

**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, March 4, 2015
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **INFORMATIONAL ITEMS**
 - 3-4 a. Planning Calendar for March and April
 - b. JPA Public Hearing item for March 26, 2015 (initiated by Town of Chapel Hill; draft legal ad to be distributed at Planning Board meeting)
 - Scheduled for the May Planning Board meeting for a recommendation
- 3. **APPROVAL OF MINUTES**
 - 5-10 February 4, 2015 Regular Meeting
- 4. **CONSIDERATION OF ADDITIONS TO AGENDA**
- 5. **PUBLIC CHARGE**
Introduction to the Public Charge

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

Public Charge

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

- 6. **CHAIR COMMENTS**

No.	Page(s)	Agenda Item
7.	11-73	<p>COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT ORDINANCE, AND ZONING ATLAS AMENDMENTS: To make a recommendation to the BOCC on government-initiated amendments that would establish two new zoning overlay districts in the Efland area. This item was heard at the February 24, 2014 quarterly public hearing and the Planning Board received an update on the topic at its February 4, 2015 meeting.</p> <p>Presenter: Perdita Holtz, Planning Systems Coordinator</p>
8.	none	<p>DISCUSSION ITEMS: Planning staff will present information on the following items and receive feedback from the Planning Board.</p> <ul style="list-style-type: none"> a. Impervious Surface Issues Currently being Discussed with the State (Michael Harvey, Current Planning Supervisor) b. Zoning Code Enforcement in and around the Economic Development Districts (Craig Benedict, Planning Director) c. Sexually Oriented Businesses (Michael Harvey, Current Planning Supervisor)
9.		<p>COMMITTEE/ADVISORY BOARD REPORTS</p> <ul style="list-style-type: none"> a. Board of Adjustment b. Orange Unified Transportation
10.		ADJOURNMENT

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

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

*Planning Board Member Attendance Required

April 2015

April 2015

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May 2015

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

*Planning Board Member Attendance Required

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MINUTES
ORANGE COUNTY PLANNING BOARD
FEBRUARY 4, 2015
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lydia Wegman (Vice-Chair), -At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; 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;

MEMBERS ABSENT: None.

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

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: ELECTION OF CHAIR AND VICE-CHAIR FOR 2015

There was discussion about when members' terms expire and Tina Love read term information from a list.

MOTION by Buddy Hartley to reappoint Pete Hallenbeck as Planning Board Chair. Seconded by Tony Blake.

Buddy Hartley: I would also make a motion to keep the Vice-Chair.

Lisa Stuckey: I would like to not be the vice chair. I am Chair of the ABC Board and I think it would be good to get somebody else in here doing it as long as I'm chair of the ABC Board because it is extremely time consuming. I would suggest somebody else might be interested in doing this, so I'm going to bow out.

MOTION by Paul Guthrie move election by acclamation to reappoint Pete Hallenbeck as Planning Board Chair.

Lydia Wegman: I would be willing to serve as deputy chair but I'm happy to defer to someone else if they actively want it and are willing to do it.

Laura Nicholson: I think Tony would be good, he's always got something to say.

Tony Blake: Like Lisa, I'm on another board that consumes a lot of time so....

MOTION by Paul Guthrie move election by acclamation to appoint Lydia Wegman as Planning Board Vice-Chair.

AGENDA ITEM 3: INFORMATIONAL ITEMS

- a) Planning Calendar for February and March
- 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
 - Public Hearing Process changes
 - Unified Development Ordinance Private Road and Access Standards

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- The Edge Subdivision in Chapel Hill

**AGENDA ITEM 4: APPROVAL OF MINUTES
DECEMBER 3, 2014 REGULAR MEETING**

MOTION by Bryant Warren to approve the December 3, 2014 Planning Board ORC Notes. Seconded by Tony Blake.
VOTE: UNANIMOUS

MOTION by Bryant Warren to approve the December 3, 2014 Planning Board minutes. Seconded by Tony Blake.
VOTE: UNANIMOUS

AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 6: PUBLIC CHARGE

Introduction to the Public Charge

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AGENDA ITEM 7: CHAIR COMMENTS

**AGENDA ITEM 8: EXTRATERRITORIAL JURISDICTION (ETJ) EXPANSION POLICY: To review a draft ETJ policy and provide comments on the proposed policy
Presenter: Craig Benedict, Planning Director**

Craig Benedict reviewed the abstract and background.

Pete Hallenbeck: With regard to Hillsborough, 'easy to supply utilities' was easy cost or engineering?

Bryant Warren: Cost and some areas that weren't feasible to get water and sewer.

Pete Hallenbeck: I took these six considerations and encapsulated them. The first one says you must have a plan, you can't just do an ETJ because you think it would be fun. The second one is no satellite annex, no gerrymanders. The third one is that it has to be real and it has to align with infrastructure, there's a feasibility test there. The fourth one is a no tug of wars clause. The fifth one is you can't use an ETJ to get around the county or someone's rules that

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you don't like. The last one is the rules for farms are different because there are state laws that kick in. That was my take on that. So now if people have questions for Craig.

Paul Guthrie: Couple of things, on page 19 when you go through the submittal and the Planning Board review process you indiscriminately put 'will' in a few places and 'shall' in other places when you get down to the language between the City of Chapel Hill and the County, you may want to put 'shall' in more places than 'will'. That's old statute writing issues. The second general question in the planning process and the host jurisdiction and so forth, and this is a personal comment since it happened to me. The County Board of Commissioners appointed me to the Chapel Hill Planning Board. Chapel Hill Planning Board redesigned its membership and declined to make the appointment. Essentially they picked who they wanted, not who the County Commissioners wanted, so make sure of your language when you write the agreement, as to how you want that representation so it can't be gamed.

Craig Benedict: I think what we'll also look at in the case of ETJ representation, are there distinct areas. I think one of the issues in Chapel Hill there's Rogers Road that should be represented. That's a new area and yet there's an area in southeast Chapel Hill which seems to be in your area that also wants representation because there is a different growth potential there.

Paul Guthrie: In my case they appointed someone from Durham, on the east side.

Craig Benedict: Let's take a look at the fine writing in this and make sure that doesn't happen.

Tony Blake: When I read this it didn't seem to cover the eventuality where we have an ETJ from another city, like Durham or Mebane, into Orange County. Would we have a person sitting on a Durham Planning Board or something like that? Second comment, when you say 'shall' or 'will', I would also like to have a timeline in there. These people can't vote for the town council or what have you and they are disenfranchised. I think it should have a timeline of some sort to say that it will annex and these people will be given the right to vote or right to exercise their choices for a town government and the other thing was I always thought we should outline the services. In some cases in the ETJ, they extend the school system out there but they don't extend the water and sewer, they don't extend this, that and the other thing, and if you look at this SAPFO funding everybody in Orange County wants to talk about this being a school thing and it is primarily a school thing but it is also other infrastructure if you read the statute, it is also things like water and sewer, transportation it's those other adequate funding items that Orange County tends to put their blinders on and Chapel Hill tends to put their blinders on and say it's just schools. It would be good to have an outline of what services should be extended.

Pete Hallenbeck: I'm fuzzy on the timeline concept.

Tony Blake: For example, there are areas in the County that have been in the ETJ for 30 years or more and it seems to me as if those folks have been disenfranchised from voting for people that are determining their ability to develop or expand or do anything to their property without being able to vote for them.

Pete Hallenbeck: So you want a use it or lose it timeframe.

Tony Blake: I want a use it or lose it timeframe, yeah.

Lisa Stuckey: I thought the legislature made it really hard to annex?

Paul Guthrie: They have.

Lisa Stuckey: I don't think a timeline would work.

Tony Blake: They've made it more difficult for the towns to annex but they've made it easier for the developers to demand to be annexed.

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Lisa Stuckey: Yeah, but maybe they don't want to pay the taxes. If bringing the services in means higher taxes, I'm not sure that's what they would want.

Tony Blake: For example in the Mount Carmel area, would the town extend the water and sewer if they didn't plan to annex it and people who bought there must have known this, that annexation intent, and that's where it's gotten fuzzy.

Craig Benedict: I think it leaves some problems for later, the whole fire district tax and who is going to service. It does leave some lingering problems.

Paul Guthrie: As a resident in that neighborhood, I can tell you that's a much more complicated topic. There were false cost figures and the town manager of Chapel Hill's estimated cost to the town for annexing the area, was way below what the tax rate was supposed to be and the insurance companies had failed to recognize the fact there were fire plugs in the neighborhood and took almost half the tax so there were a lot of other issues going on.

Tony Blake: All I'm saying is that without a timeline, some sort of use it or lose it piece, it leaves that sort of question festering and you end up with this sort of situation.

Lisa Stuckey: On page 19, under Planning Board review, number 2, it says there will be a notification in a newspaper. I worry a little that people might not see a notice in the paper. Most of the time I think the County advertises in the News of Orange which no one in Chapel Hill ever reads, I mean no one, and the other one is the Durham Herald which almost no one reads as well. I guess my other question is do people pay attention to the those sufficiently. To have it really be effective notice.

Craig Benedict: I guess acknowledging that there might be a more elaborate way, besides the newspapers, the Commissioners might say to mail it. I've noted it and I'll let the Commissioners know that if they want this stuff to be vetted at this level that a mail notice is probably more thorough. There's later public hearings too.

Maxecine Mitchell: If you put signs up that's better than the newspaper.

Pete Hallenbeck: The County needs to explore new ways to get the word out to everybody realizing how people get their information today.

Lydia Wegman: Craig the point is to raise the issue. What level of involvement they want the Planning Board to have.

Michael Harvey: One thing to remember, this is just a process to get to the state-required process, this is sort of an initial scoping session. You can start the formal process to extend the ETJ and it still may be denied regardless of what happens in this process. You are going to have multiple points of notification that has to occur.

AGENDA ITEM 9 **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 4th Planning Board agenda for a recommendation to the BOCC.
Presenter: Perdita Holts, Special Projects Coordinator

Perdita Holtz updated the Planning Board on the progress of the Efland zoning overlay district and the meeting held.

Lydia Wegman: These suggestions of the residents, are these changes that you are going to make in what you bring to us next month?

Perdita Holtz: Yes, staff doesn't have concerns.

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Lydia Wegman: These changes that go in the UDO, these would be applicable only to two overlay districts?

Perdita Holtz: Correct.

Lydia Wegman: So they wouldn't serve as some sort of precedence if there were some subsequent....

Perdita Holtz: No. When you get it back there will be in a different color to show what has changed from what was shown at the February quarterly public hearing and the changes that have been made along the way. We try to make it clear what the changes are when we give you information. You may have also noted when you look through this, like suggestions about community character, that we plan on asking the community at the next public information meeting to share their thoughts about community character. If they have strong feelings about what they think are examples of community character that should be replicated or nearly replicated, to please send it to us because we would like to have some sort of photograph document to give to people who are maybe interested in developing in the area. Community character is a little bit nebulous to what one person thinks that might not be someone else's so if we could get input from the actual residents on what they think the character is to show the developers or others interested in doing something, we think that would go a long way.

Pete Hallenbeck: My take on community character is that we don't point to some of the painted cinderblock buildings that we have that made a great deal of sense 30 years ago and say that's how we do it in Efland and we would just get more of them. Road access was a big issue, the idea that you'd have to put in an access road, particularly the parcels north of the railroad tracks, you lose a 30-40 foot chunk from what is already a small piece of property. Another thing discussed was chain link fences and it was decided to allow a five foot chain link height limit so it's a practical fence to keep the dogs and children from the street but business can't come in and put up eight foot chain link fences with barbed wire which would drive a community in the wrong direction. One thing to remember is Efland is a very unique area; it's the County's town. It has water and sewer but is not in an incorporated area.

Andrea Rohrbacher: I thought I saw something about the entrance to a building does not have to have street frontage. That has been very controversial in Chapel Hill in several spots. What was the thought process behind that?

Pete Hallenbeck: When you look at the area between the railroad tracks and US 70, it not very wide and there really isn't a predominant street. Everyone coming from the interstate is going to be on Forrest Avenue which runs parallel to the tracks and then there is US 70 and there maybe 400 feet between the two and businesses need parking so we want to make sure if you have a building that faces 70 that if you had parking in the rear, you could have a rear entrance to the building. This is an example of trying to fit into the existing building and the lay of the land of the parcels in the northern part.

Tony Blake: Has Steve Brantley given any guidance to this from an economic development perspective? I've heard, Bonnie [Hauser] has told me, that there isn't a vision for the area. I wonder if he came up with suggestions on the businesses to be attracted to the area.

Pete Hallenbeck: I know he is aware of what is going on particularly in the economic development zone and west on Buckhorn and I think right now this is laying the groundwork for Steve to come in because we have all this different areas of density and mixed use.

Lisa Stuckey: That BOCC appointed committee met for 10 years and then the citizens met for a year and brought it back to planning staff and everyone is in agreement so why would we mess with it.

Tony Blake: Exactly.

Lisa Stuckey: I'm serious, I've been on this Board a long time and we keep going back to Efland, let's finish. It's probably not a good idea to upset the apple cart.

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Pete Hallenbeck: So, our recommendation was to receive an update, ask question, offer comments. Any other comments?

AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS:

- a. Board of Adjustment
- b. Orange Unified Transportation
- c. Efland-Mebane Small Area Plan Implementation Focus Group

Michael Harvey: The Board of Adjustment held a hearing on an appeal on a decision by me concerning the recipient of a notice of violation on a gun range and the Board upheld our decision because there was insufficient evidence to prove that we erred. There will probably be some form of appeal.

Tony Blake: There is a lot of concern about signage down there and emergency response.

Lydia Wegman: Will there be a change in the regulations as a result of all this?

Michael Harvey: Staff will update the Commissioners and ask for direction. If there are going to be changes, there will not be changes to the noise ordinance because the sheriff is not interested and the attorney's office doesn't think they will be enforceable if there are changes.

AGENDA ITEM 11: ADJOURNMENT:

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

VOTE: UNANIMOUS

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

**Action Agenda
Item No. 7**

SUBJECT: 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. Comprehensive Plan and Unified Development Ordinance Outline Form (UDO & Zoning 2013-09)
2. Statement of Consistency
3. Proposed Amendment Package
4. Minutes of February 24, 2014 Quarterly Public Hearing
5. Chart of Proposed Standards and Resident Input/Suggestions

INFORMATION CONTACT: (919)

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

PURPOSE: To make a recommendation to the BOCC on Planning Director initiated amendments to the Comprehensive Plan, Unified Development Ordinance (UDO), and Zoning Atlas to establish two new zoning overlay districts in the Efland area.

BACKGROUND: The proposed amendments were heard at the February 24, 2014 quarterly public hearing (materials available at: <http://orangecountync.gov/occlerks/140224.pdf> and the minutes are included as Attachment 4). The Planning Board received an update on this topic at its February 4, 2015 meeting (materials available at: http://orangecountync.gov/planning/documents/2.3.15PBPacket_web.pdf).

See Section B.2 of Attachment 1 for additional background information.

98 parcels containing approximately 157 acres are located in the proposed Efland Village Overlay District. 64 parcels containing approximately 275 acres are located in the proposed Efland Interstate Overlay District. These figures include road and rail rights-of way.

Procedural Information: In accordance with Sections 2.3.10 and 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation: The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public

interest, contained in Attachment 2 and proposed amendment package contained in Attachment 3.

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

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

1. Deliberate on the petition as desired,
2. Consider the Planning Director's recommendation, and
3. Make a recommendation to the BOCC on the Statement of Consistency and proposed amendment package in time for the **April 7, 2015** BOCC meeting.

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

UDO / Zoning-2013-09

Two New Zoning Overlay Districts in the Efland Area

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map: Add Two New Zoning Overlay Districts in the Efland Area
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:

Appendix F – Land Use and Zoning Matrix: Add tick marks to potentially allow a “Special Zoning Overlay District” in all of the Transition land use classifications.
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes

Section(s): Text Amendments to: Sections 2.5.7 and 4.4
 Add New Sections: 4.5, 4.6, 6.6.3 and 6.6.4.
 Renumber Existing Sections: 4.5, 4.6, and 6.6.3
 Reference Changes in Existing Sections: 4.5.1, 6.8.12, and 7.13.2.
- Other:

B. RATIONALE

1. Purpose/Mission

To consider Comprehensive Plan, UDO, and Zoning Atlas amendments to establish two new zoning overlay districts in the Efland Area. The proposal presented at the

February 2014 quarterly public hearing (QPH) was the staff recommended version of the text amendment considered by the BOCC at its February 5, 2013 meeting but it was not adopted. Agenda materials from the February 5, 2013 meeting can be viewed at: <http://www.orangecountync.gov/occlerks/130205.pdf>. The version to be considered at the April 7, 2015 BOCC meeting contains changes from the version presented at the February 2014 QPH (see Attachment 3).

2. **Analysis**

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

The proposed zoning overlay districts are consistent with the recommendations made in the adopted Efland-Mebane Small Area Plan (<http://orangecountync.gov/planning/documents/EflandPlanADOPTED062706.pdf>) which called for design standards in the "core area" of Efland. The primary purpose of the overlay districts is to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems. The affected area is also designated as a Commercial-Industrial Transition Activity Node (CITAN) on the County's Future Land Use Map. It is pertinent to note that some of the zoning districts allowed in a CITAN land use classification allow residential uses "by right" (e.g., residential uses, including single family residential, are allowed in the County's commercial zoning districts).

The proposed overlay districts requirements have been written so that the requirements will not pertain to existing or new single-family detached residential uses. New non-single-family residential uses (e.g., duplexes, multi-family) and new non-residential uses proposed in the overlay districts will be required to conform to the requirements of the overlay districts. Existing uses are not required to come into conformance with the new requirements as long as they continue to operate in the manner in which they are currently operating. The new requirements pertain to new development or substantially modified existing development.

Because County development regulations pertain primarily to areas that are not intended to be served by public and water systems, which tends to result in larger lot sizes and lower density, some of the County's regulations are not suitable for areas intended to have denser or more intensive development on smaller lots. For example, some of the land use buffer requirement in Section 6.8 of the UDO would be infeasible to meet on a parcel of property that is less than 100 feet in width and has an area measurement typically referred to in square feet rather than in acres. However, in areas of the county slated for denser development than the outlying rural areas, smaller sized lots with buildings closer together is to be expected. Therefore, development regulations must be modified to reflect these physical differences while continuing to strive for quality development. The proposed overlay districts endeavor to encourage development while ensuring quality.

Development will still be required to meet the impervious surface limitations

contained in Section 4.2 of the UDO. Because the impervious surface limitations stem from State statutes/rules, modifications to the allowable percentages are not permitted except as allowed in Section 4.2.8.

The primary reason the former proposal was not adopted was disagreement over whether sidewalks (publicly owned/maintained) and/or privately owned/maintained connecting walkways would be required in the Efland Village Overlay District. More information about this topic is available in the Amendment Form for the former project, viewable at: <http://www.orangecountync.gov/occlerks/130205.pdf>. The link to the October 2011 work session materials where the BOCC discussed and gave direction on “the sidewalk issue” is: <http://www.orangecountync.gov/OCCLERKS/1110062.pdf> and the Minutes from this work session can be found at: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/23818/Page1.aspx>. The current proposal does not include a requirement for public sidewalks or private connecting walkways. The current proposal includes requirements for private internal pedestrian circulation systems for large projects (defined in the text).

At the February 2014 QPH, the BOCC directed staff to hold a public information meeting (PIM) in the community and the public hearing was adjourned to September 8, 2014. Planning staff held a PIM on April 7, 2014 which was attended by approximately 33 residents. Meeting attendees were encouraged to contact staff if they wanted to meet one-on-one with staff or in small groups to further discuss the proposed overlay districts.

A group of community members contacted Planning staff in August 2014 and Planning staff met with a group of residents 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. The resident group provided numerous suggestions for changes to the proposed overlay district standards (see Attachment 5 for a chart depicting the suggestions) and these suggested changes have been incorporated into the UDO amendments contained in Attachment 3.

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).

The Efland-Mebane Small Area Plan Implementation Focus Group (IFG), an advisory board appointed by the BOCC, met on February 2, 2015 to review and discuss the resident group’s suggestions. Approximately 10 Efland area residents also attended the IFG meeting which allowed the IFG to hear directly from the residents who made the suggested changes to the standards. After lengthy discussion, the IFG indicated it is comfortable with and concurs with the changes the resident group suggested.

Planning staff held a second PIM on February 23, 2015. The meeting has originally been scheduled for February 18, 2015 but inclement weather conditions necessitated

postponement of the meeting. Approximately 15 people attended the meeting and the question/comment period after staff's presentation was light with no substantive comments made.

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

Objective LU-1.1:

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

Objective LU-3.7:

Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.

Objective LU-3.8:

Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.

Objective LU-3.9:

Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.

Objective H-3.6:

Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

4. New Statutes and Rules

Not applicable.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

June 19, 2012 (last year's proposal)
October 15, 2013 (current proposal)

b. Quarterly Public Hearing

February 24, 2014 (current proposal)

The former proposal was heard at the November 19, 2012 joint public hearing. Meeting Minutes and a summary of the questions/comments made at the November 2012 public hearing are part of the February 5, 2013 meeting materials (<http://www.orangecountync.gov/occlerks/130205.pdf>).

c. BOCC Updates/Checkpoints

February 4, 2014 – approval of legal ad
September 8, 2014 – extended public hearing
December 1, 2014 – extended public hearing
January 12 & 22, 2015 – e-mails sent to BOCC regarding upcoming Implementation Focus Group & public information meetings
February 4, 2015- Update on Planning Board agenda (BOCC receives link to materials)
March 4, 2015 – Planning Board recommendation (BOCC receives link to materials)
April 7, 2015 – BOCC decision

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

November 6, 2013 – special presentation on NC counties ability to provide/maintain sidewalks (agenda materials are available at: <http://www.orangecountync.gov/planning/documents/PBAgendaNov2013-web.pdf>; minutes are available at: <http://www.orangecountync.gov/planning/documents/11613PBMinutes.pdf>)

February 4, 2015 – update on the status of the proposed overlay districts
March 4, 2015 - recommendation

b. Advisory Boards:

The EMSAP Implementation Focus Group reviewed and commented on the proposed overlay districts as part of the prior process. Staff did not suggest that the Group be reconvened prior to the February 2014 QPH since significant changes to the former work were not being proposed.

The EMSAP IFG met on February 2, 2015 to review and discuss the changes suggested by a group of Efland area residents. The IFG concurred with the resident group's suggestions.

c. Local Government Review:

Not applicable

d. Notice Requirements

February 2014 QPH

Notices to affected and adjacent property owners were mailed on February 7, 2014. A total of 110 letters were mailed to affected property owners and 77 postcards were mailed to adjacent property owners.

Legal advertisements were run in The Herald Sun and the News of Orange on February 12 and 19.

25 notification signs were posted in strategic areas of the affected area on February 11, 2014. The signs were posted 3 days before the "deadline date" due to forecasts for snow and ice.

April 7, 2014 PIM

Courtesy postcards were mailed on March 18, 2014 to over 100 affected property owners and ten signs were posted in the affected area.

February 18, 2015 PIM (inclement weather necessitated the postponement of the meeting to February 23)

Courtesy postcards were mailed on February 4, 2015 to over 100 affected property owners and to people who attended the April 7, 2014 PIM. Additionally, ten signs were posted in the affected area. An e-mail was sent on February 18th to Efland area residents for whom staff has e-mail addresses and a press release was written by the Public Affairs office advising the public of the postponement.

e. Outreach:

General Public: Because significant changes to the prior materials were not being proposed, Planning staff did not suggest a separate public meeting for these amendments in the Amendment Outline/Process Form that was approved by the BOCC on October 15, 2013.

An “open house” style public information meeting for the prior proposal was held on November 14, 2012 at the Efland-Cheeks Community Center. Ten people and one BOCC member attended the meeting.

A public information meeting was held on April 7, 2014 at Efland-Cheeks Elementary Schools. Approximately 33 people attended this meeting.

A group of Efland area residents asked Planning staff to meet with them to discuss the proposed overlay districts. From August 2014 through January 2015, staff met with a group of residents eight times. 8-10 residents attended all or most of the meetings and there were several other people who attended less frequently.

A second public information meeting was held on February 23, 2015 (postponed from original date of February 18 due to inclement weather conditions). Approximately 15 people attended this meeting.

Small Area Plan Workgroup: Because significant changes to the prior materials were not being proposed, Planning staff did not suggest additional meetings in the Amendment Outline/Process Form that was approved by the BOCC on October 15, 2013.

As part of the prior proposal, the EMSAP IFG met on August 29, 2012 to review and comment on the proposed overlay districts. The group decided that additional meetings were not necessary as the proposed overlay districts were consistent with the intent of the adopted EMSAP.

The IFG met on February 2, 2015 to review and discuss suggestions made by a group of Efland area residents regarding changes to the proposed standards. The IFG concurred with the suggested changes.

Other: _____

3. FISCAL IMPACT

This project required a substantial amount of Planning staff time to complete and was accomplished by existing staff. The legal advertisements, notification mailings, and signs were paid using Planning Department funds budgeted for these purposes.

Adoption of the two new zoning overlay districts is not expected to impact County funding needs.

D. AMENDMENT IMPLICATIONS

Adoption of the amendments will mean that new development (other than detached single family houses) in the affected area will be subject to the requirements of the zoning overlay district. In some cases, such as required buffering, this is a lessening of existing regulations to reflect the smaller sized lots that exist in the affected area. In other instances, such as shared driveway access requirements, the proposed regulations are slightly more restrictive than existing regulations.

The regulation requirements are consistent with the recommendations contained in the adopted Efland-Mebane Small Area Plan and are being proposed in order to encourage a more urban style of development in the proposed Efland Interstate Overlay District and a more urban village style of development in the proposed Efland Village Overlay District while also promoting good planning/development practices and quality development.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3.

Primary Staff Contact:

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Attachment 2

**STATEMENT OF CONSISTENCY
OF PROPOSED COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT ORDINANCE, AND
ZONING ATLAS AMENDMENTS WITH THE 2030 COMPREHENSIVE PLAN AND/OR
OTHER ADOPTED COUNTY PLANS**

Orange County has initiated amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas affecting approximately 432 acres located in the Efland area of the county. These amendments establish two new zoning overlay districts in the area.

The Planning Board finds:

- The requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and
- Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds documentation within the record denoting that the rezoning **is consistent** with the adopted 2030 Comprehensive Plan and/or other adopted County plans.

The amendment is consistent with applicable plans because it:

- Supports the following 2030 Comprehensive Plan goals and objectives:

Objective LU-1.1:

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

Objective LU-3.7:

Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.

Objective LU-3.8:

Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.

Objective LU-3.9:

Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.

Objective H-3.6:

Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building

approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

- Further implements the Efland-Mebane Small Area Plan, adopted June 27, 2006.

The amendments are reasonable and in the public interest because:

- The proposed amendments establish overlay districts that modify existing development regulations to reflect that this is an area of the county with smaller lots and which is served, or scheduled to be served, with water and sewer lines. Existing development regulations, particularly buffer and setback requirements, can make development difficult to achieve on smaller sized lots.
- The proposed amendments achieve a reasonable balance of attempting to encourage high quality development while protecting existing land uses and community character.
- The proposed amendments encourage development in an area of the county designated as Commercial-Industrial Transition Activity Node on the Future Land Use Map of the 2030 Comprehensive Plan.
- The proposed amendments promote public health, safety, and general welfare by furthering the goals and objectives of the 2030 Comprehensive Plan, including further implementation of the Efland-Mebane Small Area Plan (adopted June 27, 2006).

The Planning Board hereby recommends that the Orange County Board of County Commissioners consider adoption of the proposed Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas amendments.

Pete Hallenbeck, Chair

Date

Amendment Package for Two Proposed Zoning Overlay Districts in the Efland Area

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text, Zoning Atlas, and Comprehensive Plan text to adopt two new zoning overlay districts in the Efland area.

The following colors/text effects are used:

- **Red Text:** Proposed additions/changes to existing text, presented at the February 2014 quarterly public hearing.
- **Green Text:** Changes suggested after the February 2014 quarterly public hearing by a group of Efland Area residents who worked with Planning staff to revise the proposal.
- **Green Strikethrough Text:** Former proposed additions/changes to the existing text that have been suggested for deletion after the February 2014 quarterly public hearing by a group of Efland Area residents who worked with Planning staff to revise the proposal.

Many of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available on-line at: <http://orangecountync.gov/planning/Ordinances.asp>

The adopted Efland-Mebane Small Area Plan is also available on-line at: http://orangecountync.gov/planning/admin_EM_SAP.asp

The Comprehensive Plan is available on-line at: http://orangecountync.gov/planning/compre_cpupdate.asp

Some text on the following pages has a large “X” through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large “X” is not proposed for deletion; proposed deletions are shown in red or green ~~strike~~through text.

As was noted in the legal advertisement for this proposal, existing sections 4.5 and 4.6 will be renumbered to 4.7 and 4.8, respectively. Additionally, existing Section 6.6.3 will be renumbered to 6.6.5. Reference updates to Sections 6.8.12 and 7.13.2 are also included in this packet.

under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."

- (B) The site specific development plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

2.5.6 Guarantee of Improvements

- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

2.5.7 Additional Requirements for Overlay Districts

(A) Efland-Cheeks Highway 70 Corridor Overlay District

(1) Approval Requirements

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Sections 2.4 and 6.6-2¹ of this Ordinance.

(B) Efland Interstate Overlay District²

(1) Approval Requirements

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(C) Efland Village Overlay District

(1) Approval Requirements

¹ Staff suggests this reference be removed so that the potential for omissions in future amendments is minimized. Section 2.5.3 already requires compliance with Article 6 (and other articles).

² The two additions here are formalities to ensure grading and/or construction does not commence prior to the issuance of necessary permits.

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(D) Major Transportation Corridor Overlay District³

(1) Approval Requirements

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

2.5.8 Additional Requirements for Economic Development Districts

- (A)** Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.
- (B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.
- (C)** In addition to the submittal requirements contained in this Section, a complete application shall also include:
 - (1)** Building elevation drawings for each proposed structure; and
 - (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area Overlay District

All projects proposing the development of property located within the Special Flood Hazard Area Overlay District shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.

2.6.2 Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Planning Department prior to any development activities proposed to be located within flood prone areas.

The following items/ information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (A)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, driveways, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

³ This subsection is currently (B).

4.3.6 Compliance

~~No structure or land shall hereafter be located, extended, converted, altered, or developed, improved, or maintained in any way without full compliance with the terms of the regulations pertaining to the SFHA and other applicable regulations.~~

SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR

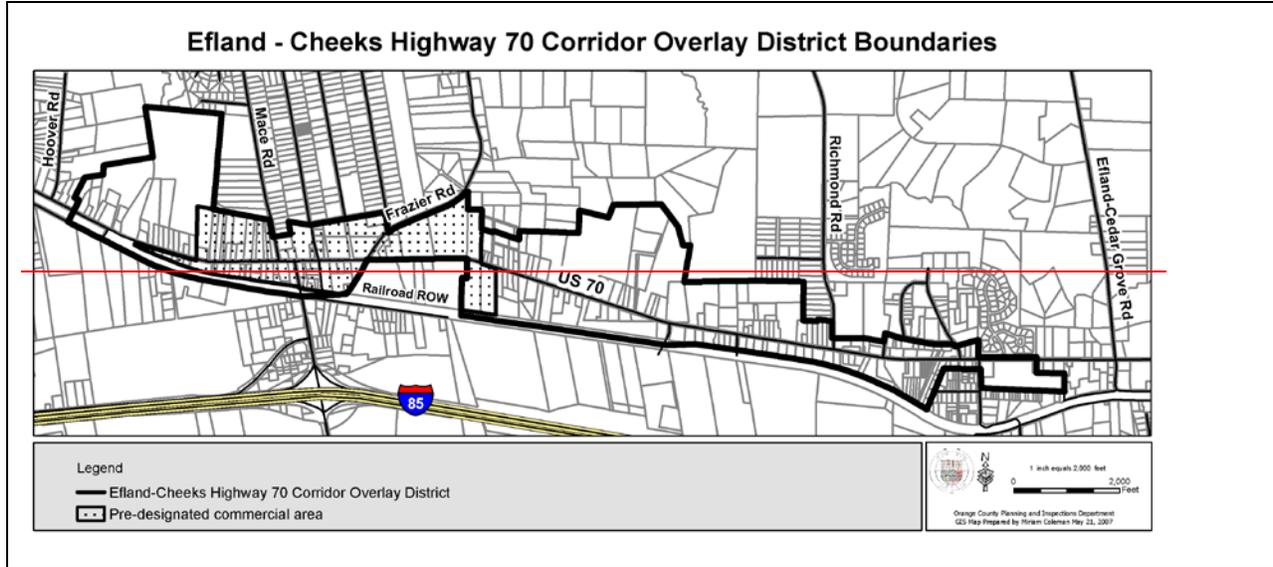
4.4.1 Intent

- (A) The Efland-Cheeks Highway 70 Corridor Overlay District (ECOD) is established to provide for compatibility of uses between existing single-family residential land uses and non-residential developments along a designated portion of Highway 70 within Cheeks Township.
- (B) The Highway 70 corridor covered under this overlay district is part of the Efland Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential development along Highway 70.
- (C) The regulations contained in this Ordinance are designed to preserve and enhance the character of the community while allowing for mixed, but compatible, land uses by permitting logical expansion of existing non-residential developments throughout the corridor.
- (D) It is the intent of this overlay district to encourage land use patterns that will:
 - (1) Protect existing single-family residential land uses,
 - (2) Protect the character of the area,
 - (3) Enhance property values,
 - (4) Maintain the economic viability and carrying capacity of the corridor,
 - (5) Preserve open vistas whenever possible,
 - (6) Encourage small businesses to locate in appropriate areas, and
 - (7) Continue to promote and provide for the general welfare of local citizens and property owners.
- (E) Standards are established in Section 6.6.2 to allow for the development of additional non-residential land uses within the ECOD in order to maintain and enhance the economic vitality of the area while protecting the less intensive mixture of existing residential land uses

4.4.2 Applicability

- (A) This district is intended for properties adjacent to Highway 70 within Cheeks Township of Orange County in accordance with the boundaries shown ~~on the map below and~~⁴ on the Orange County Zoning Atlas.
- (B) The requirements of this Ordinance pertaining to ECOD apply to all non-residential land uses and developments within the Highway 70 Overlay District except for existing non-residential land uses located within previously established general commercial or Existing Commercial-5 (EC-5) zoning districts.

⁴ Rather than populating the UDO with maps that are redundant to the Zoning Atlas (which is where overlay districts **must** be shown), staff is suggesting that the boundaries of overlay districts be maintained only on the Zoning Atlas. Staff also believes this may decrease any future problems if overlay district boundaries were ever changed (e.g., someone forgetting or not realizing that both a text amendment to the UDO **and** a Zoning Atlas amendment are necessary).



[Note to be removed if adopted: Map to be deleted from UDO and boundary to be shown only on Zoning Atlas]

4.4.3 Non-residential Development

Non-residential development within the Highway 70 Corridor shall be limited to the following and shall be in accordance with the standards contained in this Section and Section 6.6.2:

- (A) Pre-designated commercial area as indicated on the Orange County Zoning Atlas, and
- (B) Along Highway 70 as depicted on the Orange County Zoning Atlas.

4.4.4 Permitted Uses

Within the ECOD, uses of land and structures shall be permitted as follows:

- (A) Non-residential development within the pre-designated commercial area shall adhere to the permitted and special uses outlined for the Neighborhood Commercial - 2 (NC-2) zoning district as contained within Section 5.2 of this Ordinance.
- (B) Non-residential uses within the Highway 70 Corridor Overlay District, shall be limited to professional office and similar institutional uses and shall abide by the standards contained in this Section and Section 6.6.2.
- (C) No more than 40% of the Highway 70 corridor outside of the pre-designated commercial areas shall be permitted for non-residential uses.
 - (1) This figure shall be calculated by the sum of the street frontage of lots used for non-residential purposes compared to the total street frontage of all lots on both sides of the roadway outside of the pre-designated commercial areas along the overlay district corridor.
 - (2) The 40% limitation includes non-residential uses conducted within new or converted/rehabilitated structures that have a residential appearance.

4.4.5 Lot and Use Requirements for Non-Residential Development

In addition to the Development Standards in Section 6.6.2, the following lot and use requirements shall apply to all applicable non-residential development within the pre-designated commercial areas and along the Highway 70 corridor:

- (A) **Minimum Lot Width**

The minimum lot width for all lots created after December 3, 2007 shall be 130 feet, unless the lot is served by public sewer and shared ingress/egress in which case the minimum lot width shall be 75 feet.

(B) Setbacks and Building Height

- (1) The setbacks and building heights for all structures, regardless of the proposed land use, shall conform to the setbacks of the underlying zoning district.
- (2) If Building Height Limitation modifications are pursued in accordance with Section ~~5.2.2(A)~~ 6.2.2(A)⁵, in no case shall building height exceed 35 feet.
- (3) Where applicable, the front yard setback shall be measured from any future right-of-way as designated in the Orange County ~~Thoroughfare Plan~~ Comprehensive Transportation Plan⁶.

(C) Floor Area Ratio

- (1) The maximum floor area ratio for non-residential uses in the pre-designated commercial area shall be 0.200 with a maximum building square footage total of 20,000 square feet.
- (2) The maximum floor area ratio for non-residential uses along the Highway 70 Corridor shall be 0.100 with a maximum building square footage total of 6,000 square feet.

(D) Yard Encroachments

- (1) No fences shall be permitted in the front yard of non-residential uses unless a demonstrated need can be shown.
- (2) Within the pre-designated commercial area, vinyl-coated chain link fencing shall be permitted for non-residential uses.
- (3) Outside of the pre-designated commercial area but within the boundaries of the Highway 70 Overlay District, chain link or similar fencing shall not be permitted for non-residential uses.

~~(E) Outside Storage of Materials~~

- ~~(1) All outside storage of materials on non-residential lots is prohibited.~~
- ~~(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.~~
- ~~(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.⁷~~

SECTION 4.5: EFLAND INTERSTATE⁸

4.5.1 Intent

- (A) The Efland Interstate Overlay District is established to provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁵ Correct reference is 6.2.2(A)

⁶ There has been a change in the name the plans the NC Department of Transportation uses. This change is only to update the name. Users should note the Orange County Comprehensive Transportation Plan is currently being developed, it has not yet been adopted.

⁷ Suggest deleting this because it also appears in Section 6.6.2(B)

⁸ Existing Section 4.5 (Major Transportation Corridor) has been renumbered to become Section 4.7 and existing Section 4.6(Stoney Creek Basin) has been renumbered to become Section 4.8. Because of this renumbering, an reference is Section 7.13.2 will also be updated.

- (B) The geographic area covered by the Efland Interstate Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.3 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)⁹

4.5.2 Applicability

- (A) This district is intended for all properties located south of the railroad tracks and north of Interstate 85/40 in the general vicinity of Mount Willing Road in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁰
- (B) The requirements of this Ordinance pertaining to the Efland Interstate Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.5.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Interstate Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Minimum Setbacks**
 - (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).¹¹
 - (a) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.¹²
 - ~~(2) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare Plan.~~

SECTION 4.6: EFLAND VILLAGE

4.6.1 Intent

- (A) The Efland Village Overlay District is established to provide for an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁹ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁰ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹¹ A lessening of setbacks is suggested in order to allow for a more urban style of development (e.g., building closer together and/or more density).

¹² Clearly stating that the Major Transportation Corridor (MTC) requirements will still apply.

- (B) The geographic area covered by the Efland Village Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.4 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)¹³

4.6.2 Applicability

- (A) This district is intended for all properties located north of the railroad tracks in a geographic area commonly referred to as “Efland” in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁴
- (B) The requirements of this Ordinance pertaining to the Efland Village Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.6.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Setbacks and Building Height**
 - (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.¹⁵
 - (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.¹⁶
 - (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.¹⁷

¹³ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁴ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹⁵ This setback is suggested in order to have a more uniform setback along Highway 70 while providing enough of a setback to accommodate any future widening of the road. (No widening of the road is currently planned, but it is good planning practice to attempt to ensure for future possibilities).

¹⁶ This is suggested in order to have a more uniform building line along a street where there could be more of a “patchwork” of zoning districts that have different front setback requirements.

¹⁷ A lessening of setback requirements is suggested in order to allow for a more urban village style – building closer together and/or more density than is currently permitted.

- (4) ~~Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan¹⁸.~~
- (5) ~~Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of the MTC Section 4.5.4 (Building Setback and Yard Requirements) 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.¹⁹~~
- (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.²⁰~~
- (C) **Yard Encroachments**
 - (1) ~~No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, used for non-residential uses unless a demonstrated need can be shown.²¹~~
 - (2) ~~Chain link or similar fencing shall not be permitted for uses other than single-family detached residential. 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.²²~~

SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR

4.7.1 Intent

- ~~(A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.~~
- ~~(B) The Board of County Commissioners finds as a fact that:
 - ~~(1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.~~
 - ~~(2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.~~~~

¹⁸ Users should note the Orange County Comprehensive Transportation Plan is currently being developed; it has not yet been adopted. The Efland Area resident group has suggested that if/when a Comprehensive Transportation Plan the includes future right-of-way designation is adopted, this type of requirement can be added to the regulations at that time. Until such time, the proposed language is premature.

¹⁹ When researching sign requirements, staff discovered the changes shown in green are necessary.

²⁰ Some of the zoning districts that could be applied in a CITAN allow buildings taller than 40 feet. A building height limitation of 40-feet is suggested in order to maintain an urban village character.

²¹ The fencing regulations [(1) and (2)] are in keeping with the ECOD regulations in order to discourage unaesthetic fencing in the front yards of properties. The Efland Area Resident Group has suggested that fences should be allowed in the front yard of duplex and multi-family uses but should be limited to 5-feet in height.

²² The Efland Area Resident Group has suggested that chain link fencing should be allowed as a fence type, so the proposed standard is shown as proposed for deletion. The new language in (2) is to achieve the 5-foot height restriction mention in footnote 21.

(3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.

(C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.

Section
reference
update

(D) The district establishes development standards (see Section ~~6-6-36.6.5~~) and a site plan review process for development within the district. (See Section 2.5).

4.7.2 Applicability

(A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.

(B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for single family or two-family dwellings or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.

(C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.

(D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.

(E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

4.7.3 Permitted Uses

Within the Major Transportation Corridor (MTC) District, uses of land and structures are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

4.7.4 Building Setback and Yard Requirements

Building setback and required yard areas for the overlay district are as follows:

(A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.

(B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.

(C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

- (f) Windows on the street frontage side of a building shall be limited to 40% of the total building façade.
 - (g) The principal building shall be oriented facing towards the fronting street.
 - (h) Building Access
 - (i) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
 - (ii) Corner entrances should be provided on corner lot buildings.
 - (iii) Additional entrances to a building may be provided.
 - (i) Rooflines & Materials
 - (i) Decorative cornices shall be provided for buildings with a flat roof, defined as roofs with a pitch less than 3:12.
 - (ii) Eaves shall be provided with a pitched roof, defined as roofs with a pitch greater than 3:12.
 - (iii) Pitched roofs are generally preferred over flat roofs.
 - (iv) All rooftop mechanical equipment (i.e. vents, ducts, communication antennas, HVAC units, etc) shall be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture.
 - (v) Highly reflective roofing materials shall be avoided. All proposed metal roofing should be standing seam or copper. Galvanized steel and tin roofs are permitted.
 - (j) Residential manufactured structures are not permitted for conversion to a non-residential use.
- (H) Additional Architectural Standards for existing single-family structures being converted into non-residential use:**
- (1) The exterior façade of an existing single-family residence proposed for conversion into non-residential use shall not be altered to accommodate new non-residential land uses except where modifications are necessary to address building or fire code requirements.
 - (2) Any structures proposed for removal shall either be moved to another location for re-use contemporaneously with the construction of the new structure or be deconstructed in such a manner that the resultant materials are suitable for re-use by the deconstructing party or others in future building projects. It is the intent of this Sub-Section that the removed structure be recycled to the extent possible.

6.6.3 Efland Interstate²³

(A) Circulation and Connectivity

- (1) 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.²⁴
- (2) All site planning west of Mount Willing Road shall take into account:²⁵

²³ Existing Section 6.6.3 (Major Transportation Corridor) has been renumbered to 6.6.5. References in existing Sections 4.5.1 and 6.8.12 will be updated.

²⁴ (1) and (2) are putting concepts from the EMSAP and an adopted access management plan into regulations.

²⁵ Because (a) is suggested for removal, (b) will become the remainder of this sentence.

- (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.²⁶~~
- (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.
- (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, or other factors.²⁷
- (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.
- (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.²⁸
- (6) 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.
- (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.
- (8) **Shared Driveways/Access**
- (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.
- (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. 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.~~
- (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~~

²⁶ The Efland Area Resident Group also has suggested that this alignment be removed from the adopted Access Management Plan. (This action is separate from the UDO amendment).

²⁷ (3) and (4) are current requirements for properties in EDDs and is good practice for many types of projects. However, it should be noted that NCDOT may not approve more than one entrance/exit point - see (9)

²⁸ (5) through (9) are current requirements of ECOD and are suggested as good practices to be implemented in the Efland Interstate overlay district as well.

~~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. 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.~~

(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.

(10) Pedestrian Circulation²⁹

(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.

(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.

(B) Landscaping and Buffering³⁰

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.

(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.

(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.

(4) The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).

(C) Architectural Design Standards

²⁹ In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' challenges in funding maintenance of public sidewalks, public sidewalks would not become a requirement for development in Orange County at this time. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained walkways.

³⁰ These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

(1) 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.³¹

~~(2) Drive-through facilities on non-residential uses are allowable in this area.~~³²

(D) Signage

(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.³³

6.6.4 Efland Village

(A) Circulation and Connectivity³⁴

(1) Shared Driveways/Access for Properties Fronting on U.S. Highway 70

(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.

(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. 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.~~

(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. The location of shared driveways shall be determined during site plan review. Shared driveways do not necessarily need to be located at the~~

³¹ This language is suggested in order to ensure that any proposed “chain architecture” will blend better with the surrounding area.

³² The Efland Area Resident Group has suggested that drive-throughs should be allowed in both proposed overlay districts, in accordance with existing County regulations. Therefore, it is redundant to state that drive-throughs are allowed in the Efland Interstate overlay district.

³³ The Efland Area Resident Group reviewed existing sign regulations and believed they are sufficient for the Interstate Overlay district except that signs should be allowed to be larger than existing regulations allow (existing regulations allow signs up to 32 square feet).

³⁴ Please see footnoted explanations for the Efland Interstate overlay district as they apply to this section as well.

front of lots if rear access is proposed and feasible.

- (2) 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.
 - (a) 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.
 - (3) 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.
 - (a) 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.
 - (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.
 - (5) 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.
 - (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.
 - (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.
 - (8) **Pedestrian Circulation**³⁵
 - (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.
 - (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.
- (B) **Outside Storage of Materials Prohibited**³⁶
- (1) All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.
 - (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.

³⁵ In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' challenges in funding maintenance of public sidewalks, public sidewalks would not become a requirement for development in Orange County at this time. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained walkways.

³⁶ This is a restriction currently found in the ECOD and is suggested for the Efland Village overlay district as well.

- (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.

(C) Landscaping and Buffering³⁷

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.
- (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.
- (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.
- (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.

(D) Parking Lot Design³⁸

- (1) 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.
 - (a) **Existing buildings that change use shall comply with this requirement to the extent feasible, as determined during the site plan submittal process.**
- (2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.
- (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.
- (4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.

(E) Signage³⁹

³⁷ These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

³⁸ These are requirements in the ECOD which are also good practice for the Efland Village. An exception being that ECOD requires parking to be located solely in the side and rear yards. Staff is suggesting that a few parking spaces be allowed at the front of buildings in the Efland Village overlay district.

³⁹ These are requirements in the ECOD which are also good practice for the Efland Village.

- (1) Signage shall conform to all the requirements within Section 6.12 of this Ordinance unless in conflict with this subsection, in which case the requirements of this subsection shall apply.⁴⁰
- (2) Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District. The height limit of signs is 15-feet, as measured from the normal ground elevation below the sign.
- (3) The sign area of signs may be up to 64 square feet in size.
- (4) 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.
- (5) 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.
- (6) 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.

(F) Architectural Design Standards⁴¹

In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply:

(1) Corporate Franchise Architecture

- ~~(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 external design of chain businesses should consider and complement the existing community character.

- ~~(2) The principal building shall be oriented facing towards the fronting street.~~

(3) Building Access

- ~~(a) A functional doorway for public or direct entry access into a building shall be provided from the fronting street.~~
- ~~(b) Additional entrances to a building may be provided.~~

(4) Human Scale and Fenestration

⁴⁰ The Efland Area Resident Group reviewed existing sign regulations and have suggested the language shown in green text for the Efland Village overlay district.

⁴¹ (1) through (3) and (5) and (6) are requirements in the ECOD which are also good practice for the Efland Village. (4) is suggested in order to articulate that we are encouraging human scale architecture in the Efland Village overlay district. The existing requirements in Section 6.5 basically implement this point but "human scale" is a more modern term that will likely be recognizable to people in the development community.

- (a) New buildings 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 be provided in such a way that a building is relatable to humans and does not overpower the area.
- (b) Additions to existing non-residential buildings should be designed to both complement the existing building and achieve human scale to the extent feasible.
- (c) The functional use of the building should be considered when determining design features and fenestration.
- ~~(5) Drive-through facilities are prohibited on all non-residential uses.⁴²~~
- (6) Mirrored glass is prohibited discouraged and in no case shall comprise more than 50% of the building façade.

6.6.5 Major Transportation Corridor (MTC)

(A) Landscaping and Buffers

In addition to the requirements set forth in Section 6.8 of this Ordinance, the following standards shall be met:

- (1) A minimum of 100 feet of buffer area from the edge of the interstate highway's right of way, shall be preserved. The purpose of this buffer is to protect, preserve and promote the visual appeal, character and value of land adjacent to major transportation facilities; to provide for the separation of spaces; and to promote the public health, safety and welfare through minimizing potential nuisances such as the transmission of noise, odor, dust, litter and glare of lights.
- (2) In areas of dense mature forest, existing vegetation may be used to fulfill the buffer requirements. Where there is no existing vegetation in the buffer area, or if existing vegetation does not provide a sufficient buffer, all proposed plantings must be shown on the landscape plan to fulfill the buffer requirement. The new plantings shall be predominantly evergreen and shall reach a mature size of at least 30 feet. New trees shall be located so as to establish at maturity a continuous screen in the 100 foot buffer area along the adjacent interstate highway.
- (3) Landscaping shall be in accordance with an approved landscaping plan.
- (4) Any areas left in a natural state shall remain undisturbed except as follows:
 - (a) Within the buffer areas, necessary ingress, egress and utility service may be allowed, but no other disturbance for site improvements shall be permitted.
 - (b) Selective clearing of vegetation may be allowed only to remove diseased trees or trees weakened by age, storm, fire or other injury.
- (5) Non-residential uses within Transition Areas, as designated by the Comprehensive Plan, may provide one break in the required buffer per lot adjacent to the interstate right-of-way in order to provide an on-site commercial sign and/or building visibility. The break shall constitute no more than 50% of the interstate highway frontage.

⁴² The Efland Area Residents Group has suggested that drive-throughs should be allowed in the Village overlay district, in accordance with existing County regulations.

- ~~(C) The Planning Director may grant the extension on requests for planting extensions submitted between May 15 and September 15 of each year, and may grant the extensions at other times if there are unfavorable conditions for planting.~~
- ~~(D) If the initial LREC has expired and conditions are still deemed unsuitable for planting, an applicant may request one additional extension of up to 90 days. During periods of extreme drought, as evidenced by the official declaration of Stage 3 or greater mandatory water conservation requirements, the Planning Director, or designee, may authorize additional 90-day extensions beyond the one extension typically allowed. These extensions may be continued throughout the period in which the extreme drought conditions remain.~~
- ~~(E) The applicant shall also acknowledge that no Final Zoning Compliance Permit shall be issued while there is an active (pending) LREC unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 110% of the installed landscaping costs has been posted with the Planning and Inspections Department.~~

6.8.12 Additional Standards for Economic Development Districts

(A) Landscape and Tree Preservation Plan

The Landscape and Tree Preservation Plan shall be prepared in accordance with the requirements of Section 6.8.10.

(B) Preservation of Existing Features

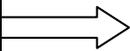
- (1) Natural features such as streams and ponds, hillsides, rock formations, unique vegetation and natural areas, wildlife habitats, and other similar features must be incorporated into the overall development concept.
- (2) Building sites, parking areas, and other uses shall be situated in such a way as to protect existing tree stock having a diameter of one-foot or greater when measured four and a half feet above ground level.
- (3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.
- (4) Where possible, trees shall be protected in stands or clusters.
- (5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.
- (6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.
- (7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.

(C) Buffering Neighboring Uses

- (1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.
- (2) In accordance with Section ~~6.6.3~~ 6.6.5, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.
- (3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.
- (4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.

Section reference update →

Section reference update



- (5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section ~~6.6.3(5)~~ 6.6.5(5).
- (6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.
- (7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.
- (8) Trees with a caliper of six inches or greater should be considered for preservation.
- (9) No grading for building or parking shall encroach upon required buffer.
- (10) Landscape buffer widths may be reduced if the buffer material is adequate to provide additional screening.
- (11) Decorative walls may be used to augment required landscaping for buffer reduction.
- (12) Access and utility crossings are to be made as close to perpendicular as possible to the length of the buffer.
- (13) No land disturbances for buildings, parking, or storage, drainage, etc. are permitted within a required buffer.

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE		
A WHEN THIS LAND USE IS BEING DEVELOPED AND...	B ABUTS THIS EXISTING LAND USE... NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT"	"A" PROVIDES A BUFFER WIDTH OF NEXT TO "B"
Residential, all types	Residential, all types	N/A
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	30
	Other (all other Use Types in Section 5.2.2)	50
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	30
	Collector Road	20
	Railroad	40
	Transmission Lines	40
	Undeveloped Parcel	20
Finance	Residential, all types	20
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
Undeveloped Parcel	20	
Government, Information, Recreation, Retail,	Residential, all types	30
	Finance	20

- ~~(7) To provide for the active and low impact recreational needs of county residents, including implementation of the Master Recreation & Parks Plan.~~
- ~~(8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.~~
- ~~(9) To create compact neighborhoods accessible to open space amenities and with a strong identity.~~

7.13.2 Applicability

- (A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.
- (B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section 4.6 4.8⁴³ of this Ordinance.
- (C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.
- (D) Applicants seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving open space areas as part of such developments.

Section reference update

7.13.3 Open Space Standards

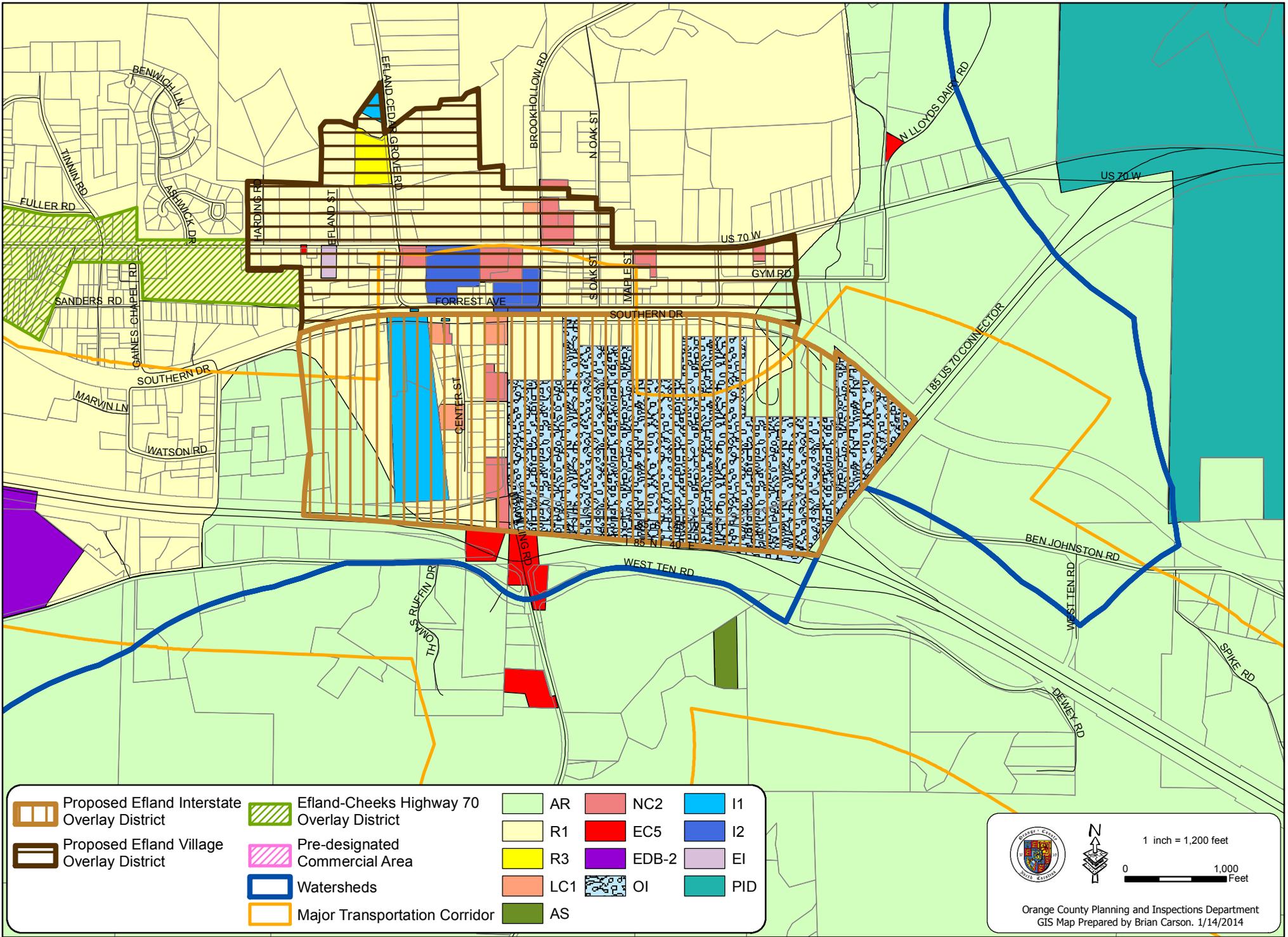
- ~~(A) **Minimum Required Open Space**~~
 - ~~(1) Where a developer elects to seek approval of a Flexible Development as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected open space.~~
 - ~~(2) Such open space shall meet the standards contained in this Section unless the developer chooses to seek approval of a conventional subdivision as specified herein.~~
- ~~(B) **Planning for Open Space**~~
 - ~~(1) Open space design in subdivision projects shall be planned as part of a comprehensive project design.~~
 - ~~(2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.~~
 - ~~(3) Open space is an important amenity for subdivision residents and an essential part of the County's character and environmental quality.~~
 - ~~(4) Open space planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.~~
 - ~~(5) A Flexible Development subdivision plan shall always provide open space which prominently meets at least one of the three following goals in open space design:

 - ~~(a) The Maintenance of Wildlife Corridors and/or Habitat;~~
 - ~~(b) The Preservation of Rural Character; or~~
 - ~~(c) The Creation or Protection of Space for Outdoor Recreation.~~~~
 - ~~(6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:~~

⁴³ This reference change is necessary due to renumbering Sections in order to insert the two proposed overlay district.

Zoning Atlas Amendments

Proposed Zoning Overlay Districts



2030 Comprehensive Plan Amendments



Appendix F: Land Use and Zoning Matrix

Although an additional tick is necessary only in the Commercial-Industrial Transition Activity Node in order to implement the two new overlay districts in the Efland area, staff is suggesting that zoning overlay districts potentially be allowed in the other Transition land use classifications. Other zoning overlay districts are not being contemplated at this time but potentially allowing them in land use classifications where overlay districts would be appropriate will negate the need for additional amendments in the future.

Land Use Classifications & Overlays	ZONING DISTRICTS																							
	RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	0/I	F-1	F-2	F-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	MPD-CZ	MHP-CZ		
Chapel Hill Transition																								
Carboro Transition																								
10-Year Transition																								
20-Year Transition																								
Commercial Transition Activity Node																								
Commercial-Industrial Transition Activity Node																								
Economic Development Transition Activity Node																								
Rural Buffer																								
Rural Residential																								
Agricultural Residential																								
Rural Community Activity Node																								
Rural Neighborhood Activity Node																								
Rural Industrial Activity Node																								
Public Interest Area																								

APPROVED 4/15/2014

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
February 24, 2014
7:00 P.M.**

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on February 24, 2014 at 7:00 p.m. at the DSS Officers, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEY PRESENT: James Bryan (Staff Attorney)

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

PLANNING BOARD MEMBERS PRESENT: Planning Board members Maxecine Mitchell, Johnny Randall, Paul Guthrie, Herman Staats, Tony Blake, and H.T. "Buddy" Hartley

PLANNING BOARD MEMBERS ABSENT: Chair Pete Hallenbeck, Lisa Stuckey, Andrea Rohrbacher and James Lea

Chair Jacobs called the meeting to order at 7:03 pm. He reviewed the following items at the members' places:

- Booklet/Blue Sheets/Cream Sheets/PowerPoint – Item C-1 – Class A Special Use Permit
- Letter – Item C-3 - Unified Development Ordinance (UDO) Text Amendment

A. OPENING REMARKS FROM THE CHAIRS

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

Planning Board Member Buddy Hartley introduced this item.

1. Class A Special Use Permit - To review a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40 in Cheeks Township.

Buddy Hartley: An item involving a special use permit is a quasi-judicial setting, so approval or denial of such permits are based on sworn testimony and evidence from individuals who are speaking before the Board. So, we will ask that all individuals that wish to speak on this be sworn to before the clerk.

Those who were speaking to this item were then sworn in.

Michael Harvey: Good evening. I am Michael Harvey of the Orange County Planning Department. I have been duly sworn, and my job here this evening is to present to you a Class

Tony Blake said one more point would be to find out if the adjacent owners have been notified to find out if this is a problem for them.

Michael Harvey said the adjoining property owners were made aware of the text amendment. He said no complaints have been received.

Judy Foster said she owns the property next door to the kennel, and she has no objection to the 25 foot setback. She said she would agree to this, and she is right next to their parking lot.

Commissioner Gordon said she is not unsympathetic to this; she is just trying to find out what the options are. She said the question is a general question about universal standards versus specific standards. She said she loves dogs, and this is a wonderful operation that has not conformed with the regulations, so it is a difficult question.

A motion was made by Commissioner Dorosin, seconded by Commissioner Pelissier to:

1. Accept the applicant's proposed amendments to the UDO as detailed in this abstract and attachments.
2. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the April 15, 2014 BOCC regular meeting.
3. Adjourn the public hearing until April 15, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

3. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments** - To review government-initiated amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas to establish two new zoning overlay districts in the Efland area.

Perdita Holtz reviewed the following PowerPoint slides:

Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas Amendments for Two New Zoning Overlay Districts in the Efland Area

Quarterly Public Hearing

February 24, 2014

Item C.4

Background

- Heard at November 2012 quarterly public hearing
- Denied by BOCC in February 2013
- 1 year waiting period required for a new application in cases of denial
- This proposal is the staff-recommended version considered on February 5, 2013

Basic Charge

- Implement recommendations in the adopted Efland- Mebane Small Area Plan to establish design and site planning standards for this area of the County served by public (or quasi-public) water and sewer systems.

- Amend plans and regulations as necessary in order to establish two new zoning overlay districts.

Comprehensive Plan Text Amendment (chart)

What is a zoning overlay district?

- Regulatory tools that create a special zoning district, placed over the existing base zones, which identifies special provisions in addition to, or in lieu of, those in the underlying base zone.
- Purpose is to guide development within the specified area.
- Overlay district regulations can be more restrictive or less restrictive than the regulations that apply to the underlying base zones.

Zoning Atlas Amendment (map)

Future Land Use Map (Map)

Relationship to Existing Efland-Cheeks Overlay District (map)

UDO Text Amendments

- Amendments to several sections necessary to implement the new zoning overlay districts
- Intent of the new districts:
 - Allow for a more urban style of development in the Efland Interstate Overlay District
 - Allow for an urban village style of development in the Efland Village Overlay District

Why Necessary?

- Different development regulations necessary in order to reflect the reality of smaller sized lots (both existing and anticipated) served by water and sewer.
- Encourage high quality growth in an area of the county proposed for additional growth while protecting existing development and community character.
- Ensure good planning practices related to site design, transportation, and architecture are achieved.

General Information

- Many of the proposed changes in the amendment packet contain footnotes explaining the reason/rationale for the proposed change.
- Website contains more information
 - Questions and Answers
 - Synopsis of Proposed New Regulations and/or Differences from Existing Regulations
 - (Orange County, Planning Department, "Current Interest Projects")

Exceptions and Existing Uses

- Single-family detached residences (both existing and new) are not subject to the requirements of the overlay districts.
- Other existing land uses are not required to come into conformance with the new regulations so long as the property continues to be used as it is currently being used.
- The requirements of the Major Transportation Corridor (MTC) Overlay District are not being altered.

Synopsis of Changes

(Applicable to Both Districts)

- Side and rear setback can be less
 - Intent is to allow required buffer and minimum setback to be the same
- Smaller (less wide) buffer between lots
 - In keeping with those required in the existing Efland Cheeks Overlay District along Highway 70
- No more than 1 entrance/exit point, unless justified
- Large projects must provide an internal pedestrian circulation system
- Must provide intra-site accessibility
- Requirements for driveways and shared access
 - Shared access only applicable if fronting on Mount Willing Road or Highway 70

Synopsis of Changes

(Efland Interstate Overlay District only)

- Site Planning must take into account need for connecting roadways shown on the adopted Access Management Plan for the area
- Requires that national prototype architectural styles of chain businesses be altered as necessary to complement the surrounding area

Synopsis of Changes

(Efland Village Overlay District only)

- Changes in front yard setback requirements
 - Minimum of 30-feet along Highway 70
 - If not along Highway 70: front setback in keeping with adjoining uses
- No fences in front yards unless a demonstrated need can be shown
- No chain link or similar fencing
- No outside storage of materials
- Allows up to 15% of parking to be located in the front yard (setback area)
- Encourages shared parking and puts a cap on parking
- Limits signage to monument style signs that do not exceed 6-feet in height and prohibits pole signs
- Does not permit modern corporate franchise building design
- Principal building must face fronting street and have a functional doorway
- Requires that buildings be designed to contribute to a “human scale”
- Prohibits drive-throughs and mirrored glass

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
 - Newspaper legal ads for 2 successive weeks
 - Mailed notices to affected property owners
 - Mailed notices to property owners within 500-feet of affected properties
 - Posted 25 signs in strategic areas of the affected area

Recommendation

- Receive the proposal to amend the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.

- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the April 15, 2014 BOCC regular meeting.
- Adjourn the public hearing until April 15, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Perdita Holtz said there is already a similar overlay district along Highway 70. She reviewed the comprehensive plan graphic and said the zoning districts need to be consistent with the comprehensive plan. She said the area where the proposed overlay district is located is a commercial/industrial transition activity node. She said staff is also suggesting a tick mark be added in the other three transition land use classifications, so that any future overlay districts that are contemplated will not require a comprehensive plan amendment.

She reviewed the map of the Zoning Atlas Amendment, as well as the Future Land Use Map and the map of the overlay district mentioned earlier. She said the proposed text amendments contain amendments to several areas. She said the current development regulations primarily address development on large size lots.

Referring to the slide "Synopsis of Changes (Efland Village Overlay District only)", she noted that varied setbacks along an individual street create a more chaotic feel and look. She said it is good urban design for a village setting to have consistent setbacks.

Chair Jacobs asked for an explanation of how all of this came to be proposed.

Perdita Holtz said this is part of the Efland Mebane small area plan, which was a plan made up of appointed residents in the area. She said this is a community driven plan, and it is based on recommended standards for achieving good development.

Commissioner McKee noted that the Efland Mebane small area plan was brought forward in 2004, and the committee ran for two years. He asked if staff has gone back to the community since 2006.

Perdita Holtz said committee meetings were held when the zoning overlay districts were last proposed, and public information meetings were held in 2012. She said these meetings were not held for these changes, as these are substantially similar to what was proposed in 2012.

Commissioner McKee said, since this was denied by the Board in 2013, it would have been good to go back to the community to get their response before moving forward with another proposal.

Perdita Holtz said the amendment outline form for this item specifically stated that there would not be another public outreach meeting and the reason why. She said this was because this has already undergone public comment in the past, but she understands the concern.

Commissioner Price asked for an explanation of the rationale behind the fencing.

Perdita Holtz said this does not apply to single family houses, but it has to do with the aesthetics of having chain link or other fencing in the front yard.

Commissioner Price asked why there is an aversion to chain link fences.

Perdita Holtz said the committee expressed concern about this if there was a lot of commercial development.

Commissioner Price asked if this would apply to a duplex.

Perdita Holtz said you would not be able to have a chain link fence in the front yard.

Commissioner McKee asked about the drive-throughs. He asked if drive-throughs along highway 70 on any commercial facility would be banned.

Perdita Holtz said that is correct. She said there was a point in the small area plan that these would not be permitted in the Efland Village, but it would be permitted in the interstate district. She said the concern was having a string of fast food restaurants cropping up on Highway 70.

Commissioner Price said she believes another concern about the drive-throughs was the concern of car stacking and all of the associated fumes.

Perdita Holtz said that was a concern in the County, but the concern specific to this plan was about the proliferation of fast food restaurants on Highway 70.

Commissioner Rich said she remembers this as one of the first things that came before the Board when she came on, and she didn't have a lot of information. She said her concern at that time was calling things urban when there are no sidewalks being put in. She said she still has concerns with calling things urban, when there is no way for people to use their feet to get there, because there are no sidewalks. She is unsure of why the word urban is used in these settings.

Perdita Holtz said the growth management systems map adopted in 2003 calls areas rural designated and urban designated, and this is in one of the urban designated areas.

Commissioner Rich questioned whether this is really urban. She said the County is just creating an area where people are being allowed to build density.

Perdita Holtz said it depends on your definition of urban, but this is creating areas where people can not only build density, but can put non-residential uses.

Commissioner Rich said you can't walk there; you have to drive your car there.

Perdita Holtz said it is true that you cannot walk there on a sidewalk.

Commissioner Pelissier said the difficulty is that this is just a small area compared to an urban area like Chapel Hill or Carrboro. She said, even in Chapel Hill, 15-501 by-pass is in an urban area, but there are no sidewalks. She said it is difficult because of the scope of what is being looked at.

Commissioner Rich said it might just be her getting stuck on the word urban; but when these overlays are done, there are all these districts of overlays that are supposed to be urban, but none of them connect.

Perdita Holtz said the small area plan is supportive of having a sidewalk network, but right now, counties in North Carolina have trouble providing, funding, and maintaining sidewalks. She questioned whether you hold this up just because sidewalks can't be provided right now. She asked if development regulation should be kept in place that sometimes requires a buffer of 100 feet, when lots are only 100 feet wide; or if the County should implement something that is good for development now, and the sidewalk issue will continue to be worked on.

Commissioner Rich said she understands that, and if the County will be forward thinking and work toward sidewalks, then she is fine with this. She just doesn't want to approve an urban overlay and then that's the end of it.

Perdita Holtz said this is just one aspect of implementing the small area plan, and there is still more to do. She said keeping sidewalks and bike lanes in mind is part of the plan, and it is something she thinks Orange County will do when the time is right.

Commissioner McKee referred to the statement on creating non-conforming uses. He asked how "operating in the manner in which they are currently operating" will be defined. He said he is aware of multiple parcels of property where new regulations prevent expansion of existing business. He is concerned that this is what will happen here.

Perdita Holtz said this would create non-conforming uses if someone wanted to expand their businesses.

Commissioner Price asked if there would be a time limit for a non-conforming business if there is a change in ownership and a gap in use.

Michael Harvey said there is a time limit of 6 months within any 180 day given period.

Greg Andrews said he lives in the Efland Community and he owns a business in the proposed overlay district. He said he is also here in part to represent the Efland Ruritan Club. He proposed a public hearing in the Efland community. He said there are a lot of elderly folks who cannot come sit at this meeting for 3 or 4 hours to get to this part. He said he would like to

see the people who sat on this committee and made these recommendations. He referenced the discussion about sidewalks and said he does not know how safe walkways would be on highway 70. He asked that this issue remain open. He said the Efland Ruritans would be happy to hold this event in Efland.

Doug Efland said he owns property in the Efland village area. He said he has a lot of questions, and he would like this to continue with some sort of public meeting in Efland. He said there are a lot of things that are alarming or hard to understand in the proposed text. He referenced shared right of ways and other parts of the text that he did not understand. He referenced the section on easement agreements between contiguous parcel owners and asked what incentive it is for an adjacent property owner to enter an agreement with you if there are no plans to develop their property. He said there are certainly questions. He questioned the stipulations on connecting roadways to the east and west side of Mount Willing. He asked that this discussion be continued.

Ben Lloyd said urban to him is Chapel Hill, Charlotte or New York City. He said Efland is a sleepy little community where most of the residents have been living there all of their lives. He said this small area study has been going on for 20 years and notice of this public hearing was given 15 days ago. He has taken a quick look at this plan, and it would take a lawyer to pick all this stuff out. He said the people in the Efland community need to have the opportunity to have some input into this plan. He asked for an open Efland community meeting, followed by a public hearing for general public input.

He said he has a letter from Joseph Forrest and he asked what to do with that. He read the letter and asked it to be entered into the record.

Bill Efland said he also agrees with having the hearing in Efland. He asked if the residents are privy to having the names of the people on the Mebane Efland small area plan committee. He asked if there were any Efland family members on that committee and he said he feels that they should have been involved in this process.

Commissioner McKee said there were Efland folks on this committee. He said he would share the list of names after the meeting.

Lindsey Efland said he has had 40 years of Orange County government saving us from ourselves. He said when all is said and done this language affects approximately ten parcels of land. He said there are only a few developable properties. He said it has also been noted that the community has not been part of the planning process of late. He said this is a significant change for the future of the community and there is not any understandable language as it relates to the re-development of buildings. He feels work needs to be done on this and local input should be involved. He respectfully requests that the public hearing be continued while planning staff works with land owners to help them, and the planning board, understand the full implications of what is going on.

Mike Efland questioned how many landowners of involved parcels were on the committee. He wants to know whose brainchild this is.

Brian Efland said there are a lot of Eflands from Efland, and he is not aware of any who were on the committee. He feels that stake holders should be involved in these decisions. He noted the large number of community members present, and he said no one who sees this likes it. He would like to see continued discussion in the community.

Commissioner McKee said this came before the Board a year ago, and he still does not like it. He feels this should be sent back to staff with instructions to work with the affected community to address their concerns. He said this is not a countywide zoning overlay; it affects a very small number of people in a very big way, and these people need to be involved upfront. He understands there was a public meeting two years ago, but there have been changes made. He does not think the public hearing needs to be held over, but this should be sent back to staff instead.

Commissioner Price said she voted against it last time, and her comments are the same. She questioned whether the public received notice of the meeting last year when this was on the agenda.

Perdita Holtz said the notice went out for the November 2012 quarterly public hearing, and the notice contained an update on the information meeting held in November, which was attended by only ten residents.

Commissioner Price said she would still like to see more discussion with the community.

Commissioner Pelissier said this reflects the comments of the small area plan. She said that was a big picture, and this is only a small section of the Efland area plan. She is fine with having community meetings. She said it is important to continue this to avoid waiting another year. She said things get more difficult the longer this goes on. She suggested continuing the public hearing with a set date.

Perdita Holtz suggested this be continued to the May Quarterly Public Hearing. She said a public hearing out in the community has never been done before, and it would require a quorum of both the Board and the planning board. She said a public meeting can be held with staff in attendance.

Commissioner Pelissier said she was not trying to imply having a public hearing in the community, as this will not allow for question and answers with staff, which is what the community wants. She said this is called a public information session.

Ben Lloyd said people really want a public information session.

Chair Jacobs noted, in fairness to staff, that meetings were held at the Efland Ruritan and there were repeated attempts to recruit people from Efland. He said there were people from Efland who served diligently. He said this was the Efland Mebane small area plan. He said the conversation included plans to get Mebane involved to insure that it would not annex into Efland. He said if this is not a concern now, it is because Mebane has agreed not to do this. He said there were signs up, and there were meetings at the Efland Community Center, the Efland Ruritan Club and Efland Cheeks Elementary school. He feels it is a good idea for the community to meet with staff to ask questions about this, and then this can come back to the Board. He said there have been no attempts to exclude anyone.

An unidentified resident asked when the meeting was held at the Ruritan Club. He asked if the details presented tonight were discussed at that meeting four years ago.

Perdita Holtz said the details were discussed at the open house community meeting held in November of 2012 from 4 - 6 pm at the Efland Community Center, and 10 people came.

Greg Andrews said if this was turned down last time, he would like to see what changes have been made since then.

Chair Jacobs said staff does that in the documents, and this is included.

Greg Andrews said it seems that at least two of the Board members recognize that there is not enough change to make a difference

A motion was made by Commissioner McKee, seconded by Commissioner Price to turn this proposal down and send it back to staff for further review and community input before bringing it back.

Commissioner Gordon said this cannot be turned down, as this is not voted on at this meeting. She asked if Commissioner McKee would like to turn it back to the staff.

Commissioner McKee said it was turned back to staff a year ago.

Commissioner Rich said she is fine with the description of the sidewalks because of the forward thinking that the sidewalk issue is not being dropped. She said she does not understand why this wouldn't just continue to be a public hearing to get more information.

Commissioner Price said staff and the Commissioners would be able to have dialogue with the community. She said it would give more time for community input.

Chair Jacobs said this may just be a difference of semantics. He said the motion is to defer further Board of Commissioner consideration until staff meets with the members of the

Efland Community to address their concerns, and then this comes back to the Board. He said this does not say that this won't come back to the Board, but it directs staff to meet with the community.

Commissioner Dorosin suggested holding an informational meeting with the public at the Whitted building to allow Commissioners and staff to attend, in an effort to bridge the gap. He asked if this could be added to the motion.

Commissioner McKee and Commissioner Price agreed to this.

Commissioner Pelissier also suggested an amendment to the motion, stating that this would come back in May.

Commissioner McKee said he could not accept this, as he is not sure that this allows adequate time for staff to address community concerns. He said this would set an artificial deadline.

Commissioner Pelissier said she would like to have a specific time frame.

Commissioner McKee and Commissioner Price agreed to September.

Chair Jacobs reviewed the amended motion to have a public information meeting to give the Efland community members an opportunity to: meet with staff and Commissioners to express concerns, and for staff to explain the proposals, to come back for the September Public Hearing.

Michael Talbert said there are two options: 1. To close the existing public hearing or 2. Continue this public hearing until the September 2014 Public Hearing.

Commissioner McKee said he will add this to the beginning of his motion.

Commissioner Gordon said she is not sure about having a public information meeting that requires the Commissioners to have a quorum.

Commissioner Price said this is just a public meeting and the Commissioners can attend, but quorum is not required.

A motion was made by Commissioner McKee, seconded by Commissioner Price to close the public hearing; hold a staff coordinated public information session; and to bring this item back to a meeting in September, 2014. (There was discussion of the possibility of no QPH in September and the public hearing would possibly be during a regular meeting.)

VOTE: UNANIMOUS

Commissioner Price suggested there be more than one meeting.

5. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text

Amendments - To review government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) outside of the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification

Quarterly Public Hearing

February 24, 2014

Item C.5

History & Purpose of Amendment

- A work-in-progress since 2001
 - Need for Conditional Zoning construct was one of the "sticking points"
 - We now have this type of zoning in the UDO

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 Plan</u> .	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

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
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

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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.

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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.

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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

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
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.