

**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, January 9, 2013
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
1.		CALL TO ORDER
2.		ELECTION OF CHAIR AND VICE-CHAIR FOR 2013
3.		INFORMATIONAL ITEMS
	3-4	a. Planning Calendar for January and February
4.		APPROVAL OF MINUTES
	5-14	December 5, 2012 Regular Meeting
5.		CONSIDERATION OF ADDITIONS TO AGENDA
6.		PUBLIC CHARGE
		Introduction to the Public Charge
		The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.
		Public Charge
		The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.
7.		CHAIR COMMENTS

No.	Page(s)	Agenda Item
8.	15-20	Kennel Processes and Regulations: To continue discussion on BOCC-requested input into the processes and regulations for kennels. This item was continued from the November 7, 2012 Planning Board meeting. Presenter: Michael Harvey, Current Planning Supervisor
9.	21-86	Implementation Bridge Priorities – To discuss Planning Board priorities for work to be started and/or accomplished in 2013. At the November 7, 2012 regular meeting when the work plan was acted upon, the Planning Board Chair and Vice-Chair asked that this be a discussion item for the January 9, 2013 agenda. Presenter: None – discussion item
10.		COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation
11.		ADJOURNMENT

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

January 2013

January 2013

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February 2013

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

*Planning Board Member Attendance Required

February 2013

February 2013

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March 2013

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Jan 27	28	29	30	31	Feb 1	2
Jan 27 - Feb 2						BOCC Retreat	
	3	4	5	6	7	8	9
Feb 3 - 9			7:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm * PLANNING BOARD MEETING (West Campus Office Bldg)			
	10	11	12	13	14	15	16
Feb 10 - 16		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Budget Work Session (Southern Human Services)				
	17	18	19	20	21	22	23
Feb 17 - 23			7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)	7:00pm BOCC/Town of Hillsborough Joint Meeting (Link Government Services Cent)		
	24	25	26	27	28	Mar 1	2
Feb 24 - Mar 2		7:00pm * Quarterly Public Hearing (Department of Social Services)					

* Planning Board Member Attendance Required

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**MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 5, 2012
REGULAR MEETING**

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MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large Cedar Grove Township;

MEMBERS ABSENT: Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Rachel Hawkins, Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Marabeth Carr, DEAPR; Tina Love, Administrative Assistant II

HANDOUTS GIVEN AT MEETING *Planning Board Rules of Procedure; Memo from DEAPR regarding outdoor lighting*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Larry Wright introduced a new member, Herman Staats. He also reminded the Board of the attendance policy.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for December and January
- b) BOCC-adopted General Advisory Board Policy and specific Planning Board Policies and Procedures
- c) 2013 Planning Board Meeting Schedule
- d) Ordinance Review Committee (ORC) Meeting for January 2013
- e) Elections Reminder for January 2013

**AGENDA ITEM 3: APPROVAL OF MINUTES
NOVEMBER 7, 2012 REGULAR MEETING**

Lisa Stuckey: On page 12, line 329 should read, "I would be pretty upset if they were really loud".

MOTION by Lisa Stuckey to approve the October 3, 2012 minutes with changes. Seconded by Alan Campbell.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

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54 **AGENDA ITEM 5: PUBLIC CHARGE**

55
56 **Introduction to the Public Charge**

57 The Board of County Commissioners, under the authority of North Carolina General Statute,
58 appoints the Orange County Planning Board (OCPB) to uphold the written land development
59 laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and
60 harmonious development. OCPB shall do so in a manner which considers the present and
61 future needs of its citizens and businesses through efficient and responsive process that
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64 during our deliberations, decisions, and recommendations.

65
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70 public charge, the Chair will ask the offending member to leave the meeting until that individual
71 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
72 until such time that a genuine commitment to this public charge is observed.

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75 **AGENDA ITEM 6: CHAIR COMMENTS**

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77
78 **Agenda Item 7: 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text**
79 **Amendments and Zoning Atlas Amendments.** – To make a recommendation to the BOCC
80 on government-initiated amendments to the text of the Comprehensive Plan and UDO and to
81 the Zoning Atlas in order to establish two new zoning overlay districts in the Efland area.
82 This item was heard at the November 19, 2013 quarterly public hearing
83 **Presenter:** Perdita Holtz, Special Projects Coordinator

84
85 Perdita Holtz: I did a presentation at the Quarterly Public Hearing and there were comments and questions about
86 the material. On pages 18-20 of your agenda packet the comments are summarized with the staff's response.
87 There are two comments that the Board should weigh in on how it should be handled. The first is on page 19,
88 number four about the "tick" mark in the 20 Year Transition and the second issue is about the internal pedestrian
89 circulation system, comment number five.

90
91 Larry Wright: Could you tell us about the Efland community and how they met and how long they have met.

92
93 Perdita Holtz: The Efland Mebane Small Area Plan is available online in electronic format. This was adopted in
94 June 2006 after 2 ½ years of community meetings. That board was made up of folks who live in the area and a
95 representative from the Planning Board. After the plan was adopted the BOCC appointed an Implementation Focus
96 Group which contained a few folks from the original group and a Planning Board liaison. Since then, this group has
97 met as needed. A lot of the recommendations have been implemented.

98
99 Larry Wright: Many of these changes did come from that grass roots level from 2006 through the Focus Group and
100 is reflected here?

101
102 Perdita Holtz: Correct. The changes that are part of this takes the desires of the plan and puts it into a regulatory
103 language.

104
105 Larry Wright: This is a good example of an area that underscores grass roots run involvement within Orange
106 County where local interest groups meet over time, codify results of their meetings, something comes of it.

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107
108 Lisa Stuckey: I don't understand the "tick", whether we should have it or not.
109
110 Perdita Holtz: The matrix on page 43, in order to zone something to a classification that is along the upper row, you
111 have to be consistent with the Comprehensive Plan. (Some examples of how to read the charts were given).
112
113 Craig Benedict: In addition, on recommendations to the plan there was a 10 year transition and a 20 year
114 transition. A 10 year transition we were to develop in the first 10 years of the plan. That was 1981 through 1991.
115 The 20 year area would be 1991 to 2001. Our plan was we really don't think we should be that specific and we are
116 thinking on getting rid of those categories.
117
118 Perdita Holtz: We are trying to be proactive in potentially allowing that type of zoning district in these areas.
119
120 Alan Campbell: My understanding is that staff is trying to address something that they will have to do in the future.
121 My reaction is we should do it while we have the opportunity. I would do as staff as proposed.
122
123 Tony Blake: Is the concern that the notion that this is more broadly applicable and may not be popular in certain
124 areas like a rural buffer? Or are they trying to be that cautious.
125
126 Perdita Holtz: My read is that a Commissioner is passionate about maintaining the integrity of the Comprehensive
127 Plan. I would guess she does not see a need for this at this time to go into 20 year transition areas.
128
129 Tony Blake: If you were looking at that line saying "transition area" rather than separate 10 and 20 year transition
130 areas, making it into one then you would essentially have the special zoning overlay in there.
131
132 Lisa Stuckey: In the village section, are there drive-thru restaurants now?
133
134 Perdita Holtz: No. There are only very limited commercial uses currently in the interstate overlay district.
135
136 Larry Wright: I have an allegiance to small business. I have a concern about that with the other existing
137 businesses in the area.
138
139 Perdita Holtz: There is no one banging down our door to put a drive-thru in this area.
140
141 Larry Wright: On page 35, Commissioner Jacobs talked about pedestrian systems. Does item 10 address his
142 comments?
143
144 Perdita Holtz: The Pedestrian Circulation System was only proposed for the Efland interstate district. He was
145 talking about requiring a Pedestrian Circulation System in the Efland Village Overlay District. At this time, the
146 standard is not written to require that.
147
148 Tony Blake: Regarding transit oriented development, it seems to me that in the Comprehensive Plan, it is not well
149 defined.
150
151 Perdita Holtz: One of the reasons these changes have taken so long to come forward is because we did need to
152 have some decision from the BOCC on what we were calling "the sidewalk issue". In October 2011, I did take this
153 issue to the BOCC for a decision but because of county's inabilities to have funding the way cities do to maintain
154 and construct sidewalks, and because DOT's resistance to not have sidewalks in non-municipal areas. At that
155 time, the BOCC said we need to move forward thinking there will not be a comprehensive sidewalk program in
156 public right-of-way.
157
158 Larry Wright: This would not be classified as a municipality?
159

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160 Perdita Holtz: This is an unincorporated area.
 161
 162 Craig Benedict: That was the difficulty with a public pedestrian system. I would be interested in coming up with
 163 language on how, internally to a site plan, can we promote connectivity between adjacent parcels. We could work
 164 on a way to put some language in there.
 165
 166 Johnny Randall: Sidewalks are sometimes an afterthought. I am in complete favor of that.
 167
 168 Larry Wright: I think Pete is as well. Do we need to make a recommendation?
 169
 170 Craig Benedict: What I have heard, staff can put some language in to promote private, internal pedestrian
 171 circulation systems during the site plan process.
 172
 173 Herman Staats: Do you have any examples of how something like that has been done in the past?
 174
 175 Craig Benedict: The same situations have occurred within the subdivisions of Efland.
 176
 177 Herman Staats: Funding?
 178
 179 Craig Benedict: The developer funded it.
 180
 181 Alan Campbell: Paths, not sidewalks.
 182
 183 Johnny Randall: In addition, if you are doing a pathway or connectivity you need to also do it for bicycle and
 184 alternative transportation.
 185
 186 Lisa Stuckey: One point to be made is it is a safety issue, people are going to walk around and if you can't do it
 187 safely in a dense area, you are doing a disservice to the public.
 188
 189 Buddy Hartley: What happened with the Habitat development?
 190
 191 Michael Harvey: Tinnin Woods had a agreement that areas would be left but there was no requirement for
 192 sidewalks to be installed. Tinnin Woods installed POSA trails at the rear of the property. They are not obligated to
 193 put in sidewalks.
 194
 195 Tony Blake: Could there be an obligation to link?
 196
 197 Craig Benedict: If we don't have it clear that we want pedestrian connectivity, we can amend the plan. Once we
 198 get it in there, that will be used as a reference guide for someone else.
 199
 200 Tony Blake: Another concern is the railroad track that runs in the middle of that so there may be safety concerns
 201 there but the opportunity there is to link that area with the new Hillsborough Railroad station.
 202
 203 Larry Wright: I would like to show the BOCC that we do have support to ask staff to put language in about this.
 204
 205 **Motion** made by Tony Blake to ask staff to consider transit oriented development and walkability or pedestrian and
 206 bicycle paths. Seconded by Alan Campbell.
 207 **Vote:** Unanimous
 208
 209 Craig Benedict: Regarding transit, now that the ½ cent sales tax has been passed we are working on an east/west
 210 route Mebane/Efland/Hillsborough/Durham and we are going to find out where in Efland would be a good place to
 211 have an express bus place.
 212

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213 Alan Campbell: Do we need a motion that we approve it?

214

215 Perdita Holtz: It can come back in January or you can instruct us to come up with language and I can email it to
216 everyone.

217

218 Larry Wright: On page 38, item 5, does that imply that they are permissible on residential uses?

219

220 Perdita Holtz: The wording was taken from ECOD to be consistent throughout the UDO.

221

222 Larry Wright: Hillsborough has been around since there was a well in the middle of Churton Street and turned into
223 a very commercial street and they had to make it so the large trucks could not pass through. Highway 70 is of the
224 same nature. We are having a municipality that is not a municipality coming in so what will happen when you have
225 commercial districts around 70 and where would be alternative route for these heavy vehicles which leads you to
226 consider more the pressure of sidewalks.

227

228 Buddy Hartley: The heavy truck traffic should not be there unless they have a delivery.

229

230 Larry Wright: We have two issues before us; the Efland Village Overlay District and the Efland Interstate Overlay
231 District with staff proposals to address items four and five.

232

233 Perdita Holtz: It would be good for direction on how you want to recommend to the BOCC. There needs to be a
234 formal motion for four and a motion on the amendments on Attachment 2.

235

236 **Motion** from Lisa Stuckey to retain the "ticks" as recommended by the staff. Seconded by Alan Campbell.

237 **Vote:** Unanimous

238

239 **Motion** from Alan Campbell to approve this as presented by staff with the further changes to be developed and
240 circulated through email for item five. Seconded by Tony Blake.

241 **Vote:** Unanimous

242

243 *Pete Hallenbeck submitted the following comments for the record:*

244 *Item 7:*

245 *Quarterly Public Hearing comments:*

246 *Chain/franchise business building standards*

247 *South of the railroad tracks "chain restaurants" are permitted. The Small Area Plan and the Implementation groups in*
248 *general realized the value of being able to identify a business from it's signature style of building. They also wanted*
249 *to take advantage of the proximity to the interstate and have these businesses in order to generate more jobs and tax*
250 *revenue. There was a desire to have an opportunity for citizen input during the permitting process where minor*
251 *changes in the building presentation could be proposed. No one had problems with drive throughs. While it is true*
252 *that this introduces a small subjective component into the permitting process, it was deemed that this was the lessor*
253 *of two evils where the other option was to blanket permit any and all chain restaurants no matter what the style.*

254

255 *As I commented during the hearing, there would be no chain restaurants north of the railroad tracks. The rational is*
256 *as simple as this: Imagine a McDonalds somewhere in downtown Hillsborough, say by King street or across from the*
257 *Weaver Street Market.*

258

259 *I suspect the franchise rules are also not a problem for chain restaurants. I would imagine they would prefer to be*
260 *close to the interstate, not up north of the railroad tracks.*

261

262 *During the Small Area Planning and the Implementation phase of these proposed UDO changes, the topic of*
263 *sidewalks seemed to always come down to keeping people from walking on the road. There are many people that*
264 *walk along US70 day and night. At night, it is very hard to see many of these people as they don't wear anything*
265 *reflective. I suspect that any higher density project would increase this potential for this pedestrian traffic, and that*

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266 *you would see more people walking on what are now less traveled side streets. The ordinance changes attempt to*
 267 *deal with this problem, but does not do so as clearly as it does for the Interstate overlay area.*
 268

269 *Perhaps the answer is to require sidewalks that will keep people off the streets, but not require sidewalks internal to*
 270 *the project. This will allow for a slow development of a sidewalk system in the area as development occurs.*
 271

272 *In the Interstate overlay, the goal of (10) in section 6.6.3 is to avoid the problems that currently exists with people*
 273 *walking on US70 on other roads, such as Mt. Willing, as the area grows. The wording assure a review of these*
 274 *concerns, but also allows for project specific discretion.*
 275

276 *Note that as always there is the conflict of wanting sidewalks for safety and aesthetics being in conflict with the desire*
 277 *for affordable housing. Even the comprehensive plan wrestles with this one.*
 278

279 *Citizen Comment on the Changes:*
 280

281 *A citizen from Efland commented that most people in Efland would not understand the changes, and that they did not*
 282 *understand what had been going on. I remember the early community meetings, and 30+ people showed up. Most*
 283 *were interested in getting sewer into the area. They were told that with sewer comes increased development and*
 284 *business, which was welcomed by most. They were also told that there would be zoning changes due to the pending*
 285 *development. Once the sewer project was on track, many citizens stopped showing up at the meetings.*
 286

287 *Most residents also wanted to see opportunities for more businesses in the area, and commented that no new*
 288 *businesses had been allowed for years. The proposed changes allow for more bushiness in the area.*
 289

290 *The small area plan and subsequent small area implementation group has been an 8+ year process that was always*
 291 *open to the public. There have been many opportunities for community feedback. I have personally discussed the*
 292 *changes with many at the Fire Department. I sympathize with the average citizen reading zoning ordinance text and*
 293 *trying to understand it, but I feel there has been plenty of opportunity for citizens to ask and receive a "plain English"*
 294 *description of what the overall goals are. It should also be noted that only 10 citizens showed up at the meeting to go*
 295 *over the changes. The opportunity was there.*
 296

297 *The citizen made the comment that these changes will not be of much benefit to the community (or words to that*
 298 *effect) and I disagree. These changes allow for new businesses, small professional businesses, and large scale*
 299 *development near the interstate. While there may be some style issues, such as monument style signs for a*
 300 *business instead of pole signs, the overall goals are consistent with the wishes of the community.*
 301

302 *All that said, I would be delighted to schedule a meeting with any concerned group and talk to them about these*
 303 *changes.*
 304

305
 306 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment** – To make a recommendation
 307 to the BOCC on government-initiated amendments to the text of the UDO in order to modify
 308 and clarify existing regulations and definitions associated with the erection and use of
 309 outdoor lighting facilities. This item was heard at the November 19, 2013 quarterly public
 310 hearing

311 **Presenter:** Michael Harvey, Current Planning
 312

313 *Pete Hallenbeck submitted the following comments for the record:*
 314

315 *Item 8: Outdoor Lighting*
 316

317 *My only comment here is that perhaps the best description of the term "Initial Lumens" would be the lumens of output*
 318 *for a bulb as printed on the packaging for the bulb.*

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319
 320 *I would also note that I worked with Michael Harvey on these changes, and think they are acceptable.*
 321
 322 Michael Harvey: Presented abstract for review.
 323
 324 Herman Staats: In this example was there light trespassing that could have been alleviated by aiming the lights or
 325 shielding them, etc.
 326
 327 Michael Harvey: The lights were shielded because the permit was issued in compliance with this code and they
 328 met all the applicable standards. If you are asking if the lights were taller, would it have addressed some of the
 329 trespass issues, maybe.
 330
 331 Lisa Stuckey: If we recommend no height limit, would the language you have developed about trespass, etc. be
 332 sufficient?
 333
 334 Michael Harvey: I would not have to amend this proposal other than to say the Planning Board is recommending
 335 deletion of height limit standards beginning on page 61, B2B in its entirety. I honestly have a little discomfort with
 336 that but you have the ability to recommend deletion of the existing height limits to the BOCC.
 337
 338 Lisa Stuckey: It doesn't seem the height is the issue. The issue is the spread of the light.
 339
 340 Michael Harvey: Height can be an issue for lots of reasons. The overall height and angle of a light source
 341 contributes to trespass.
 342
 343 Buddy Hartley: Would the 100 foot comply with the North Carolina High School Association.
 344
 345 Michael Harvey: 100 would be in line for what they recommend. Is it required, no.
 346
 347 Alan Campbell: The context with these heights in general, would this be typical with the special use permit at all or
 348 permitted by right?
 349
 350 Michael Harvey: If you have a use requiring a special use permit and you choose or propose to erect outdoor lights
 351 as part of the project, the light plan is reviewed and discussed at the time of permit review. In approving the
 352 request the appropriate board would be, in effect, approving the erection of the lights as part of the overall
 353 application. If the proposed land use is permitted by right then staff will be reviewing the request. There is no
 354 standard in the ordinance, and I am certainly not advocating for this, requiring a special use permit solely for the
 355 purpose of erecting outdoor lights or athletic field lights. It has been discussed previously at the elected official
 356 level the need to examine land uses from the standpoint of urban versus rural intensities in an effort to identify the
 357 appropriateness of a given land use for different areas of the County. There may be a need to investigate land
 358 uses as a whole, as well as the accessory components of these various land uses, that would cause for a level of
 359 intensity representing a more urbanesque amenity changing the overall impact of the land use on adjoining
 360 properties.
 361
 362 Larry Wright: I would like to make a comment for Pete "My only comment here is that perhaps the best description of
 363 the term "Initial Lumens" would be the lumens of output for a bulb as printed on the packaging for the bulb." What is
 364 he saying?
 365
 366 Michael Harvey: There was a comment by Lisa during the public hearing concerning the definition of lumens. Staff
 367 indicated we basically used industry standard definitions focusing on initial lumens, which is what Pete is referring to.
 368 I think what we have in the definition is adequate.
 369
 370 Larry Wright: What do we need to do?
 371

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372 Michael Harvey: I would like to make a recommendation on the package. There are two areas we have discussed.
373 We have added some language to clarify when you have to make improvements to light fixtures, 6.11.2c. We also
374 need comments on the athletic field light issue and if the motion is to approve staff's recommendation we need you to
375 explain your rationale on why increasing the height of athletic field is reasonable or make a motion to modify what
376 staff has written to propose your own height limit or even delete it in its entirety.

377
378 Larry Wright: What are the feelings regarding height?

379
380 Alan Campbell: I didn't pick up that much negative sentiment from the BOCC at the meeting. I like what is being
381 proposed because it needs to address things we already have in place that aren't meeting the requirements. Also, I
382 believe in and agree that the notion of having a higher pole with more direct light will decrease trespass.

383
384 Lisa Stuckey: I would suggest we delete on page 61, c2b, the whole maximum height issue because I think it is
385 addressing the wrong issue.

386
387 Alan Campbell: I don't think you will get that approved. I'm all about getting something approved.

388
389 Lisa Stuckey: Should we do what we think they will do or what we think is right?

390
391 Alan Campbell: I don't want to see it bounced around for another year.

392
393 Tony Blake: 100 or 90 feet from ground?

394
395 Michael Harvey: It is intended to be from grade....

396
397 Johnny Randall: Is 100 feet high enough?

398
399 Michael Harvey: I believe so. We haven't had a height limit until two years ago so you aren't going to see anything
400 consistent with this height limit.

401
402 Tony Blake: It's not really 100 feet in relation to the grade of the person that might complain. It is 100 feet from
403 whatever the topography of the land is. I don't see how this is a consistent application.

404
405 Larry Wright: I would like to ask the question regarding Lisa's statement. I would like to hear the argument that the
406 100 feet does not address the issue. Let's say you have the 100 feet limit. What do we have that addresses the
407 question?

408
409 Lisa Stuckey: The issue is light trespass.

410
411 Larry Wright: What in here takes care of the issue?

412
413 Michael Harvey: You still have to comply with the minimum foot candle at property line which we reduced three
414 years ago. You still have other standards in here.

415
416 Larry Wright: Can I have a motion?

417
418 Herman Staats: I also agree that if the light trespass is addressed by the lumens, height is a separate issue that may
419 or may not be related but I also agree that since this is there that the height is increased that is somewhat of a
420 compromise.

421
422 Michael Harvey: This talks about outdoor sports fields, outdoor performance lighting.

423
424 Buddy Hartley: I agree that the 100 foot is for that purpose.

DRAFT

425
 426 Alan Campbell: I know we didn't have a height restriction until a few years ago but during the daytime, I don't want to
 427 see a 200 foot whatever you could do right down the road from my house so I factor that in.
 428

429 Johnny Randall: The number of lumens, the brightness of the bulb, has to be greater with a higher pole, right?
 430

431 Michael Harvey: Not necessarily. The problem is that when you have a smaller pole, the light has to be at a much
 432 greater angle to spread on the property or you have to install potentially a higher spread.
 433

434 **MOTION** by Alan Campbell to approve the height recommended by staff.

435 Seconded by Buddy Hartley

436 **VOTE:** Passed (7-2; Stuckey, Blake opposed)
 437

438 Larry Wright: Dissenting opinions please.
 439

440 Lisa Stuckey: I would have no limit. I think other language concerning the spread of light is sufficient and I can
 441 foresee the same issues arising but I get what Alan is saying as well. It seems the spread issue is more of a problem
 442 that the height issue. I think the real issue is whether the use would be permitted in the areas at all.
 443

444 Tony Blake: I agree with Lisa and given the topography differences, 100 feet isn't necessarily 100 feet given where it
 445 might be located. I think it is a solution in search of a problem.
 446

447 Larry Wright: Dissenting opinions are very important and I thank each of you very much.
 448

449 **MOTION** by Johnny Randall to approve as submitted.

450 Seconded by Buddy Hartley.

451 **VOTE:** Unanimous
 452
 453

454 **Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment(s)** - To make a
 455 recommendation to the BOCC on government-initiated amendments to the text of the UDO in
 456 order to make minor changes that have been suggested by the County's code vendor
 457 (MuniCode) as a result of MuniCode's legal review. This item was heard at the November 19,
 458 2013 quarterly public hearing
 459 **Presenter:** Supervisor Perdita Holtz, Special Projects Coordinator
 460

461 Perdita Holtz: Reviewed Abstract
 462

463 **Motion** made by Lisa Stuckey to approve staff's recommendation to approve the UDO amendments contained in the
 464 attachment.

465 Seconded by Alan Campbell

466 **Vote:** Unanimous
 467
 468

469 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS**
 470

471 a) Board of Adjustment
 472

473 Dawn Brezina: We had a meeting last month that went very smoothly.
 474

475 Larry Wright: It was a very difficult meeting. It was essentially that UNC has an animal facility in the Bingham
 476 Township and the waste treatment failed and they were pumping it out so we heard the case it was complicated but

DRAFT

477 we had to go by state statute so it was cut and dry but getting there was pretty difficult. There were issues of
478 standing and practicing law legally.

479

480 b) Orange Unified Transportation

481

482

483 **AGENDA ITEM 11: ADJOURNMENT**

484

485 **MOTION:** made by Tony Blake to adjourn. Lisa Stuckey seconded.

486 **VOTE: UNANIMOUS**

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: January 9, 2013

**Action Agenda
Item No. 8**

SUBJECT: Continued Discussion of Kennel Regulations

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|---|--|
| 1. Excerpt of Approved November 7, 2012 Minutes
2. E-mail Comments from Tony Blake | Michael D. Harvey, Planner III 245-2597
Craig Benedict, Director 245-2575 |
|---|--|

PURPOSE: To continue discussion on BOCC-requested input into the processes and regulations for kennels.

BACKGROUND: At the November 7, 2012 regular meeting there was discussion over existing regulations governing the development of Class I and II Kennels. Minutes from the November 7, 2012 meeting are contained within Attachment 1. At this meeting staff was asked to investigate how surrounding counties/municipalities regulate kennels. The following table summarizes our findings:

COUNTY/ MUNICIPALITY	LAND USE DESIGNATION:	REVIEW PROCESS	DEVELOPMENT STANDARDS
CHATHAM COUNTY	2 separate land use categories for a 'boarding kennel' and a 'breeding kennel'.	Both are reviewed through the Conditional Use permit process (i.e. acted upon by the Chatham County BOCC is a quasi-judicial setting).	1. Allowed in residential districts with a 3 acre minimum lot. 2. Double minimum setbacks for the district where the facility is located (NOTE our 150 foot setback is more restrictive).
DURHAM CITY/COUNTY	Grouped into the ' <i>Veterinary Clinics, Animal Hospitals, and Kennels</i> ' land use category. Boarding and breeding are allowed.	Staff review and approval	1. Allowed in residential/non-residential districts. 2. No outdoor runs or storage allowed in certain districts. 3. 300 foot separation between outdoor areas where animals are kept and adjacent residential uses in a residential district. Minimum 6 foot tall wall when adjacent to a residential use in a non-residential district

COUNTY/ MUNICIPALITY	LAND USE DESIGNATION:	REVIEW PROCESS	DEVELOPMENT STANDARDS
CHAPEL HILL	Independent land use category	Staff review and approval	<ol style="list-style-type: none"> 1. Allowed in non-residential districts only. 2. Specifically prohibited in certain mixed use zoning districts. 3. Setbacks can vary based on adjacent land use/zoning. Handled on a case by case basis.
CARRBORO	Grouped into the ' <i>Services and Enterprises Related to Animals</i> ' land use category with vet clinics. Boarding and breeding are allowed.	Approved through the special use permit process by the Carrboro Board of Adjustment	<ol style="list-style-type: none"> 1. Allowed in residential and non-residential districts. 2. Soundproofing is required.

Board members were also asked to e-mail additional comments, concerns, and feedback on potential modifications by December 5, 2012 for staff review. We received comments from Mr. Tony Blake, which are contained in Attachment 2.

Staff is scheduled to meet again with Orange County Animal Services Director, Mr. Bob Marotto, to continue discussion on possible modification of kennel regulations. Staff will provide an update at a future regular meeting as new information becomes available.

FINANCIAL IMPACT: Consideration of this item, and the processing of any amendments generated as a result of this discussion, will not create the need for additional funding for the provision of County services. Existing Planning will accomplish any work associated with the development of text amendments arising out of this discussion.

RECOMMENDATION(S): The Planning Director recommends the Board receive the update and provide additional feedback as necessary.

**MINUTES
ORANGE COUNTY PLANNING BOARD
NOVEMBER 7, 2012
REGULAR MEETING**

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Rachel Hawkins, Hillsborough Township Representative; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative;

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

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

OTHERS PRESENT: Edward Yahner, Pat Yahner, Timothy McAvinney, Tom Heffner

HANDOUTS GIVEN AT MEETING: *PowerPoint Presentation for Item 7; Email from NCDOT District Engineer*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for November and December
b) November 19, 2012 Quarterly Public Hearing Legal Ad

**AGENDA ITEM 3: APPROVAL OF MINUTES
OCTOBER 3, 2012 REGULAR MEETING**

MOTION by Maxecine Mitchell to approve the October 3, 2012 minutes. Seconded by Tony Blake.

VOTE: UNANIMOUS

Agenda Item 9: Kennel Processes and Regulations: To provide BOCC-requested input into the processes and regulations for kennels.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: *Reviewed abstract.*

Rachel Hawkins: Aren't there already a couple of kennels that were already approved?

Michael Harvey: The kennel on Alexander Drive has been in existence since 1979. That kennel is considered to be a conforming use of property. There is a kennel off New Hope that was approved four years ago by the Board of Adjustment. There was a kennel off Millhouse that was recently approved. There are approximately six kennels throughout the county

Tony Blake: What brought this up?

Michael Harvey: Complaints from neighbors of the New Hope Road Kennel who thought that the Board of Adjustment would not give them a fair shake and the County Commissioners would deny it. They complained about noise, inappropriate land use for the area, traffic, etc. I would remind the Board that no matter which Board reviews a special use permit, the standards for review and approval are still the same. Second, with the New Hope

Approved 12/5/12

Kennel operation specifically, there was a lot of testimony by experts that the noise issue would be addressed and abated because he would install noise buffers, which he did.

Peter Hallenbeck: Even though the kennel has a list of animals you could have, I bet all the problems are when you have dogs. Is there anything in the ordinances that draw a distinction between a kennel that keeps dogs outside at night versus a kennel that might have them inside a building at night. This is also a rough one since we have a noise ordinance.

Michael Harvey: Animal Services has regulations that govern nuisance barking. They have regulations for nuisance barking but they will not be around at 2:00am in the morning. Our current regulations do provide a limited distinction between outdoor and indoor kennel runs, specifically the 150 foot setback.

Lisa Stuckey: Does animal control decide if outdoor facilities are required for humane treatment of the animals?

Michael Harvey: You should consider the kennel process a dual process because Animal Service is a partner with us. They will review all our kennel applications. If Animal Services do not issue a permit, the special use permit is void.

Lisa Stuckey: I think it would be helpful to have a grid to compare Class I and Class II. Does Class II require any setback at this point?

Michael Harvey: Class I does not technically have any setback requirement and that is discussed in here.

Tony Blake: The primary difference is between a 'for profit' and someone who is breeding their own dogs.

Michael Harvey: Structures would be set back the 40 foot, 20 foot, 20 foot, fences could go right to the property line.

Maxecine Mitchell: On page 63, you have a minimum lot size, is that including acreage?

Michael Harvey: There is currently no regulation in zoning that establishes the minimum acreage requirement specifically for a kennel.

Maxecine Mitchell: What is a "pretty large size" lot?

Michael Harvey: The kennel off New Hope is seven and one half acres. The parcel off Millhouse is 15 acres. One other issue is we do need to fine tune the definition. Any discussion we have will need to involve Animal Services.

Larry Wright: We need to look at the Legend Road Animal Hospital and Kennel in Chapel Hill. They do not have any buffers and no noise and they have an outdoor area where they walk dogs. You should look at Cornwallis Animal Hospital. They would be Class II. They have a grass area where they walk their dogs. There are no setbacks. If we want to have Economic Development Districts with diversity the commercial aspect, we should consider these structures as we develop and diversify the commercial aspect that we should consider that type of structure and we develop the county, people are looking for high quality clinics.

Tony Blake: The animal clinic in Carrboro is much the same.

Craig Benedict: Part of what got this started was the New Hope Kennel in the rural buffer. The comments were, are these types of commercial uses allowed in the rural areas of Orange County. As Michael put in the abstract there was some thought that is the rural buffer any different than the rest of agricultural residential in the county.

Larry Wright: My major point is that you have various types of these kennel operations. Some are just day/play areas and others are for boarding and others for boarding/therapy.

Approved 12/5/12

Peter Hallenbeck: You can say there are almost two kinds of kennels. One being plopped down in a rural area and another type of kennel which is not much different than having a business inside a building. The distinguishing factor is where it is.

Lisa Stuckey: If I were in a rural area that was residential and someone had 18 dogs living next door to me, I would be pretty upset if they were really loud.

Tony Blake: Using the Carrboro Animal Hospital, behind there is a residential neighborhood and they have a small grassy area to walk their dogs.

Larry Wright: I think a lot of this is runs and how they are set up.

Michael Harvey: My suggestion would be that the BOCC are looking for your input, I would suggest that you take until the January meeting and provide comments to staff copying the rest of the Planning Board.

Rachel Hawkins: Is the Orange County Animal Control in the same realm as kennels?

Michael Harvey: I am not sure how they are classified since they are in Chapel Hill.

Craig Benedict: Kennel SUP.

Larry Wright: What I would suggest is to try and find out what some other municipalities and counties might do if you have time.

Michael Harvey: Maybe if we could get comments by December 5 so we can discuss those with Mr. Moratto of Orange County Animal Services.

Larry Wright: Reminder that dinner meeting is on November 19. I want to encourage you to have comments to the BOCC.

Michael Harvey

From: Tony Blake <tonyblake@nc.rr.com>
Sent: Monday, December 03, 2012 5:57 PM
To: 'Wright Larry'; Tina Love; Michael Harvey
Cc: 'dawn brezina'; bstuckey@nc.rr.com; max_02@msn.com; rachel.hawkins@pemc.org; pete@eflandfd.org; alan@jalancampbelllaw.com; andrea.rohrbacher@duke.edu; Hartley_2004@yahoo.com; jrandall@unc.edu; 'Herman Staats'; Perdita Holtz; Debra Graham
Subject: RE: December Planning Board Agenda

Michael, Larry & Pete, based on my conversations with Bingham residents; I have the following comments for the record on the proposed Kennel Ordinance changes:

- Most of the proposed changes seem to be an effort to limit nuisance to neighbors. I think that concerns like that would be better addressed through an enhanced nuisance ordinance rather than a new burden on those businesses that are interested in compliance.
- Aligning county requirements with the state regulations/inspections might also be advisable to avoid duplication of effort and confusion.
- I do not know what impact we have on the fee structure, but one person in the business I spoke to said that the fees probably do not cover the county's costs and that that a fee increase might do as much to dissuade casual and non-conforming kennels as the proposed ordinance changes would. That said, folks that are not interested in compliance would not be affected by either effort because enforcement either has no teeth or is not a priority.

**ORANGE COUNTY
PLANNING BOARD
AGENDA ITEM ABSTRACT**
Meeting Date: January 9, 2013

**Action Agenda
Item No. 9**

SUBJECT: Proposed Unified Development Ordinance Amendments and Prioritization

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. November 2012 Letter from Pete Hallenbeck
2. Planning Department – Planning Board Projects for Late 2012 and 2013
3. Implementation Bridge Document
4. Implementation Bridge Status Matrix
5. Small Area Plan Status Matrix

INFORMATION CONTACT:

Craig Benedict, 919-245-2592
Perdita Holtz, 919-245-2578

PURPOSE: To discuss amendments the Planning Board would like to make to the Unified Development Ordinance (UDO) and the prioritization of such amendments.

BACKGROUND: As a result of discussions of the annual report and work plan in October and November 2012, the Planning Board Chair and Vice-Chair asked staff to place an item on the January 2013 Planning Board agenda to discuss UDO amendments the Planning Board would like to bring forward for consideration. The letter in Attachment 1 was briefly discussed at the November 19 dinner meeting between the BOCC and Planning Board. All other attachments were part of the discussions in October and November.

The BOCC's annual planning retreat will be held on February 1, 2013. As a result of the retreat, new projects the Planning Department and Planning Board need to focus on may come forward. However, there is likely some capacity among Planning staff to work on some Planning Board priorities as well. All Planning Board priorities would have to be presented to the BOCC, prior to significant staff time being spent on them, to obtain BOCC approval to proceed with any specific project.

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

1. Discuss individual members' ideas for UDO amendments.
2. Prioritize the list of ideas.
3. Ask staff to take the list forward to the BOCC for approval consideration to begin work.

Nov 18, 2012

Ordinance Changes- What to do first?

As has been discussed, the UDO was originally planned to be two phases: The first phase merged all the existing ordinances into a single document with coherent layout and format. Changes were to be limited to only those that facilitated this consolidation effort. The second phase is where “other” changes would happen.

What was not clear then, but is clear now, is that the “Second Phase” goes on forever. There are always changes and adaptations to be made in the ordinances since they are for use in an ever changing world.

The Implementation Bridge document is the repository for ideas on things to change in the UDO. It is a list of changes that came out of the first phase. Other changes continue to come up as the Planning Department interacts with citizens and the BOCC. Various areas of focus in the county, such as fostering economic development, have also produced some changes that need to be examined.

So the Planning Board and the Planning Department need to figure out how to prioritize the list of UDO changes. Driving this process are:

- 1) Use the Planning Department’s knowledge of what needs to be changed based on prior experiences, anticipated projects, and county goals.
- 2) Utilize individual Planning Board members skills and areas of interest.
- 3) Respond to suggestions and guidance from the BOCC.

I would like Planning Board members to read the Implementation Bridge and think about their skills and interest and generate their own prioritized list of areas that might benefit from some attention. The time and expertise of Planning Board members is valued and appreciated- it would be foolish to not take advantage of it.

The Planning Board and Planning Department can then create a prioritized list of areas in the UDO that need attention. The list should be a living, changing document. As such, the process for managing the list is as important as the content of the list itself.

Focusing on this list will be our “background task” when we are not dealing with specific zoning applications from the public. We may also have brief focused meetings at 6:30 before the Planning Board Meeting to give members an opportunity to share their knowledge, information and passion about their areas of interest.

So read, think and create your list. This is a great opportunity to make your time on the board productive and interesting. I look forward to your feedback.

Pete

Planning Department – Planning Board
Projects for Late 2012 and 2013

	QPH	DATE	MAJOR INITIATIVE
Special Projects Division	<ul style="list-style-type: none"> Efland Overlay 	Nov 2012	<ul style="list-style-type: none"> SAPFO-TAC Report (Nov 2012 – Mar 2013)
	<ul style="list-style-type: none"> Muni-code (UDO Codification) 	Nov 2012	<ul style="list-style-type: none"> Master Parks Plan (DEAPR – Lead; Planning – Liaison)
Comprehensive Planning / Transportation Division	<ul style="list-style-type: none"> Town of Hillsborough Joint Land Use Plan Changes (ETJ Swap) 	May, August/Sept, Nov 2013	<ul style="list-style-type: none"> Annual Comprehensive Plan Report
	<ul style="list-style-type: none"> UDO/Zoning 		<ul style="list-style-type: none"> Railroad Closings (3)
	<ul style="list-style-type: none"> Functional Road Classification Map 		<ul style="list-style-type: none"> County Profile Element (2010 Census Update)
	<ul style="list-style-type: none"> Specific Access Management Areas (Buckhorn Road) 		<ul style="list-style-type: none"> OPT/CHT Consolidation (Liaison)
	<ul style="list-style-type: none"> CTP Amendment 		<ul style="list-style-type: none"> Efland-Buckhorn-Mebane EDD Initiatives
	<ul style="list-style-type: none"> MPOs 		
Current Planning Division	<ul style="list-style-type: none"> Lighting 	Nov 2012 QPH	
	<ul style="list-style-type: none"> Solar 	Nov 2012	
	<ul style="list-style-type: none"> Bona fide farms (State Law Impacts) (Ag Services Related) 		
	<ul style="list-style-type: none"> Kennels 	May-Aug-Sept	
	<ul style="list-style-type: none"> Subdivisions (JPA Rural Buffer Density) 		

	<ul style="list-style-type: none"> • Outdoor Events-Mass Gatherings 		
	<ul style="list-style-type: none"> • EC-5 Boundary Fixes 	2013	
	<ul style="list-style-type: none"> • Stormwater Rules 	Feb 2013	
	<ul style="list-style-type: none"> • Code Enforcement – Economic Development Areas(??) 		

	Primary	DATE	MAJOR INITIATIVE
Director's Office	<ul style="list-style-type: none"> • Intergovernmental Agreements 		<ul style="list-style-type: none"> • Capital Improvement Planning (Water, Sewer, etc.)
	<ul style="list-style-type: none"> • ½ cent Public Transit Sales Tax 		<ul style="list-style-type: none"> • School Siting Collaboration
			<ul style="list-style-type: none"> • Economic Development Planning
			<ul style="list-style-type: none"> • Water Supply Planning
			<ul style="list-style-type: none"> • BOCC/Manager/Multi-Department Planning Goals

ADVISORY BOARDS

	QPH Topic	DATE	Ongoing Non-QPH Initiatives
Planning Board			
BOA			
OUTBoard			
UDO Phase II			<ul style="list-style-type: none"> • Private Road Standards

Orange County, NC
Code of Ordinances

Unified Development Ordinance

Implementation Bridge



March 24, 2011

Prepared by
Clarion Associates



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A. INTRODUCTION AND PURPOSE

What is an Implementation Bridge?

Orange County has been working to develop a Unified Development Ordinance (UDO). This project was initiated in fall, 2009, to consolidate existing County land use regulations into a central document where all regulations governing the development and use of property would be located. This new UDO includes regulations currently contained within the following documents:

- Zoning Ordinance
- Subdivision Ordinance
- Soil Erosion and Sedimentation Control Ordinance
- Flood Damage Prevention Ordinance
- Environmental Impact Ordinance
- Stormwater Ordinance for Neuse River Lands

Benefits of placing all development regulations into one central document include making existing land use regulations more user-friendly, and eliminating existing contradictions and inconsistencies. The County's 2030 Comprehensive Plan supports the development of a UDO.

On August 24, 2009, the Board of County Commissioners authorized County planning and zoning staff to:

- Incorporate land use development regulations into a central document;
- Correct identified inconsistencies;
- Begin modification/updating of existing development standards (i.e. signage, parking, landscaping, lighting, stream buffers, etc);
- Update graphics/tables; and
- Develop Conditional Use/Rezoning regulations.

The process of creating the UDO was intended to be incremental. Work to initially create the document would be Phase I, focusing on structure, organization, and the specified adjustments noted above. It was anticipated at the beginning of this initiative that ideas for other substantive changes to the County's land use regulations would be offered during the process of creating the UDO. Accordingly, the concept of an "Implementation Bridge" was introduced: An inventory of these ideas would be maintained, and at the end of Phase I a report would be prepared documenting public comments and providing a synopsis of possible future UDO amendments that would follow in Phase II and beyond. This Implementation Bridge is that report. It is intended



to be a summary of issues, comments, suggestions, and concerns, along with strategies for addressing these.

How Should This Document be Used?

This Implementation Bridge is intended to be a reference and repository of ideas. During public review of the initial drafts of the Unified Development Ordinance, many comments and suggestions were offered by citizens, stakeholders, and Board members. The substantive comments that suggest future ordinance amendments as part of Phase II of this initiative and beyond have been collected, and appear as an Appendix to this report. This document also includes recommendations for priorities and strategies in pursuing subsequent amendments to the UDO as Phase II and beyond. The comments that have been received are summarized here, grouped into the following categories: economic development ideas, use and design ideas, environmental ideas, and procedural ideas.

Orange County's main policy document addressing land use issues is its 2030 Comprehensive Plan. The Comprehensive Plan sets forth goals and objectives for the future of Orange County, and serves as a blueprint and guide for decision-making. Development of the Unified Development Ordinance is called for in the Comprehensive Plan, and the UDO has been drafted within the context of the goals and objectives articulated in the Plan. Consideration of Comprehensive Plan principles and guidance is paramount in the development and subsequent adjustment of the new Unified Development Ordinance. Accordingly, the goals of the Comprehensive Plan are reiterated below, for reference and consideration as work proceeds on the UDO.

This Implementation Bridge concludes with recommendations for proceeding into Phase II and beyond - - suggestions for priorities in considering a sequence of amendments to the new UDO.



B. RELATIONSHIP TO COMPREHENSIVE PLAN

Overarching Goals of the Comprehensive Plan

Orange County's Comprehensive Plan was adopted in November, 2008, following an extensive process of discussion and citizen engagement. The Plan was written and adopted with the intent of being a blueprint document to guide future policy decisions for the County through the year 2030. Eight Lead Advisory Boards provided leadership and direction for the Plan:

- Planning Board
- Economic Development Commission
- Affordable Housing Advisory Board
- Commission for the Environment
- Agricultural Preservation Board
- Historic Preservation Commission
- Parks and Recreation Advisory Council
- Orange Unified Transportation

A point of consensus in Orange County that emerged during preparation of the Plan is that the County needs to move toward becoming a sustainable community. The Comprehensive Plan includes a focus on implementation that is designed to link the economy, the environment, and social equity.

There are seven Overarching Goals highlighted in the Comprehensive Plan, as follows:

1. Economic Development: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
2. Housing: Opportunity for all citizens for Orange County to rent or purchase safe, decent, accessible, and affordable housing.
3. Land Use: Coordination of the amount, location, pattern and designation of future land uses, with the 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.



4. Natural and Cultural Systems: A sustainable balance and appreciation of natural, cultural, and agricultural resources.
5. Parks and Recreation: Regionally coordinated park facilities that provide healthy opportunities for recreation and exercise for all citizens of Orange County, and that preserve important cultural and natural resources.
6. Services and Facilities: Growth consistent with the provision of adequate and sustainable County services and facilities while managing the impacts upon the environmental infrastructure and effectively protecting the County's natural and cultural resources.
7. Transportation: An efficient and balanced transportation system that uses multiple motorized and non-motorized modes of transportation and for which the planning, design, and implementation will be guided by the following overarching qualities:
 - A. Protects air quality, water quality and quantity, soil quality, and biological resources.
 - B. Promotes public health and safety.
 - C. Encourages sustainable economic development.
 - D. Provides equal access to all users.
 - E. Is highly modally and inter-modally integrated and connected.
 - F. Fosters sustainable and efficient use of resources, including financial and natural resources.
 - G. Protects the County's natural and cultural heritage.
 - H. Uses creative and well-designed infrastructure.
 - I. Is attractive, user-friendly, and easy to understand because of factors such as signage, brochures, and web pages.
 - J. Respects privacy and citizen rights.

These overarching goals form the foundation and structure for the Comprehensive Plan. Each of these topics has its own Element in the Plan, each of which includes specific goals and objectives.

Specific Goals of the Comprehensive Plan

The 2030 Comprehensive Plan then goes on to build on these seven overarching goals and identifies individual specific goals as points of focus and direction for the future. These individual goals are policy directives; as implementation strategies are brought forward as ordinance amendments in future phases of the UDO process, these individual goals will offer guidance on proposed regulatory changes. Following are the specific goals included in the Plan:



Economic Development Goals

Economic Development–1: Public-private sector partnerships that create a stronger business climate.

Economic Development–2: Infrastructure that supports desired development.

Economic Development–3: Effective systems to train and support residents and those who work in Orange County.

Economic Development–4: Partnerships that ensure the County remains a great place in which to live and work.

Housing Goals

Housing–1: A wide range of types and densities of quality housing affordable to all in all parts of the County.

Housing–2: Housing that is usable by as many people as possible regardless of age, ability, or circumstance.

Housing–3: The preservation, repair, and replacement of existing housing supply.

Housing–4: Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

Land Use Goals

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

Land Use –2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

Land Use–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.

Land Use–4: Land development regulations, guidelines, techniques and /or incentives that promote the integrated achievement of all Comprehensive Plan goals.



Land Use–5: Life, health, and property safe from hazards.

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

Natural and Cultural Systems Goals

Natural and Cultural Systems–1: Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources, and clean air.

Natural and Cultural Systems–2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems–3: Infrastructure and support systems for local and regional agriculture.

Natural and Cultural Systems–4: Preservation of historic, cultural, architectural and archaeological resources, and their associated landscapes.

Natural and Cultural Systems–5: Awareness and appreciation of the diverse cultural history and heritage of Orange county and its residents.

Natural and Cultural Systems–6: Sustainable quality and quantity of ground and surface water resources.

Natural and Cultural Systems–7: A balanced and healthy diversity of native plant and animal populations.

Natural and Cultural Systems–8: Networks of protected natural, cultural, and agricultural lands.

Parks and Recreation Goals

Parks and Recreation–1: Adequate parks and recreational facilities for all citizens within the County, regardless of age, gender, race, or disability.

Parks and Recreation–2: A partnership among regional recreational providers and facility owners/managers, including the appropriate co-location and sharing of school facilities, that meets the County’s recreation needs.



Parks and Recreation–3: Recreational facilities available for the public use in a manner that is multi-generational and accessible to all County citizens at both the countywide and community levels.

Parks and Recreation–4: Healthy lifestyles, quality of life and community building through the provision of a variety of affordable recreational facilities and choice of leisure activities, while responding to the changing needs and interests of County residents.

Parks and Recreation–5: Park and recreational facilities that are environmentally responsible, and where cultural and natural resources and open space within these sites are protected.

Services and Facilities Goals

Services and Facilities-1: Efficient provision of public water and sewer service systems which are consistent with the Land Use Plan and which abide by the current Water and Sewer Management, Planning, and Boundary Agreement, the existing Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and future agreements to be negotiated among the County and public and private service providers.

Services and Facilities-2: Adequate, safe, and healthy groundwater withdrawal and wastewater disposal systems with minimal impacts upon water and land resources.

Services and Facilities-3: High quality educational facilities that support our diverse and growing population and present opportunities for life-long learning.

Services and Facilities–4: High quality library facilities that support our diverse and growing population and present opportunities for life-long learning.

Services and Facilities-5: Efficient and effective drainage, stormwater, floodplain management, and erosion control systems.

Services and Facilities-6: Less solid waste per capita with cost effective and environmentally responsible disposal and management.

Services and Facilities-7: Efficient and effective public safety including police, fire, telecommunications, emergency services, and animal services.



Transportation Goals

Transportation–1: An efficient and integrated multi-modal transportation system that protects the natural environment and community character.

Transportation–2: A multi-modal transportation system that is affordable, available, and accessible to all users and that promotes public health and safety.

Transportation–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–4: A countywide and regionally-integrated, multi-modal transportation planning process that is comprehensive, creative and effective.

How the New UDO Implements the Plan

One of the main mechanisms available to Orange County to pursue achievement of these goals is enactment and enforcement of County Ordinances. It is in pursuit of the implementation of these Comprehensive Plan goals that the Unified Development Ordinance initiative was undertaken. The Comprehensive Plan is and should be referenced throughout the UDO. Decision making procedures articulated in the UDO specifically include, wherever legally authorized, determination of consistency with the Comprehensive Plan as one of the criteria for approval of land development proposals.



C. IDEAS RAISED DURING THE UDO PROCESS

When the Orange County Board of Commissioners initiated this UDO process, it was made clear that the intent was to first coordinate, combine, and re-structure the array of existing ordinances. The objective was to eliminate redundancy, make the ordinances more user-friendly, incorporate recent changes in State enabling legislation, and make minor adjustments. It was clear from the outset that there were many objectives in the Comprehensive Plan that warranted consideration in the form of ordinance changes. It was also expected that in the public review of a new draft UDO there would be many ideas and suggestions for substantive changes offered by citizens and advisory boards. Accordingly, arrangements were made early on to collect these comments and ideas, and organize them into an “Implementation Bridge” at the end of the UDO process. The key point was to not lose any of the ideas that would be offered.

That, as stated earlier, is the reason for preparation of this document: to organize the collected comments that suggest UDO revisions so that the comments can be carefully considered, with suggested priorities and an assessment of time-sensitivity.

Following is a summary of the comments that were offered and presented during public events and in individual correspondence, as communicated to the County by the public, advisory board members, and Board of County Commissioners. This summary categorizes and organizes comments by topic not in any priority order, and prefaced by references to Comprehensive Plan goals. Ideas are summarized here. A fuller description of the ideas and comments received is included in the Appendix to this report, presented in the same order as appears here. There is no attempt in presenting this list to evaluate the comments.

Economic Development Ideas

Ideas were offered during the UDO review process that suggest adjustments to better encourage economic development-related activity.

Relevant Comprehensive Plan Provisions

General Economic Development Goal: The County seeks to attract and promote the types of businesses suited to Orange County, businesses that will provide jobs to local residents and provide a more balanced revenue structure that relies less on the generation of private property taxes.



There was strong support during the process for consideration of incentives to encourage economic activity and job creation of the type envisioned for Orange County, and for increased attention to provisions relating to the County's Economic Development Districts.

Incentives

- Streamline procedures for Economic Development Districts and commercial development applications. Consider expedited processing for such applications.
- Study what local private businesses need in order to expand and thrive, and consider what regulatory changes could contribute to that objective.

Economic Development Districts

- Consider different standards for application within Economic Development Districts to encourage commercial development.
- Create a predictable process for consideration of development applications within Economic Development Districts.
- Develop regulations for Rural Economic Development Areas.

Permitted Uses and Standards Ideas

Ideas were offered during the UDO review process that suggest further attention to what land uses are permitted where, to design standards.

Relevant Comprehensive Plan Provisions

General Land Use Goal: Mixed-use is actively encouraged, and locations for new mixed-use centers are being identified, providing live-work-shop opportunities that minimize travel needs.

Housing Goal-1: A wide range of types and densities of quality housing affordable to all in all parts of the County.

Housing Goal-4: Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

Land Use Goal-2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.



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.

Services and Facilities Goal-1: Efficient provision of public water and sewer service systems which are consistent with the Land Use Plan and which abide by the current Water and Sewer Management Planning Boundary Agreement, the existing Orange county-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and future agreements to be negotiated among the County and public and private service providers.

There was strong support during the process for further consideration of the differentiation between suburban and rural areas, for review of what land uses are permitted where, and consideration of design standards that are applied to new development.

Suburban-Rural Edge Differentiation

- Differentiate between suburban and rural character, and adjust regulations relating to required features such as signing and transportation improvements.
- Review and adjust notification requirements to make more appropriate to rural vs. suburban areas. (E.g., rural rezonings may require larger areas of notification.)

Uses

- Revisit Conditional District provisions to consider restricting locations in which they can be applied.
- Revisit home occupation rules.
- Exclude government or municipal uses from residential zoning.

Standards

- Add back language about required findings that was formerly included for Planned Developments in the existing Zoning Ordinance.
- Differentiate between urban and rural character for regulations such as signage and subdivision standards.
- Review the full range of design standards that are currently included in the UDO, to determine if adjustments would help to promote County goals and objectives. (Note: the Appendix contains 22 specific suggestions for review of standards such as building height, lighting, signs, adult entertainment uses, road and driveway requirements, hours of operation, and airport zoning.)



Environmental Ideas

Ideas were offered during the UDO review process that suggest additional attention to regulatory provisions aimed at environmental protection and preservation.

Relevant Comprehensive Plan Provisions

General Natural and Cultural Systems Goal: The goal is to provide a network of protection for natural, cultural, and agricultural lands, protecting natural areas, prime forests, and wildlife habitats. Preservation of working farms is a key theme, along with protection of historical character. Energy efficiency and use of alternative fuel and power generation options are encouraged.

Land Use Goal-2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

Natural and Cultural Systems Goal-4: Preservation of historic, cultural, architectural and archaeological resources, and their associated landscapes.

There was strong support during the process particularly for consideration of regulatory provisions related to stormwater management, water quality, and transportation.

Stormwater Management and Groundwater

- Revise definitions and references to wastewater treatment systems to avoid opening possibilities for extension of sewer service into areas where the Land Use Plan contemplates no public sewer service.
- Consider criteria for locations of sampling stations under the Pollutant Monitoring Program.
- Consider establishing a mechanism for nutrient trading.

Transportation

- Adjust Section 7.8.2 to encourage roads to be laid out in a manner that avoids significant natural features.
- Develop guidelines for Transit Oriented Development.



Procedural Ideas

Ideas were offered during the UDO review process that suggest additional attention to the procedures that are spelled out in the ordinance, to further enhance the effectiveness of the UDO.

Relevant Comprehensive Plan Provisions

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

There was strong support during the process for consideration of changes that would streamline processes and enhance communication with citizens. There were also suggestions related to formatting in the UDO, and requests for clarification of certain provisions.

Streamlining

- Explore ways to shorten review and approval processes.
- Include metrics for approval time for each process.
- Review telecommunication towers process.
- Revisit roles and responsibilities of Planning Board vs. Board of Commissioners for approval decisions.

Communication

- Where we have electronic means to notify the public, we should add those as required notification mechanisms.
- Reconsider public notification requirements for differences between rural versus suburban locations (in terms of distance for notice requirements).
- Consider new ideas for public notification.

Formatting / Clarification

- Include more cross-references, on-line search mechanisms.
- Mention the Orange County / Town of Hillsborough Interlocal Agreement.
- Develop more guidelines for selection of school sites.
- Mention the Water and Sewer Management, Planning, and Boundary Agreement.
- Incorporate references to Animal Control Ordinance, align definitions.
- Include language to better differentiate between the different types of residential zoning districts.
- Reconsider treating withdrawal of an application as a denial.



D. RECOMMENDATIONS

Recommended Phased Consideration of Amendments

All of these ideas cannot be considered or pursued at once. Since both the Comprehensive Plan and this Implementation Bridge offer numerous ideas, Orange County needs a framework that will allow the County to take action in a dynamic, orderly, and timely fashion. Orange County has a strong culture and tradition of carefully and purposefully examining public policy proposals. Accordingly, this Implementation Bridge concludes with suggestions for priorities and phasing for next steps. All the ideas should be considered; but since all cannot be considered simultaneously in an effective and time-efficient manner, identification of priority topics would be useful.

There are two categories of topics to highlight: (1) Issues that repeatedly were raised in public comments about Orange County's development regulations; and (2) Issues that are particularly compelling or time-sensitive.

It would be reasonable to construct a phased approach to pursuing amendments to the new UDO, once it is adopted, based upon the two priority categories described above. A preliminary list of priority topics follows, and it would be reasonable to schedule work and consideration of these as amendments to the new UDO as soon as possible following adoption. Consideration of the balance of issues that have been raised should take place as time and workloads permit.

1. Issues Repeatedly Raised During Consideration of the UDO

Adjust Proposed Conditional Districts: The most common issue brought forward during Board and citizen comments, and by the jurisdictions of Carrboro and Chapel Hill, was concern about potential widespread use of Conditional Districts throughout the rural portions of Orange County. Concerns were both about lack of restrictions on locations for use of these districts, and about Planned Development language in the existing Zoning Ordinance that was not carried over explicitly into the new UDO. Orange County staff and Planning Board each responded to these concerns by proposing adjustments to the UDO to be included prior to final adoption. The Planning Board's recommendation for approval of the UDO includes these adjustments. *If the Board of Commissioners makes these recommended adjustments in the UDO that is enacted, the issue is addressed. If the Board of Commissioners decides that this issue needs further study and adopts the UDO without these adjustments, consideration of the adjustments should lead the list of next steps.*



Promote Economic Development: Orange County has had Economic Development Districts in place for 20 years, with only small amounts of activity. Citizens and Boards repeatedly mentioned need for further adjustments to the UDO to help in promoting needed economic development activity. In addition, there were non-UDO issues raised, such as attention to extension of water-sewer service in strategic locations, and technology improvements such as increased areas of available internet access.

Streamline the Process: Numerous comments focused on procedures, and on opportunities to streamline regulation. Opinions were offered suggesting shorter review processes and an efficient system for review of proposals by advisory boards, commissions, and elected officials.

Adjust Location-Specific Standards: Concerns about preservation of rural character were expressed, along with requests for further refinement of standards promoting targeted density and mixed use patterns. “Edge” issues were raised, focusing on the relationships between low-density, protected areas and activity centers. It would be helpful to further study the locational components of density and mixed use standards, with particular reference to existing and forthcoming Small Area Plans, to determine if further refinement or calibration is warranted.

2. Issues That Are Particularly Compelling or Time-Sensitive

Review Procedures: There were many comments offered about procedures that are included in the new UDO, summarized above and listed in the Appendix to this document. It would be prudent in any case to schedule a review and potential adjustment to procedures 3-6 months following enactment of the new UDO, with the benefit of drawing from initial experience in administering the regulations to highlight adjustments that would improve usability. During that review process, it would be desirable to consider each procedural suggestion that has been made and compare suggestions with the early experiences of using the UDO to decide if adjustments are warranted.

Consider Design Standards that may further Comprehensive Plan Goals: Revisit the standards included in the new UDO, with particular attention to locational differences in character between rural and suburban areas, and how standards might be adjusted or developed to reflect those differences.



Recommended Next Steps

As always, and as is appropriate, guidance from the Orange County Board of County Commissioners is needed to provide direction for next steps. As the new UDO approaches the point of adoption, it is desirable for the Board of Commissioners to set priorities for staff and Planning Board work on Phase II of this initiative - - the first set of amendments/adjustments to the new UDO - - and also to identify topics for consideration in subsequent phases following Phase II.

The priority areas suggested above can serve as the starting point for this discussion of phased work on amendments. If the Board of Commissioners finds this suggested list (or adjustments to this list as decided by the Board) to be an acceptable "game plan," the Board may choose to refer the list to staff to come back with a specific process and schedule for consideration of these amendments. The Board of Commissioners could also decide to refer this list to the Planning Board for recommendation prior to giving direction to staff, to seek the Planning Board's advice regarding priorities for Phase II work and additional issues that should be given early attention.



Appendix

This Appendix consists of three components, all suggesting areas for further/additional consideration of UDO provisions. This compendium of suggestions for future ordinance amendments was compiled from input received during public review of the new Unified Development Ordinance.

The first section is entitled “Future Phase Suggestions,” and is a collection of comments that have been collected and grouped by topic. The second section offers two resolutions that were adopted and forwarded by the Towns of Carrboro and Chapel Hill. The third section is “Excerpt Alice Gordon’s Comments (Pages 1-3 of 24-page Fax).”

These materials follow, beginning on the next page.

APPENDIX: FUTURE PHASE SUGGESTIONS RECEIVED TO DATE

March 2, 2011

Listed below are ideas that the Orange County Planning staff received as part of the 2009-2010 Unified Development Ordinance review process, or are aware of because the idea was raised during the 2030 Comprehensive Plan process. At this time, these ideas are not being incorporated into the UDO as they exceed the scope of work with which staff was approved to proceed. They are collected and listed here as a resource for consideration of future amendments to the UDO.

The comments are listed as submitted by citizens, stakeholders, and Board members, without evaluation. They appear below grouped by category of comment. The ideas are numbered sequentially and continuously throughout this Appendix for ease of reference.

COMMENTS RELATED TO ECONOMIC DEVELOPMENT

NEED FOR INCENTIVES

1. The size of a farm should be considered. Organic farmers, which seem to be the trend, 10 acres in order to be called a farm is a bit large for an organic farm. Considering farm income as a requirement to be a farm is difficult because prices can vary so much from year to year that one year a farmer can produce 300 bushels of corn and hardly break even because prices are low and the next year the same farmer can produce 120 bushels and make a lot because prices have gone up substantially.
2. Agricultural Support Enterprises regulations need to be written.
3. Incentives for commercial development (expedited processes, etc.).
4. Focus on the greatest value for the greater good of the entire county with purposeful philosophy and policies to achieve the economic resiliency and community diversity we desperately need and require at this time.
5. Examine what our local private businesses need in order to expand and thrive.
6. Examine why successful businesses left Orange County, such as Smith Breeden, Rho, Contact and BlueCross BlueShield's expansion, and determine what we need to do to have helped them grow here.
7. Economic development projects in the Economic Development Districts should have a predictable and expeditious approval process. Economic development projects in other appropriate areas should have a similar approval process.
8. Economic development approval processes and standards should be revised by local business and planning professionals in conjunction with UNC's Planning, Business and Law Schools.

9. An Economic Development Workgroup consisting of the BOCC, Planning Board and Economic Development Commission should meet Spring/Summer 2011 to examine expediting approval, targeting industries, permitted uses, specialized zoning district by SAP subarea and revised standards.
10. Agricultural Support Enterprises/Rural Economic Development Area, Speedway Small Area Plan and Transit Oriented Development are important initiatives using Conditional Use District structures should be important 2011 BOCC goals.
11. Examine Durham's American Tobacco Campus and American Underground to create an Orange County campus that is walk-able, diverse and attractive for mixed use including affordable space for Incubation and Startup businesses.

TARGETING ECONOMIC DEVELOPMENT DISTRICTS

12. Different landscaping standards may be needed for EDDs.
13. Rural Economic Development Area (REDA) regulations need to be written.

COMMENTS RELATED TO USES AND STANDARDS

SUBURBAN-RURAL EDGE AND DIFFERENTIATION

14. Differentiate between urban and rural character -- applicable to signage and subdivision impacts on transportation.
15. Public notification requirements for public hearings and other procedures that are more appropriate rural versus suburban uses/districts (i.e., rural rezonings may require larger area of notification).
16. Cluster development standards for suburban versus rural developments.

PERMITTED LAND USES

17. Need updated Airport Regulations.
18. Regulating adult entertainment uses and nuisance related events at these uses.
19. Airport zoning, possibly as conditional zoning district.
20. Review telecommunications towers process.

DESIGN OF DEVELOPMENT

21. Section 2.5.3, No mention of lighting, natural areas inventory, solid waste, or centralized recycling in requirements for information as applications are submitted. Should be added.
22. Include hours of operation. Lighting comes to mind -- Section 5.14.2 (A) (1)
23. Add no fault well repair to requirements.

24. Need to revisit private road standards.
25. There's a lack of land use criteria for reserving school sites. Need some general guidelines (i.e. not in wetlands or on slopes greater than X). Consult County School Joint Construction Standards.
26. Relation to adjacent properties is not addressed -- Section 7.13.3 (C) (1)
27. Is there any limit to building height? Flag for future.
28. Are there provisions for shared driveways? It may be useful in certain cases (i.e. along highways/major roadways).
29. Many places in the UDO have a restriction on the height of a building. While residential structures tend to have 9 to 12 feet per floor, commercial structures can have as much as 15 feet per floor. As the structure covers more area, the roof can have a substantial amount of height to it if it is not a flat roof. Architectural details such as facades and cupolas can affect the height.
30. My comment is this: Would it make more sense to specify the number of occupied stories as a limit on the structure? An occupied story would not include attic space or utility rooms- it would be space occupied by people working in the structure. Page 3-44 and page 4-18 are examples of where this specification occurs. Note that the height limitations that change with additional setback could be used as a maximum height such that either a (for example) 3 story limit OR the maximum height based on setback would be the height limit for the building. An example of this setback based number is found at the top of page 6-2. I would also add in (not sure where) than any building whose height exceeds the apparatus or ladder height restrictions of the fire departments which would respond to a structure fire would be required to be sprinklered.
31. There are various metal vapor lights, the most common being Mercury and Sodium vapor. It would be nice to know why Mercury is being singled out. In particular, is it the presence of Mercury (i.e. environmental) or is it the use of a specific type of fixture such as the yard lights utilities sell that is the concern. If the concern is environmental, then would it not also apply to all fluorescent lights which use mercury?
32. We have incandescent, metal vapor, fluorescent (which is mercury and a phosphorous), and LED. Each has a different lumens per watt rating. If light is being regulated, lumens should be the standard. Also, be aware that any light with a reflector will put out more light in a certain direction than a light with no reflector. As such, lumens is still a weak measure of light output but it is what is on the packaging for all lights and is easier to work with than getting into the amount of light energy per unit area type measurements (candles). As a rule of thumb, incandescent runs 5 to 30 lumens/watt, and LEDs run 60 to 110 lumens/watt.
33. The limits under section (c) "General Operations" and (e) "Use of Accessory Structures" severely limit what a home occupation can do.
34. Somewhere in the Standards for Residential Uses or Development Standards there should be a section that specifies minimum residential driveway sizes of 12 feet wide by 14 feet vertical clearance (already stated in 7.8.5 (B) (15) on page 7-32) for fire apparatus. This is the cleared width of the driveway, not the width of gravel or paving.
35. The travel-way width for Class B with 2 lots should be specified as 12 feet of cleared space, no standard for width of gravel or hard surface.

36. Under (5) (b): 16 feet should be 18 feet so that a passenger car can be passed by fire apparatus. For Class B roads with 3 or more lots, there should be an area 20 feet wide by 50 feet long every 1500 feet so that fire apparatus can pass each other.
37. On (I), remove the word "incandescent" since LED lights are now often used for holiday decorations. Low wattage is not defined, but a typical nightlight/big Christmas tree bulb is 7 watts so you could say any wattage under 10 watts. It would make more sense to use a lumen rating, such as less than 150 lumens. On (J), first off this should be a lumen limit, not watts. As the limit reads, this looks like a total lumens for any given motion activated switch. The lumens looks like it was derived from two incandescent 75 watt bulbs, probably flood lights. Note that if this is the case, the maximum lumens should be 2400. There are many motion activated systems where a sensor can turn on multiple light fixtures. So I would re-word this to have a 2400 lumen limit per light fixture controlled by the sensor. Finally, on this max lumens per fixture, there are standard outdoor floodlight fixtures that take 3 bulbs. For those fixtures, a reasonable max lumens would be around 3600. You could also add a limit of no one bulb can exceed a rating of 2100 lumens (a 120 watt equivalent) if the intent is to avoid the larger single bulb fixtures -- Section 6.11.3. This is where a definition of "mercury vapor luminaries" is needed. As written, this could mean that any standard fluorescent or compact fluorescent light could not be used, since they are a mercury-phosphorous based light.
38. (C)(1) Some floodlight fixtures do not cover the bulb, the stop just after the threaded base. I'd just stick with the 45 degree from vertical. (c) (2) the "it will shine" is vague. Perhaps something like "no more than 5% of the luminous energy shall shine towards roadways, onto adjacent residential property or into the night sky". (C) (3) Same vagueness- what is the "main beam"? Do you really want to say that no portion of the bulb shall be visible from adjacent properties or the public street right-of-way? From an enforcement point of view, a "Can't see the bulb" is easy to verify for both the owner and the inspector. Note that this is the approach taken on page 6-97, 6.117 (3).
39. All existing and proposed public transportation services and facilities within A RADIUS of one mile of the site shall be documented (leave out "also") -- Section 6.17(B) #4).
40. This whole section should be looked at with respect to goals and objectives in the Transportation Element of the Comprehensive Plan and Commissioners' goals and objectives. County policies do not always support the land development ordinances, particularly with transportation issues. This is too vast a task to address at this time, but I wanted to "tag" this Section for future study -- Section 7.8
41. Move towards intense use of sites to save more of the site in open space - cluster subdivisions. Cluster subdivisions require community wastewater systems. Falls apart on political side. Commissioners very wary due to system failures 20 years ago. Is there a way to put this in the Ordinance 'by right' if designed to specific criteria? Take political part out.
42. Need to update Lighting Standards. Height requirements for outdoor light poles and potential impacts on County recreational facilities is one of the areas that should be revisited.

COMMENTS RELATED TO ENVIRONMENTAL PRESERVATION

STORMWATER MANAGEMENT AND GROUNDWATER

43. In the section concerning golf courses, Pollutant Monitoring Program, I would suggest some thought be given to the locations of the sampling stations for surface water, groundwater and sediment. Perhaps the intent is to establish upgradient sampling locations as well as sampling locations down-gradient of some potentially contaminating source or specific location?? I think this section needs a bit of discussion as to what the objective is. In addition, under (3) Parameters for Sample Testing- I think that some description of approved analytical methods and minimum detection limits would be helpful. I am not familiar with the EPA HAL thresholds described in this section but I would be willing to look into this. There are various NC soil, water and groundwater limits that may be worth considering for this section.
44. 5(b) of this section- Management Response to Pollutant Monitoring- I would recommend that the responsible party also be required to contact appropriate state regulatory officials if thresholds are exceeded, not just OC do so. I also recommend that the phrase "for thresholds" be removed from this sentence -- Section 5.5.
45. Compare Durham's ordinance requirements for environmental review of subdivisions with Orange County's environmental review process.
46. Nutrient trading.
47. Low Impact Design (LID).
48. Review thresholds and processes associated with the permitting of wastewater treatment facilities.

TRANSPORTATION

49. Section 7.8.2, Public roads need to be laid out in a manner that avoids significant natural and cultural features.
50. Transit Oriented Development (TOD) regulations need to be written.

COMMENTS RELATED TO PROCEDURES

STREAMLINING

51. Will staff be making recommendations to shorten any of the processes?
52. There is an unusual threshold requirement in the Subdivision Regulations – the 21st lot of a subdivision kicks you into an Special Use Permit (SUP) process. Needs to be looked at again – make part of future changes. Planning Board should be able to approve 20 lots or less (without BOCC involvement).
53. Are there metrics and stats for approval time for each approval process?
54. After staff and advisory board review, project went through County Attorney review.

Lengthened the process. Why didn't County Attorney review occur concurrent with staff review? Streamline.

55. A time-line chart for each land-use review process (re-zoning, subdivision, permits, landuse amendments etc.) should be made showing who reviews each step and when.
56. Identify time lags and the reason - such as delays caused by review board's schedules.
57. Identify how approval processes can be simple, efficient, and short.
58. Examine other review and approval processes such as Durham's Development Advisory Committee (DAC) and Design District Review Team (DDRT) which are efficient and streamlined.
59. The members of the above DAC and DDRT are similar to Orange County's Development Advisory Committee (DAC) but have Rules of Procedure, meetings, minutes and quorum requirements consistent with state Statutes. This could replace our current review approval processes when a rezoning application meets all applicable standards.

COMMUNICATION

60. Where we have electronic means to notify the public, we should add this as an expectation or requirement.
61. As people become accustomed to this new document it will be important to provide different kinds of helpful guidance for users to find the sections of the document that are pertinent to their needs. The "Comparative Table" is quite helpful, and is an example of the guidance that will be needed during the transition. Having some kind of on-line search mechanism would be helpful. Perhaps that is already under development.
62. At what point in time will we define metrics of whether the UDO is succeeding?
63. It would be really nice if the final document could be accessed and indexed electronically rather than printed, a hyperlink format. For instance, clicking on a term and the definition pops up.
64. Identifying Comprehensive Plan policies that relate to UDO updates

FORMATTING / CLARIFICATION

65. No mention of Town of Hillsborough interlocal agreement. Add a footnote or a new section. [Note: references to the Orange County-Hillsborough Interlocal Agreement should be added when Zoning/UDO-related items are formally adopted. At this point, neither a joint land use plan nor joint development regulations have been adopted].
66. Section 1.6.2 (A), Is a 1-year hiatus long enough?
67. Section 1.7.2, "Agriculture" should be mentioned somewhere within the discussion of elements.
68. Section 2.2.7 (C), Why treat withdrawal of an application as denial?
69. Section 2.2.8 (A), Shouldn't have to wait a year if withdrawn. 6-months for withdrawal and 1-year for denial?

70. Section 2.15.3 (C) (4).- There is no deadline for agencies to respond.
71. Section 2.15.2 (C) (5) - Not applicable if flexible development option used.
72. Section 2.17, Need a process other than that of a major subdivision for recombining existing lots.
73. Need language that will differentiate between the different types of residential zoning districts.
74. Regarding Impervious Surface Ratios and Sliding Scales, the two tables should be combined into one. Need to understand ramifications of any proposed changes -- Section 4.2.5.
75. Some home occupations are permitted but not associated storage? This needs clarification.
76. Kennels and Riding Stables should be addressed separately. Should they require a Class A or Class B Special Use Permit?
77. Clarify how open space areas of golf courses are counted towards meeting ordinance requirements.
78. Change to require a to Class "A" Special Use Permit, which would require BOCC approval rather than Board of Adjustment -- Section 5.9.5
79. Mention Water and Sewer Management and Planning Boundary Agreement. Any system should be designed, planned, constructed and maintained by the responsible entity as assigned through the Agreement -- Section 7.13.4 (C) (1) (b)
80. As I suspect you know, the County's Animal Control Ordinance includes kennel definitions and a permitting process for Class I and Class II Kennels. The County's Zoning Ordinance also includes kennel definitions and process for a kennel (or stable) to obtain a special use permit (which requires one or possibly both of the permits issued Animal Control).
81. There is a need to better coordinate (and dare I say, unify) these ordinances. Some of the issues in regard to kennels include:
 82. Different definitions of Class I and Class II permits
 83. A lack of clarity as to whether a special use permit is required for Class I as well as Class II kennel
 84. A lack of clarity as to whether a special use permit is required for Class I under the Animal Control as well as the Zoning Ordinance
 85. Possible process improvements in the permitting process for kennels requiring a special use permit.
 86. Also, I think we should consider whether site plans for "riding stables/academies" should be subject to review by Animal Control. One concern is the availability of staff expertise in this area. Another concern is that there are no specific stable standards in the County's Animal Control Ordinances. By contrast, there are such standards for kennels which require permitting.
87. Clarify provisions for Outdoor events/activities, festivals, etc.
88. Review language regarding Principal Uses and Principal Structures (Arti

The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

RESOLUTION REGARDING THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE
(UDO) FOR ORANGE COUNTY
Resolution No. 78/2010-11

WHEREAS, revisions have been proposed to the Orange County Unified Development Ordinance (UDO), and under the Orange County/Chapel Hill/Carrboro Joint Planning Agreement, Carrboro is to give comments on these revisions to the Orange County Board of Commissioners; and

WHEREAS, Orange County Planning Staff made a presentation to the Carrboro Board of Aldermen on January 18, 2011, at which time staff described proposed changes as essentially a consolidation of several Orange County Ordinances, with no significant changes in wording; and

WHEREAS, nonetheless, with the incorporation of existing ordinances into the new UDO, important changes have been introduced in the new UDO, and although public presentations have explained certain aspects of the UDO, certain aspects remain unclear as the document is 800 pages and is not quickly understood; and

WHEREAS, these particular areas have been identified as of concern to the Carrboro Board of Aldermen:

- The Conditional District (CD): This “floating zoning district” is a new construct for Orange County and it refers to a district that is not mapped until a rezoning application is approved. The new wording for the CD district leaves out important text, which specifically ties any rezoning to compliance with the underlying Comprehensive Plan. What is missing, for example, is language utilized for the original Planned Development (PD) district that explicitly refers to protecting the character of the surrounding neighborhoods and seeking opportunities for neighborhood scale mixed use; and
- Certain provisions for the University Lake Watershed Overlay District: the Conditional Districts should be prohibited in the University Lake Watershed Overlay District, and
- For the Cane Creek and Upper Eno Protected and Critical Watershed Districts though outside of the Joint Planning Area, the conditional use district should be prohibited; and
- Certain provisions for the Rural Buffer: the original language in the existing zoning ordinance specifies that development is for low densities and relies on ground absorption systems for sewage disposal. The new UDO text changes the disposal method to wastewater treatment facilities, which seems to imply the use of package systems.

WHEREAS, it is important to understand these major changes to the UDO, because these could have an unintended effect on the way development occurs in Orange County;

NOW THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen asks the Orange County Board of County Commissioners to look further into these areas of concern explained above, in order to head off possible consequences unintended by the Board.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of February 2011;

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Joal Hall Broun

Additional Materials --Council Petition

A RESOLUTION REGARDING THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE FOR ORANGE COUNTY (2011-02-28/R-0.1)

WHEREAS, the Chapel Hill Town Council is committed to upholding the stipulations of the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) and to maintaining the integrity of the Rural Buffer (RB); and

WHEREAS, Orange County has proposed a Unified Development Ordinance (UDO), and as one of the partners to the Joint Planning Agreement, the Council may provide comments on the UDO to the Orange County Board of Commissioners; and

WHEREAS, the Unified Development Ordinance has been described as a consolidation of several Orange County ordinances, with no significant changes in wording; and

WHEREAS, nonetheless, with the incorporation of existing ordinances into the new UDO, important changes have been introduced in the new UDO, so that certain aspects remain unclear as the document is 800 pages and is not quickly understood; and

WHEREAS, the major concerns about the proposed Unified Development Ordinance (UDO) are focused on revisions that appear to change the regulatory approach and the uses which were established in the original ordinances, in ways that are not consistent with the provisions of the Rural Buffer and other sections of the Joint Planning Agreement; and

WHEREAS, it is important to understand these major changes to the UDO, because they could have an unintended effect on the way development occurs in Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the following areas have been identified as of particular concern to the Chapel Hill Town Council:

(1) Concerns related to "Conditional District" (CD)

This "floating zoning district" is a new construct for Orange County and it refers to a district that is not mapped until a rezoning application is approved. This new CD district replaces the Planned Development District in the current zoning ordinance. However, the wording for the new CD district leaves out important text from the original ordinance which specifically ties any CD rezoning to conformance with the underlying Comprehensive Plan, including the land use categories in that plan. What is missing, for example, is language utilized in the original ordinance that explicitly refers to protecting the character of surrounding neighborhoods.

In the UDO there are two kinds of Conditional Districts proposed: "Conditional Use Districts" and "Conditional Zoning Districts."

The language for the Conditional Use District states that, except for 31 exclusions, any use permitted in the Table of Permitted Uses can go almost anywhere in Orange County's planning jurisdiction.

With respect to Conditional Zoning Districts, these floating zoning districts can be placed in any of the general use zoning districts, according to the regulations associated with each district. Also, in contrast to the original Orange County zoning ordinance, no special use permit is required, thus eliminating the need for a quasi-judicial process with a decision based on competent, substantial evidence presented at a public hearing.

(2) Concerns related to the Rural Buffer and the Joint Planning Agreement

Some of the proposed new language in the UDO changes essential features of the Rural Buffer (RB). The original language in the existing ordinance specifies that development in the Rural Buffer is for low densities and relies on ground absorption systems for sewage disposal. However, one of the proposed new development standards for the RB district would substitute the term "wastewater treatment facility" and use that term instead of the term "ground absorption systems," for approved Conditional Districts.

The definition of a wastewater treatment facility includes a system that discharges to surface waters, and indeed any other system as may be permitted by the Health Department or the State of North Carolina. That is a significant difference, and the original language should be restored.

Conditional Districts should not be allowed in the Rural Buffer. Instead they should only be placed in the Economic Development Districts and other areas with specifically identified land use categories so that they are compatible with the Comprehensive Plan and surrounding land uses.

Concerns articulated above are relevant to the Watershed Overlay Districts. Accordingly the conditional districts should be prohibited in the University Lake Watershed Overlay District. In addition, though outside the scope of the Joint Planning Agreement, conditional districts should be prohibited in the Cane Creek and Upper Eno Protected and Critical Watershed Overlay Districts.

BE IT FURTHER RESOLVED that the Chapel Hill Town Council asks the Orange County Board of Commissioners to look further into the areas of concern explained above, in order to head off possible consequences unintended by the Board; and

BE IT FURTHER RESOLVED that, because of these concerns, it does not seem prudent to adopt the UDO for the sections of the ordinance identified above until the proposed language is clarified, or substantively changed where necessary. In some cases the original language of the existing ordinances should simply be restored.

This the 28th day of February, 2011.

| a

MEMORANDUM

FAX = 3 PAGES

To: Orange County Planning Board
From: Commissioner Alice Gordon
Re: Proposed Unified Development Ordinance - Comments and Suggested Changes
Date: March 2, 2011

As requested on February 28, I am submitting comments and suggested changes to the proposed Unified Development Ordinance (UDO).

In the two days since the Quarterly Public Hearing, I have written this document with the comments and suggested changes that I can make at the present time. Since I have not had time to reexamine the entire UDO, I am sure there are other sections that are deserving of more study. Also, I should mention that I have used the language of some of the submitted written comments in this document, but have not had the time to formally provide a citation.

Some of these comments and changes suggest that Conditional Districts be restricted to certain areas of the County. If that is not possible right now for Conditional Use Districts (CUDs), they might instead have certain criteria attached which have the effect of restricting them to certain areas. In some cases, I have suggested some criteria. For Conditional Zoning Districts (CZDs), it is my understanding that they might be restricted to certain areas of the County.

This document has the following major components.
This Cover Memorandum

PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)
Comments and Proposed Changes from Commissioner Gordon
March 2, 2011

Comparison of CONDITIONAL DISTRICTS in the Proposed Unified Development Ordinance with PLANNED DEVELOPMENT DISTRICTS in the Existing Orange County Zoning Ordinance.

Sec. 3.7 CONDITIONAL DISTRICTS

Article 3 - BASE ZONING DISTRICTS
and Article 6, Sec. 6.7 - ADDITIONAL STANDARDS FOR MPD-CZ

ADDITIONAL SECTIONS TO BE REVIEWED

Thank you for your consideration of these comments and suggested changes.

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PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)
Comments and Proposed Changes from Commissioner Gordon
March 2, 2011

1. Location of Conditional Districts

Allow conditional districts only in the Economic Development Districts (EDDs) and the Efland-Cheeks Overlay District.

As a guiding principle for future discussion, Conditional Districts (CDs) should only be allowed in previously identified land use categories and located so that they are compatible with the Comprehensive Plan and surrounding land uses. CDs are most appropriate in areas which have public water and sewer (or in transition areas) and which have other defining characteristics such as location along major highway corridors.

2. Linking Conditional Districts to the Comprehensive Plan

Reinstate the overarching, guiding language of Planned Development Districts which specifically links the Conditional Districts to the Comprehensive Plan, including the Land Use Categories of the plan; and links the rezoning to the availability of appropriate infrastructure such transportation facilities and utilities. See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

3. Special Use Permit in the Conditional Zoning Districts (CZDs)

A Special Use Permit is required now for Planned Development Districts, and should be required for CZDs. See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

4. Supermajority

A supermajority of the Commissioners should be required for the approval of Conditional Districts, with certain exceptions (e.g. EDDs). The number required for a supermajority and the process remains to be defined.

5. "Ground absorption systems" and "wastewater treatment facilities"

Restore the term "ground absorption systems" to the text and eliminate the use of "wastewater treatment facility" as a possibility in conditional districts in the RB district. Wastewater treatment facilities should not be located in the Rural Buffer.

The same issue about "wastewater treatment facility" is true for the Agricultural Residential District.

See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the requested language.

6. Some issues related to the Rural Buffer and Joint Planning Agreement

The following are some of the issues identified. Other issues have been addressed

1c

elsewhere in this document.

a. No Conditional Districts in the Rural Buffer

Conditional districts should not be allowed in the Rural Buffer. See attachment which provides changes for referenced sections. Also change any other sections as needed to modify the language.

b. No Conditional Districts in the Watershed Overlay Districts.

Accordingly, they should be prohibited in the University Lake and Cane Creek Watersheds. The same issue is relevant for the Upper Eno area. See the attachment which provides changes for referenced sections. Also change any other sections as needed to modify the language.

c. Conditional Districts in Phase 2

If conditional districts (both CZDs and the CUD) are to be discussed for the Rural Buffer and Watersheds, change the language referencing the Rural Buffer to specifically limit the uses. Only uses that are suitable for service with wells for domestic water supply and ground absorption systems for sewage disposal are allowed. In no circumstances should wastewater treatment facilities, except for ground absorption systems, be allowed in the Rural Buffer.

7. Changes that have gone beyond BOCC directives

Issue: Reinstate text from the original ordinances that went beyond BOCC directives. If changes are desired, they should go into Phase 2. Two examples:

a. Restore the language specifying quarterly hearing dates for February, May, August, November. See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

b. Public Interest District should remain a General Use Zoning District. See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

8. Land Use Categories and the Comprehensive Plan

Citizen Comment: A citizen made the following point about Orange County which is paraphrased below:

One big issue which may never have been pointed out is that our County has excellent and detailed land use categories identified and approved. Therefore, rezoning should not be a prerequisite for most development activity. And when it is necessary, it should only require small changes to the zoning designations. This citizen went on to say that we do not need a lot of floating districts, and that it is better to utilize general use zoning districts which have been reviewed and approved after careful deliberation and community input.

This is most clearly illustrated in "Appendix F - Land Use and Zoning Matrix" of the Comprehensive Plan. Review that Appendix to see how to see how land use categories are explicitly linked to the general zoning districts.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
	Note: The ideas in the main body of the Implementation Bridge also appear in the Appendix, although they may be worded differently or may combine several separate comments into one idea.	
	Economic Development Ideas	
page 11	Streamline procedures for Economic Development Districts and commercial development applications. Consider expedited processing for such applications.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Study what local private businesses need in order to expand and thrive, and consider what regulatory changes could contribute to that objective.	
page 11	Consider different standards for application within Economic Development Districts to encourage commercial development.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Standards in the EDDs are still more rigorous than standards in the Commercial and Commercial-Industrial Transition Nodes. It may be desirable to review whether the standards should be different.
page 11	Create a predictable process for consideration of development applications within Economic Development Districts.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Develop regulations for Rural Economic Development Areas.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. Additional rural economic development areas are not being contemplated at this time and are not supported by existing small area plans.
	Permitted Uses and Standards Ideas	
page 12	Differentiate between suburban and rural character, and adjust regulations relating to required features such as signing and transportation improvements.	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 12	Review and adjust notification requirements to make more appropriate to rural vs. suburban areas. (E.g., rural rezonings may require larger areas of notification.)	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.
page 12	Revisit Conditional District provisions to consider restricting locations in which they can be applied.	Because of adjustments made to conditional districts near the end of the adoption process, this item is DONE .
page 12	Revisit home occupation rules.	
page 12	Exclude government or municipal uses from residential zoning.	It is common zoning practice to allow public uses in residential zoning districts. Staff does not recommend that government uses be excluded from the residential zoning districts. Several years ago some government uses required issuance of an SUP but due to case law that discouraged governments from issuing themselves SUPs, the requirement was removed.
page 12	Add back language about required findings that was formerly included for Planned Developments in the existing Zoning Ordinance.	Staff believes the language is properly referenced within the Conditional Use, Conditional Zoning, and Special Use Permitting processes and there is no need to add repetitive language back into the UDO.
page 12	Differentiate between urban and rural character for regulations such as signage and subdivision standards.	
page 12	Review the full range of design standards that are currently included in the UDO, to determine if adjustments would help to promote County goals and objectives. (Note: the Appendix contains 22 specific suggestions for review of standards such as building height, lighting, signs, adult entertainment uses, road and driveway requirements, hours of operation, and airport zoning.)	
	Environmental Ideas	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 13	Revise definitions and references to wastewater treatment systems to avoid opening possibilities for extension of sewer service into areas where the Land Use Plan contemplates no public sewer service.	
page 13	Consider criteria for locations of sampling stations under the Pollutant Monitoring Program. [Staff Note: this is synopsis the consultant wrote in response to #43 and 44 below]	There could be a policy or separate criteria governing locations but staff does not recommend that it become part of the UDO. One main issue is that the criteria could change from watershed to watershed, issue to issue. There really is no universal governing standard.
page 13	Consider establishing a mechanism for nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
page 13	Adjust Section 7.8.2 to encourage roads to be laid out in a manner that avoids significant natural features.	
page 13	Develop guidelines for Transit Oriented Development.	Because mass transit facilities do not currently exist in Orange County's jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.
	Procedural Ideas	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Explore ways to shorten review and approval processes.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. One way to shorten approval processes that require a public hearing would be to dismantle the quarterly public hearings and allow public hearings to occur at any regular BOCC meeting. This would also necessitate a change in having joint public hearings with the Planning Board. In some jurisdictions, the Planning Board makes its recommendation before the public hearing (e.g., the recommendation is based on planning principles only). Additionally, the timeframe could be minorly shortened by changing current policies like having the BOCC approve the legal ad. BOCC approval of the legal ad adds approximately 1 month to the front-end of the process.
page 14	Include metrics for approval time for each process.	
page 14	Review telecommunication towers process.	Staff considers this to be COMPLETED with the Telecom amendments that were adopted on May 1, 2012.
page 14	Revisit roles and responsibilities of Planning Board vs. Board of Commissioners for approval decisions.	
page 14	Where we have electronic means to notify the public, we should add those as required notification mechanisms.	Rather than adding this to the UDO, staff would recommend that this become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website.
page 14	Reconsider public notification requirements for differences between rural versus suburban locations (in terms of distance for notice requirements).	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Consider new ideas for public notification.	Rather than adding new requirements to the UDO, staff would recommend that any new ideas become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website.
page 14	Include more cross-references, on-line search mechanisms.	The UDO will soon begin to be maintained by MuniCode using their standard protocol
page 14	Mention the Orange County / Town of Hillsborough Interlocal Agreement.	Work on a joint land use plan was initiated in September 2012. Text will be added to the UDO as necessary as items move through the adoption process.
page 14	Develop more guidelines for selection of school sites.	
page 14	Mention the Water and Sewer Management, Planning, and Boundary Agreement.	
page 14	Incorporate references to Animal Control Ordinance, align definitions.	This was COMPLETED with recent amendments approved by the BOCC in January 2012. Definitions are now the same with respect to a Class I and Class II kennel from a Zoning and Animal Control Ordinance standpoint.
page 14	Include language to better differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
page 14	Reconsider treating withdrawal of an application as a denial.	
	APPENDIX LIST	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
1.	The size of a farm should be considered. Organic farmers, which seem to be the trend, 10 acres in order to be called a farm is a bit large for an organic farm. Considering farm income as a requirement to be a farm is difficult because prices can vary so much from income as a requirement to be a farm is difficult because prices can vary so much from year to year that one year a farmer can produce 300 bushels of corn and hardly breakeven because prices are low and the next year the same farmer can produce 120 bushels and make a lot because prices have gone up substantially.	State legislation defines "bonafide farm" and the definition is based on more than just size and/or single year income.
2.	Agricultural Support Enterprises regulations need to be written.	Research needs to be done given "bonafide farm" statutes that we passed by the State after these comments were made.
3.	Incentives for commercial development (expedited processes, etc.).	The Economic Development Department has been working on an incentive program. In regards to actual approval processes, Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
4.	Focus on the greatest value for the greater good of the entire county with purposeful philosophy and policies to achieve the economic resiliency and community diversity we desperately need and require at this time.	
5.	Examine what our local private businesses need in order to expand and thrive.	
6.	Examine why successful businesses left Orange County, such as Smith Breeden, Rho, Contact and BlueCross BlueShield's expansion, and determine what we need to do to have helped them grow here.	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
7.	Economic development projects in the Economic Development Districts should have a predictable and expeditious approval process. Economic development projects in other appropriate areas should have a similar approval process.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
8.	Economic development approval processes and standards should be revised by local business and planning professionals in conjunction with UNC's Planning, Business and Law Schools.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
9.	An Economic Development Workgroup consisting of the BOCC, Planning Board and Economic Development Commission should meet Spring/Summer 2011 to examine expediting approval, targeting industries, permitted uses, specialized zoning district by SAP subarea and revised standards.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
10.	Agricultural Support Enterprises/Rural Economic Development Area, Speedway Small Area Plan and Transit Oriented Development are important initiatives using Conditional Use District structures should be important 2011 BOCC goals.	As noted in #2, research regarding the need for Agricultural Support Enterprises needs to be done. It is possible that changes of State legislation regarding "bonafide farms" may have negated the need for a special program. A REDA conditional district was adopted on June 5, 2012. TOD will need to be looked at in the future (see "Environmental Ideas" above).
11.	Examine Durham's American Tobacco Campus and American Underground to create an Orange County campus that is walkable, diverse and attractive for mixed use including affordable space for Incubation and Startup businesses.	
12.	Different landscaping standards may be needed for EDDs.	Some changes were made as part of the amendments adopted on February 7, 2012. Staff recommends waiting to re-evaluate the standards until after a project has been processed under the revised regulations.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
13.	Rural Economic Development Area (REDA) regulations need to be written.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. Additional rural economic development areas are not being contemplated at this time and are not supported by existing small area plans.
14.	Differentiate between urban and rural character -- applicable to signage and subdivision impacts on transportation.	
15.	Public notification requirements for public hearings and other procedures that are more appropriate rural versus suburban uses/districts (i.e., rural rezonings may require larger area of notification).	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.
16.	Cluster development standards for suburban versus rural developments.	Users should keep in mind that it is difficult to cluster development that is not located on public water and sewer systems (or community well and package treatment systems; package treatment systems are not currently permitted in rural areas of the county).
17.	Need updated Airport Regulations.	
18.	Regulating adult entertainment uses and nuisance related events at these uses.	
19.	Airport zoning, possibly as conditional zoning district.	
20.	Review telecommunications towers process.	Staff considers this to be COMPLETED with the Telecom amendments that were adopted on May 1, 2012.
21.	Section 2.5.3, No mention of lighting, natural areas inventory, solid waste, or centralized recycling in requirements for information as applications are submitted. Should be added.	
22.	Include hours of operation. Lighting comes to mind -- Section 5.14.2 (A) (1)	
23.	Add no fault well repair to requirements.	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
24.	Need to revisit private road standards.	
25.	There's a lack of land use criteria for reserving school sites. Need some general guidelines (i.e. not in wetlands or on slopes greater than X). Consult County School Joint Construction Standards.	
26.	Relation to adjacent properties is not addressed -- Section 7.13.3 (C) (1)	
27.	Is there any limit to building height? Flag for future.	The amendments pertaining to economic development that were adopted on February 7, 2012 set a maximum height limit (see Section 6.2.2)
28.	Are there provisions for shared driveways? It may be useful in certain cases (i.e. along highways/major roadways).	The Efland-Cheeks Overlay District (ECOD) has provisions for shared driveways. Additionally, the two new Efland area zoning overlay districts (on the November 2012 QPH) have provisions for shared driveways.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
29. & 30.	<p>Many places in the UDO have a restriction on the height of a building. While residential structures tend to have 9 to 12 feet per floor, commercial structures can have as much as 15 feet per floor. As the structure covers more area, the roof can have a substantial amount of height to it if it is not a flat roof. Architectural details such as facades and cupolas can affect the height. My comment is this: Would it make more sense to specify the number of occupied stories as a limit on the structure? An occupied story would not include attic space or utility rooms- it would be space occupied by people working in the structure. Page 3-44 and page 4-18 are examples of where this specification occurs. Note that the height limitations that change with additional setback could be used as a maximum height such that either a (for example) 3 story limit _OR_ the maximum height based on setback would be the height limit for the building. An example of this setback based number is found at the top of page 6-2. I would also add in (not sure where) than any building whose height exceeds the apparatus or ladder height restrictions of the fire departments which would respond to a structure fire would be required to be sprinklered.</p>	<p>Building height is measured from the mean elevation to the mean height between the eaves and roof ridge for gable, hip and gambrel roofs (e.g., height is not from the ground to the roof peak). As mentioned in #27 above, a maximum building height has been set since these comments were made, regardless of how much additional setback is provided. The maximum height is 75-feet unless the Board of Adjustment modifies the height. Sprinkling of buildings is governed by the use of the building and building codes. It should be noted that the same ISO rating system is used for both the fire departments and building codes.</p>
31.	<p>There are various metal vapor lights, the most common being Mercury and Sodium vapor. It would be nice to know why Mercury is being singled out. In particular, is it the presence of Mercury (i.e. environmental) or is it the use of a specific type of fixture such as the yard lights utilities sell that is the concern. If the concern is environmental, then would it not also apply to all fluorescent lights which use mercury?</p>	<p>This issue is being addressed in a UDO text amendment slated for presentation at the November 2012 Quarterly Public Hearing.</p>

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
32.	<p>We have incandescent, metal vapor, fluorescent (which is mercury and a phosphorous), and LED. Each has a different lumens per watt rating. If light is being regulated, lumens should be the standard. Also, be aware that any light with a reflector will put out more light in a certain direction than a light with no reflector. As such, lumens is still a weak measure of light output but it is what is on the packaging for all lights and is easier to work with than getting into the amount of light energy per unit area type measurements (candles). As a rule of thumb, incandescent runs 5 to 30 lumens/watt, and LEDs run 60 to 110 lumens/watt.</p>	<p>This issue is being addressed in a UDO text amendment slated for presentation at the November 2012 Quarterly Public Hearing.</p>
33.	<p>The limits under section (c) "General Operations" and (e) "Use of Accessory Structures" severely limit what a home occupation can do.</p>	
34.	<p>Somewhere in the Standards for Residential Uses or Development Standards there should be a section that specifies minimum residential driveway sizes of 12 feet wide by 14 feet vertical clearance (already stated in 7.8.5 (B) (15) on page 7-32) for fire apparatus. This is the cleared width of the driveway, not the width of gravel or paving.</p>	<p>There needs to be a comprehensive re-assessment of existing development standards with respect to roadway development (i.e. private road justification) and access management. This review should not be limited to ensuring access for emergency vehicles.</p>
35.	<p>The travel-way width for Class B with 2 lots should be specified as 12 feet of cleared space, no standard for width of gravel or hard surface.</p>	<p>Section 7.8.5 (D) of the UDO requires an improved travel width of 12 feet for a Class B road (i.e. subdivisions between 3 and 5 lots) and an improved travel width of 18 feet for a Class A road (i.e. between 6 and 12 lots). Anything over 12 lots needs to be developed to the NC DOT public road standard.</p>
36.	<p>Under (5) (b): 16 feet should be 18 feet so that a passenger car can be passed by fire apparatus. For Class B roads with 3 or more lots, there should be an area 20 feet wide by 50 feet long every 1500 feet to that fire apparatus can pass each other.</p>	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
37.	<p>On (I), remove the word “incandescent” since LED lights are now often used for holiday decorations. Low wattage is not defined, but a typical nightlight/big Christmas tree bulb is 7 watts so you could say any wattage under 10 watts. It would make more sense to use a lumen rating, such as less than 150 lumens. On (J), first off this should be a lumen limit, not watts. As the limit reads, this looks like a total lumens for any given motion activated switch. The lumens looks like it was derived from two incandescent 75 watt bulbs, probably flood lights. Note that if this is the case, the maxim lumens should be 2400. There are many motion activated systems where a sensor can turn on multiple light fixtures. So I would re-word this to have a 2400 lumen limit per light fixture controlled by the sensor. Finally, on this max lumens per fixture, there are standard outdoor floodlight fixtures that take 3 bulbs. For those fixtures, a reasonable max lumens would be around 3600. You could also add a limit of no one bulb can exceed a rating of 2100 lumens (a 120 watt equivalent) if the intent is to avoid the larger single bulb fixtures -- Section 6.11.3. This is where a definition of “mercury vapor luminaries” is needed. As written, this could mean that any standard fluorescent or compact fluorescent light could not be used, since they are a mercury-phosphorous based light.</p>	<p>This issue is being addressed in a UDO text amendment slated for presentation at the November 2012 Quarterly Public Hearing.</p>

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
38.	(C)(1) Some floodlight fixtures do not cover the bulb, the stop just after the threaded base. I'd just stick with the 45 degree from vertical. (c) (2) the "it will shine" is vague. Perhaps something like "no more than 5% of the luminous energy shall shine towards roadways, onto adjacent residential property or into the night sky". (C) (3) Same vagueness- what is the "main beam"? Do you really want to say that no portion of the bulb shall be visible from adjacent properties or the public street right-of-way? From an enforcement point of view, a "Can't see the bulb" is easy to verify for both the owner and the inspector. Note that this is the approach taken on page 6-97, 6.117 (3).	This issue is being addressed in a UDO text amendment slated for presentation at the November 2012 Quarterly Public Hearing.
39.	All existing and proposed public transportation services and facilities within A RADIUS of one mile of the site shall be documented (leave out "also") -- Section 6.17(B) #(4).	
40.	This whole section should be looked at with respect to goals and objectives in the Transportation Element of the Comprehensive Plan and Commissioners' goals and objectives. County policies do not always support the land development ordinances, particularly with transportation issues. This is too vast a task to address at this time, but I wanted to "tag" this Section for future study -- Section 7.8	
41.	Move towards intense use of sites to save more of the site in open space - cluster subdivisions. Cluster subdivisions require community wastewater systems. Falls apart on political side. Commissioners very wary due to system failures 20 years ago. Is there a way to put this in the Ordinance 'by right" if designed to specific criteria? Take political part out.	The BOCC would have to make a policy decision on whether community wastewater systems will be allowed.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
42.	Need to update Lighting Standards. Height requirements for outdoor light poles and potential impacts on County recreational facilities is one of the areas that should be revisited.	This issue is being addressed in a UDO text amendment slated for presentation at the November 2012 Quarterly Public Hearing.
43.	In the section concerning golf courses, Pollutant Monitoring Program, I would suggest some thought be given to the locations of the sampling stations for surface water, groundwater and sediment. Perhaps the intent is to establish upgradient sampling locations as well as sampling locations down-gradient of some potentially contaminating source or specific location?? I think this section needs a bit of discussion as to what the objective is. In addition, under (3) Parameters for Sample Testing- I think that some description of approved analytical methods and minimum detection limits would be helpful. I am not familiar with the EPA HAL thresholds described in this section but I would be willing to look into this. There are various NC soil, water and groundwater limits that may be worth considering for this section. [staff note: this is in 5.7.3(G)]	There could be a policy or separate criteria governing locations. It should not become part of the UDO. One main issue is that the criteria could change from watershed to watershed, issue to issue. There really is no universal governing standard.
44.	5(b) of this section- Management Response to Pollutant Monitoring- I would recommend that the responsible party also be required to contact appropriate state regulatory officials if thresholds are exceeded, not just OC do so. I also recommend that the phrase "for thresholds" be removed from this sentence -- Section 5.5. [staff note: this is now Section 5.7.3(G)(5)(b)]	
45.	Compare Durham's ordinance requirements for environmental review of subdivisions with Orange County's environmental review process.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
46.	Nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
47.	Low Impact Design (LID).	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
48.	Review thresholds and processes associated with the permitting of wastewater treatment facilities.	
49.	Section 7.8.2, Public roads need to be laid out in a manner that avoids significant natural and cultural features.	
50.	Transit Oriented Development (TOD) regulations need to be written.	Because mass transit facilities do not currently exist in Orange County's jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
51.	Will staff be making recommendations to shorten any of the processes?	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. One way to shorten approval processes that require a public hearing would be to dismantle the quarterly public hearings and allow public hearings to occur at any regular BOCC meeting (or specify allowable meetings each year). This would also necessitate a change in having joint public hearings with the Planning Board. In some jurisdictions, the Planning Board makes its recommendation before the public hearing (e.g., the recommendation is based on planning principles only). Additionally, the timeframe could be minorly shortened by changing current policies like having the BOCC approve the legal ad. BOCC approval of the legal ad adds approximately 1 month to the front-end of the process.
52.	There is an unusual threshold requirement in the Subdivision Regulations – the 21st lot of a subdivision kicks you into an Special Use Permit (SUP) process. Needs to be looked at again – make part of future changes. Planning Board should be able to approve 20 lots or less (without BOCC involvement).	These thresholds were debated at the time they were adopted (early 2000's). The BOCC will have to decide if it would like to change the current process which requires BOCC approval of subdivisions containing 5 or more lots (generally; there are other criteria that also define subdivisions).
53.	Are there metrics and stats for approval time for each approval process?	
54.	After staff and advisory board review, project went through County Attorney review. Lengthened the process. Why didn't County Attorney review occur concurrent with staff review? Streamline.	This process has been streamlined via internal processes.
55.	A time-line chart for each land-use review process (re-zoning, subdivision, permits, land use amendments etc.) should be made showing who reviews each step and when.	A process chart was included in Article 2 of the UDO for many of the processes.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
56.	Identify time lags and the reason - such as delays caused by review board's schedules.	see #51 above
57.	Identify how approval processes can be simple, efficient, and short.	see #51 above
58.	Examine other review and approval processes such as Durham's Development Advisory Committee (DAC) and Design District Review Team (DDRT) which are efficient and streamlined.	
59.	The members of the above DAC and DDRT are similar to Orange County's Development Advisory Committee (DAC) but have Rules of Procedure, meetings, minutes and quorum requirements consistent with state Statutes. This could replace our current review approval processes when a rezoning application meets all applicable standards.	Because a rezoning must be approved by the local elected officials, staff believes that perhaps this commenter was referring to subdivision approvals, not rezoning applications.
60.	Where we have electronic means to notify the public, we should add this as an expectation or requirement.	Rather than adding this to the UDO, staff would recommend that this become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website.
61.	As people become accustomed to this new document it will be important to provide different kinds of helpful guidance for users to find the sections of the document that are pertinent to their needs. The "Comparative Table" is quite helpful, and is an example of the guidance that will be needed during the transition. Having some kind of on-line search mechanism would be helpful. Perhaps that is already under development.	The UDO has been in use (and on-line) since April 2011 and staff has not received complaints about the document. The County has made the decision to begin to use MuniCode to maintain its ordinances so the UDO will soon be converted to MuniCode's format.
62.	At what point in time will we define metrics of whether the UDO is succeeding?	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
63.	It would be really nice if the final document could be accessed and indexed electronically rather than printed, a hyperlink format. For instance, clicking on a term and the definition pops up.	The UDO has been available on-line in a PDF bookmarked format since shortly after its adoption. The County recently made the decision to begin to use MuniCode to maintain its ordinances so the UDO will soon be converted to MuniCode's format. It is staff's understanding that some hyperlinking may be part of MuniCode's format.
64.	Identifying Comprehensive Plan policies that relate to UDO updates.	All amendments that have been made to the UDO have included specific Comprehensive Plan policies that support the amendment.
65.	No mention of Town of Hillsborough interlocal agreement. Add a footnote or a new section. [Note: references to the Orange County Hillsborough Interlocal Agreement should be added when Zoning/UDO-related items are formally adopted. At this point, neither a joint land use plan nor joint development regulations have been adopted].	Work on a joint land use plan was initiated in September 2012. Text will be added to the UDO as necessary as items move through the adoption process.
66.	Section 1.6.2 (A), Is a 1-year hiatus long enough?	
67.	Section 1.7.2, "Agriculture" should be mentioned somewhere within the discussion of elements.	
68.	Section 2.2.7 (C), Why treat withdrawal of an application as denial?	
69.	Section 2.2.8 (A), Shouldn't have to wait a year if withdrawn. 6-months for withdrawal and 1-year for denial?	
70.	Section 2.15.3 (C) (4).- There is no deadline for agencies to respond.	
71.	Section 2.15.2 (C) (5) - Not applicable if flexible development option used.	
72.	Section 2.17, Need a process other than that of a major subdivision for recombining existing lots.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
73.	Need language that will differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
74.	Regarding Impervious Surface Ratios and Sliding Scales, the two tables should be combined into one. Need to understand ramifications of any proposed changes --Section 4.2.5.	COMPLETED as part of UDO adoption process.
75.	Some home occupations are permitted but not associated storage? This needs clarification.	
76.	Kennels and Riding Stables should be addressed separately. Should they require a Class A or Class B Special Use Permit?	These two uses were uncoupled as a use category with an amendment adopted on October 18, 2011. The question regarding which approval process to use has not been resolved.
77.	Clarify how open space areas of golf courses are counted towards meeting ordinance requirements.	
78.	Change to require a to Class "A" Special Use Permit, which would require BOCC approval rather than Board of Adjustment -- Section 5.9.5	This is in reference to Electric, Gas and Liquid Fuel Transmission Lines which currently require a Class B SUP (approved by the Board of Adjustment). A Class A SUP would have to be approved by the BOCC (with a recommendation made by the Planning Board). The Class A process is usually longer since it requires review at a quarterly public hearing and then a meeting of the Planning Board whereas a public hearing by the Board of Adjustment can be scheduled can occur any month. The BOCC would have to make a decision on whether it would like to change the approval process for this type of use from a Class B SUP to a Class A SUP. Staff's opinion is, given the findings of fact are the same, if an applicant demonstrates compliance with the provisions of the UDO a permit must be issued, regardless of which decision-making body issues the permit.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
79.	Mention Water and Sewer Management and Planning Boundary Agreement. Any system should be designed, planned, constructed and maintained by the responsible entity as assigned through the Agreement -- Section 7.13.4 (C) (1) (b)	
80.	[Staff note: the comments in sage-colored boxes were made by Animal Services staff] As I suspect you know, the County's Animal Control Ordinance includes kennel definitions and a permitting process for Class I and Class II Kennels. The County's Zoning Ordinance also includes kennel definitions and process for a kennel (or stable) to obtain a special use permit (which requires one or possibly both of the permits issued Animal Control).	Planning staff believes the processes have been 'better coordinated' with the approval of a UDO text amendment package in January of 2012. A kennel is now a separate land use category from a stable.
81.	There is a need to better coordinate (and dare I say, unify) these ordinances. Some of the issues in regard to kennels include:	Planning staff believes the processes have been 'better coordinated' with the approval of a UDO text amendment package in January of 2012. The inherent problem is that one process is a land use management process (Planning) and the other is focused on the care of the animal (Animal Services). While we have addressed the majority of identified contradictions, most notably the definitions, our processes will always be somewhat unique given our different roles and responsibilities.
82.	Different definitions of Class I and Class II permits	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .
83.	A lack of clarity as to whether a special use permit is required for Class I as well as Class II kennel	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
84.	A lack of clarity as to whether a special use permit is required for Class I under the Animal Control as well as the Zoning Ordinance	A Special Use Permit is not required for a Class I kennel under the County's land management program. The Special Use Permit (which is a specific legal term related to land use planning) process is only a land use development process and is not required by other County departments/agencies. Animal Services requires permits for Class I and II kennels, which they handle administratively; they have never required a 'Special Use Permit' for a kennel.
85.	Possible process improvements in the permitting process for kennels requiring a special use permit.	
86.	Also, I think we should consider whether site plans for "riding stables/academies" should be subject to review by Animal Control. One concern is the availability of staff expertise in this area. Another concern is that there are no specific stable standards in the County's Animal Control Ordinances. By contrast, there are such standards for kennels which require permitting.	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .
87.	Clarify provisions for Outdoor events/activities, festivals, etc.	
88.	Review language regarding Principal Uses and Principal Structures (Arti [sic])	Staff believes this is in reference to Sections 6.2.5 and 6.2.6. Changes to these sections we made as part of the economic development related amendments adopted on February 12, 2012.

Attachment 5

Small Area Plan Implementation

(Gray Shaded Items are '09-'10 Work Plan as Approved by BOCC on August 24, 2009)

[Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
Water (Public or Private)/Sewer	Update 1984 Efland sewer plan - HIGH priority - sewer planning is proceeding on a phase-by-phase basis with a focus on areas non-residential development is being encouraged	Need Utility Service Agreement with Durham - COMPLETE	Educate all residents living near stone quarry of available well testing services
	Complete OAWS engineering study - HIGH priority - there has been insufficient funding and interest in completing a comprehensive study	Complete preliminary engineering study for future master plan - County and Durham staff are working together on water and sewer issues	Establish well monitoring program
	Complete water and sewer master plan for area - HIGH priority - see two explanations above.		Encourage stone quarry to bring their property into compliance with zoning ordinance
	Extend public water and sewer throughout area - water and sewer work in the area is proceeding with a focus on areas non-residential development is being encouraged. Additionally, communications with the City of Mebane are taking place to have the City take over the County's sewer system.		
WSMPBA	Map amendment to expand Primary Service Area - MEDIUM HIGH priority - COMPLETE		
NOTE: Staff to gauge interest in implementing WSMPBA related items at Sept. AOG Mtg. - COMPLETE	Add partners (Mebane & OAWS) - Ongoing communications with Mebane.		
	Map amendment if Watershed Critical Area is adjusted (See below) - MEDIUM HIGH priority - COMPLETE		

*Priorities provided per work of Efland-Mebane Implementation Focus Group.

Attachment 5
 Small Area Plan Implementation
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 [Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
Land Use Plan Text	To allow mixed uses along US 70 - COMPLETE	Add Eno Mixed Use land use category - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Add Rural Economic Development Area (REDA) - <i>A REDA conditional zoning district was adopted on June 5, 2012. A Land Use Plan text and map amendment was not necessary due to the way conditional zoning districts work.</i>
	Amend Economic Development land use category to include multi-family - <i>the purpose of this was to allow multi-family uses in an area that has since been changed to a CITAN land use category (which does allow residential uses through zoning). Staff recommends that this measure not be pursued.</i>		
	Combine 10 & 20-yr Transition to form Efland Transition Area - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>		
	Add Efland Transition Area Reserve and Mixed Use land use categories - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>		
Land Use Plan Map	Apply Mixed Use land use category (more than one instance) - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Change Commercial Node to Eno Mixed Use - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Add Rural Economic Development Area (REDA) - <i>A REDA conditional zoning district was adopted on June 5, 2012. A Land Use Plan text and map amendment was not necessary due to the way conditional zoning districts work.</i>

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[Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Combine 10 & 20-yr Transition to form Efland Transition Area - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	Change portions of Economic Development to Mixed Use - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	
	Apply Efland Transition Area		
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - COMPLETE		
	Change Commercial/Industrial Node to Economic Development - staff is not recommending this measure be pursued and the requirements for the Economic Development category are more restrictive than the requirements for CTAN/CITAN. Since the SAP was adopted, additional CITAN areas have been designated in the planning area.		
	Delete Rural Neighborhood Node - this had not been pursued because of a focus on economic development issues, but it can be pursued in the future if desired.		
Zoning Map and/or text	Develop overlay plan and zoning district to allow mixed uses along US 70 - PART COMPLETE and additional work has been completed and will be on the November 2012 QPH agenda.	Amend permitted use tables for Eno EDD - This is a project that could be pursued if review of the existing zoning classifications determines amendments area necessary.	Create REDA conditional zoning district and guidelines - COMPLETE
	Add Mixed Use land use category - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use or zoning categories.	Coordinate zoning text changes with the City of Durham - This will be done if changes are pursued.	Amend ordinances to prescribe sustainable groundwater use standards - groundwater concerns are addressed/included in the REDA conditional zoning district.

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Attachment 5

Small Area Plan Implementation

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[Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Develop design standards for Efland Core Mixed Use area - HIGH priority - work has been done and is scheduled for the November 2012 QPH agenda		Require new development or rezoning approvals to limit groundwater withdrawals to that of a single-family dwelling (480 gpd) - COMPLETE (included in REDA conditional zoning district)
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - HIGH priority - COMPLETE		Review the need to develop regulations governing air quality and requiring local air quality permits
			Ordinance amendments to address parking lot design, circulation, and access. - These concerns in relation to speedways/go cart tracks were included in the amendments made to Section 5.7.5 as part of the REDA conditional zoning district amendments.
Transportation	Study road volumes and capacities - County to communicate to DOT	Limit access near I-85/US70 interchange	Complete an entry corridor design manual
NOTE: Comprehensive Transportation Plan currently being prepared for OC, which may provide initial steps towards implementing some of these items.	Realign Efland-Cedar Grove/Forrest Ave./Mt. Willing road corridor - County to communicate to DOT - the proposed zoning overlay district in this area (November 2012 QPH) takes this into account		Acquire property and develop a welcome sign with landscaping
	Connection from Hwy 70E to Interstate connector identified and constructed - County to communicate to DOT - the proposed zoning overlay district in this area (November 2012 QPH) takes this into account		
	Add park-n-ride lot - MEDIUM HIGH priority		
	Bike lanes - County to communicate to DOT	Evaluate feasibility of bike lanes along Old NC10 and US70	

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Attachment 5

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[Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Sidewalk plan and sidewalks in new developments - HIGH priority - the BOCC considered "the sidewalk issue" at a work session in October 2011 and decided that the County will not be "in the sidewalk business" unless existing limitations in funding and maintenance in DOT Rules/Procedures are revised		
	Complete a streetscape plan (trees) - HIGH priority - while not a formal plan, provision for trees in buffers and landscaping is included in the zoning overlay districts scheduled for the November 2012 QPH		
	Preserve possibility for a commuter train station - County to communicate to DOT	Preserve possibility for a commuter train station	
	Provide bus service to area	Provide bus service to area	
	Mace Rd planned to connect through Lebanon - County to communicate to DOT		
	Plan an Interstate pedestrian overpass - County to communicate to DOT		
	Complete a Buckhorn Rd Access Management Plan - MEDIUM HIGH priority - Tom, what is status? Wasn't something done???	Adopt access management program for US70 & Old NC10 - Tom, what is status? Wasn't something done???	Complete an Access Management Plan for NC57 corridor
Housing	Consider expedited review or density bonuses for developments offering smaller homes	Consider expedited review or density bonuses for developments offering smaller homes	
	Require a percentage of new homes within a subdivision to be affordable	Require a percentage of new homes within a subdivision to be affordable	
	Examine strategies to preserve affordability through neighborhood preservation.	Existing residential dwellings shall not be made non-conforming under any new zoning designation	

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Attachment 5

Small Area Plan Implementation

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[Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
		Determine a percentage or acreage limit on residential uses within Eno Mixed Use area - COMPLETE	
Parks, Rec. & Open Space	Require dedication of small neighborhood parks - it is unlikely that public parks will be required due to maintenance requirements and funding limitations to maintain. However, this is something that can be considered on a case-by-case basis as a HOA amenity when subdivision plans are approved.	Preserve stream corridors and create public accessible trails among developed areas and Eno River State Park and Duke Forest	Initiate dialogue with quarry operator, Durham City/County, and State to ensure proper end use of property
	Plan and implement a trail system along McGowan Creek		
	When Seven Mile Creek Nature Preserve opens, provide a pedestrian/bicycle connection from Efland		
	Monitor space at Efland-Cheeks community center and expand accordingly - Currently being done by Parks & Rec. Dept.		
	Consider branch library at community center		
Communications	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - MEDIUM priority - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan)	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan)	
	Work with service providers to establish DSL and/or cable Internet service in growth areas - MEDIUM priority	Work with service providers to establish DSL and/or cable Internet service in growth areas	

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 [Explanatory Comments in Red Added by Planning Staff September 2012]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Consider asking service providers to install generator backup instead of battery at cellular switch sites - MEDIUM priority	Consider asking service providers to install generator backup instead of battery at cellular switch sites	
Intergovernmental	Joint Planning Understanding or Agreement with Mebane - Ongoing communications with Mebane	Interlocal Agreement with City of Durham for water/sewer service and annexation process - COMPLETE (annexation will be voluntary only)	
	See also water/sewer above		

*Priorities provided per work of Efland-Mebane Implementation Focus Group.