements) the MTC do not apply. The parcels are included in the MTC only because they fall within the prescribed distance criteria but do not fall under any existing requirements pertaining to the MTC. The requirements of Section 6.12.12(B)(9) (off-premise commercial signs prohibited) continue to apply.²	OK as is
25.	4.6.3 (B)(6)	If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.	OK as is

² When researching sign requirements, staff discovered the changes shown to the proposed standard are necessary.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
26.	4.6.3(C)(1)	No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, unless a demonstrated need can be shown.	<p>Fences should be allowed in the front yard of duplex and multi-family uses but should be limited to 5-feet in height.</p> <p>Rewrite as follows:</p> <p>(1) No fences shall be permitted in the front yard of lots used for non-residential uses unless a demonstrated need can be shown.</p> <p>(2) Fences located in the front yard of residential uses, other than single-family detached dwellings, shall be a maximum of five feet in height, as measured from the normal finished grade in the vicinity of the fence base.</p>
27.	4.6.3(C)(2)	Chain link or similar fencing shall not be permitted for uses other than single-family detached residential.	Delete this proposed standard. Chain link fencing should be allowed.

Efland Area Resident Group Input/Suggestions for each Proposed Standard is in the Column on the Right

Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
28.	6.6.4 (A)(1) "Circulation and Connectivity"	<p><u>Shared Access for Properties Fronting on U.S. Highway 70</u> (a) In order to manage access on U.S. Highway 70, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared access.</p> <p>(i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road U.S. Highway 70³ to each property. Figure 6.6.2.A.3 shows an example of the shared access.</p> <p>(ii) Developments subject to this Section, fronting on U.S. Highway 70, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.</p>	<p>Rewrite as follows: <u>Shared Driveways/Access for Properties Fronting on U.S. Highway 70</u> (a) In order to manage access minimize the number of driveway curb cuts on U.S. Highway 70, thereby improving traffic flow and safety, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared driveways/access whenever feasible, as determined during site plan review.</p> <p>(i) Methods to achieve shared driveways/access may include reciprocal easement agreements among property owners, reservation of future access easements on property being developed, or other methods determined during site plan review.</p> <p>(ii) The location of shared driveways shall be determined during site plan review. Shared driveways do not necessarily need to be located at the front of lots if rear access is proposed and feasible.</p>

³ Correct cut-and-paste error.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
29.	6.6.4 (A)(2)	In order to manage access on public streets, a site shall be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.	Rewrite as follows: In order to manage access on public streets, a site shall should be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement, or other factors. (i) This standard applies to new construction or redevelopment of a site that increases the square footage of a building by more than 50% of the existing square footage.
30.	6.6.4 (A)(3)	Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.	Rewrite as follows: Intra-site accessibility shall should be provided. Vehicles shall should not be required to enter the public street in order to move from one area to another on the same site. (i) This standard applies to new construction or redevelopment of a site that increases the square footage of a building by more than 50% of the existing square footage.
31.	6.6.4 (A)(4)	On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.	OK as is
32.	6.6.4 (A)(5)	Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.	Make it clearer that this standard refers to driveways, not public roads. Rewrite to read: Driveway E entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
33.	6.6.4 (A)(6)	Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.	OK as is
34.	6.6.4 (A)(7)	All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.	OK as is
35.	6.6.4 (A)(8)	<p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of building area. A large parking area is one containing parking for 50 or more vehicles.</p>	<p>Rewrite as follows:</p> <p><u>Pedestrian Circulation</u></p> <p>(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall may be required to provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall may be required to provide pedestrian walkways to outparcels and also within any large parking areas.</p> <p>(b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of building area. A large parking area is one containing parking for 50 or more vehicles.</p>
36.	6.6.4 (B)(1) “Outdoor Storage of Materials Prohibited”	All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.	OK as is

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
37.	6.6.4 (B)(2)	This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.	OK as is
38.	6.6.4 (B)(3)	This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.	OK as is
39.	6.6.4 (C)(1) “Landscaping and Buffering”	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible. (a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.	OK as is
40.	6.6.4 (C)(2)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.	OK as is

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
41.	6.6.4 (C)(3)	In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.	Rewrite as follows: In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply: (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet, except in required sight triangles . Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
42.	6.6.4 (C)(4)	Although portions of the Efland Village Overlay District are also within the Major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.	OK as is
43.	6.6.4 (D)(1) "Parking Lot Design"	Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.	Add language to address existing buildings that change use as follows: (1)(a) Existing buildings that change use shall comply with this requirement to the extent feasible, as determined during the site plan submittal process.
44.	6.6.4 (D)(2)	Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.	OK as is
45.	6.6.4 (D)(3)	Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.	OK as is

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
46.	6.6.4 (D)(4)	Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.	OK as is
47.	6.6.4 (E)(1) "Signage"	Signage shall conform to all requirements within Section 6.12 of this Ordinance.	Rewrite as follows: Signage shall conform to all requirements within Section 6.12 of this Ordinance unless in conflict with this subsection, in which case the requirements of this subsection shall apply.
48.	6.6.4 (E)(2)	Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District <u>unless the sign is considered a wall or window sign.</u>	Delete this requirement. See #49a below for proposed sign requirements
49.	6.6.4 (E)(3)	Pole signs are not permitted.	Rewrite as follows: New single pole signs are not permitted. Single pole signs existing as of [date of adoption] shall be considered conforming uses and may be replaced if they are damaged or destroyed. ⁴

⁴ Planning staff will conduct a photo inventory of all existing pole signs in the Efland Village overlay district area and keep the inventory on file for future reference.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
49a.			<p>Add new language in regards to signs:</p> <ol style="list-style-type: none"> (1) The height limit of signs is 15-feet, as measured from the normal ground elevation below the sign. (2) The sign area of signs may be up to 64 square feet in size. (3) Digital signs shall not be permitted except as an incidental addition to a permitted sign such as gas or the current time and/or temperature prices being displayed digitally. (4) Portable signs and banner signs are allowed only for special events and may be displayed no sooner than 30 days prior to the event and must be removed within 7 days after conclusion of the event.

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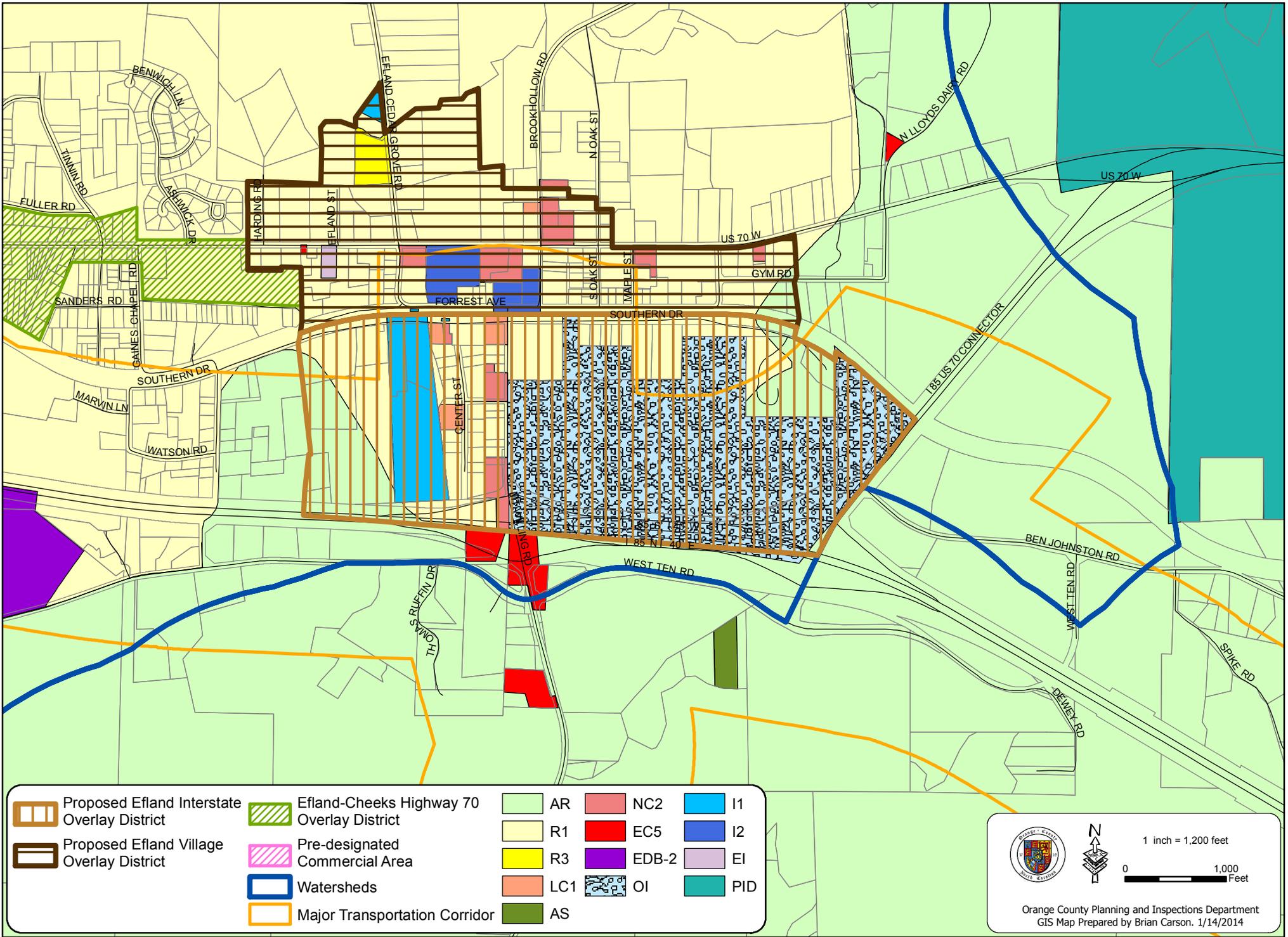
Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
50.	6.6.4 (F)(1) "Architectural Design Standards"	In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply: <u>(1) Corporate Franchise Architecture</u> (a) Under no circumstances shall modern corporate franchise building design be permitted. (b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines. (c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.	Rewrite to read as follows: In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply: <u>(1) Corporate Franchise Architecture</u> The external design of chain businesses should consider and complement the existing community character. ⁵
51.	6.6.4 (F)(2)	The principal building shall be oriented facing towards the fronting street.	Delete this proposed standard.
52.	6.6.4 (F)(3)(a) (Building Access)	A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.	Delete this proposed standard.
53.	6.6.4 (F)(3)(b)	Additional entrances to a building may be provided.	Delete this proposed standard.

⁵ Planning staff intends to invite the community to submit photos of buildings and/or design features showing what the community members believes are features that should be considered and encouraged in future development. Staff will keep a compilation of the photos in the Planning office (and likely on the website) so site designers, architects, and Planning staff can see the types of features/designs the community would like to see in new development.

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Efland Village Overlay District			
Easy Ref. No.	Section Number in UDO Revisions	Proposed Standard	Efland Area Resident Group Input/Suggestion
54.	6.6.4 (F)(4)(a)	Buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided and fenestration (the arrangement, proportioning, and design of windows and doors in a building) shall be provided in such a way that a building is relatable to humans and does not overpower the area.	<p>Rewrite as follows:</p> <p>(a) New bBuildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided discouraged and fenestration (the arrangement, proportioning, and design of windows and doors in a building) and/or design features (such as brick coursing changes, decorative architectural features, patterns of paint, or murals) shall should be provided in such a way that a building is relatable to humans and does not overpower the area.</p> <p>(b) Additions to existing non-residential buildings should be designed to both complement the existing building and achieve human scale to the extent feasible.</p> <p>(c) The functional use of the building should be considered when determining design features and fenestration.</p>
55.	6.6.4 (F)(5)	Drive-through facilities are prohibited on all non-residential uses.	Delete this standard. Drive-throughs should be allowed in both proposed overlay districts, in accordance with existing County ordinance. Therefore, it is redundant to state that drive-throughs are allowed in the overlay district.
56.	6.6.4 (F)(6)	Mirrored glass is prohibited.	Rewrite as follows: Mirrored glass is discouraged and in no case shall comprise more than 50% of the building façade.

Proposed Zoning Overlay Districts





 1 inch = 1,200 feet
 0 1,000 Feet

Orange County Planning and Inspections Department
 GIS Map Prepared by Brian Carson, 1/14/2014