

MINUTES  
ORANGE COUNTY PLANNING BOARD  
JULY 10, 2013  
REGULAR MEETING

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Stephanie O'Rourke, Eno Township Representative; 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

**MEMBERS ABSENT:** Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Rachel Hawkins, Hillsborough Township Representative; Johnny Randall, At-Large Chapel Hill Township;

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

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**AGENDA ITEM 2: INFORMATIONAL ITEMS**  
a) Planning Calendar for July and August  
b) BOCC Approved Legal Ad for September 9 Quarterly Public Hearing

**AGENDA ITEM 3: APPROVAL OF MINUTES  
JUNE 5, 2013**

**MOTION** by Tony Blake to approve the June 5, 2013 Planning Board minutes. Seconded by Buddy Hartley.  
**VOTE: UNANIMOUS**

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

**AGENDA ITEM 5: PUBLIC CHARGE**  
**Introduction to the Public Charge**  
The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

**PUBLIC CHARGE**  
The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen fail to observe this

55 public charge, the Chair will ask the offending member to leave the meeting until that individual  
56 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
57 until such time that a genuine commitment to this public charge is observed.  
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60 **AGENDA ITEM 6: CHAIR COMMENTS**

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62 Introduction of new members.  
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65 **Agenda Item 7: ORANGE COUNTY DEVELOPMENT REVIEW PROCESS – To receive an educational presentation**  
66 **of the various types of development review processes used in the County's Unified**  
67 **Development Ordinance (UDO)**

68 **Presenter: Michael Harvey, Current Planning Supervisor**  
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71 Michael Harvey: We have talked about permitted uses. This is intended to give an education about our permitting  
72 processes we have. This serves as a catalyst for future meetings about how we can revise the existing process to  
73 address some concerns. Reviewed permitted processes.  
74

75 Tony Blake: How do numbers three and four differ from spot zoning?  
76

77 Michael Harvey: Because the courts say they don't represent spot zoning. Contract zoning is what people claim  
78 but there are requirements that the proposed use is consistent with the goals and policies of the Comprehensive  
79 Plan. The Board makes the decision on if that is consistent with the Comprehensive Plan. On page 23, you will  
80 find Attachment 1 which is a summary chart of the various development processes. On page 24, you will find the  
81 review procedures from our Unified Development Ordinance. On page 25, Attachment 2 is a preparative process  
82 chart looking at how it is done in Durham, Wake and Chatham County. As a Board, we would like direction on  
83 options that you believe would be essential to modify the process to eliminate unnecessary loss of time. One  
84 suggestion was, can't the Planning Board hold its own public hearing and report to the elected officials, which is  
85 something that you need to review and determine as to what your comfort level is.  
86

87 James Lea: Can you tell me the difference between Conditional Use and Conditional Zoning?  
88

89 Michael Harvey: The Conditional Use involves the development of a specific land use for a given parcel of property  
90 where that land use may not be allowed under the current zoning designation so we will look at a site specific  
91 development plan posing that one specific use. The property would be rezoned and you would be asked to  
92 approve that specific use. Conditional Zoning, as detailed in the UDO, has specific Conditional Zoning districts that  
93 allow for a myriad of different uses.  
94

95 Pete Hallenbeck: The companion document to the UDO is the Comprehensive Plan which is the heart and soul  
96 and why and general goals of the county.  
97

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99 **Agenda Item 8: Home Occupations – To make a presentation on existing home occupation regulations,**  
100 **information on how some other local governments handle the topic, and discuss Planning**  
101 **Board member's ideas on potential amendments. This topic is included in the UDO's**  
102 **"Implementation Bridge" as a topic for further evaluation and is an Interest Area for some**  
103 **Planning Board members.**

104 **Presenter: Ashley Moncado, Special Projects Planner**  
105

106 Ashley Moncado: The purpose of this item is to review existing home occupations standards to address Planning  
107 Board's areas of interest from the January Planning Board meeting as well as the Implementation Bridge in order to  
108 determine if existing standards may or may not need to be revised.

109 Ashley reviewed the existing standards for home occupations in the UDO under Section 5.5.3. then proceeded with  
110 reviewing home occupations standards from other local communities in order to determine the next steps.

111  
112 Paul Guthrie: What is telecommunications, a person who is employed as a consultant that does all their work by  
113 telecommunications, is that under this ordinance?

114  
115 Michael Harvey: We have approved home occupations depending on the proposed activity. If someone is truly  
116 doing something at the house with the only rationale behind it is that if the neighbors complain, we can legitimately  
117 say they obtained the appropriate permit.

118  
119 Paul Guthrie: What about artist's studios that don't have walk in business but produce?

120  
121 Michael Harvey: We have permitted art studios. The biggest complaint is they feel they deserve to have more  
122 space and we treat every home occupation the same.

123  
124 Pete Hallenbeck: My answer would be that you are employed by someone else and you happen to work at home.  
125 The artist is a home business and they are the business owner and they are working at home, that would be the  
126 distinction.

127  
128 Paul Guthrie: We need to think very broadly about what we are trying to do and what our definitions are or you may  
129 spend the full time permitting or helping permit 30,000 home businesses in Orange County.

130  
131 Pete Hallenbeck: I would agree with that.

132  
133 Ashley Moncado continued presentation.

134  
135 Pete Hallenbeck: This comment is from the time I spent on the Efland Small Planning Area and this subject came  
136 up a lot. The Efland area had this overlay put onto it. The goal was that Efland is the County's Town. It is not  
137 incorporated but has water, sewer, it can do denser development. There was lot of discussion about what defines  
138 home business and one distinction was the concept of professional services and the poster child for thinking about  
139 this was the difference between someone who wanted a barber shop and someone who had an engineering  
140 consultation firm. The barber shop would have "anyone" come down with a lot of traffic and the engineer would  
141 have a lot less traffic. There was some reluctance to try to qualify that one too much but it was a good example  
142 down a private road where you could get neighbors riled up. My comments are, the two person limit, I would like to  
143 see changed to three but I realize some people don't like that. I would also see the concept that you could have  
144 two people and a third person up to a year. You've got a business and it is growing, you hire the third person and  
145 keep them for a year, it is time to get a place of business. The square footage limit; Orange County has a 500  
146 square foot limit but Chapel Hill has a 750 foot. Orange County could go to 750 and it wouldn't be too bad. The  
147 deliveries limit, I just don't get, I understand some people love to shop so there will be deliveries. I don't see a  
148 reason to have a limit. The parking is good. Basically you have to have enough room for the employees. I would  
149 like to see a set of standard that can be applied for rural districts (R1), rural areas of the county that might be  
150 different than the municipalities.

151  
152 Paul Guthrie: You don't mean municipalities? Basically, we are talking largely about outside municipal limits.

153  
154 Pete Hallenbeck: Yes. I would also put the rural buffer in with the municipalities just because there is lot in the  
155 UDO giving the rural buffer more protection. The idea is to avoid urban sprawl. It is difficult to start listing  
156 professions.

157  
158 Stephanie O'Rourke: My first thought is about the employees' requirement. How do you determine that? We have  
159 a business but we would only have two or three onsite.

160  
161 Michael Harvey: On site. You could have 100 employees but only have two onsite.

162

163 Tony Blake: I agree with Pete on the square footage. I think 500 feet is restrictive. The number of employees is if  
164 you have three, you are sort of allowing the seasonal businesses to take advantage of that. As far as deliveries, I  
165 think you need to be able to handle the truck size. The accessory structure is the one place I see as the difference  
166 between the rural buffer and zoning, etc. You could technically say a farm is a home business. You could word  
167 that so that the 1,000 foot square limit was just inside certain zones.

168  
169 Buddy Hartley: The square footage, I don't see why Orange County has 500 and Chapel Hill has 750. Maybe we  
170 need to have a difference between a rural and the inside where you a larger development site. If it is in a  
171 development you could have problems with the home owner's association.

172  
173 Craig Benedict: This would be no means preempt a home owner's association if the HOA has restrictions.

174  
175 Pete Hallenbeck: If you have more than 1,000 square feet of product things are going pretty well. That may be  
176 where the limit of visitors can be used.

177  
178 Craig Benedict: We understand these entrepreneurs starting a small business in their house and we have been  
179 complaining we don't have places for the small business to move to. We hope they grow out of this into the 2,000  
180 square foot strip center, etc.

181  
182 Andrea Rohrbacher: The challenges that I faced in Chapel Hill in a residential neighborhood was a woman that ran  
183 mediation classes. Every Tuesday, Wednesday and Thursday night, there were 10 cars lined up on the street.  
184 That became burdensome.

185  
186 Pete Hallenbeck: That speaks to the number of visitors and onsite parking.

187  
188 Tony Blake: It also speaks to hours of business.

189  
190 Stephanie O'Rourke: How would you differentiate if they were having a Wednesday night ladies night?

191  
192 Andrea Rohrbacher: I think it was because this was three nights a week. In the Chapel Hill ordinance, some way  
193 that you can have an art studio with power, running water but there is something in there that was specifically  
194 targeting student housing that it wasn't a livable structure. They wanted to avoid someone building a 750 foot  
195 structure to rent to a couple of students.

196  
197 Michael Harvey: If you apply for home occupation, there are standards we use to see if efficiency apartment  
198 applies.

199  
200 Andrea Rohrbacher: What do we allow as identification if it was a consulting type business.

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202 Pete Hallenbeck: If you're a consultant, you don't need a sign. Review the signage.

203  
204 Andrea Rohrbacher: What about daycares?

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206 Michael Harvey: Daycares is not a home occupation, it is a separate permitting process.

207  
208 Stephanie O'Rourke: Wouldn't the homeowners association or the restrictive covenants be over that?

209  
210 Craig Benedict: Also the parking code.

211  
212 Andrea Rohrbacher: I would not want to go over three employees.

213  
214 Tony Blake: Three includes the resident as well?

215  
216 Michael Harvey: You can't have more than two employees that don't live at the residence.

217  
218 Andrea Rohrbacher: I don't have any feeling about square footage, going to 750 would be good.  
219  
220 James Lea: Most of them have already been covered.  
221  
222 Herman Staats: Is a farm covered as a home occupation?  
223  
224 Perdita Holtz: Farms are exempt from zoning regulations.  
225  
226 Herman Staats: Are there specs that guide the private roads maintenance agreement?  
227  
228 Pete Hallenbeck: If you have a place that has three, four or five homes on the road and there is a legal agreement  
229 about how to pay for the road maintenance then basically, we don't want this agreement to force a single house  
230 with a long driveway to do something.  
231  
232 Herman Staats: Is there an exemption that all these things can be dealt with on a case by case basis.  
233  
234 Craig Benedict: There has to be clarity on what is exempt and what is not. Various criteria, it is so tight that there  
235 is not too many ways to make it through. We need to mention what is clearly exempt by definition.  
236  
237 Perdita Holtz: If you wanted to allow more intensive home occupation, you could think about a Class B permit.  
238  
239 Paul Guthrie: My comment is a home business, you may get two times you can exceed the number of people.  
240 This county would be decimated if you followed the language in this draft. Think very carefully about what you  
241 write. This is running against the grain. Is there any exemption for doctors and lawyers?  
242  
243 Michael Harvey: We have doctors that work out of the house.  
244  
245 Paul Guthrie: How many things will you have to process? You are trying to liberalize something that has not been  
246 enforced so I hope you have a good idea about where the work load will go.  
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250 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**  
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252 a) Board of Adjustment  
253 b) Orange Unified Transportation  
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256 **AGENDA ITEM 10: ADJOURNMENT**  
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258 **MOTION:** made by Paul Guthrie to adjourn. Seconded by Tony Blake.  
259 **VOTE: UNANIMOUS**  
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Pete Hallenbeck, Chair