

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

### Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text, Zoning Atlas, and Comprehensive Plan text to adopt two new zoning overlay districts in the Efland area. These amendments are proposed as a result of, and consistent with, the Efland-Mebane Small Area Plan (adopted in 2006). The primary purpose of the zoning overlay districts is to modify existing development regulations to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems. The proposed changes do not apply to new or existing single family residential uses nor to existing multi-family residential and commercial uses, as long as these uses continue to operate as they are currently operating.

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

The adopted Efland-Mebane Small Area Plan is also available on-line at: [http://orangecountync.gov/planning/admin\\_EM\\_SAP.asp](http://orangecountync.gov/planning/admin_EM_SAP.asp)

The Comprehensive Plan is available on-line at: [http://orangecountync.gov/planning/compre\\_cpupdate.asp](http://orangecountync.gov/planning/compre_cpupdate.asp)

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

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

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

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

#### 2.5.6 Guarantee of Improvements

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

#### 2.5.7 Additional Requirements for Overlay Districts

##### (A) Efland-Cheeks Highway 70 Corridor Overlay District

###### (1) Approval Requirements

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Sections 2.4 and 6.6-2<sup>1</sup> of this Ordinance.

##### (B) Efland Interstate Overlay District<sup>2</sup>

###### (1) Approval Requirements

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

##### (C) Efland Village Overlay District

###### (1) Approval Requirements

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

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

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

**(D) Major Transportation Corridor Overlay District<sup>3</sup>**

**(1) Approval Requirements**

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

**2.5.8 Additional Requirements for Economic Development Districts**

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

**SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS**

**2.6.1 Requirements for Special Flood Hazard Area Overlay District**

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

**2.6.2 Plans and Application Requirements**

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

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

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

<sup>3</sup> This subsection is currently (B).

~~4.3.6 Compliance~~

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

**SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR**

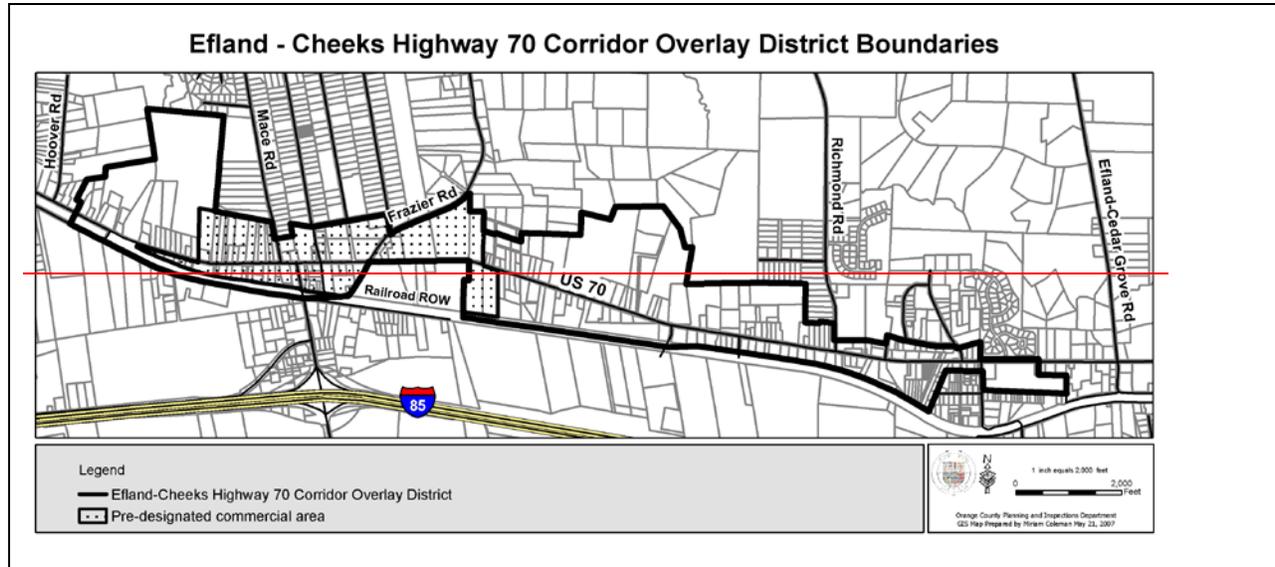
**4.4.1 Intent**

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

**4.4.2 Applicability**

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

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



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

#### 4.4.3 Non-residential Development

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

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

#### 4.4.4 Permitted Uses

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

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

#### 4.4.5 Lot and Use Requirements for Non-Residential Development

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

- (A) **Minimum Lot Width**

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

**(B) Setbacks and Building Height**

- (1) The setbacks and building heights for all structures, regardless of the proposed land use, shall conform to the setbacks of the underlying zoning district.
- (2) If Building Height Limitation modifications are pursued in accordance with Section ~~5.2.2(A)~~ 6.2.2(A)<sup>5</sup>, in no case shall building height exceed 35 feet.
- (3) Where applicable, the front yard setback shall be measured from any future right-of-way as designated in the Orange County ~~Thoroughfare Plan~~ Comprehensive Transportation Plan<sup>6</sup>.

**(C) Floor Area Ratio**

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

**(D) Yard Encroachments**

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

**(E) ~~Outside Storage of Materials~~**

- ~~(1) All outside storage of materials on non-residential lots is prohibited.~~
- ~~(2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.~~
- ~~(3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.<sup>7</sup>~~

**SECTION 4.5: EFLAND INTERSTATE<sup>8</sup>**

**4.5.1 Intent**

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

<sup>5</sup> Correct reference is 6.2.2(A)

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

<sup>7</sup> Suggest deleting this because it also appears in Section 6.6.2(B)

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

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

#### 4.5.2 Applicability

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

#### 4.5.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Interstate Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Minimum Setbacks**
  - (1) The minimum side and rear setback shall be with width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).<sup>11</sup>
    - (a) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.<sup>12</sup>
  - (2) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare Plan.

### SECTION 4.6: EFLAND VILLAGE

#### 4.6.1 Intent

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

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

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

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

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

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

#### 4.6.2 Applicability

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

#### 4.6.3 Permitted Uses and Dimensional and Ratio Standards

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- (A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Setbacks and Building Height**
  - (1) In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.<sup>15</sup>
  - (2) In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.<sup>16</sup>
  - (3) The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.<sup>17</sup>

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

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

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

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

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

- (4) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan<sup>18</sup>.
  - (5) Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of the MTC do not apply. The parcels are included in the MTC only because they fall within the prescribed distance criteria but do not fall under any existing requirements pertaining to the MTC.<sup>19</sup>
  - (6) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.<sup>20</sup>
- (C) Yard Encroachments**
- (1) No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, unless a demonstrated need can be shown.<sup>21</sup>
  - (2) Chain link or similar fencing shall not be permitted for uses other than single-family detached residential.

## SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR

### 4.7.1 Intent

- ~~(A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.~~
- ~~(B) The Board of County Commissioners finds as a fact that:
  - ~~(1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.~~
  - ~~(2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.~~
  - ~~(3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.~~~~
- ~~(C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.~~

<sup>18</sup> Users should note the Orange County Comprehensive Transportation Plan is currently being developed; it has not yet been adopted.

<sup>19</sup> This language is suggested so that it's clear that none of the requirements of the MTC apply to the parcels in this geographic area that are also located within the MTC. The MTC boundary is based on distance from the interstate/interchanges but none of the parcels in this area fall under the text requirements of the MTC.

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

<sup>21</sup> The fencing regulations [(1) and (2)] are in keeping with the ECOD regulations in order to discourage unaesthetic fencing in the front yards of properties.

Section  
reference  
update



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

#### 4.7.2 Applicability

- (A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.
- (B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for single family or two-family dwellings or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.
- (C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.
- (D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.
- (E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

#### 4.7.3 Permitted Uses

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

#### 4.7.4 Building Setback and Yard Requirements

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

- (A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.
- (B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.
- (C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

### SECTION 4.8: STONEY CREEK BASIN

#### 4.8.1 Intent

- (A) The purpose of the Stoney Creek Basin Overlay District is to implement the Stoney Creek Basin Small Area Plan by:
- (1) Encouraging the creation of open space and by limiting density increases within the more rural portions of the area generally defined as the Stoney Creek drainage basin; and

- (f) Windows on the street frontage side of a building shall be limited to 40% of the total building façade.
- (g) The principal building shall be oriented facing towards the fronting street.
- (h) Building Access
  - (i) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
  - (ii) Corner entrances should be provided on corner lot buildings.
  - (iii) Additional entrances to a building may be provided.
- (i) Rooflines & Materials
  - (i) Decorative cornices shall be provided for buildings with a flat roof, defined as roofs with a pitch less than 3:12.
  - (ii) Eaves shall be provided with a pitched roof, defined as roofs with a pitch greater than 3:12.
  - (iii) Pitched roofs are generally preferred over flat roofs.
  - (iv) All rooftop mechanical equipment (i.e. vents, ducts, communication antennas, HVAC units, etc) shall be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture.
  - (v) Highly reflective roofing materials shall be avoided. All proposed metal roofing should be standing seam or copper. Galvanized steel and tin roofs are permitted.
- (j) Residential manufactured structures are not permitted for conversion to a non-residential use.

**(H) Additional Architectural Standards for existing single-family structures being converted into non-residential use:**

- (1) The exterior façade of an existing single-family residence proposed for conversion into non-residential use shall not be altered to accommodate new non-residential land uses except where modifications are necessary to address building or fire code requirements.
- (2) Any structures proposed for removal shall either be moved to another location for re-use contemporaneously with the construction of the new structure or be deconstructed in such a manner that the resultant materials are suitable for re-use by the deconstructing party or others in future building projects. It is the intent of this Sub-Section that the removed structure be recycled to the extent possible.

**6.6.3 Efland Interstate<sup>22</sup>**

**(A) Circulation and Connectivity**

- (1) All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.<sup>23</sup>
- (2) All site planning west of Mount Willing Road shall take into account:

<sup>22</sup> Existing Section 6.6.3 (Major Transportation Corridor) has been renumbered to 6.6.5. References in existing Sections 4.5.1 and 6.8.12 will be updated.

<sup>23</sup> (1) and (2) are putting concepts from the EMSAP and an adopted access management plan into regulations.

- (a) A possible re-alignment of Efland-Cedar Grove Road under the existing railroad track to connect to Mount Willing Road, as described in the adopted Efland-Mebane Small Area Plan.
- (b) The need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.
- (3)** In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.<sup>24</sup>
- (4)** Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (5)** On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.<sup>25</sup>
- (6)** Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (7)** Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (8) Shared Access**
  - (a) In order to manage access on Mount Willing Road, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared access.
    - (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
    - (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (9)** All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

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<sup>24</sup> (3) and (4) are current requirements for properties in EDDs and is good practice for many types of projects. However, it should be noted that NCDOT may not approve more than one entrance/exit point - see (9)

<sup>25</sup> (5) through (9) are current requirements of ECOD and are suggested as good practices to be implemented in the Efland Interstate overlay district as well.

**(10) Pedestrian Circulation<sup>26</sup>**

- (a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.
- (b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.

**(B) Landscaping and Buffering<sup>27</sup>**

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).

**(C) Architectural Design Standards**

- (1) In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of chain businesses shall be altered as necessary to complement the surrounding area.<sup>28</sup>
- (2) Drive-through facilities on non-residential uses are allowable in this area.

**6.6.4 Efland Village**

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**(A) Circulation and Connectivity<sup>29</sup>**

- (1) Shared Access for Properties Fronting on U.S. Highway 70**

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<sup>26</sup> In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' challenges in funding maintenance of public sidewalks, public sidewalks would not become a requirement for development in Orange County at this time. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained walkways.

<sup>27</sup> These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

<sup>28</sup> This language is suggested in order to ensure that any proposed "chain architecture" will blend better with the surrounding area.

<sup>29</sup> Please see footnoted explanations for the Efland Interstate overlay district as they apply to this section as well.

- (a) In order to manage access on U.S. Highway 70, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared access.
  - (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
  - (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (2) In order to manage access on public streets, a site shall be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.
- (3) Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (4) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.
- (5) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (6) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (7) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.
- (8) **Pedestrian Circulation**<sup>30</sup>
  - (a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.
  - (b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of

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<sup>30</sup> In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' challenges in funding maintenance of public sidewalks, public sidewalks would not become a requirement for development in Orange County at this time. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained walkways.

building area. A large parking area is one containing parking for 50 or more vehicles.

**(B) Outside Storage of Materials Prohibited<sup>31</sup>**

- (1) All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.
- (2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.
- (3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.

**(C) Landscaping and Buffering<sup>32</sup>**

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
  - (a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) Although portions of the Efland Village Overlay District are also within the major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.

**(D) Parking Lot Design<sup>33</sup>**

- (1) Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.
- (2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.

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<sup>31</sup> This is a restriction currently found in the ECOD and is suggested for the Efland Village overlay district as well.

<sup>32</sup> These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

<sup>33</sup> These are requirements in the ECOD which are also good practice for the Efland Village. An exception being that ECOD requires parking to be located solely in the side and rear yards. Staff is suggesting that a few parking spaces be allowed at the front of buildings in the Efland Village overlay district.

- (3) Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.
- (4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.
- (E) **Signage**<sup>34</sup>
  - (1) Signage shall conform to all requirements within Section 6.12 of this Ordinance.
  - (2) Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District.
  - (3) Pole signs are not permitted.
- (F) **Architectural Design Standards**<sup>35</sup>

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

- (1) **Corporate Franchise Architecture**
  - (a) Under no circumstances shall modern corporate franchise building design be permitted.
  - (b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines.
  - (c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.
- (2) The principal building shall be oriented facing towards the fronting street.
- (3) **Building Access**
  - (a) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
  - (b) Additional entrances to a building may be provided.
- (4) **Human Scale and Fenestration**
  - (a) Buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided and fenestration (the arrangement, proportioning, and design of windows and doors in a building) shall be provided in such a way that a building is relatable to humans and does not overpower the area.
- (5) Drive-through facilities are prohibited on all non-residential uses.
- (6) Mirrored glass is prohibited.

#### ~~6.6.5 Major Transportation Corridor (MTC)~~

##### ~~(A) Landscaping and Buffers~~

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

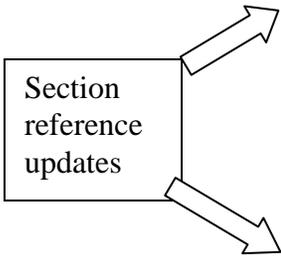
<sup>34</sup> These are requirements in the ECOD which are also good practice for the Efland Village.

<sup>35</sup> (1) through (3) and (5) and (6) are requirements in the ECOD which are also good practice for the Efland Village. (4) is suggested in order to articulate that we are encouraging human scale architecture in the Efland Village overlay district. The existing requirements in Section 6.5 basically implement this point but "human scale" is a more modern term that will likely be recognizable to people in the development community.

- ~~(3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.~~
- ~~(4) Where possible, trees shall be protected in stands or clusters.~~
- ~~(5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.~~
- ~~(6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.~~
- ~~(7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.~~

**(C) Buffering Neighboring Uses**

- (1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.
- (2) In accordance with Section ~~6.6.3~~ 6.6.5, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.
- (3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.
- (4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.
- (5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section ~~6.6.3(5)~~ 6.6.5(5).
- (6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.
- (7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.
- (8) Trees with a caliper of six inches or greater should be considered for preservation.
- (9) No grading for building or parking shall encroach upon required buffer.
- (10) Landscape buffer widths may be reduced if the buffer material is adequate to provide additional screening.
- (11) Decorative walls may be used to augment required landscaping for buffer reduction.
- (12) Access and utility crossings are to be made as close to perpendicular as possible to the length of the buffer.
- (13) No land disturbances for buildings, parking, or storage, drainage, etc. are permitted within a required buffer.



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

**7.13.2 Applicability**

- (A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.
- (B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section 4.6 4.8<sup>36</sup> of this Ordinance.
- (C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.
- (D) Applicants seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving open space areas as part of such developments.

Section reference update

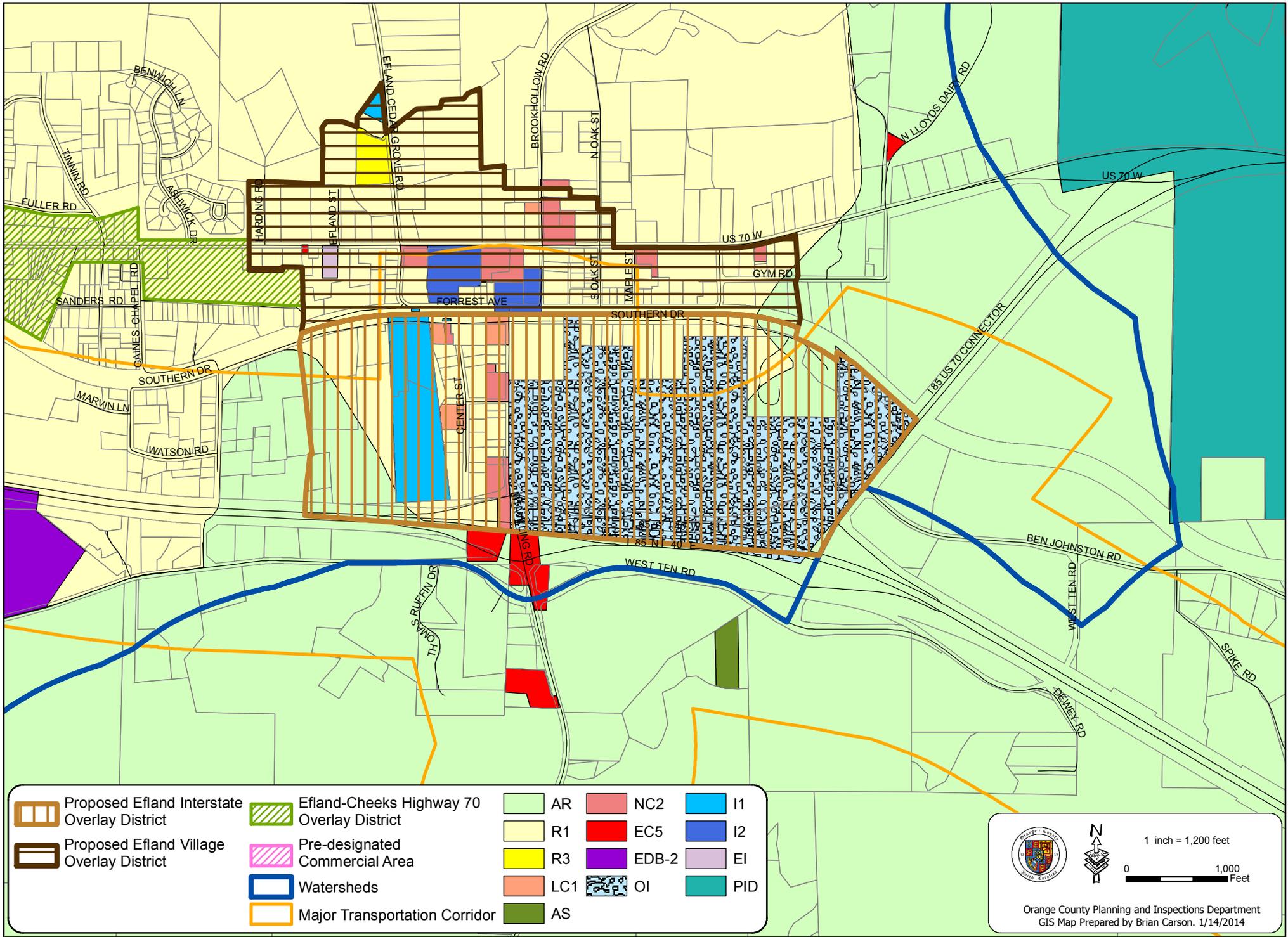
**7.13.3 Open Space Standards**

- ~~(A) **Minimum Required Open Space**~~
  - ~~(1) Where a developer elects to seek approval of a Flexible Development as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected open space.~~
  - ~~(2) Such open space shall meet the standards contained in this Section unless the developer chooses to seek approval of a conventional subdivision as specified herein.~~
- ~~(B) **Planning for Open Space**~~
  - ~~(1) Open space design in subdivision projects shall be planned as part of a comprehensive project design.~~
  - ~~(2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.~~
  - ~~(3) Open space is an important amenity for subdivision residents and an essential part of the County's character and environmental quality.~~
  - ~~(4) Open space planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.~~
  - ~~(5) A Flexible Development subdivision plan shall always provide open space which prominently meets at least one of the three following goals in open space design:
 
    - ~~(a) The Maintenance of Wildlife Corridors and/or Habitat;~~
    - ~~(b) The Preservation of Rural Character; or~~
    - ~~(c) The Creation or Protection of Space for Outdoor Recreation.~~~~
  - ~~(6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:~~

<sup>36</sup> This reference change is necessary due to renumbering Sections in order to insert the two proposed overlay district.

# Zoning Atlas Amendments

# Proposed Zoning Overlay Districts





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

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

# 2030 Comprehensive Plan Amendments



## Appendix F: Land Use and Zoning Matrix

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

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