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, October 2, 2013
Regular Meeting – 7:00 pm

No.	Page(s)	Agenda Item
1.		**CALL TO ORDER**
2.		**INFORMATIONAL ITEMS**
	5-6	**a.** Planning Calendar for October and November
3.		**APPROVAL OF MINUTES**
	7-12	September 4, 2013 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.	**13-22**	**ZONING ATLAS AMENDMENT –** To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone a 2.67 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1).This item was heard at the September 9, 2013 quarterly public hearing. **Presenter:** Michael Harvey, Current Planning Supervisor
8.	**23-40**	**ZONING ATLAS AMENDMENT –** To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from Rural Residential (R-1) to Light Industrial (I-1). The parcels are undeveloped and without an assigned street address but are located east and south of the USA Dutch property at 3604 Southern Drive. This item was heard at the September 9, 2013 quarterly public hearing. **Presenter:** Michael Harvey, Current Planning Supervisor
9.	**41-64**	**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** – To make a recommendation to the BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) that will require a neighborhood information meeting be held prior to site plan submittal for most proposed governmental uses. This item was heard at the September 9, 2013 quarterly public hearing. **Presenter:** Michael Harvey, Current Planning Supervisor
10.	**65-104**	**ENO ECONOMIC DEVELOPMENT DISTRICT ACCESS MANAGEMENT PLAN -** To make a recommendation to the BOCC on a proposed access management plan for the Eno EDD (Economic Development District). The proposed access management plan involves approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County). This item was heard at the September 9, 2013 quarterly public hearing. **Presenter:** Abigaile Pittman, Transportation / Land Use Planner
11.	**105-119**	**TOWN OF HILLSBOROUGH/ORANGE COUNTY CENTRAL ORANGE COORDINATED AREA LAND USE PLAN –** To make a recommendation to the BOCC on future land uses proposed for areas of County jurisdiction located within the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan. This item was heard at the September 9, 2013 quarterly public hearing. **Presenter:** Tom Altieri, Comprehensive Planning Supervisor

No.	Page(s)	Agenda Item
12.		**COMMITTEE/ADVISORY BOARD REPORTS** **a.** Board of Adjustment **b.** Orange Unified Transportation
13.		**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).

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October 2013

October 2013

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November 2013

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Sep 29 - Oct 5	**Sep 29**	**30**	**Oct 1**	**2**	**3**	**4**	**5**
			7:00pm BOCC Reg Meeting (Dept of Social Services)	5:45 pm ORC Meeting 7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)			
Oct 6 - 12	**6**	**7**	**8**	**9**	**10**	**11**	**12**
			7:00pm BOCC Work Session (Link Gov't Service Ctr)				
Oct 13 - 19	**13**	**14**	**15**	**16**	**17**	**18**	**19**
		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)	7:00pm BOCC-Carrboro Joint Meeting (Southern Human Services)		
Oct 20 - 26	**20**	**21**	**22**	**23**	**24**	**25**	**26**
Oct 27 - Nov 2	**27**	**28**	**29**	**30**	**31**	**Nov 1**	**2**

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November 2013

November 2013

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December 2013

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 27 - Nov 2	**Oct 27**	**28**	**29**	**30**	**31**	**Nov 1**	**2**
Nov 3 - 9	**3**	**4**	**5** 7:00pm BOCC Reg Meeting (Department of Social Services)	**6** 7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	**7**	**8**	**9**
Nov 10 - 16	**10**	**11** 7:30pm Board of Adjustment (West Campus Office Bldg)	**12** 7:00pm BOCC Work Session (Southern Human Services)	**13**	**14**	**15**	**16**
Nov 17 - 23	**17**	**18**	**19** 7:00pm BOCC Reg Meeting (Southern Human Services)	**20** 7:00pm OUTBoard Meeting (West Campus Office Bldg)	**21** 7:00pm Assembly of Government (Southern Human Services)	**22**	**23**
Nov 24 - 30	**24**	**25** 5:30pm BOCC/ Planning Board Dinner Meeting (Link Gov't Services) 7:00pm *QUARTERLY PUBLIC HEARING (Dept of Social Services)	**26**	**27**	**28** HOLIDAY	**29** HOLIDAY	**30**

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D R A F T

MINUTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 4, 2013
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township; Stephanie O'Rourke, Eno Township Representative

MEMBERS ABSENT: Johnny Randall, At-Large Chapel Hill Township; Vacant- Hillsborough Township Representative;

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

OTHERS PRESENT: Tim O'Rourke

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

a) Planning Calendar for September and October
b) Reminder: Quarterly Public Hearing on Monday, September 9

AGENDA ITEM 3: APPROVAL OF MINUTES

JULY 10, 2013 ORC NOTES
JULY 10, 2013 REGULAR MEETING

MOTION by Tony Blake to approve the July 10, 2013 Planning Board ORC notes and the July 10, 2013 Planning Board minutes. Seconded by Maxecine Mitchell.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

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AGENDA ITEM 6: CHAIR COMMENTS

Pete Hallenbeck: I will be leaving early tonight for a fire chief meeting. We will be talking about home occupations tonight. I am taking away the fact that it would be nice to have the same numbers for Chapel Hill and the rural buffers. The other thing is there could be a different set of rules for rural versus urban.

Agenda Item 7: Home Occupations – To continue discussion on home occupation regulations and review potential changes to the regulations.
Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado: (Reviewed abstract).

Paul Guthrie: Does that immediately kick in industrial requirements for those who sell food?

Ashley Moncado: I don't think it does. I think it depends on the scale. The live work unit information is less restrictive.

Maxecine Mitchell: Does home occupation include bed and breakfast?

Ashley Moncado: No, that would be considered a business.

Ashley Moncado: Continued presentation.

James Lea: If you have a tax service that is 11%, do you have to meet Section 419 so that person would have to deal with fire protection?

Ashley Moncado: Yes.

Craig Benedict: This doesn't make sense for the home occupation so we are asking are you really restricting the 10%. We may go talk to the Department of Insurance.

Pete Hallenbeck: We don't have a lot of say in this because this is a state regulation.

James Lea: This is extremely restrictive.

Tony Blake: Is there a definition for home office?

James Lea: Office, hair stylist, etc.

Pete Hallenbeck: You may also have the situations to where all these changes occur and there is a problem with the numbers, we at least have the format and can change the numbers.

Andrea Rohrbacher: Does telecommuting apply?

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Ashley Moncado: Yes. This was more for onsite. As long as you don't exceed four all at once, you could operate as home occupation.

Paul Guthrie: How do you define visitor? If you have 10 students, that may wipe out some occupations. We should be knowledgeable about these types of limitations.

Pete Hallenbeck: Let's go around the room for comments.

Paul Guthrie: I only wanted to indicate that we do have a home business, an artist, and we have almost no visitors. Some of the definitions, visitors, deliveries, are so imprecise. Do delivery trucks count toward that number?

Pete Hallenbeck: Michael Harvey would be able to look at those to check them.

Andrea Rohrbacher: My first concern in students per day. The way this is written if that I had a summer craft session with a morning session of 10 students and an afternoon session with 10 students that would not be allowed. My second question is about the number of events per year. If I had a seasonal business, I bake wedding cakes, I would like to have 2 events in the spring and one in the fall or open houses per year and then my kitchen is in my home and it meets all the standards for me to do the wedding cakes and I also do my home cooking, where does that land in this?

Herman Staats: Keep these issues in mind when we have additional public meetings related to this so we can modify these to better accommodate everyone.

James Lea: Looking at the revised standards dealing with minor and major home occupations sounds great with a little tweaking until you get to the new standards and pretty much it says all home occupations that exceed 10% or more. If you have any type of business, you will exceed the 10% of the floor area if you have a reception area. Then we get into Section 419 is extremely restrictive for any business.

Buddy Hartley: I don't think we can change state law. I think what we have done is a good start.

Maxecine Mitchell: I hope we don't discourage people with small business and expenses.

Tony Blake: I would like to see documentation as to when 419 applies.

Ashley Moncado: It applies to everything.

Tony Blake: I am not going to invite building inspectors to the house.

Lisa Stuckey: I want to reiterate my employee issue which I think is a lot more flexible. In the Chapel Hill one it states that no equipment or process shall be employed that will cause noise, vibration, etc. If you are putting a business in a home it is part of the impact. What about signs?

Ashley Moncado: The signage was not brought up.

Maxecine Mitchell: The HOA has restrictions also.

Lisa Stuckey: How will this be enforced?

Craig Benedict: If it is blatantly evident, we will look into it.

Pete Hallenbeck: I like on the first page that the major occupations located on a shared private road will be required to submit a private road maintenance agreement. Private road agreements will tear everybody up. The major home occupations have a 3,000 foot limit. I would imagine if an artist bought 10 or 30 acres and wanted to

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renovate a barn, they would not have a problem with that. I think how this topic resonates on the board and other people. I want to address the sprinkler system, my home is sprinklered and it is real simple. I wish there was a way to say if the house was more than 2,000 square feet, it had to be sprinkled. Under the Telecommunicating section shall not be considered a home occupation, maybe we should be put in there that if you have employees who telecommute, they are working for you but stay in their home, and they will not be considered employees on site. The events per year limits, you need to be careful because if you had a time during the summer where every Saturday 15 cars show up, that is starting to hit that impact limit. You could spread the impact of that over a period of time. We did touch on the fact that the Orange County sign limit was much bigger than the Chapel Hill one so we need to think about that.

Paul Guthrie: If the sprinkler does not pass the minimum requirements for the sprinkler system, you will not get a permit. You need to have a separate unattached generator.

Agenda Item 8: Hillsborough/Orange County Central Orange Coordinated Area– To receive information on the Central Orange Coordinated Area Land Use Plan and next steps.
Presenter: Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri: Reviewed abstract.

Tony Blake: Does zoning match the land use along here or is there effort to get that to happen?

Tom Altieri: In some cases it does and in others there may be an effort to make that happen. The town and county need to come together on the joint land use plan and then the town needs to adopt its zoning classifications that would correspond in the blue areas. Those would need to be acknowledged by Orange County and our Unified Development Ordinance.

Paul Guthrie: You mentioned a couple of criteria that went into the thought pattern. One was the water supply and the cost to serve development. How much did those two categories enter into the discussion as you cut up the region between Hillsborough and the county and the second question was who was assuming the largest cost burden.

Tom Altieri: In terms of water supply, the position of the town was they want to try to hold the line. You also asked about the cost.

Craig Benedict: Any consideration of the development cost to the un-served areas in terms of how you negotiated with Hillsborough. We looked at the existing lines and wanted to fill in those existing areas as far as water supply. As far as sewer, there are sub basins that flow into the Eno so we looked at sewer sheds. What would be the ease of extending sewer south? One other major consideration was transportation issues.

Paul Guthrie: How much did developed cost go into that discussion?

Craig Benedict: Hillsborough's water sewer fund is very fragile. Their biggest water user went out of business shortly after the new reservoir was put into service so that put a major strain on them. They will still need to expand their reservoirs so they will not lose the permitting process they went through. It is managed around total water capacity and an efficiently run sewer system.

James Lea: If the urban service area will not be expanded, what is the reason to go forward with Phase II of the reservoir? And what will be the impact around the reservoir?

Craig Benedict: They think there are undeveloped properties that will need those water supplies. Hillsborough purchased all the land around the Phase II during the previous permitting process.

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Tom Altieri: Continued abstract.

Craig Benedict: Announced Morinaga project in the Buckhorn area and talked about how previous actions of the Planning Board (land use and zoning changes) helped bring the project to Orange County.

AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS

a) Board of Adjustment
b) Orange Unified Transportation

Introductions of the Board members.

AGENDA ITEM 10: ADJOURNMENT

MOTION: made by Paul Guthrie to adjourn. Seconded by Tony Blake.
VOTE: UNANIMOUS

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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 2, 2013

Action Agenda Item No. 7

SUBJECT: Zoning Atlas Amendment – Keizer Rezoning of 2.7 acre parcel – 3604 Southern Drive

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

ATTACHMENT(S):

1. Vicinity Map
2. Ordinance Approving Rezoning Petition
3. Statement of Consistency with Comprehensive Plan

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575

PURPOSE: To make a recommendation to the BOCC on an owner-initiated general rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the September 9, 2013 Quarterly Public Hearing where staff indicated the property owner, Ms. Maria Keizer, and her son Mr. Ronald Keizer petitioned to rezone an approximately 2.7 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155):

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

TO: Light Industrial (I-1).

The property is currently utilized to support an existing sheet metal fabrication operation, specifically USA Dutch. Please refer to Attachment 1 for a vicinity map denoting the subject parcel.

Public Hearing: As indicated during the public hearing the property is currently split zoned with required parking area and septic system serving the existing industrial operation is located on the R-1 zoned portion of property.

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

During the hearing the following questions were asked:

1. A BOCC member asked staff to clarify the zoning of the property.

   Staff Comment: As detailed within the abstract the property is split zoned Rural Residential (R-1) and Light Industrial (I-1). The property is also located within the Upper Eno Protected Watershed Protection Overlay District.

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2. A BOCC member asked if the rezoning request for this parcel would impact the zoning of the property to the south and east.

   Staff Comment: The extension of the I-1 zoning over the remaining portion of 3604 Southern Drive will not impact the zoning of the property to the south or east. Staff pointed out, however, that the Keizer's have submitted a request to rezone the 2 parcels to the south and east to I-1 to allow for a possible expansion of the existing industrial operation.

   Staff reminded the Board the decision to approve this specific request would be based on the appropriateness of the application, and its compliance with the Comprehensive Plan, and not on the possible expansion of the existing non-residential land use.

Agenda materials from the September 9, 2013 Quarterly Public Hearing can be viewed at: http://orangecountync.gov/occlerks/130909.pdf

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

1. The application is complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to I-1.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map, the Growth Management System, and the adopted Efland Mebane Small Area Plan.

Attachment 2 contains the proposed Ordinance approving the rezoning. Attachment 3 contains a statement detailing the requests consistency with the Comprehensive Plan.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence 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.

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

RECOMMENDATION: The Planning Director recommends the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation to proceed with Attachment 2 and Attachment 3, and
3. Make a recommendation to the BOCC on the proposed zoning atlas amendment in time for the **November 5, 2013** BOCC meeting.

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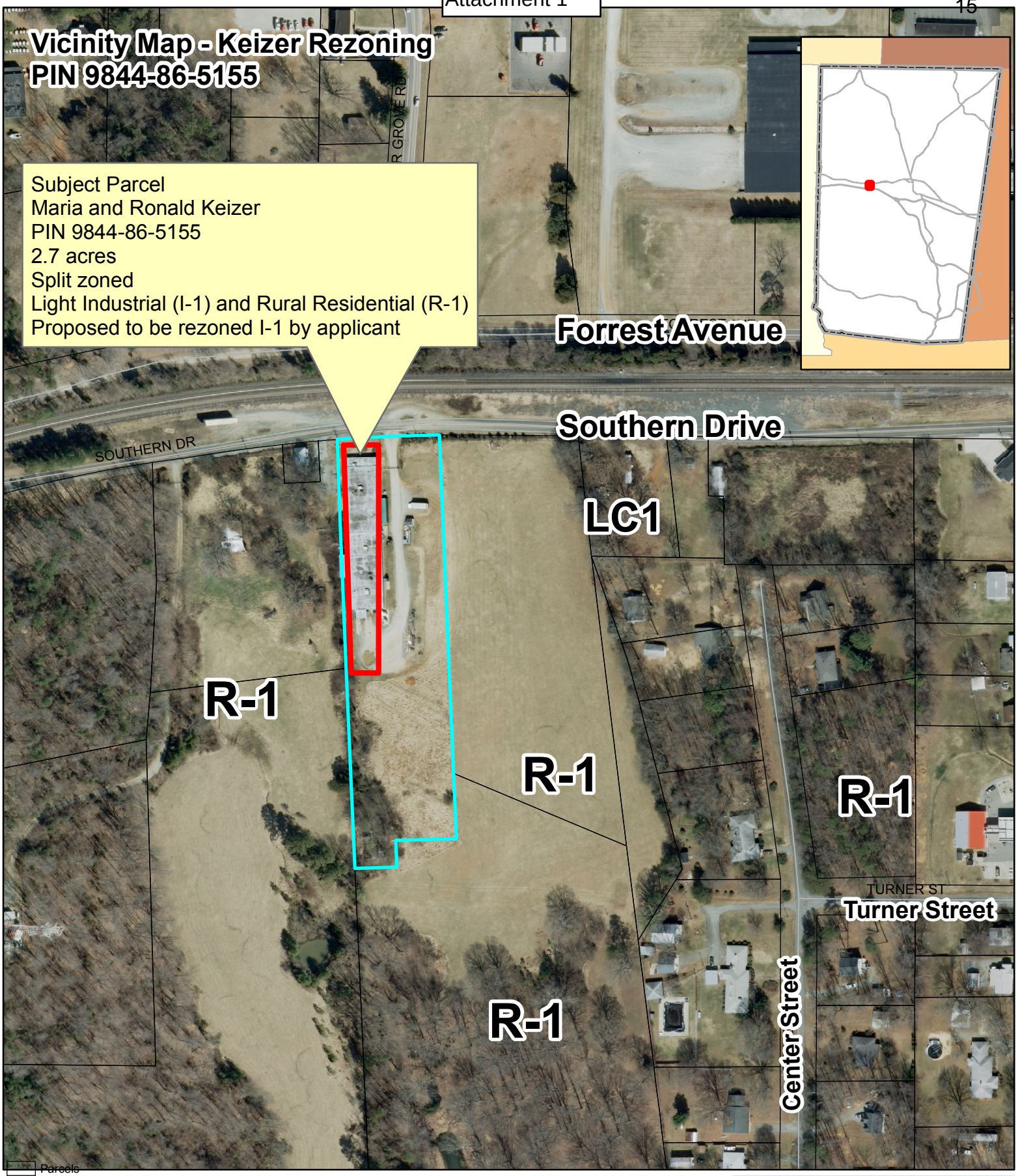
Vicinity Map - Keizer Rezoning
PIN 9844-86-5155



Parcels
Township Boundary
City Limits
ETJ

2010 Images

RGB

Red: Band_1
Green: Band_2
Blue: Band_3

1 inch = 208 feet

Orange County Planning and Inspections Department
5/3

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ATTACHMENT 2

*Ordinance #:*_____

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

WHEREAS, the property to be rezoned is identified further as follows:

> Beginning at an existing iron pipe in the south right-of-way line of Southern Drive (SR 1317); thence South 88 deg. 15' East 170 feet to an iron pipe; thence South 00 deg. 10' 55" West 665.34 feet to an iron pipe; thence North 89 deg. 49' 05" West 99.49 feet to an iron; thence South 00 deg. 21' 05" West 43 feet to an iron; thence North 89 deg. 38' 55" West 69.14 feet to an iron; thence North 00 deg. 01' 51" West 318.34 feet to an iron pipe; thence North 00 deg. 10' 55" East 394.54 feet to the point and place of Beginning and containing approximately 2.7 acres, more or less.

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, 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 that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
e. 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,

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streets, and sidewalks), while avoiding areas with protected natural and cultural resources. T his could be ac hieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Light Industrial (I-1).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

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ATTACHMENT 2

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WHEREAS, the property to be rezoned is identified further as follows:

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WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, 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 that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
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and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

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BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

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Attachment 3

RESOLUTION CONCERNING
STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS, Ms. Maria Keizer, an Orange County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
e. 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.

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by furthering the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the

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goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 2, 2013

Action Agenda Item No. 8

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

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

ATTACHMENT(S):

1. Vicinity Map
2. 2030 Comprehensive Plan Appendix F Land Use and Zoning Matrix
3. Ordinance Approving Rezoning Petition
4. Statement of Consistency with Comprehensive Plan

INFORMATIONAL/EDUCATIONAL ITEM(S):

5. Zoning District Chart

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575

PURPOSE: To make a recommendation to the BOCC on an owner-initiated general rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the September 9, 2013 Quarterly Public Hearing where staff indicated Ms. Maria Keizer and Mr. Ronald Keizer had petitioned to rezone 2 parcels of property totaling approximately 16.1 acres in area (PINs 9844-87-7368 and 9844-86-7573):

FROM: Rural Residential (R-1)

TO: Light Industrial (I-1).

Please refer to Attachment 1 for a vicinity map denoting the subject parcels.

Public Hearing: As indicated during the public hearing the Keizer's have made an offer to purchase the properties in an effort to expand their existing non-residential operation located at 3604 Southern Drive (PIN 9844-86-5155). They believe the request represents a logical extension of the existing I-1 zoning district and will allow for the expansion of an existing industrial operation consistent with the various policies of the adopted 2030 Comprehensive Plan. If approved, the applicants plan to re-combine these 2 properties with their parcel at 3604 Southern Drive to create a single, I-1 zoned, parcel.

During the hearing the following questions were asked:

1. A BOCC member asked staff to clarify the intent and purpose of the Commercial Industrial Transition Activity Node (hereafter 'the Node').

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Staff Comment: The Orange County 2030 Comprehensive Plan defines the Node as follows:

> *Land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.*

2. A BOCC member asked staff to explain why there was residentially zoned property within the Node. There was concern over the potential impact of the rezoning on the continued use of these properties to support residential land uses.

   Staff Comment: The aforementioned definition of the Node indicates '*higher intensity residential uses*' are acceptable for 'limited' development in the area. As a result there is, and will continue to be, general use residential zoning designations throughout the Node.

   Underlying zoning was not changed with the establishment of the Node (i.e. up-zoning) and assumes as development conditions are favorable to allowing additional non-residential development, properties could be rezoned appropriately.

   While staff understands the concern, the UDO contains development standards designed to offset potential impacts (i.e. setbacks, land use buffers, performance standards, etc.).

   It should be noted, in accordance with Section 5.2.1 *Table of Permitted Uses* of the UDO, single-family residences are a permitted use of property within the:

   a. Local Commercial (LC-1)
   b. Neighborhood Commercial (NC-2)
   c. Community Commercial (CC-3)
   d. Existing Commercial (EC-5)
   e. Office Institutional (OI) – multi-family residences only (i.e. a building or lot containing 3 or more dwelling units)
   f. Economic Development Eno Lower Intensity (EDE-1)
   g. Economic Development Hillsborough Limited Office with Residential (EDH-3)

   non-residential general use zoning districts.

   Attachment 2 contains the Land Use and Zoning Matrix denoting the various appropriate general use zoning districts for each land use classification.

   Attachment 5 contains an educational/information item providing additional information on the various general use zoning districts.

3. A BOCC member asked staff to clarify what land use buffer would be required on the 2 parcels if they were rezoned and developed for industrial use.

   Staff Comment: Section 6.8.6 of the UDO provides for a variable width buffer based on the zoning of adjacent property. The typical land use buffer of an I-1 zoned property located adjacent to an R-1 zoned property is 100 feet.

4. A BOCC member asked if the expansion of the existing sheet metal fabrication operation at 3604 Southern Drive would negatively impact adjacent properties.

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Staff Comment: Staff did not believe the proposed expansion would create any negative impacts but could not offer any definitive comment without the submission of a formal site plan.

Staff reminded the Board the decision to approve the request would be based on the appropriateness of the application, and its compliance with the Comprehensive Plan, and not on the possible expansion referenced within the Keizer's application.

The property, if rezoned, could be developed to support any use detailed for the I-1 zoning district within Section 5.2.1 *Table of Permitted Uses* of the UDO.

Agenda materials from the September 9, 2013 Quarterly Public Hearing can be viewed at: http://orangecountync.gov/occlerks/130909.pdf

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

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

Attachment 3 contains the proposed Ordinance approving the rezoning. Attachment 4 contains a statement detailing the requests consistency with the Comprehensive Plan.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence 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.

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

RECOMMENDATION: The Planning Director recommends the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation to proceed with Attachment 3 and Attachment 4, and
3. Make a recommendation to the BOCC on the proposed zoning atlas amendment in time for the **November 5, 2013** BOCC meeting.

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

Parcels
Township Boundary
City Limits
ETJ

2010 Images

RGB

Red: Band_1
Green: Band_2
Blue: Band_3

N

1 inch = 250 feet

Orange County Planning and Inspections Department
5/3

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Appendix F: Land Use and Zoning Matrix

	Land Use Classifications & Overlays	ZONING DISTRICTS																					
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	O/I	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	MPD-CZ	MHP-CZ
Transition	Chapel Hill Transition Carrboro Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement-Contact appropriate Municipality for applicable Zoning Standards																					
Transition	10-Year Transition			◆	◆	◆	◆													◆		◆	◆
Transition	20-Year Transition			◆	◆	◆	◆															◆	◆
Transition	Commercial Transition Activity Node							◆	◆	◆	◆		◆									◆	
Transition	Commercial-Industrial Transition Activity Node							◆	◆	◆	◆		◆	◆	◆	◆						◆	
Transition	Economic Development Transition Activity Node																	◆				◆	
Rural	Rural Buffer	◆																					◆
Rural	Rural Residential			◆																			◆
Rural	Agricultural Residential		◆																◆				◆
Rural	Rural Community Activity Node							◆	◆													◆	
Rural	Rural Neighborhood Activity Node							◆	◆														
Rural	Rural Industrial Activity Node													◆									
Overlay	Public Interest Area																				◆		

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ATTACHMENT 3

*Ordinance #:*_____

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

WHEREAS, the properties to be rezoned are identified further as follows:

> Being all of Lots Number One (1) and Two (2) containing a total of 16.1 acres more or less and shown on a plat entitled "Final Plat – Re-division of Lot 1, First South Bank, INC" dated May 6, 1985 as drawn by K. Gary Simmons, RL, of Simmons Engineering & Surveying INC. and recorded in the Office of the Register of Deeds for Orange County, NC in Plat Book 74 Page 168.

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, 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 that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.
b. <u>Principle 7</u>: Promotion of Economic Prosperity and Diversity.
c. <u>Economic Development (ED) Overarching Goal</u>: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. <u>Land Use Overarching Goal</u>: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
e. <u>Objective LU-1.1</u>: 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

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creating new mixed-use zoning districts where adequate public services are available.

and

WHEREAS, the Board has found the proposed zoning atlas amendments to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the properties as described herein to Light Industrial (I-1).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

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Attachment 4

**RESOLUTION CONCERNING
STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Ms. Maria Keizer, an O range County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
e. 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 s ewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. T his could be ac hieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and,

WHEREAS, the Board has found the proposed zoning atlas amendments to be reasonable and in the public interest as it promotes public health, safety, and general welfare by furthering the goals and purposes of the 2030 Comprehensive Plan or part thereof.

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the

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goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

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ATTACHMENT 5

Informational table denoting purpose, minimum lot area, and locational allowances of general use zoning districts

District	Section3.3 of the UDO - Purpose Statements for 'Residential Districts'	Section 3.3 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Rural Buffer (RB)	… provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.	87,120 square feet (2 acres)	Rural Buffer
Agricultural Residential (AR)	… assist in the preservation of land suitable, as a result of location, existing farming operations, soils and topography, for agricultural, silvicultural or horticultural uses and to protect such uses from the adverse effects of incompatible land uses.	40,000 square feet (.92 acres)	Agricultural Residential
Rural Residential (R-1)	… provide locations for rural non-farm residential development, at very low intensities, in areas where the short and long-term solutions to domestic water supply and sewage disposal shall be individual wells and ground absorption system.	40,000 square feet (.92 acres)	Rural Residential 10 and/or 20 Year Transition
Low Intensity Residential (R-2)	… provide locations for low intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	20,000 square feet (.45 acres)	10 and/or 20 Year Transition
Medium Intensity Residential (R-3)	… provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	15,000 square feet (.34 acres)	10 and/or 20 Year Transition
Medium Intensity Residential (R-4)	… provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	10,000 square feet (.22 acres)	10 and/or 20 Year Transition

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District	Section3.3 of the UDO - Purpose Statements for 'Residential Districts'	Section 3.3 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
High Intensity Residential (R-5)	… provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available. It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.	7,500 square feet (.17 acres)	10 and/or 20 Year Transition
High Intensity Residential (R-8)	… provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available. It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.	5,000 square feet (.11 acres)	10 and/or 20 Year Transition
High Intensity Residential (R-13)	… provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available. It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.	3,000 square feet (.06 acres)	10 and/or 20 Year Transition

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District	Section3.4 of the UDO - Purpose Statements for 'Commercial Districts'	Section 3.4 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Local Commercial (LC-1)	… provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building. ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	No specific minimum - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial Transition Activity Node Commercial-Industrial Transition Activity Node Rural Neighborhood Activity Node Rural Industrial Activity Node
Neighborhood Commercial (NC-2)	… provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the lot boundaries of the use. ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	2,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial Transition Activity Node Commercial-Industrial Transition Activity Node Rural Neighborhood Activity Node Rural Industrial Activity Node
Community Commercial (CC-3)	… provide suitably located and sized sites for commercial, office and service uses designed to serve a county-level market area. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundaries of the use. ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	2,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
General Commercial (GC-4)	… provide suitable situated and sized sites that allow a broad range of commercial, office and service uses. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.	40,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
Existing Commercial (EC-5	… provide a district to be used only during the application of zoning to previously unzoned townships to accommodate existing commercial uses or in zoned townships to previously zoned commercial property which is not located in areas designated as Activity Nodes by the adopted Comprehensive Plan. ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	40,000 square feet	Not specifically tied to a Land Use Category – allowed wherever existing commercial uses were located during imposition of zoning

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District	Section3.4 of the UDO - Purpose Statements for 'Commercial Districts'	Section 3.4 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Office Institutional (OI)	… provide locations for medium and high intensity office, service, institutional, and residential land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes. ** NOTE – multi-family residences (i.e. a building or lot containing 3 or more dwelling units) are allowed in this district as a permitted use per Section 5.2 of the UDO.	Residential – none Non-residential – 5,000 square feet Lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
Agricultural Services (AS)	… provide sites in the rural portion of the County for rural non-farm, non-residential uses which support the horticultural, silvicultural, and agricultural uses of the AR districts.	40,000 square feet - lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. open space, etc.)	Agricultural Residential

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District	Section 3.5 of the UDO - Purpose Statements for 'Industrial Districts'	Section 3.5 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Light Industrial (I-1)	… provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.	80,000 square feet (outside of a Commercial Industrial Transition Activity Node) 20,000 square feet (inside a Commercial Industrial Transition Activity Node) Required lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node Rural Industrial Activity Node
Medium Industrial (I-2)	… provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impact beyond the lot boundaries of the use.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node
Heavy Industrial (I-3)	… provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. Performance standards will be used to insure the absences of adverse impacts beyond the zoning district boundary.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node
Existing Industrial (EI)	… provide a district to be used only during the application of zoning, to previously unzoned townships to accommodate existing industrial uses not located in areas designated as Industrial Transition Activity Node or Rural Industrial Activity Node by the adopted Comprehensive Plan.	80,000 square feet	Not specifically tied to a Land Use Category – allowed wherever existing industrial operations were located during imposition of zoning

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District	Section 3.6 of the UDO - Purpose Statements for 'Other Districts'	Section 3.6 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Public Interest District (PID)	… preserve and protect certain public land and private educational lands, deemed environmentally sensitive and of major scientific research significance from the impacts of development. In addition, these lands will be managed in ways that will prevent any intentionally generated adverse impacts from affecting surrounding property.	500,000 square feet	Public Interest Area

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District	Section 3.7 of the UDO - Purpose Statements for 'Economic Development'	Section 3.7 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Economic Development Buckhorn – Lower Intensity (EDB-1)	… provide locations for a range of lower intensity non-residential uses in the designated Buckhorn Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Buckhorn – Higher Intensity (EDB-2)	... provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Buckhorn Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Eno – Lower Intensity (EDE-1)	… provide locations for a range of lower intensity non-residential uses in the designated Eno Economic Development District. ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Eno – Higher Intensity (EDE-2)	… provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Eno Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Hillsborough – Linear Officer (EDH-1)	… provide locations for low to moderately intense medical, professional, administrative and government office on small to mid-sized sites in the designated Hillsborough Economic Development District. The district is intended to be located on the periphery of established residential areas and along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and higher, more intense land uses.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Economic Development Transition Activity Node

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District	Section 3.7 of the UDO - Purpose Statements for 'Economic Development'	Section 3.7 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Economic Development Hillsborough – Linear Officer (EDH-2)	… provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.	2 to 5 acres	Economic Development Transition Activity Node
Economic Development Hillsborough – Limited Office with Residential (EDH-3)	… provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain low to moderate density residential uses (1-8 units per acre).	2 to 5 acres Resultant single-family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer	Economic Development Transition Activity Node
Economic Development Hillsborough Office (EDH-4)	… provide locations for high intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district is intended to be located on large areas and may contain limited commercial uses within employment centers.	4 acres	Economic Development Transition Activity Node
Economic Development Hillsborough Office/Flex (EDH-5)	… provide locations for a wide range of assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District. Some commercial services are also permitted accessory to industrial development provided all access is provided internally. The district is established to provide locations for industrial development which have little or no impact on adjoining properties.	4 acres	Economic Development Transition Activity Node

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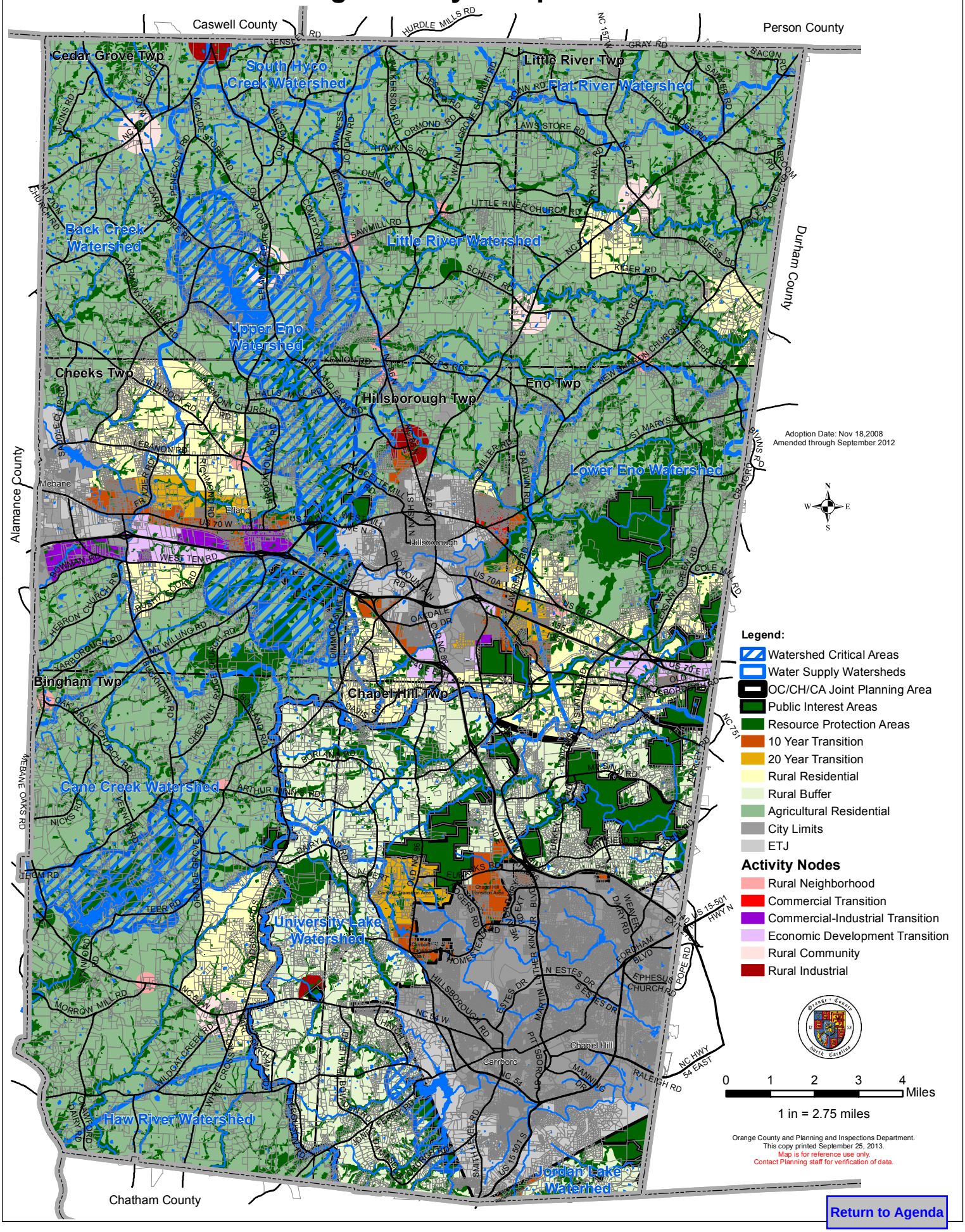
Future Land Use Map of the Orange County Comprehensive Plan



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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 2, 2013

Action Agenda Item No. 9

SUBJECT: Unified Development Ordinance Text Amendment Related to Holding a Neighborhood Information Meeting for Governmental Uses

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

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2013-03)
2. UDO Amendment Package

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575

PURPOSE: To make a recommendation to the BOCC on a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) requiring a neighborhood information meeting be held prior to the development of 'governmental uses' as detailed within the Unified Development Ordinance (UDO). The amendment also involves the renumbering of existing sections and updating of references throughout the document.

BACKGROUND: This item was presented at the September 9, 2013 Quarterly Public Hearing where staff indicated the anticipated development of a volunteer fire department substation off of Neville Road has caused local residents to voice concern over a lack of notification or participation in the process.

The proposed text amendment will require a neighborhood information meeting be held for all land uses falling into the 'governmental uses' land use category to allow the general public to be made aware of the project and offer comment. The amendment is intended to promote additional public involvement and notice when a 'governmental use' is developed within the County.

Agenda packet materials from the hearing can be accessed via the following link: http://orangecountync.gov/occlerks/130909.pdf.

Please refer to Section C.1 (c) of Attachment 1 for a synopsis of comments made during the hearing.

Attachment 2 contains the proposed amendments with additions shown in red text and proposed deletions are shown in red ~~strikethrough~~ text as well as footnotes documenting the rationale for the proposed modification.

Procedural Information: In accordance with Section 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.

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Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed text amendments based on the following:

For additional information please refer to Section B.1 and 2 in Attachment 1.

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

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Deliberate as necessary on the proposed amendments;
2. Consider the Planning Director's recommendation to approve the text amendment as detailed in Attachment 2; and,
3. Make a recommendation to the BOCC on the proposed amendments in time for the **November 5, 2013** BOCC meeting.

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

UDO / Zoning-2013-03

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

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:
From:
To:

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:

☐ UDO General Text Changes
☐ UDO Development Standards
☒ UDO Development Approval Processes

Section(s):

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

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☐ Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to require that a neighborhood information meeting be held prior to any action authorizing the development of a governmental land use within the County's planning jurisdiction.

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

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

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

a. Government Facilities and Office Buildings

b. Government Protective Services (Police and Fire Stations) Rescue Squads, Volunteer Fire Departments

c. Military Installations (National Guard and Reserve, Armory)

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

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

2. Analysis

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

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

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

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

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requirement.

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

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

4. **New Statutes and Rules**

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

June 18, 2013

b. Quarterly Public Hearing

September 9, 2013

c. BOCC Updates/Checkpoints

June 18, 2013 – BOCC members approved the legal advertisement for the September 9, 2013 Quarterly Public Hearing.

September 9, 2013 – Quarterly Public Hearing. At the public hearing the following comments were made:

1. A Planning Board member expressed concern there needs to be additional thought on what constitutes 'governmental uses' and the expense and logistical issues that might arise for various uses having to hold a neighborhood information meeting.

   Staff Comment: The direction from the BOCC has been that the development of any governmental use, including office buildings, trails, parks, etc., should have to go through a public notification process.

   Staff included language in the proposal eliminating the requirement for a neighborhood information meeting in those instances where a public participation component is involved with respect to the planning of the use.

   While staff understands the potential concern we do not share it. It should be noted State and Federal uses are exempt from this requirement as they are not subject to local land use regulations.

2. A BOCC member expressed concern over the imposition of additional cost on applicants to advertise and hold the neighborhood information meeting.

November 5, 2013 - Receive Planning Board recommendation.

d. Other

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2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

July 10, 2013 – Ordinance Review Committee (ORC).

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

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

There were no suggested amendments made by members.

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

October 2, 2013 – Recommendation

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

Legal advertisements were published in accordance with the provisions of the UDO.

e. Outreach:

☐ General Public:

☐ Small Area Plan Workgroup:

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

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

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Responses from DEAPR and Solid Waste expressed concern over a potential duplication of efforts as there is typically significant public outreach on various projects (i.e. parks, solid waste convenience centers, etc.) Staff added language to the proposed amendment address this concern by eliminating the neighborhood information meeting requirement in those instances where the project was part of a 'previous planning effort' that included public outreach and review of a proposed development.

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

To date no comments have been received.

3. FISCAL IMPACT

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

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

D. AMENDMENT IMPLICATIONS

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

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:
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Planning

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Attachment 2

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations establishing a requirement for a neighborhood information meeting prior to the submittal of a site plan proposing the development of a governmental land use. The amendment package also proposes the re-numbering of 2 existing sections, to accommodate the new standards, and updates existing references throughout the UDO.

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

- Red Underlined Text: Denotes new, proposed text, that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text:~~ Denotes existing text that staff is proposing to delete

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

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

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

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: http://orangecountync.gov/planning/Ordinances.asp

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

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

(C) Plan Approval

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

(D) Approved Plan a Prerequisite

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

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

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

SECTION 2.22: HOME OCCUPATIONS

2.22.1 Application Requirements

(A) An application for a Home Occupation Permit shall be filed with the Planning Director on forms provided by the Planning Department.

(B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.

(C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.3.

2.22.2 Conditions of Approval

(A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.

(B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:

(1) Hours of operation;

(2) Number of vehicles to be parked on the premises;

(3) The location of an accessory building, storage area or parking on the property.

(C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the home occupation from adjoining properties.

2.22.3 Application Approval

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

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(B) The permit letter must be signed by the applicant to indicate his/her willingness to operate the home occupation in conformance with the requirements and conditions set forth in the permit letter.

(C) Each permit letter shall be kept on file by the Planning Director and shall constitute the Home Occupation Permit for the particular use in question.

(D) The home occupation may be operated by the applicant as long as it is operated in conformance with the requirements and conditions set forth in the permit letter.

2.22.4 Application Denial

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

2.22.5 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.25~~ 2.27.[1]

SECTION 2.23: DAY CARE CENTER IN A RESIDENCE

2.23.1 Application Requirements

(A) An application for a day care center in a residence for 3 to 12 children shall be filed with the Planning Director on forms provided by the Planning Department.

(B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.

(C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.8.1.

2.23.2 Application Review

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

2.23.3 Conditions of Approval

(A) If conditions are attached to the approval, they may address deficiencies in meeting specific chapter requirements or they may address specific impacts which result from the operation of the day care center in a residence for 3 to 12 children.

(B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:

(1) Hours of operation;

(2) Location of play area;

(3) Number of vehicles to be parked on the premises;

(4) The location of a storage area or parking on the property.

(C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the day care center in a residence for 3 to 12 children from adjoining properties.

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

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2.23.4 Application Approval

(A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a letter informing him or her of the approval and of the requirements of this Ordinance that apply to the day care center in a residence for 3 to 12 children

(B) The letter must be signed by the applicant to indicate his or her willingness to operate the day care center in a residence for 3 to 12 children in conformance with the requirements and conditions set forth in the letter.

(C) Each letter shall be kept on file by the Planning Director and shall constitute the approval for the day care center in a residence for 3 to 12 children in question.

2.23.5 Application Denial

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

2.23.6 Annual Review

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

2.23.7 Minor Changes to Approval

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

2.23.8 Changes in Operation

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

2.23.9 Appeals

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

SECTION 2.24: GOVERNMENTAL USES[2]

2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.[3]

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

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

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2.24.2 Neighborhood Information Meeting

(A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a neighborhood information meeting shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.

(1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.[4]

(B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.[5]

(C) The applicant shall obtain property owner mailing address information from the Planning Department, who shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date, place, and time to each property owner within 500 feet of the subject property.

(D) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.[6]

(E) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.

(F) The applicant is required to submit copies of the certified mail receipts denoting the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.

(G) A neighborhood information meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

~~Section 2.24:~~SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS[7]

~~2.24.1~~2.25.1 Environmental Assessment

(A) Generally

An Environmental Assessment ("EA" in this section) may be submitted prior to submittal of the development application to determine if an Environmental Impact Statement ("EIS" in this section) may be required, provided that:

(1) All information necessary to perform the Assessment is provided, and

(2) The project application, when submitted, is consistent with the project described in the Assessment.

(B) Review Process

(1) The Planning Department shall review the EA for completeness within 5 calendar days of the date of submittal.

(2) If the EA is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

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[4] Many County Departments such as DEAPR, Solid Waste, Asset Management, and the Library already do public outreach meetings for their projects. Staff believes it is unnecessary to duplicate these outreach efforts as part of the site plan submittal process.
[5] Planning staff assists all applicants who are required to hold neighborhood information meetings. This includes those applicants proposing a Major Subdivision, Conditional Use, and Conditional Zoning projects.
[6] This is consistent with existing requirements for other neighborhood information meetings required by the UDO.
[7] Section is being renumbered and references are being updated throughout the UDO.

(3) Upon acceptance of a complete EA, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EA will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) Final Action on the EA shall occur within 14 days from the date of acceptance, or such longer time as agreed to in writing by the applicant.

(5) If the EA reveals no “significant environmental impacts", as that term is defined in this Ordinance, the Planning Department shall issue a Finding of No Significant Impact (FONSI).

(6) If significant impacts are identified, the Planning Department shall issue a Finding of Significant Impact and shall require that an Environmental Impact Statement be prepared. The decision of the Planning Department shall be reviewed by the County Manager upon request of the applicant or Planning Department.

(7) The applicant shall be notified if the Planning Department learns of any additional state or local permits which may be required to conduct the proposed activity.

(8) Agencies the Planning Department has knowledge of potentially requiring additional permits shall be notified of the proposed activity by the Planning Department and shall have an opportunity to provide comments.

~~2.24.2~~2.25.2 Environmental Impact Statements

(A) Review Process

(1) The Planning Department shall review the EIS for completeness within 5 working days of submittal.

(2) If the EIS is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

(3) Upon acceptance of a complete EIS, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EIS will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) A notice shall be placed by the Planning Department in a newspaper of general circulation, stating that the EIS will be available for public review at the Planning Department for a period of at least 15 days.

(5) If the proposed activity requires a Mining Permit from the State of North Carolina, or involves the storage of hazardous materials, the EIS shall also be sent to the State Clearinghouse for distribution and review pursuant to Title I, Chapter 25, Section .0200 of the North Carolina Administrative Code.

(6) If an EIS prepared for a State or Federal agency has completed the Federal or State Environmental Review process, including publication in the "Environmental Bulletin" then the EIS and any required addendum thereto shall be advertised as available for public review at the Planning Department, but need not be re-circulated through the State Clearinghouse.

(7) Upon Completion of the advertised 15-day review period, and upon receipt of comments from the State Clearinghouse when applicable, all comments will be compiled and summarized by Planning Staff.

(B) Public Hearing Required

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

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

(C) Notice of Public Hearing

(1) Notice of the public hearing to review the EIS and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing.

(2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(D) Board of County Commissioners Action

(1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.

(2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

(E) Effect on Other Permits and Actions

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

~~Section 2.25:~~SECTION 2.26: APPEALS[8]

~~2.25.1~~2.26.1 Generally

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

~~2.25.2~~2.26.2 Planning Director Decisions

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

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

(1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:

(a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.

(b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

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

(B) Exempt Subdivisions

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

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(1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(C) Minor Subdivisions

(1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(D) Major Subdivisions – Final Plat

(1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.

(2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.

(3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.

(4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

~~2.25.3~~2.26.3 Planning Board Decisions

(A) Major Subdivisions – Concept Plan

(1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.

(2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.

(3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.

(4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.

(5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

~~2.25.4~~2.26.4 Board of Adjustment Decisions

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

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~~2.25.5~~2.26.5 Board of County Commissioners Decisions

(A) Quasi-Judicial Decisions

(1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari.

(2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.

(B) Legislative Decisions

(1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.

(2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:

(a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,

(b) 1 year (365 days) in cases involving the appeal of an Ordinance amendment the UDO,

(c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

~~2.25.6~~2.26.6 Water Supply Watershed Critical Area Boundary Line

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

(A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:

(1) The locational criteria in Section 4.2,

(2) The official Watershed map on file in the Planning Department, and

(3) The boundary line the applicant asserts is correct.

(B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

~~2.25.7~~2.26.7 Special Flood Hazard Overlay District

(A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.

(B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

~~2.25.8~~2.26.8 Soil Erosion and Sedimentation Control

(A) Appeal of Erosion Control Plan

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

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(1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.

(2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

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

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

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

(E) Appeal of Land-Disturbing Stop Work Order

(1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

~~2.25.9~~2.26.9 Stormwater Management Plan

(A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.

(B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.

(D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.

(E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

~~2.25.10~~2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions

(A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

~~2.25.11~~2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties

(A) **Appeal from Board of County Commissioners or Other Governing Body Decisions**

Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

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5.2.2 Table of Permitted Uses – Economic Development Districts

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS * = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
AGRICULTURAL USES									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
CONSTRUCTION									
Building contractors		*		*					
Construction (Sector 23) (Hillsborough EDD only; all activities must be wholly within building)									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
FINANCE									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					
Security and commodity brokers, and investment offices	*	*	*	*					
GOVERNMENT USES [9]									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*

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

(b) State the actions necessary to correct the violation,

(c) Specify a reasonable time period in which the violation must be corrected,

(d) State the remedies and penalties authorized herein that the Planning Director may pursue if the violation is not corrected within the specified time limit,

(e) Invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected, and

(f) Contain a statement indicating that the decision referenced within the notice can be appealed to the Orange County Board of Adjustment as detailed within this Ordinance. This statement shall include language indicating that the appeal must be filled within 30 days from the date of the initial notice and shall provide the deadline for the submittal of the appeal application.

9.5.4 Appeals

(A) Any person aggrieved by the Planning Director's determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section ~~2.25~~ 2.27 of this Ordinance, including payment of the appropriate fee.

(B) Except as provided in Section ~~2.25~~2.27, an appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal.

(C) Civil Penalty Citations subsequent to the initial notice of violation may not be appealed to the Board of Adjustment.

(D) As detailed within Sections 2.12 and ~~2.25~~2.27, the Board of Adjustment shall hear the appeal and may affirm, modify, or revoke the Planning Director's determination of a violation.

(E) If there is no appeal, the Planning Director's determination of the nature and degree of the violation are final.

9.5.5 Timeline for Abatement

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

(A) Within 30 days of receipt of an initial notice of violation, correction order, or Stop Work Order, the owner of the property on which the violation occurs may submit to the Planning Director a written request for extension of the specified time limit for correction of the violation.

(B) The Planning Director shall assist individuals in the preparation of the written request for extension in cases where an individual(s) is/are unable to prepare a written request.

(C) The Planning Director shall determine whether the time limit should be extended based on the information contained in the written request for extension. The Planning Director may extend the time limit as reasonably necessary to allow timely correction of the violation.

(D) In cases where an appeal of the notice of violation has been properly filed with the Board of Adjustment, as provided in Section 9.5.4, the 30 day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order.

(E) Following the time limit for correction of the violation, including any stay or extension thereof, the Planning Director shall determine whether the violation has been corrected.

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

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

9.6.3 Permit Denial or Conditioning

(A) As long as a violation of this Ordinance remains uncorrected, the Planning Director may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

(B) The Planning Director may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

9.6.4 Injunctive and Abatement Relief in Superior Court

(A) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.

(B) The Planning Director shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be recovered by a lien on the property in the nature of a mechanic's or materialman's lien.

9.6.5 Criminal Penalties

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

(B) The Planning Director may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.

9.6.6 Stop Work Order

(A) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Planning Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.

(B) Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.

(C) The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section ~~2.24~~2.27 of this Ordinance.

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

9.7.1 Actions in Event of Violation

(A) Identified violations of the Special Flood Hazard Area Overlay District shall be sent a Notice of Violation. The Notice shall detail the nature of the violation and schedule a hearing with the Floodplain Administrator to review the situation.

(B) This hearing shall be held before the Floodplain Administrator at a designated place and time, not later than ten business days after the date of the Notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(C) Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the structure; or to remove fill as appears appropriate.

9.7.2 Order to Take Corrective Action

(A) If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the structure or development is in violation of this Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days.

(B) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(C) In the absence of an appeal (see Section ~~2.24.7~~ 2.27.7), the order of the Floodplain Administrator shall be final.

9.7.3 Failure to Comply with Order

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

SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL

9.8.1 Inspections and Investigations

(A) Site Inspections

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

(1) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 ("Act" in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;

(2) The measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity.

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

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

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

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

9.8.3 Injunctive Relief

(A) Civil Action in Superior Court

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

(2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

(1) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.

(2) The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of the soil erosion and sedimentation control provisions of this Ordinance.

9.8.4 Restoration of Areas Affected by Failure to Comply

(A) The County may require a person who is engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by N.C.G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

(B) This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

9.8.5 Revocation of Land Disturbing Permit

(A) Whenever a person conducting a land-disturbing activity is not complying with the soil erosion and sedimentation control provisions of this Ordinance, the Land Disturbing Permit, the Approved Erosion Control Plan or any amendments to the Erosion Control Plan, the Erosion Control Officer may revoke the Land Disturbing Permit for the site.

(B) Notice of Revocation shall be sent by registered or certified mail to the person conducting the land-disturbing activity. In the event delivery cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in Rule 4 (j) of the North Carolina Rules of Civil Procedure.

(C) Upon receipt of the Revocation Notice, the person responsible must immediately order all land-disturbing activities to cease except those which are specifically directed towards bringing the site into compliance with the soil erosion and sedimentation control provisions of this Ordinance.

(D) Once the site has been inspected and remedial work approved by the Erosion Control Officer, the responsible party may reapply for a Land Disturbing Permit and pay the appropriate fee.

(E) Resumption of land disturbing activities other than those necessary to bring the site back into compliance with the soil erosion and sedimentation control provisions of this Ordinance before the reissuance of the Land Disturbing Permit shall constitute a violation of the Ordinance.

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(F) The person conducting the land-disturbing activity may appeal the revocation of a Land Disturbing Permit following procedures set out in Section ~~2.25~~2.27 of this Ordinance.

SECTION 9.9: STORMWATER MANAGEMENT

9.9.1 Inspections and Investigations

(A) Site Inspections

(1) Agents, officials, or other qualified persons authorized by the County will periodically inspect on-site BMPs and illegal discharges to ensure:

(a) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 ("Act" in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;

(b) The measures required in the Stormwater Management plan being constructed in accordance with the approved plan.

(c) The permanent BMPs are not in need of any maintenance including, but not limited to, the following:

(i) Mowing of vegetation,

(ii) Vegetation re-establishment,

(iii) Tree removal (especially from wet detention ponds),

(iv) Stabilization of any eroding areas, and

(v) Structural (pipe, riser, dam, etc) repair.

(2) Notice of the right to inspect shall be included in the letter of approval of each Stormwater Management Plan.

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

(1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a required on-site BMP.

(2) The Erosion Control Officer shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any required on-site BMP.

(3) No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

(C) Notice of Violation

(1) If it is determined that a person responsible for construction or maintenance of any permanent on-site BMP, or removal of any Illegal Discharge has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person.

(2) The notice may be served by any means authorized under N.C.G.S. 1A-1, rule 4.

(3) The notice shall specify a date by which the person must comply with the Act, or this Ordinance or rules, or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance, or rules or orders adopted pursuant to this Ordinance.

(4) No time period for compliance need be given for encroaching on the riparian buffer or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out their official duties.

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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 2, 2013

Action Agenda Item No. 10

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

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

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

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

PURPOSE: To make a recommendation to the Board of County Commissioners (BOCC) on the proposed Eno EDD Access Management Plan.

BACKGROUND: Access management is the proactive management of vehicular access utilizing a set of techniques that state and local governments can use to control access to highways, major arterials, and other roadways. Access Management provides an important means of maintaining mobility, capacity and traffic safety as properties are developed over time for nonresidential land uses. It calls for effective ingress and egress to a facility, interconnectivity, efficient spacing and design to preserve the functional integrity, and overall operational viability of road systems. Access management is achieved through the application of planning, regulatory, and design strategies.

The Eno EDD Access Management Plan is generalized; it is not intended to be detailed or property specific. It will be applied to develop more specific access management guidelines in the review of future development proposals in the Eno EDD. More specifically, the Plan examines the US 70 and Old NC Hwy 10 corridors. The improvement of the functionality of these corridors to serve the area's traffic is of high local and strategic importance as future development proceeds in the Eno EDD.

In addition, formally adopted transportation plans are necessary to procure federal and state funding for projects, enhance collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), and to require developer action consistent with the plan.

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

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

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

The study area for the proposed access management plan comprises approximately 980 acres of land in the vicinity of US Highway 70 and Old NC Highway 10 (near Durham County). As properties are developed for non-residential land uses within the Eno EDD, transportation interconnectivity and access will become increasingly important, enhancing the importance of a formally adopted access management plan for the area. Formally adopted transportation plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a m aster plan. Adopted access management plans can also be incorporated into regional transportation plans, which will enhance Orange County's collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

The proposed access management plan examines the US 70 and Old NC Hwy. 10 corridors within the Eno EDD and recommends an access management concept to best meet local conditions while maintaining the functionality of these important arterial facilities for current and future traffic. The improvement of the functionality of these arterials to serve both commuting and travelling traffic together with serving the businesses and residences along these routes is of high local and s trategic importance as future development proceeds in the Eno EDD. Indicators of the area's future development potential include previously adopted changes to the existing zoning and future land use designations. The scope of the Plan does not include any revisions to the area's zoning or future land use designations, but does review what was previously adopted by the Board of County Commissioners.

In preparation for economic development in the Eno EDD area, the proposed plan provides an access management concept based on a l ist of criteria. The Plan is generalized; it is not intended to be detailed or property specific. It will be applied to develop more specific access management requirements in the review and approval of future development proposals in the Eno EDD.

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

Attachment 2 is the Draft Eno EDD Access Management Plan for public hearing. The Eno EDD Access Management Plan is also available on the Orange County Planning Department website at: http://orangecountync.gov/planning/SpecialProjects.asp .

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Public Outreach:
In an effort to better inform interested persons in an informal setting, a Public Information Meeting/Open House was held on September 4, 2013 from 4:30 – 6:30 p.m. at the Shared Visions Retreat Center (historic Murphey School), 3717 Murphey School Road, Durham, NC (in Orange County). Eleven members of the public plus Commissioners Jacobs and Price were in attendance. Generally, there was support for access management in the area, yet some concerns were expressed about truck traffic and speed limits along Old NC Hwy. 10, and impacts on the residential neighborhood associated with nonresidential development.

Quarterly Public Hearing Comments:
This item was heard at the September 9, 2013 quarterly public hearing. Concerns were expressed by a number of residents about the intended future nonresidential development in the EDD, and a petition was submitted in opposition to the Eno EDD Area Small Area Plan (which was adopted in 2008, and amended in 2009). Although the petition does not directly address the Draft Eno EDD Access Management Plan, the BOCC recognized that the residents were expressing concerns about potential future impacts on their residences and the rural road character of Old NC Hwy 10. In response, the BOCC requested that the staff look at scenic easement protections similar to those in place on St. Mary's Road for application on Old NC Hwy 10. The staff will provide a report at the meeting on the previous St. Mary's Road scenic easement project, and make suggestions for addressing residents' concerns.

Another comment at the hearing addressed the correct terminology for the two-foot striped area from the shoulders of Old NC Hwy 10 that was done by NCDOT to improve safety for bicyclists. Additionally, there was some confusion over the Plan's relationship to previously adopted zoning/land use changes in the EDD, and the purpose of the Plan. The Staff will clarify these issues in the presentation at the meeting.

The BOCC referred the Plan to the Orange Unified Transportation Board (OUTBoard) and the Planning Board with a request that a recommendation be returned to the BOCC in time for the November 19, 2013 BOCC regular meeting. The OUTBoard will review the Plan at its meeting on October 16, 2013.

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

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

1. Review the Draft Eno EDD Access Management Plan (Attachment 2); and
2. Make a recommendation to the Board of County Commissioners (BOCC) on the proposed Eno EDD Access Management Plan.

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ATTACHMENT 1

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

Eno Economic Development District Access Management Plan

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:

☐ Zoning Map:
From:
To:

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☐ UDO Text:
☐ UDO General Text Changes
☐ UDO Development Standards
☐ UDO Development Approval Processes
Section(s):

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

B. RATIONALE

1. **Purpose/Mission**

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

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ATTACHMENT 1

2. **Analysis**

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

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

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

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

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

May 7, 2013

b. BOCC Public Hearing

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

c. BOCC Updates/Checkpoints

d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

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

a. Planning Board Review:

October 2, 2013

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ATTACHMENT 1

b. Advisory Boards:
OUTBoard – September 18, 2013

c. Local Government Review:

d. Notice Requirements

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

e. Outreach:

- [x] General Public: Public Information Meeting September 4, 2013
- [ ] Small Area Plan Workgroup:
- [ ] Other:

3. FISCAL IMPACT

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

D. AMENDMENT IMPLICATIONS

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

E. SPECIFIC AMENDMENT LANGUAGE

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

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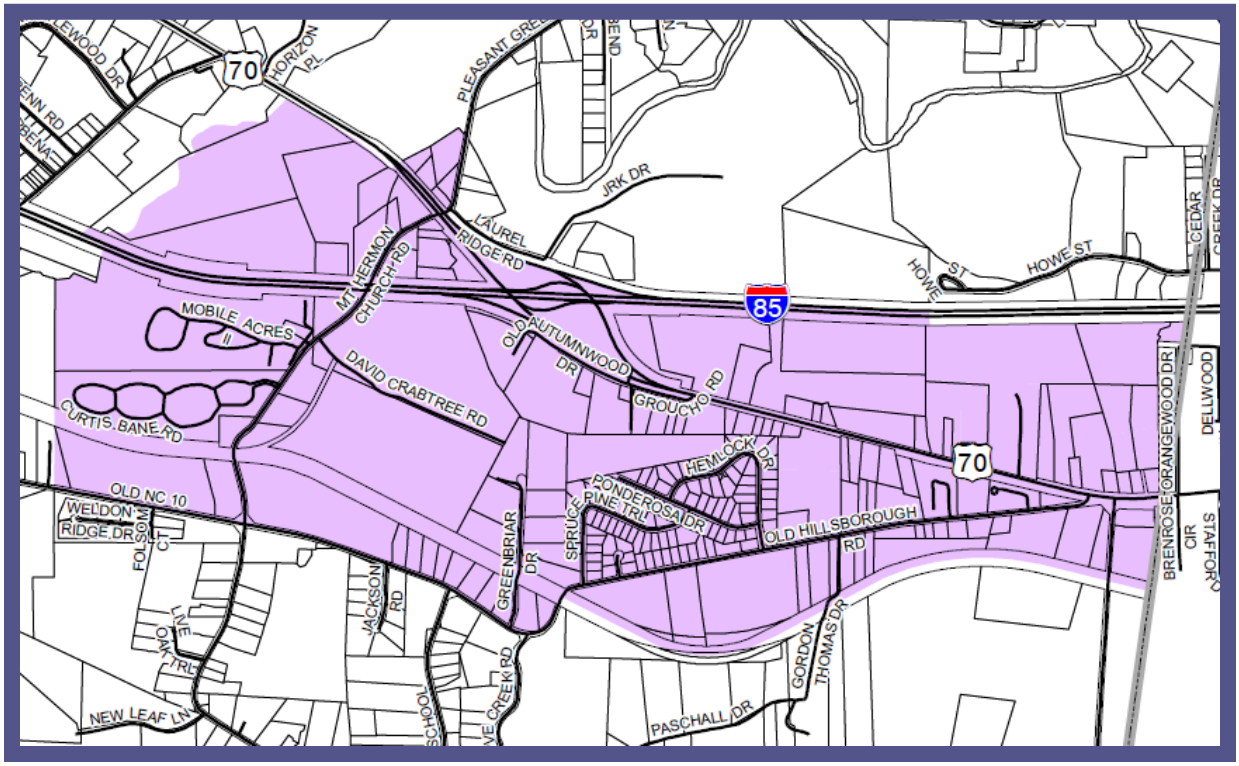
ORANGE COUNTY ENO ECONOMIC DEVELOPMENT DISTRICT (EDD) ACCESS MANAGEMENT PLAN

Draft

September 9, 2013



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Eno Economic Development District (EDD) Access Management Plan

Introduction

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

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

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

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

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

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

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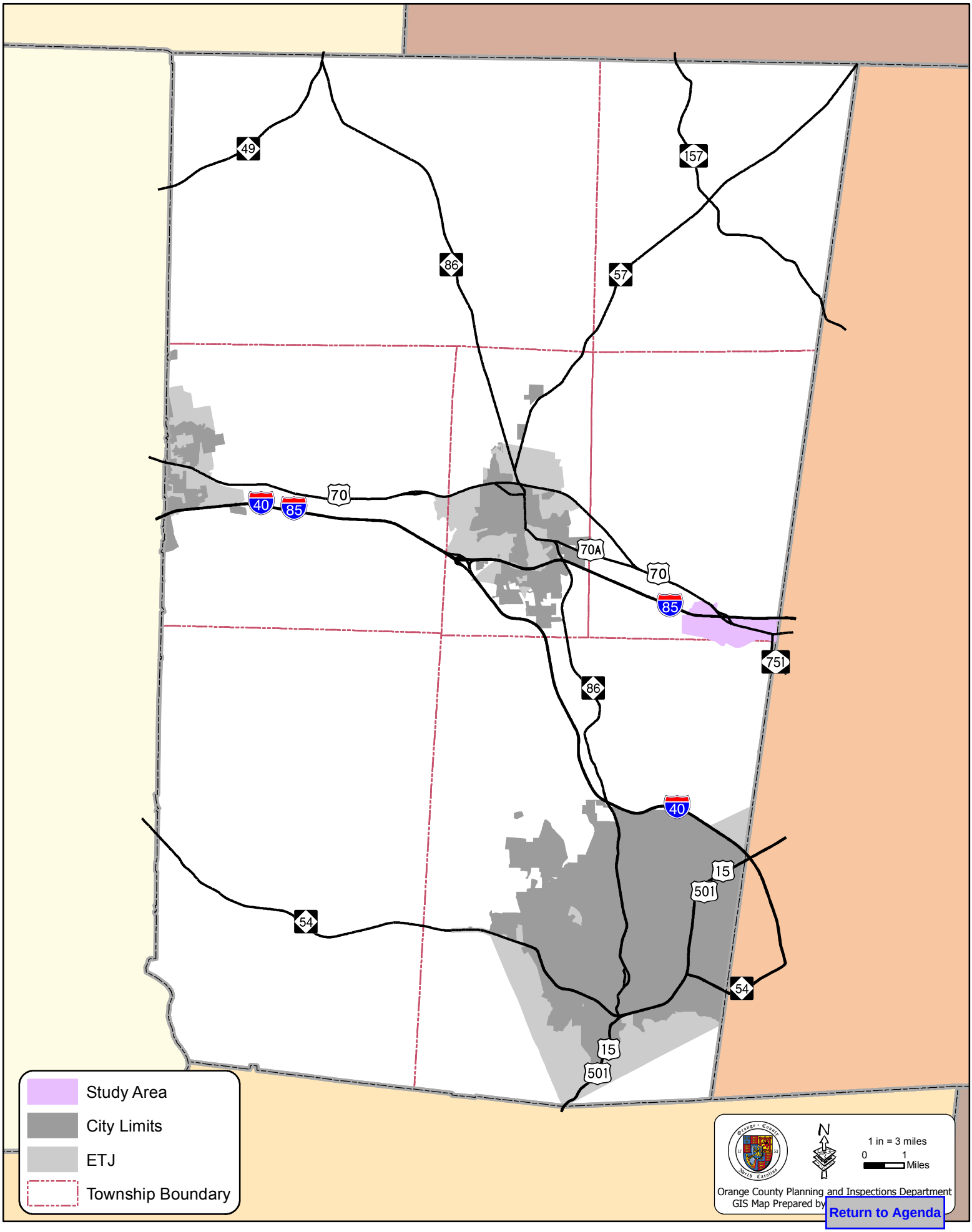
Eno EDD - Vicinity Map



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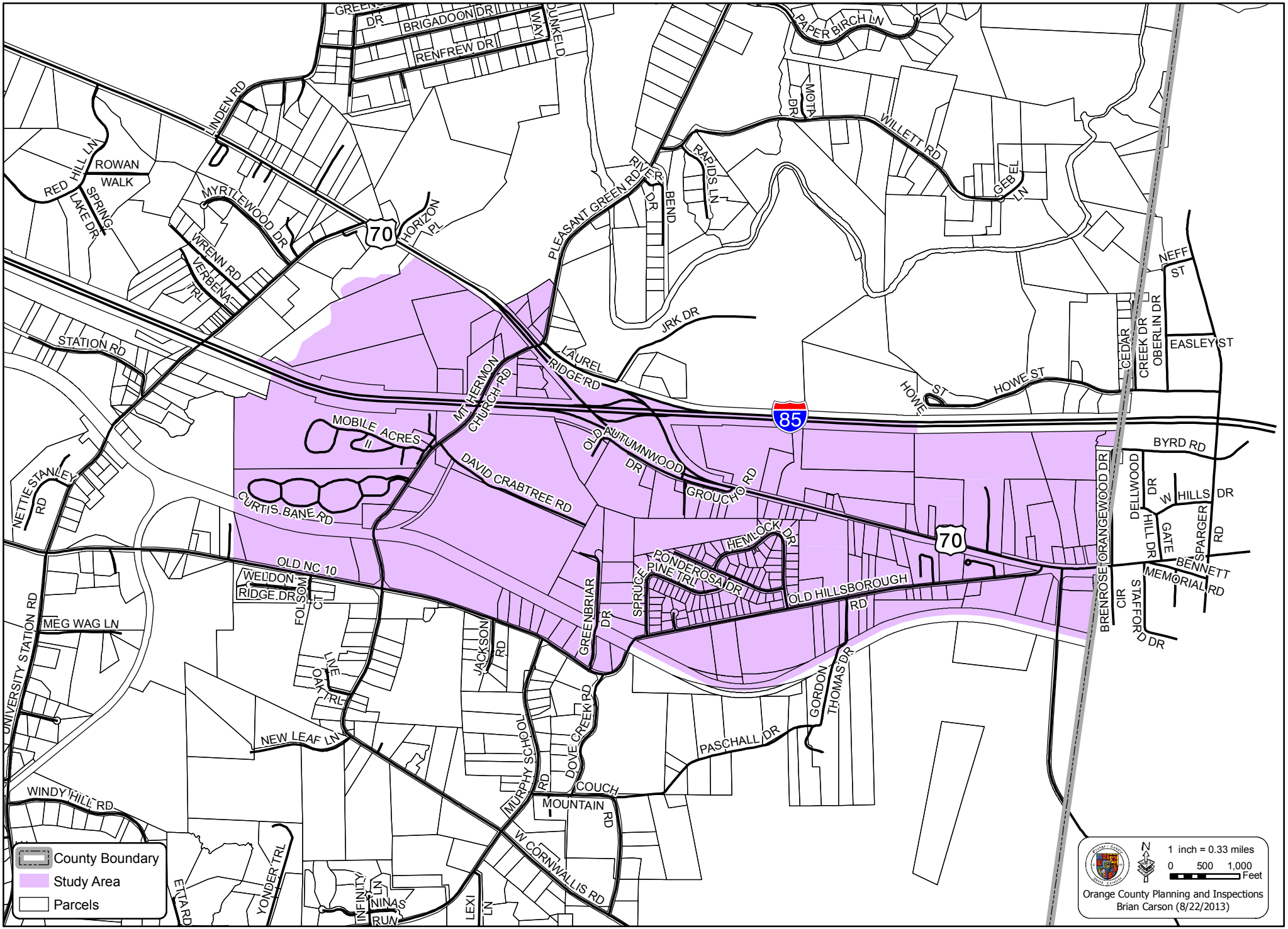
Eno EDD - Access Management Plan Study Area



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

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

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

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

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

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

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

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Existing Zoning and Land Use

Existing Land Use

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

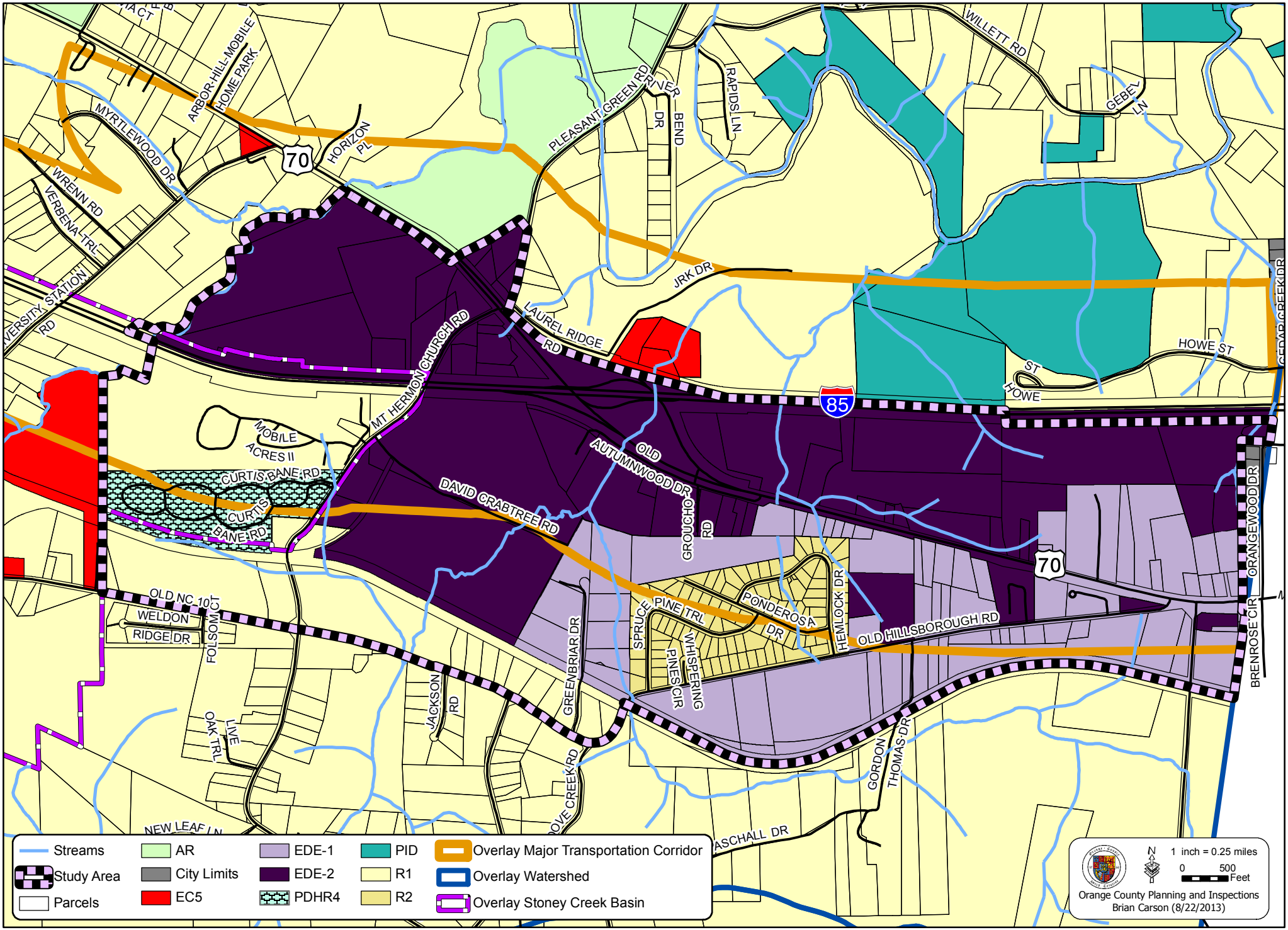
Existing Zoning

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

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

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

Eno EDD - Zoning



Future Land Use Designations

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

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

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

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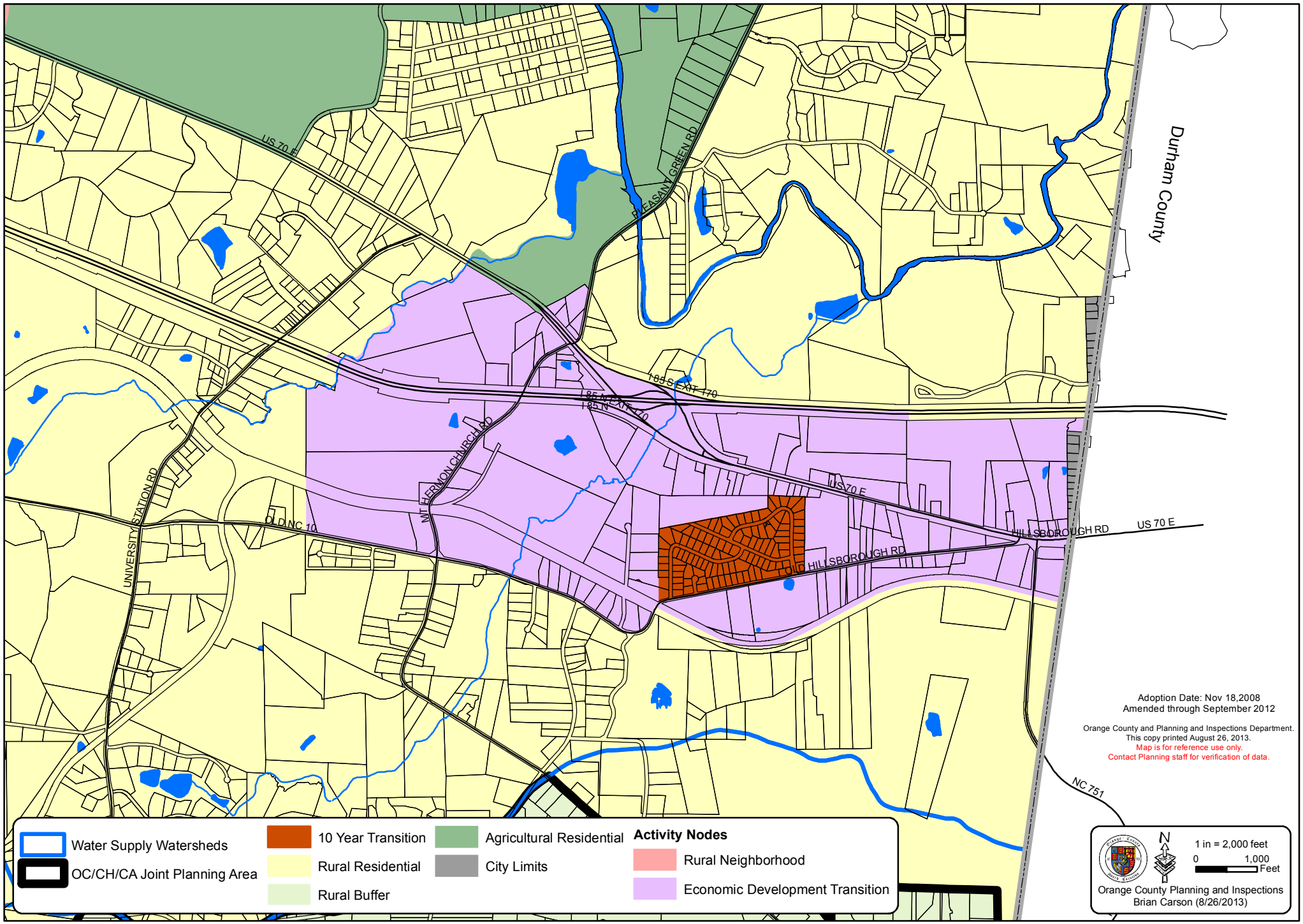
Eno EDD - Future Land Use Map of the Orange County 2030 Comprehensive Plan



Environmental Considerations for Access Management in the Study Area

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

Topography

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

Floodplains

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

Wetlands

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

Environmental Benefit of Access Management

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

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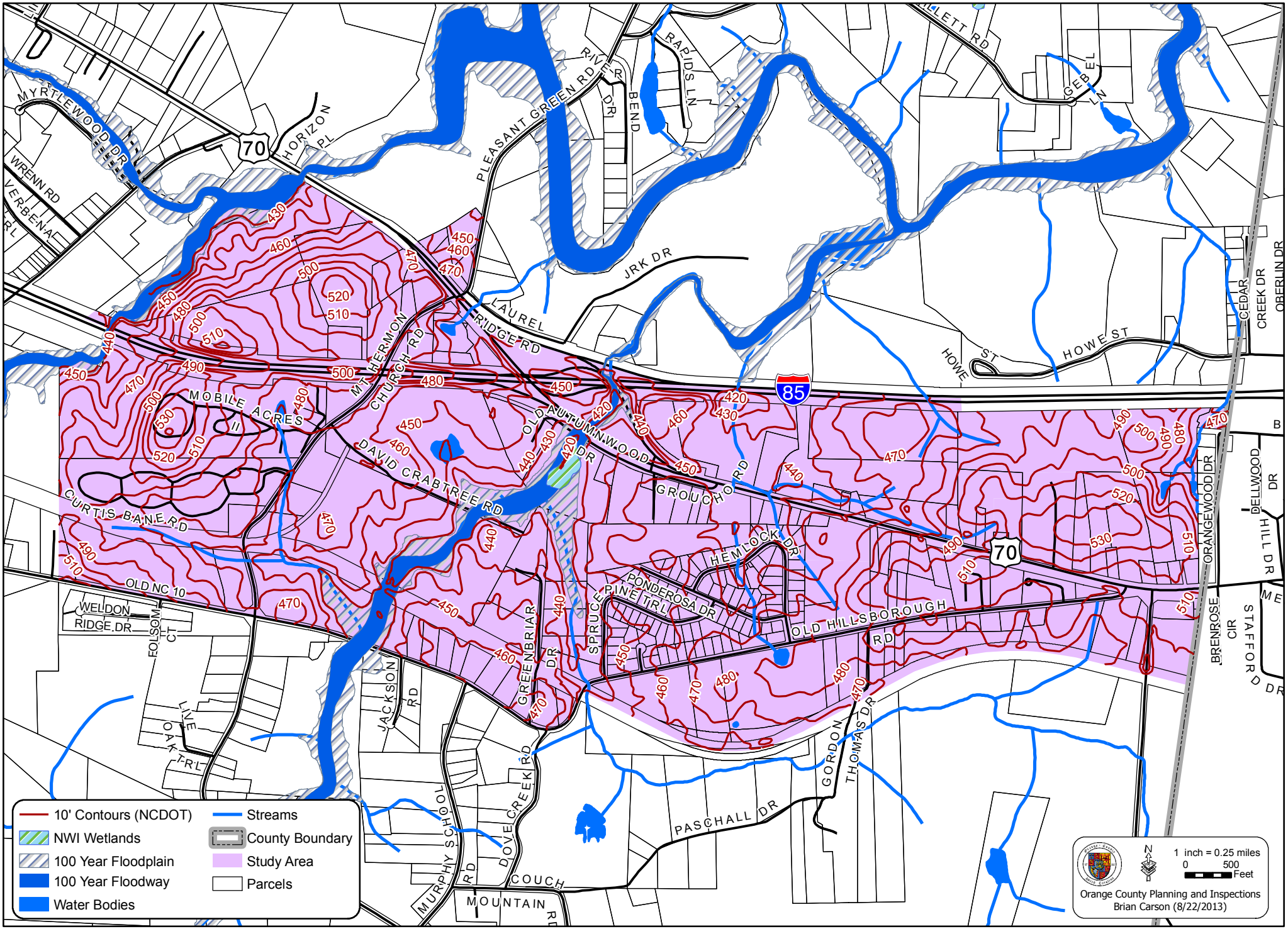
Eno EDD - Environmental Map



Existing Transportation Conditions

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

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

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

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

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

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

Signalized/Unsignalized Intersections – The majority of the intersections in the Study Area are currently unsignalized. There are three existing signalized intersections: 1) US 70/NC 751; 2) US 70/Mr. Herman Church Road; and 3) Old NC 10/ Mr. Herman Church Road.

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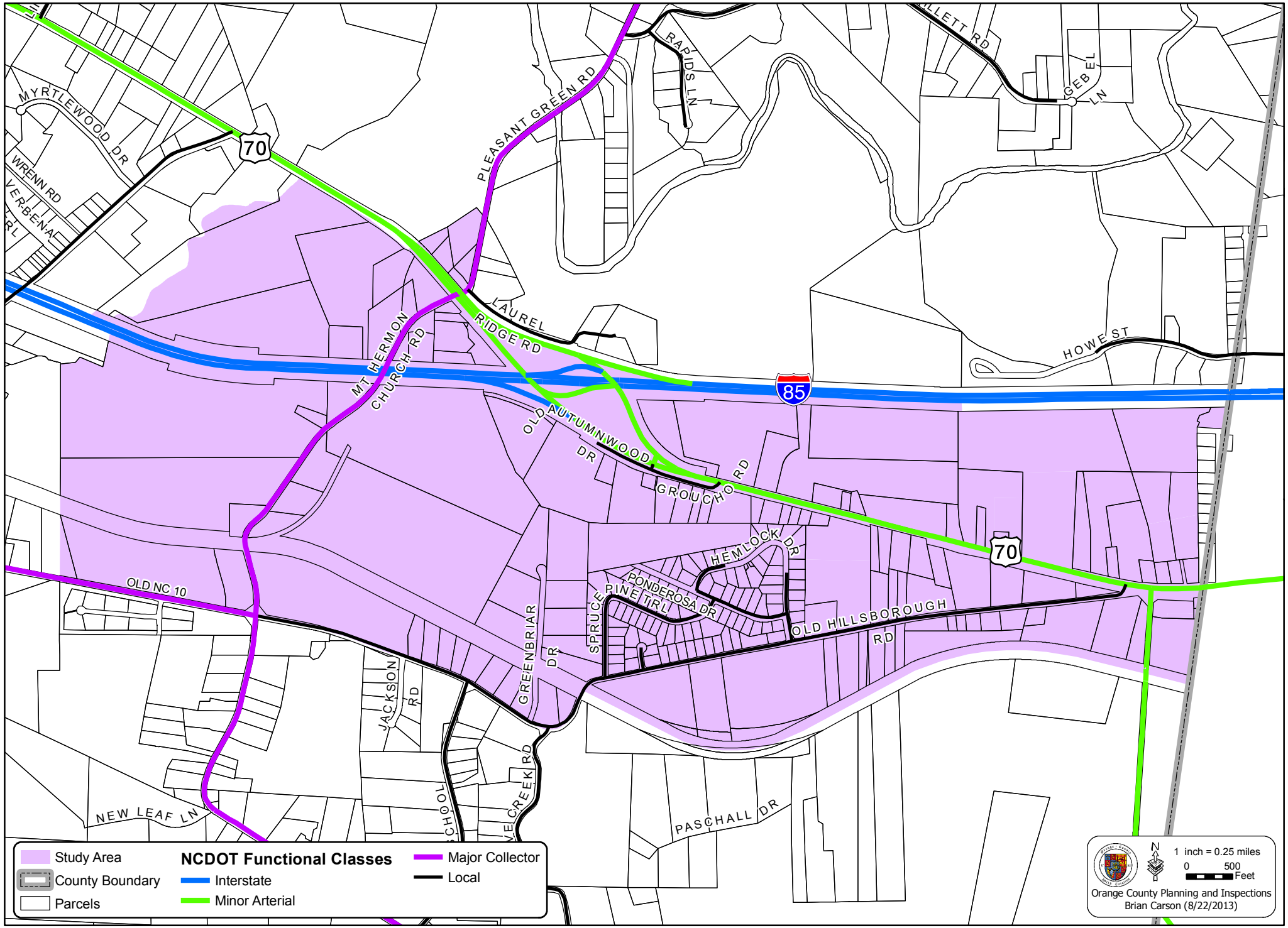
Eno EDD - NCDOT Road Functional Classification



Traffic Counts

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

Annual Average Daily Traffic Counts
2011-2012

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

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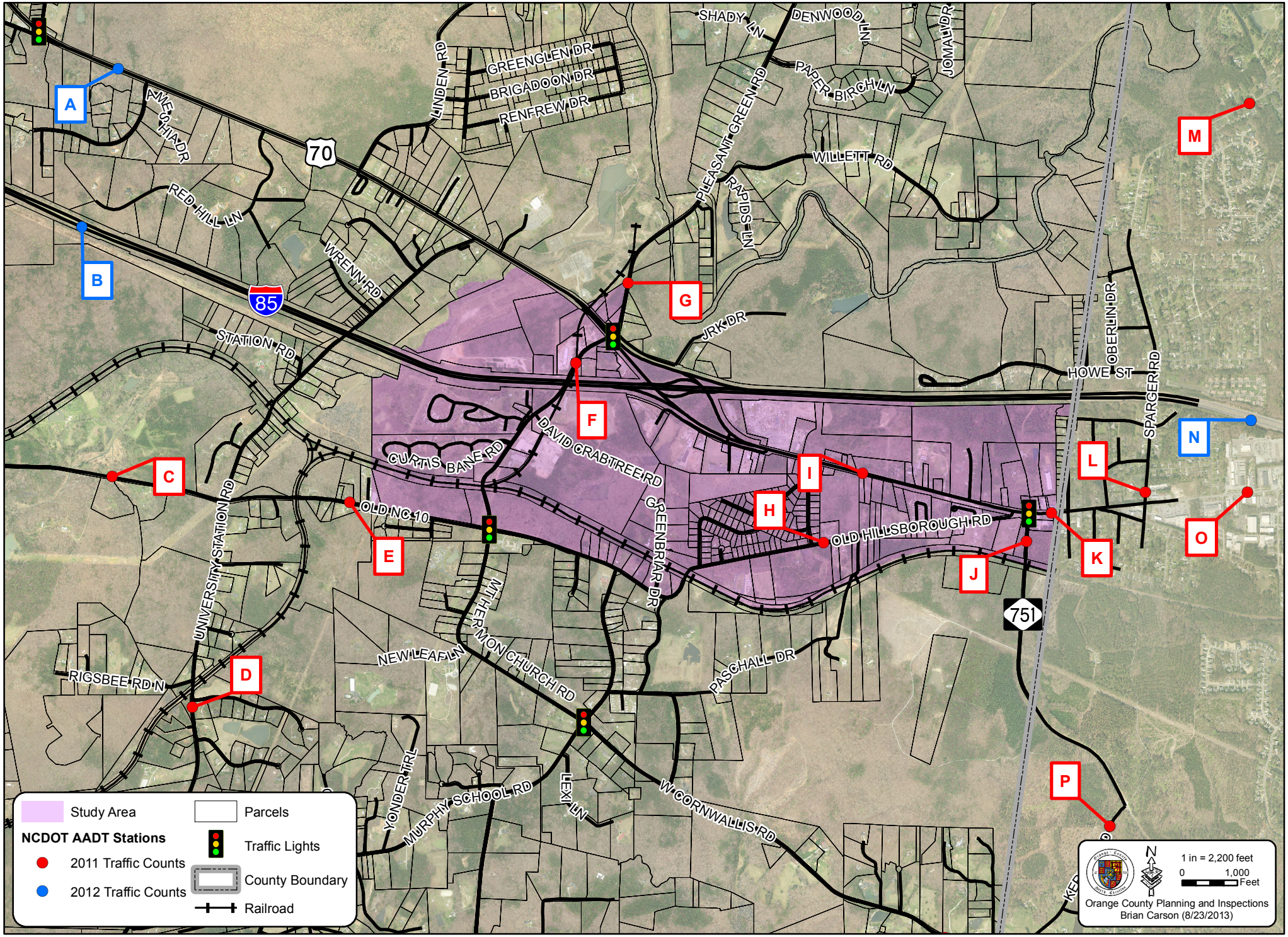
Eno EDD and Surrounding Area - AADT Traffic Counts



Traffic Level of Service (LOS)

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

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

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

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

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

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

* - Not Determined
Source: *Eno Economic Development District (EDD) Area Small Area Plan (2008)*

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

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

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

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High Frequency Crash Locations

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

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

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

The categories identify both intersections and sections of roadways.

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

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

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

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

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

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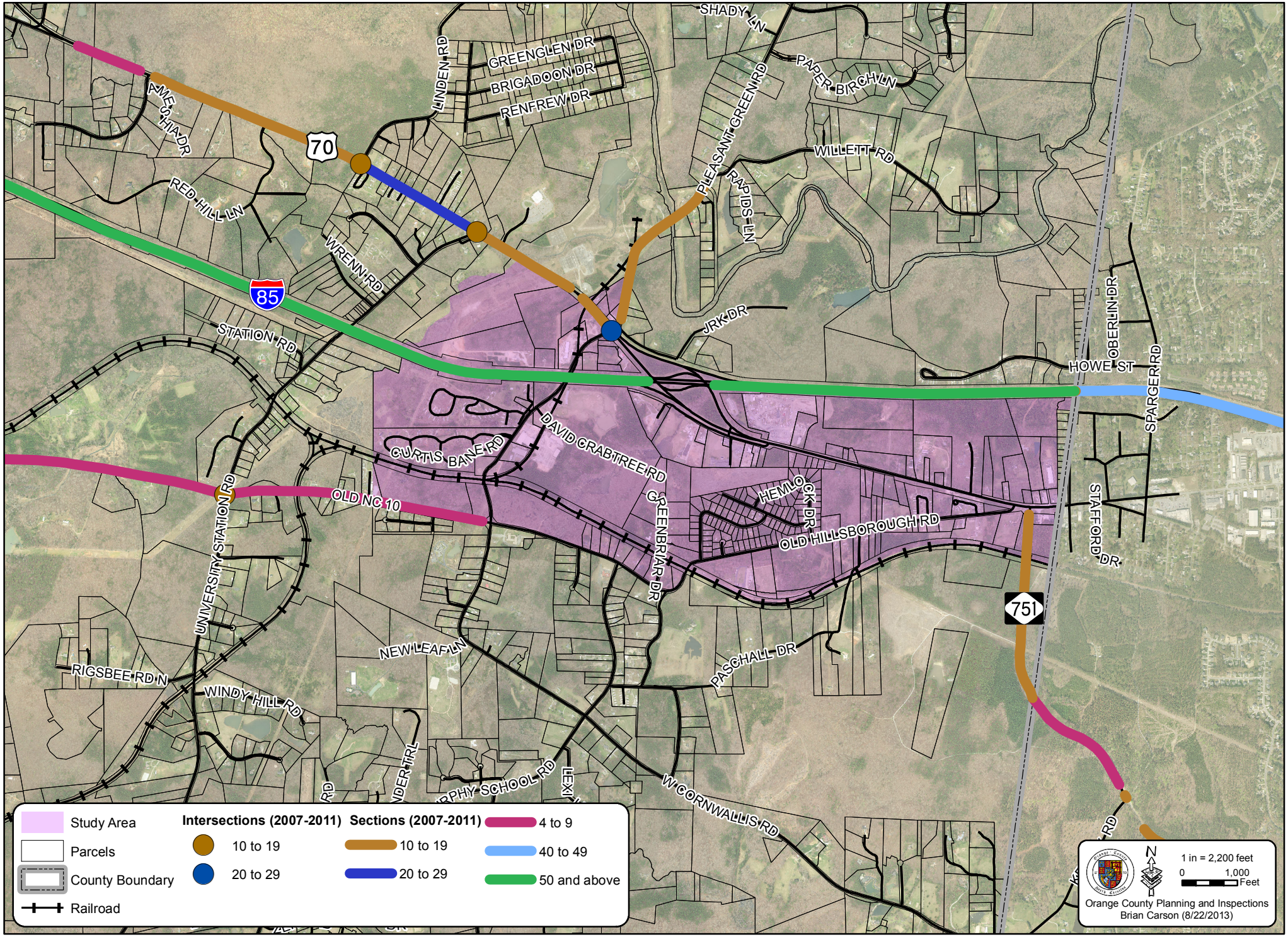
Eno EDD and Surrounding Area - High Frequency Crash Locations



Interstate Interchange

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

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

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

Rail

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

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

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

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

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Pedestrians and Bicycles

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

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

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

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

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

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

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

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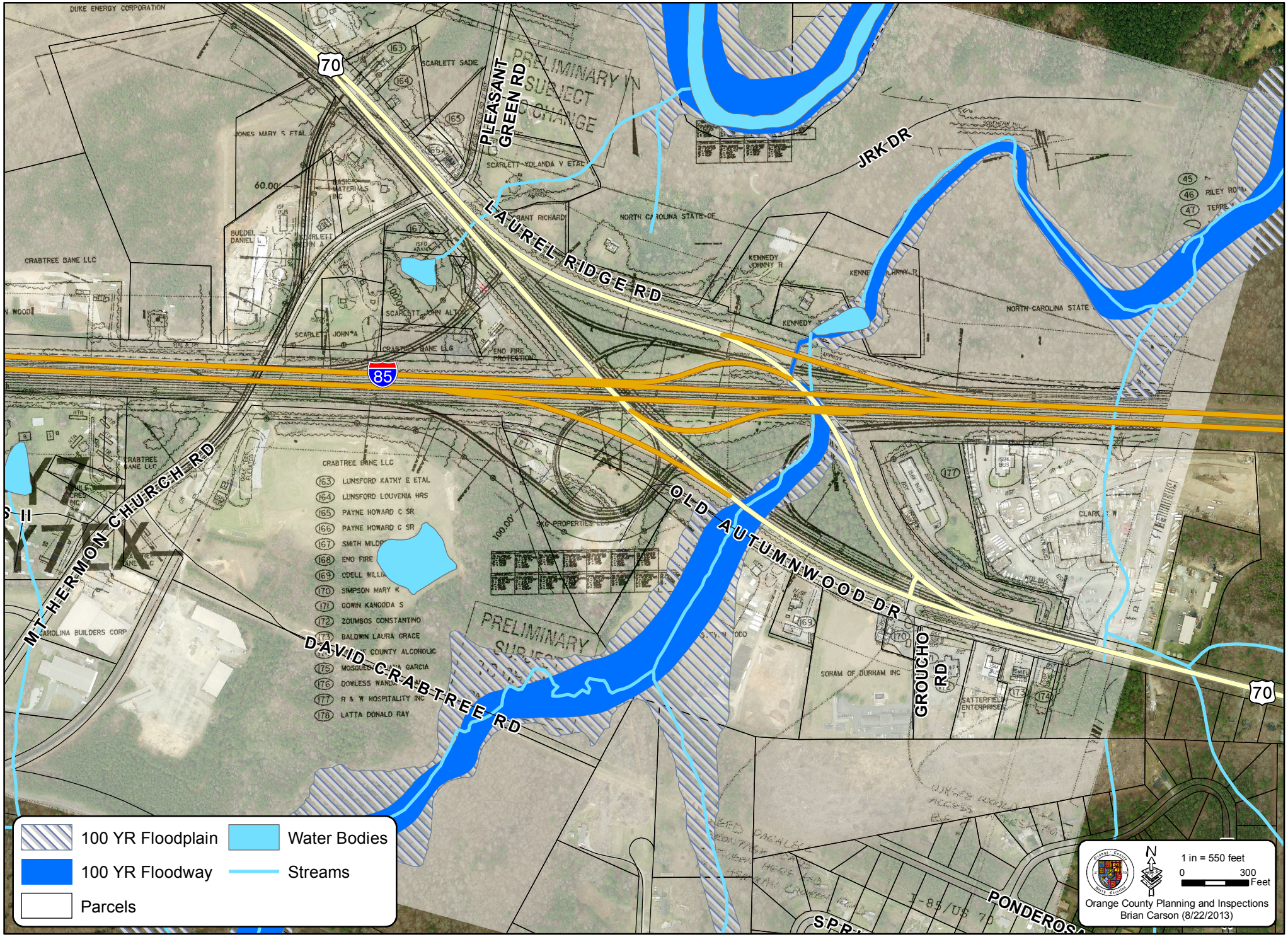
Eno EDD - NCDOT Draft Interchange Concept (3/13/2009)



Access Management Strategies

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

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

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

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

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

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

Eno EDD - Access Management Concept Map and Criteria

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

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

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

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

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

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

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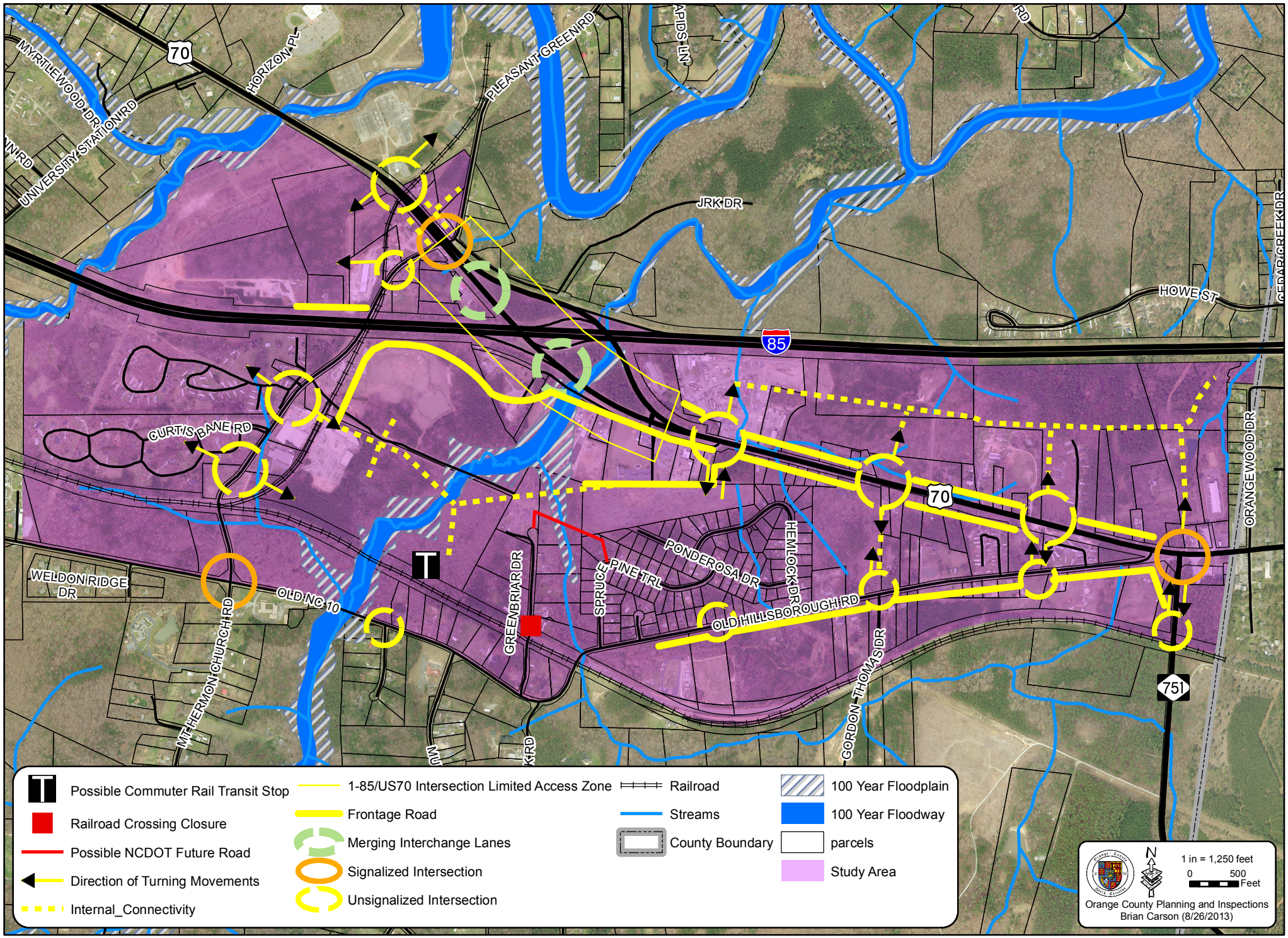
Eno EDD - Access Management Concept Map



Implementation

Coordination

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

Role/Responsibility of the NCDOT

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

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

Role/Responsibility of Orange County

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

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

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

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

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

<u>Role/Responsibility of the Developer /Property Owner/Applicant</u>

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

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

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APPENDIX

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

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

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

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

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

The following are recommendations pertaining to transportation:

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

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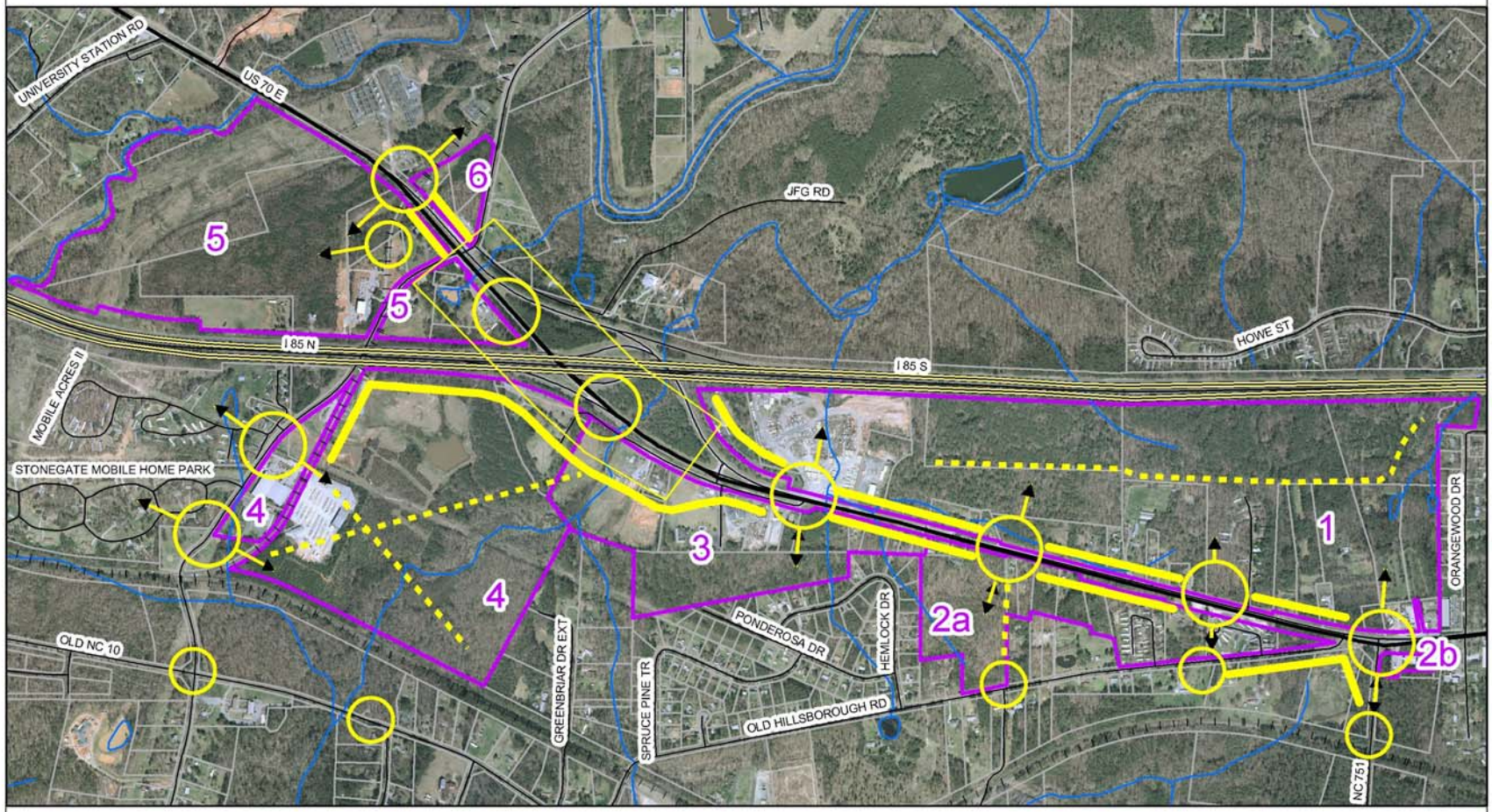
Eno EDD Transportation Access Management Concept Plan



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

Legend

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

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

0 500 1,000 2,000 Feet

Orange County Planning and Inspections Department
GIS Map Prepared by Miriam Coleman, April 09, 2008

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

N

Map 23

ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 2, 2013

Action Agenda Item No. 11.

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

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):

1. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (Other-2013-02) (Sections for public hearing on pp. 113-116)
2. Draft Future Land Use Plan Showing County Planning Jurisdiction Only
3. Flowchart of Process

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

PURPOSE: To make a recommendation to the BOCC on future land uses proposed for areas of County jurisdiction located within the Town's Urban Service Boundary. This is the next step towards completion of a Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

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

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

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

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

Public Hearing: The proposed draft Future Land Use Plan was heard at the September 9, 2013 joint public hearing. No members of the public spoke on the proposed draft. Following Planning Board recommendation and BOCC approval, staff is to present a new outline and schedule for BOCC approval before moving forward with Comprehensive Plan amendments to implement the Plan. However, at the hearing, Commissioner Gordon requested that the Board receive details, beyond what was proved in Attachment 3, be provided in advance of BOCC action on the proposed draft Future Land Use Plan. Staff will share this information, in additional detail and in draft format, at the Planning Board meeting.

Next Steps:

October 2 – Planning Board recommendation to BOCC.

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

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

Procedural Information

Consistent with Comprehensive Plan amendment process and in accordance with Section 2.3.10 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.

Links to Additional Materials:

History of Town of Hillsborough/Orange County Joint Planning-
http://www.co.orange.nc.us/planning/documents/TownofHillsboroughandOrangeCountyJointPlanning.pdf

Hillsborough-Orange Interlocal Land Management Agreement-
http://www.co.orange.nc.us/planning/documents/Hillsborough-OrangeInterlocalLandManagementAgreement.pdf

Planning Director's Recommendation:

The Planning Director recommends approval of the proposed draft Future Land Use Plan based on the following:

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- Consistency with the adopted Hillsborough-Orange Interlocal Land Management Agreement;
- Provides additional guidance for coordinated land use and zoning decisions;
- Better distinguishes between areas to have urban characteristics from those that are to remain rural; and
- Prerequisite to 2030 Comprehensive Plan Amendments that will further implement the Interlocal Agreement and operationalize joint planning.

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

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

1. Deliberate as necessary on the proposed draft Future Land Use Plan as detailed in Attachment 1 (pp.113-116);
2. Consider the Planning Director's recommendation to approve the draft Future Land Use Plan; and
3. Make a recommendation to the BOCC on the proposed draft Future Land Use Plan in time for the November 5, 2013 BOCC regular meeting.

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Attachment 1

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

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

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:

☐ Zoning Map:
From:
To:

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s): None at this stage.

☐ UDO Text:
☐ UDO General Text Changes
☐ UDO Development Standards
☐ UDO Development Approval Processes
Section(s):

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

B. RATIONALE

1. **Purpose/Mission**

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

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

Subsequent implementation of the Agreement will result in:

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

2. Analysis

The required analysis will be part of the subsequent evaluation, development and approval of 2030 Comprehensive Plan implementation actions.

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

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

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

Objective LU-1.2:
Evaluate and report on whether existing and approved locations for future residential and non-residential developments are coordinated with the location of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer services, high-speed internet access, streets and sidewalks).

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

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

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

Objective LU-6.1:
Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

Objective LU-6.2:
Maintain a cooperative joint planning process among the County municipalities and those organizations responsible for the provision of water and sewer services to guide the extension of service in accordance with the Comprehensive Plan, the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and the policies of the municipalities.

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

June 18, 2013

b. BOCC Public Hearing

September 9, 2013 (quarterly public hearing)

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

c. BOCC Updates/Checkpoints

d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

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

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

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

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

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

a. Planning Board Review:

October 2, 2013

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

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

e. Outreach:

- ☒ General Public: Public Input Meeting August 2013
- ☐ Small Area Plan Workgroup:
- ☐ Other:

3. FISCAL IMPACT

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

D. AMENDMENT IMPLICATIONS

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

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E. SPECIFIC AMENDMENT LANGUAGE

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

Primary Staff Contact:
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taltieri@orangecountync.gov

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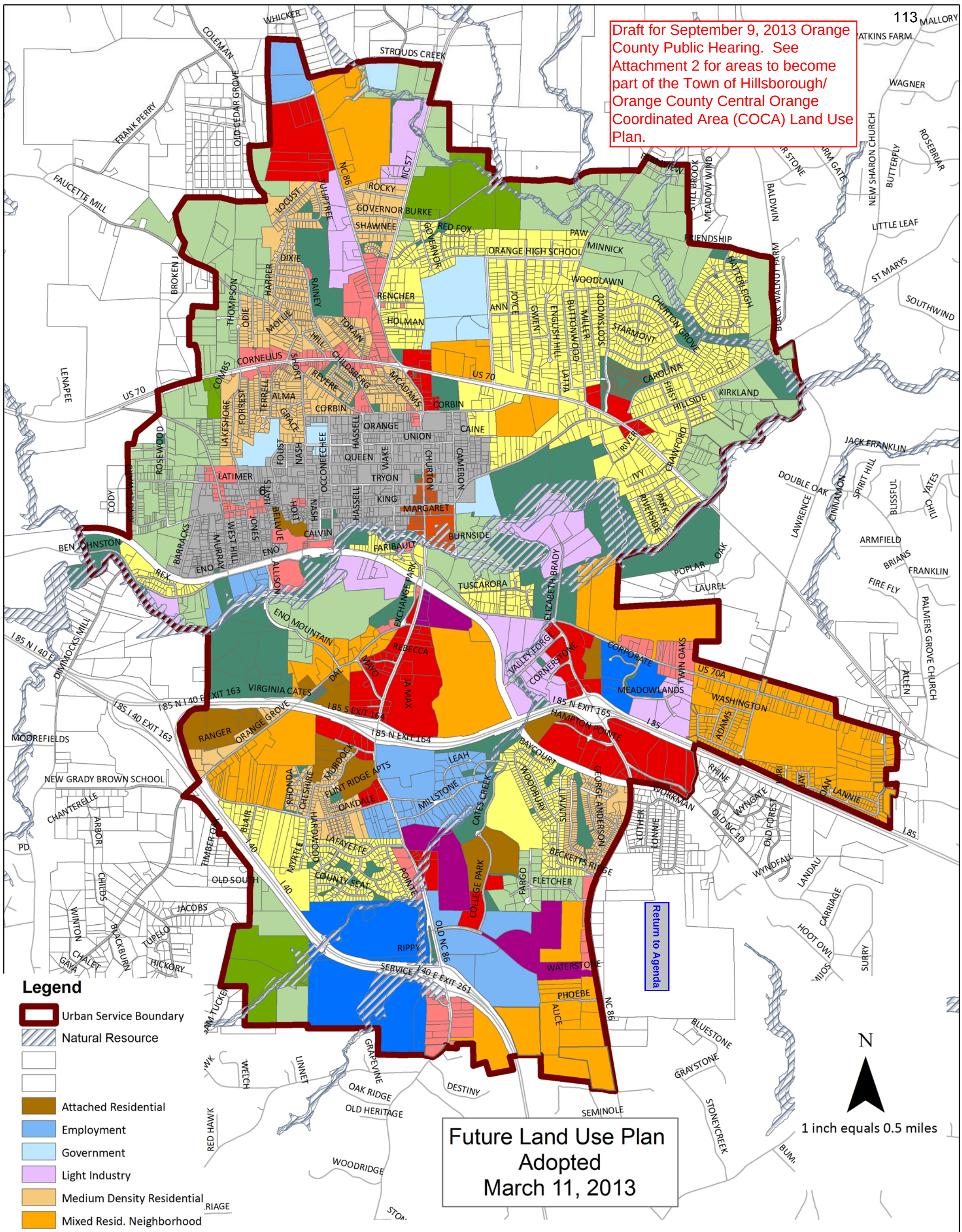
Draft for September 9, 2013 Orange County Public Hearing. See Attachment 2 for areas to become part of the Town of Hillsborough/ Orange County Central Orange Coordinated Area (COCA) Land Use Plan.



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

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

Adopted March 11, 2013

Hillsborough, NC Future Land Use Plan

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

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

Future Land Use Classifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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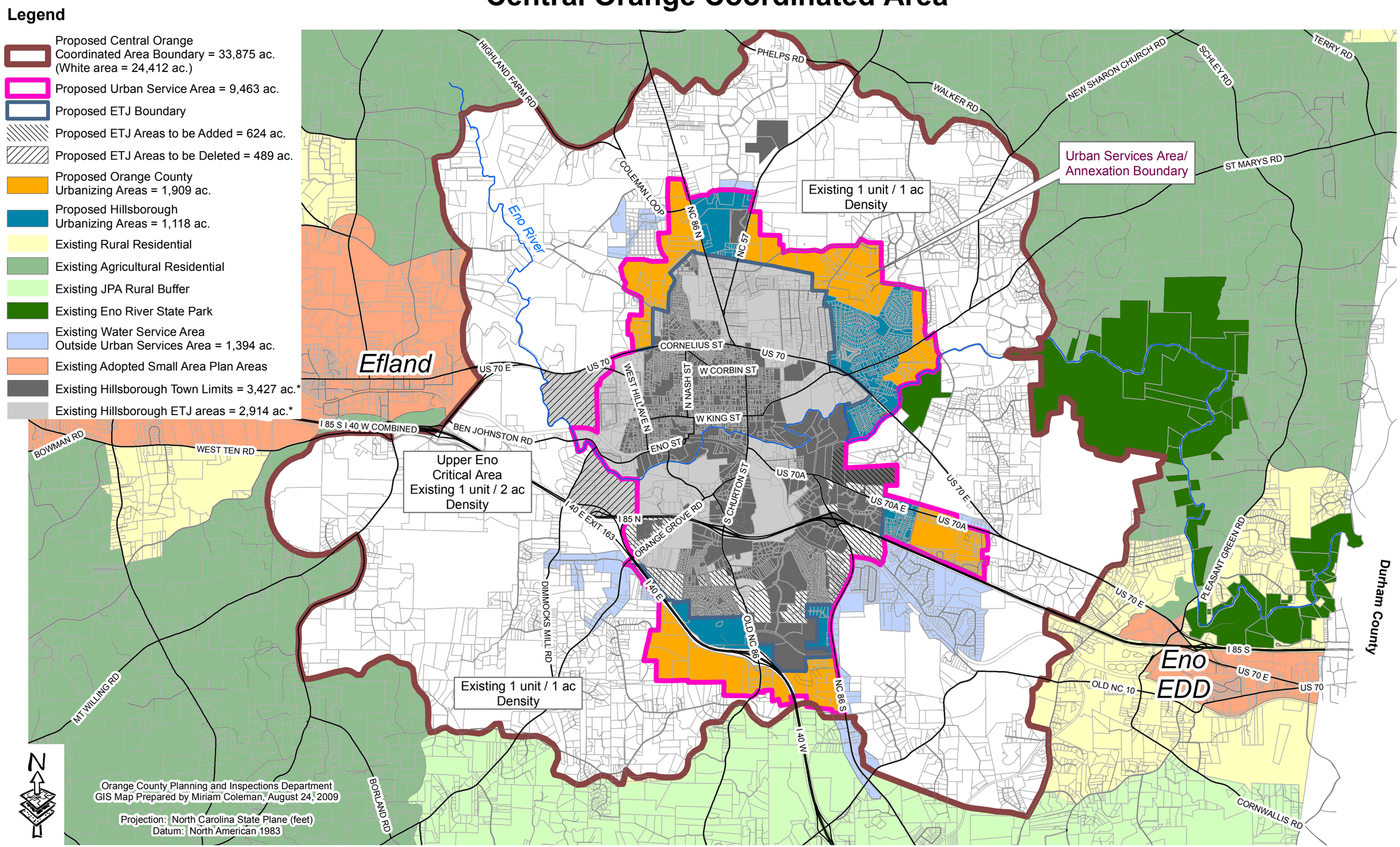
Exhibit A

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



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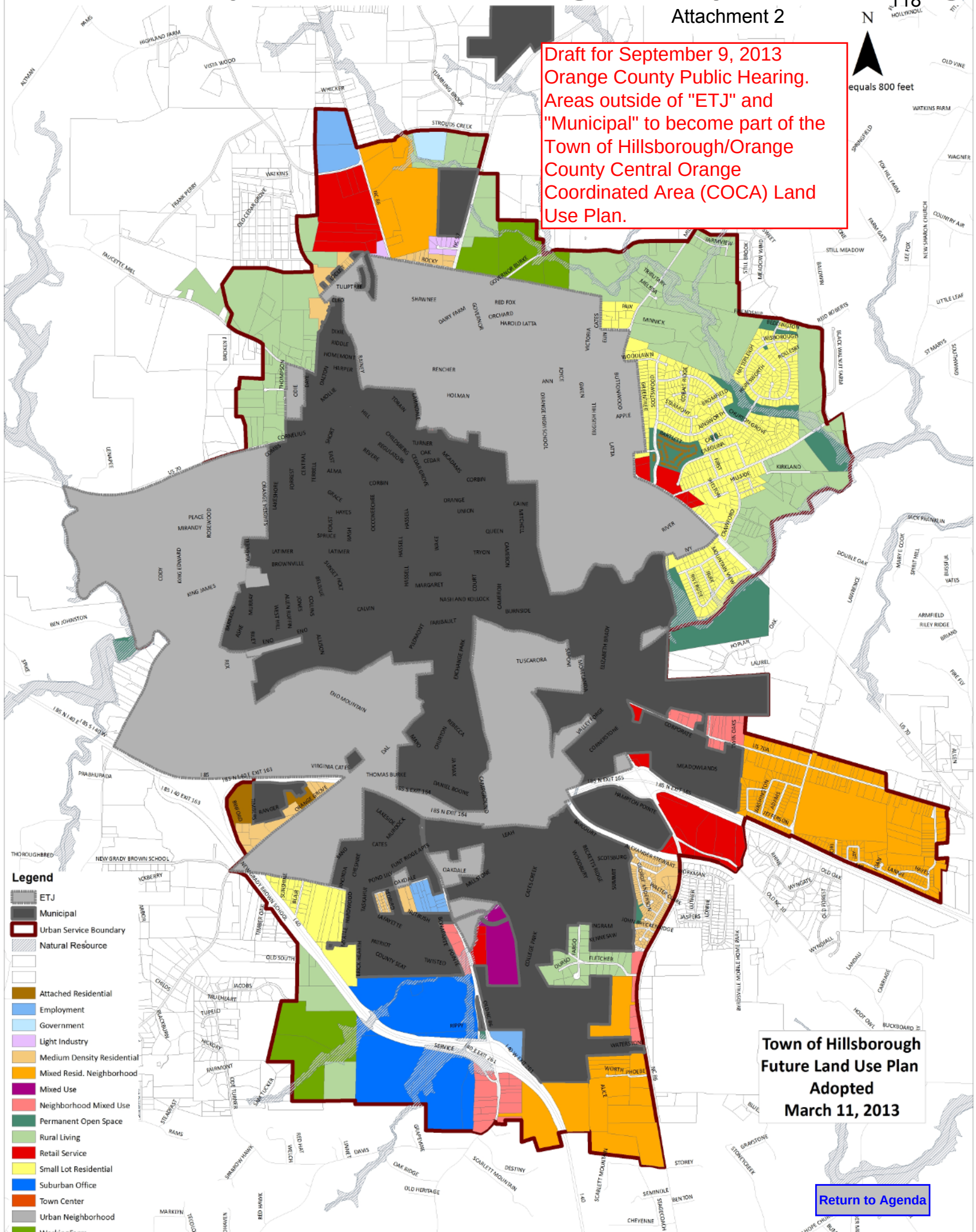
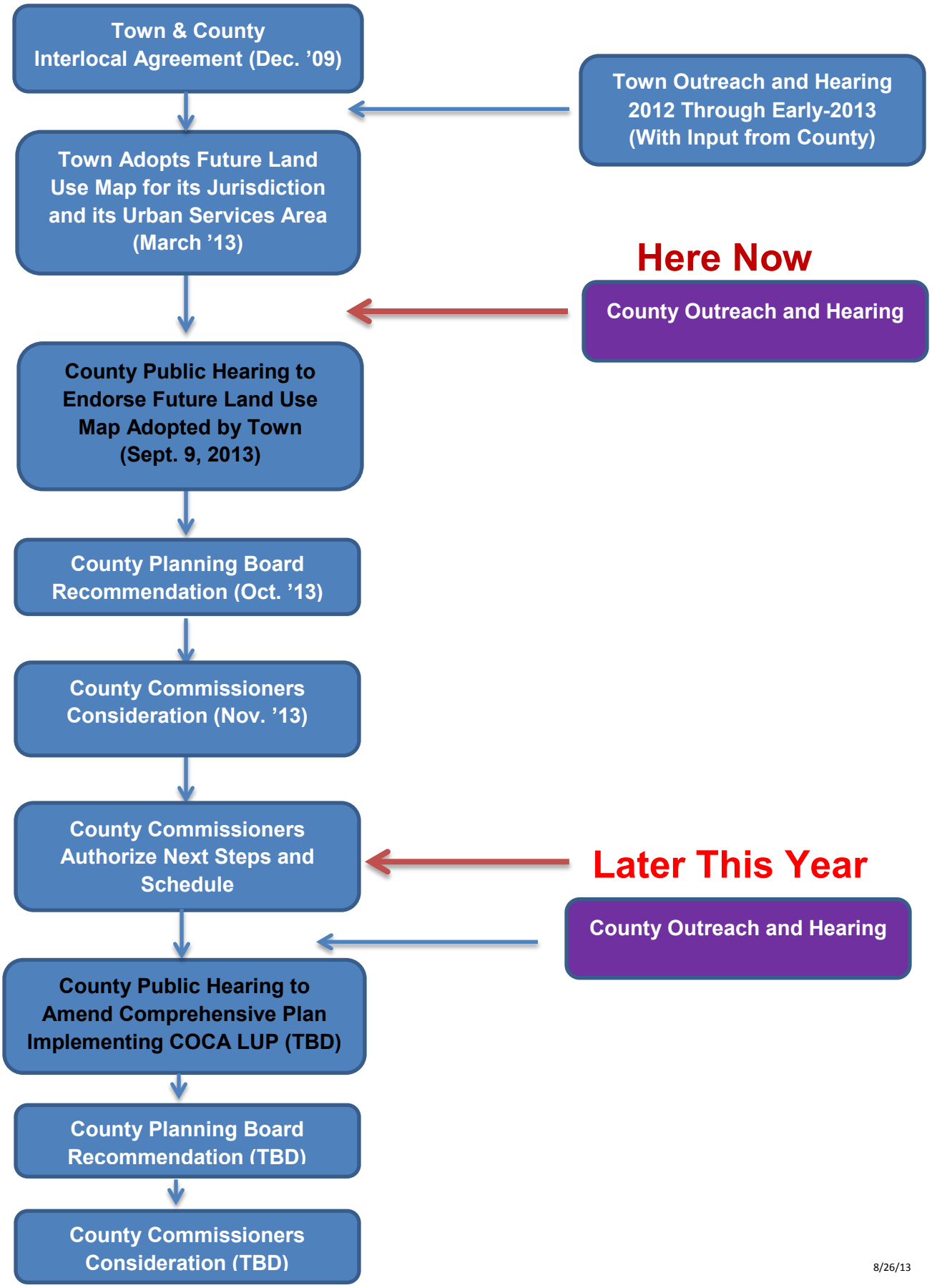
* Town of Hillsborough has annexed since the 2009 adoption of this map. The new town limits are shown on this map.

Exhibit for September 9, 2013 Orange County Public Hearing

Attachment 2



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



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