

- (i) 10% of the height of the tower, or
 - (ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet
 - (b) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the lesser of:
 - (i) 20 feet, or
 - (ii) Less than the width of the wireless support structure at the level of the appurtenance.
 - (c) Increasing the square footage of the existing equipment compound by less than 2,500 square feet
- (C) For minor modifications, the applicant shall file an amended site plan, or written statement, outlining in detail the minor modification(s) proposed. The Planning Director shall state the findings in writing to the applicant and file the amended site plan or written statement with the approved site plan.
- (D) A modification that is not listed as a minor modification in (B) above is considered a major modification and shall require approval of the Board of Adjustment.
- (E) For major modifications, the applicant shall adhere to the following procedures:
- (1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.
 - (2) The Planning Director shall submit the request to the Board of Adjustment.
 - (3) The Board shall set an Evidentiary Hearing to receive testimony concerning the modification request. Any Evidentiary Hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.
 - (4) The Board may approve, approve with conditions, or deny the application for a modification.
 - (5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant in writing of the Board's action.

SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

2.8.1 Review and Approval Flow Chart

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

2.8.2 Amendment Initiation

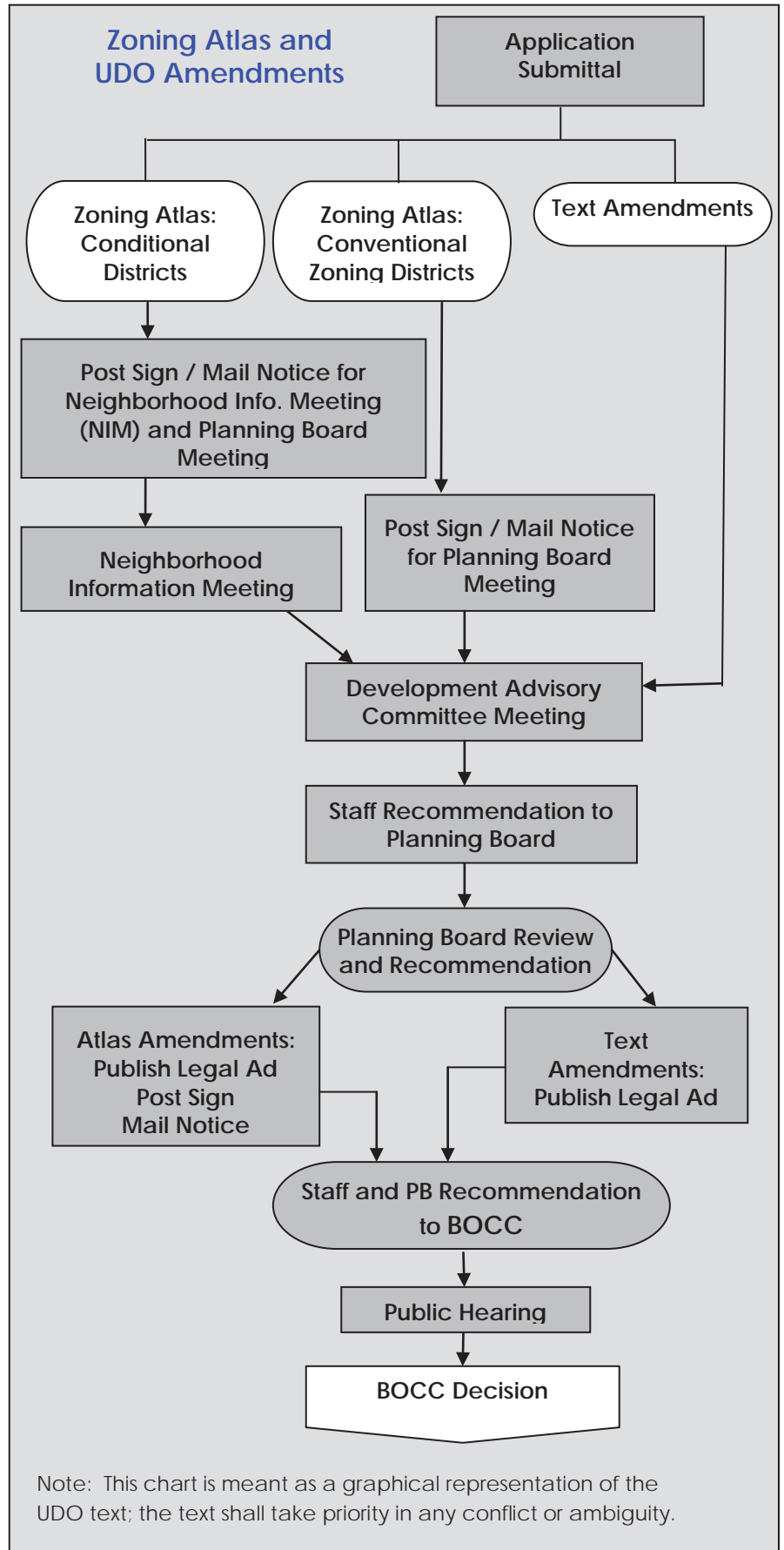
- (A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:
- (1) The Board of County Commissioners on its own motion;
 - (2) The Planning Board;
 - (3) Application, by any person or agency authorized by Ordinance, downzonings applied for by a third party require the written consent of the property owner; or
 - (4) The Planning Director.

- (B) If a request for consideration of an amendment proposal is submitted directly to the Board of County Commissioners, said Board may decline to consider the request or may refer the amendment proposal to the Planning Director for preparation of an amendment application.
- (C) Once initiated, all amendments shall be referred to the Planning Board.

2.8.3 Contents of Application

Applications shall contain the following:

- (A) For amendments to the Zoning Atlas:
 - (1) A map at a legible scale showing the land which would be covered by the proposed amendment, and
 - (2) A legal description of the land.
- (B) For amendments to the Unified Development Ordinance text:
 - (1) A copy of the existing text provision(s) which the applicant proposes for amendment, and



- (2) A written statement which describes in detail the changes the applicant proposes to make.
- (C) The alleged error in the Zoning Atlas and/or Unified Development Ordinance text that would be corrected by the proposed amendment with a detailed explanation of such error in the Zoning Atlas and/or Unified Development text and detailed reasons how the proposed amendment will correct the alleged error;
- (D) The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Zoning Atlas and/or Unified Development Ordinance text amendment reasonably necessary to promote the public health, safety and general welfare;
- (E) The manner in which the proposed Zoning Atlas and/or Unified Development Ordinance text amendment will carry out the intent and purpose of the adopted Comprehensive Plan or part thereof; and
- (F) A traffic impact study as required by Section 6.17.
- (G) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Review, Analysis and Recommendation

- (A) The Planning Director shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners.
- (B) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (1) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (2) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CD zoning district, as detailed within Section 5.2 of this Ordinance.

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Public Hearing.

2.8.7 Notice Requirements for Planning Board Meetings and Public Hearings

- (A) The Planning Director shall provide notification of Planning Board meetings at which the Planning Board is to review and make a recommendation on Zoning Atlas amendments. Notifications shall be mailed and posted for the Planning Board meeting in the same manner as for the public hearing, as detailed in (C) and (D) below. The notice shall include the time and location of the Planning Board meeting. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."
- (B) The Planning Director shall cause notice of the public hearing to review the application and receive public comment to be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing and the substance of the proposed amendment.
- (1) Said notice shall appear in said newspaper once a week for two successive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.
- (C) For amendments to the Zoning Atlas, the Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.
- (D) For amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and by first class mail to all abutting property owners and all property owners whose property lies within 1,000 feet of the affected property at least ten days, but not more than 25 days, before the public hearing date. Property owners names and addresses shall be obtained from the current listing in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."
- (1) **Alternative option to mailed notice for large-scale Zoning Atlas amendments**
- The first class mail notice required by subsection (D) shall not be required if a Zoning Atlas amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and Orange County elects to use the expanded public notice described as follows:
- (a) An advertisement published as described in (B) above, provided that the advertisement is not less than one-half of a newspaper page in size.
- (b) The advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners that reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (D) above.
- (E) The Planning Director shall certify the mailing of all notices to the Board of County Commissioners.

2.8.8 Planning Board Review

- (A) The Planning Board shall allow public comments at its meeting and those comments shall be taken into consideration by the Planning Board in making its recommendation.
- (B) The Planning Board's action on an application shall be one of the following:
- (1) Recommend approval,
- (2) Recommend denial,
- (3) Recommend approval but with specified changes, or

- (4) Recommend the Planning Board be given extended time to consider the matter.
- (C) In making its recommendation, the Planning Board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.
- (D) Should the Planning Board fail to make a recommendation prior to the Public Hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

2.8.9 Action by Board of County Commissioners

- (A) The Board of County Commissioners shall hold a public hearing after the Planning Board either makes its recommendation or takes no action on the application within 30 days of its referral.
- (B) After the Board of County Commissioners closes the public hearing, the Board of County Commissioners shall do one of the following:
 - (1) defer a decision to a later Board of County Commissioners meeting date, or
 - (2) make a decision.
- (C) In making its decision, the Board of County Commissioners shall consider adopted plans, comments made at the public hearing, the Planning Board's recommendation, and the Planning Director's recommendation. In accordance with NCGS 160D-605, the Board of County Commissioners shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.

2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions

- (A) The Erosion Control Officer shall review all of the North Carolina Sedimentation Control Commission's revisions to the State's Model Soil Erosions and Sedimentation Control Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the North Carolina Sedimentation Control Commission for its consideration and comments.
- (B) Within 150 days after receipt of the North Carolina Sedimentation Control Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.
- (C) Text amendments to this Ordinance for soil erosion and sedimentation control provisions shall comply with the requirements in effect for any other text amendment.

2.8.11 Text Revisions Pertaining to Stormwater Provisions

- (A) The Erosion Control Officer shall review all of the State Environmental Management Commission's revisions to the State's Model Stormwater Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the State Environmental Management Commission for its consideration and comments.
- (B) Within 150 days after receipt of the State Environmental Management Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.
- (C) Text amendments to this Ordinance for stormwater provisions shall comply with the requirements in effect for any other text amendment.

SECTION 2.9: CONDITIONAL DISTRICTS

2.9.1 Conditional Districts

(A) Generally

Only those uses listed on the Table of Permitted Uses in Section 5.2 for a specific Conditional District and detailed in Section 3.8 of this Ordinance shall be developed.

(B) Applications

Applications to rezone property to a Conditional District shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

- (1) Zoning Atlas amendment (Section 2.8),
- (2) Site plans (Section 2.5) for Conditional Districts that require a site plan, and
- (3) The provisions of this Section.

(C) Submittal Requirements

- (1) In addition to the Conditional District application form, an applicant shall also submit the following information:
 - (a) A site plan prepared in accordance with the provisions of Section 2.5 of this Ordinance, except for Master Plan Development (MPD)-CD applications (see (C)(2) below).
 - (b) A detailed description of the proposed use of property including an outline of the proposed development.
 - (c) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance.
 - (d) The appropriate Environmental Document prepared in accordance with Section 6.16.
 - (e) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.
 - (f) A summary of utility services, including processing of wastewater. For Home Park (HP) CD, the utility service plan shall specify if the proposed services are temporary or permanent connections.
 - (g) A schedule of construction of all elements of the proposal.
 - (h) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.
- (2) In lieu of the requirements in (1)(a) above, an application for a Master Plan Development (MPD) CD shall include the requirements in Section 6.7. The requirements of (1)(b) through (1)(h) above are applicable for MPD-CD applications.
- (3) 26 copies of the application package required in (1) and (2) above shall be submitted by the applicant.
- (4) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a Conditional District.

(D) Neighborhood Information Meeting

- (1) Before a Public Hearing may be held on an accepted application for a Conditional District, the applicant is required to schedule, with the assistance of the Planning Department, a minimum of one neighborhood information meeting. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) The applicant shall obtain property owner mailing address information from the Orange County Planning Department and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Conditional District has been requested.
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.
- (4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (5) The meeting shall be held a minimum of 14 days prior to the date of the Planning Board meeting where the application is scheduled for review.

(E) Review and Evaluation of Application

The review, processing, and evaluation of a Conditional District application is a legislative process subject to judicial review using the same procedures and standards of review that apply to conventional district zoning decisions.

(F) Approval and Conditions

- (1) The Board of County Commissioners shall take action on the application to rezone the property in accordance with the procedures outlined within Section 2.8.
- (2) The applicant or the County may recommend that reasonable and appropriate conditions be attached to the approval of the application
- (3) Conditions and site-specific standards shall be limited to those that address the conformance of the development to County ordinances, the adopted Comprehensive Plan, or any other relevant plans that address the impacts reasonably expected to be generated by the proposed development. Any such conditions may address:
 - (a) The compatibility of the proposed development with surrounding property,
 - (b) Proposed support facilities (i.e. roadways and access points, parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, storm water drainage, the provision of open space, etc), and/or
 - (c) All other matters the County may find appropriate or the petitioner may propose.
- (4) Conditions of approval may include dedication to the County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
- (5) The applicant shall have a reasonable opportunity to consider and respond to any requirements/conditions requested by the County prior to final action by the Board of County Commissioners on the disposition of the application. The applicant shall agree in writing to any conditions prior to a final decision on the application.

(G) Effect of Approval

- (1) Approval of a Conditional District is binding on the property and the development and use of the subject property shall be governed by the Ordinance requirements applicable to the specific Conditional District and all approved conditions.
- (2) The applicant shall comply with all requirements established in the Conditional District approval Ordinance. Only those uses and structures included in the Conditional District approval Ordinance and approved site plan shall be allowed on the subject property.

(H) Zoning Atlas Designation

Following approval of the Conditional District by the Board of County Commissioners, the subject property shall be identified on the Zoning Atlas by the appropriate district designation.

(I) Alterations to an Approved Conditional District

- (1) Except as provided in Section 6.7.2 for MPD-CD projects, changes to approved plans and conditions of development shall be treated as changes to the zoning atlas and shall be processed as an amendment to such as contained in this Article.
- (2) The Planning Director may approve minor changes without going through the amendment process. The Planning Director, at his/her discretion, may elect not to allow any proposal as a minor change and will forward the detailed application for changes to the Planning Board and Board of County Commissioners for consideration in accordance with the procedures outlined herein.
- (3) A minor change is one that will not:
 - (a) Alter the basic relationship of the proposed development to adjacent property,
 - (b) Alter the approved land uses,
 - (c) Increase the density or intensity of development, and/or
 - (d) Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site.

2.9.2 Public Hearing and Notification Requirements

The requirement for a public hearing shall follow the procedures for a Zoning Atlas Amendment in Section 2.8.6. Notice of the public hearing shall follow the procedures in Section 2.8.7.

SECTION 2.10: VARIANCES

2.10.1 Purpose

The procedures of this section authorize the Board of Adjustment to modify or vary regulations of this Ordinance when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.

2.10.2 Application Requirements

- (A) Applications for a Variance shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.
- (B) Applications shall include:
 - (1) The section reference, and copy of the existing regulatory language, that is the subject of the application,

- (5) Non-residential uses within Transition Areas, as designated by the Comprehensive Plan, may provide one break in the required buffer per lot adjacent to the interstate right-of-way in order to provide an on-site commercial sign and/or building visibility. The break shall constitute no more than 50% of the interstate highway frontage.

SECTION 6.7: ADDITIONAL STANDARDS FOR MPD-CZD

6.7.1 Master Plan

- (A) All applications for the MPD-CZ designation shall be prepared in accordance with Section 2.9 of this Ordinance and shall include a general development plan herein called the 'Master Plan'.
- (B) The Master Plan shall be prepared by an appropriately licensed professional and shall include the following:
 - (1) **Map of the development site, including the following:**
 - (a) Overall acreage of the site,
 - (b) Adjacent rights-of-ways,
 - (c) Zoning designation and current use of adjacent properties, including those across rights-of-ways,
 - (d) Streams and other environmental features on-site and within 1,000 feet, and
 - (e) Any existing structures or improvements on-site.
 - (2) **General layout of development, including the following:**
 - (a) Each development lot/pod and acreage of each,
 - (b) Interior roadway plan, with cross section detail also showing drainage,
 - (c) Proposed access points, and
 - (d) Proposed on-site recreation and/or open space.
 - (3) **Proposed Uses**
 - (a) All uses proposed within the development shall be shown on the Master Plan.
 - (b) For developments with more than one development lot/pod, the proposed uses shall be listed for each lot/pod.
 - (c) More than one use may be approved for each lot/pod. However, the Master Plan shall include a compatibility matrix to limit conflicts between adjacent uses.

Figure 6.7.1.B: Master Plan Proposed Use Matrix Example

Recommended Compatible Adjacencies								
	P = Permitted		X = Avoid		◆ = Permit with Enhanced Vegetation			
Use Type	1	2	3	4	5	6	7	8
1. Parks/Recreation/Open Space	P	P	P	P	P	P	P	X
2. Single-Family Detached	P	P	P	◆	◆	P	X	X
3. Single-Family Attached	P	P	P	P	P	P	X	X
4. Multi-Family	P	◆	P	P	P	P	◆	X
5. 1- to 2-Story Office	P	◆	P	P	P	P	P	X
6. Ground Floor Retail	P	P	P	P	P	P	P	X
7. 3+ Story Office	P	X	X	◆	P	P	P	P
8. Manufacturing / Industrial	X	X	X	X	X	X	P	P

(d) For residential uses, the Master Plan shall include the maximum density permitted.

(4) Setbacks & Buffers

(a) All setbacks and buffers shall be shown on the Master Plan for the following:

- (i) Development perimeter,
- (ii) Each development lot/pod,
- (iii) Streams, Special Flood Hazard Areas, and other environmentally sensitive areas, and
- (iv) Rights-of-ways, interior and adjacent to the development.

(b) Setbacks and buffers for each lot/pod shall be consistent with the compatibility matrix required when multiple uses are approved for each lot/pod

(5) Maximum Building Heights

- (a) Maximum building heights shall be provided on the Master Plan.
- (b) Maximum building heights may be established for each development lot/pod or for the development, as a whole.
- (c) Varying building height maximums, if established, shall be consistent with an approved compatibility matrix, if applicable.

(6) Utility Master Plan

- (a) The Master Plan shall show the proposed location of all utility lines, structures and accompanying easements, including but not limited to:
 - (i) Sanitary sewer,
 - (ii) Potable Water,
 - (iii) Reclaimed Water,
 - (iv) Stormwater Management,

- (v) Electrical service,
 - (vi) Cable,
 - (vii) Telephone,
 - (viii) Fiber Optic, and
 - (ix) Other.
- (b) All onsite utility lines shall be underground, unless approved by the Board of County Commissioners.

(7) Master Sign Plan

- (a) A master sign plan, consistent with the standards established in Section 6.12, shall be reviewed and approved as part of the Master Plan.
- (b) The sign plan shall include the following:
- (i) Location and size of all signs proposed on-site, including wall signs, identification signs, informational signs, etc.,
 - (ii) Illumination specifications of signs, if any,
 - (iii) Materials (signs and supports),
 - (iv) Planting details for ground and pole mounted signs, and
 - (v) Any other information requested by the Planning Director and/or Board of County Commissioners.

(8) Architectural Concept Plan

- (a) An architectural concept plan shall be required for developments with multiple buildings and development lot/pods. The plan shall address the following:
- (i) Architectural theme on-site, if any,
 - (ii) Permitted color palettes,
 - (iii) Acceptable building materials (i.e. siding, roofing, doors, trim, awnings, etc.),
 - (iv) Specific design requirements, if any, and
 - (v) Any other information requested by the Planning Director and/or Board of County Commissioners.
- (b) Architectural Concept Plans shall not be required for single-family residential subdivisions approved as a MPD-CZ. However, they may be approved with the Master Plan if proposed by the applicant.
- (C)** The Master Plan shall be approved by the Board of County Commissioners in conjunction with the CZD rezoning application.

6.7.2 Permitted Adjustments

- (A)** The MPD-CZ designation permits a prescribed amount of flexibility when developing property and permitted adjustments shall be consistent with the following:

(1) Non-Residential Development Lots/Pods

- (a) Maximum intensity of development for each lot/pod, when multiple uses are listed for each, shall be based on traffic generation for each use, in accordance with ITE Trip Generation Manual and may be established on the Master Plan.

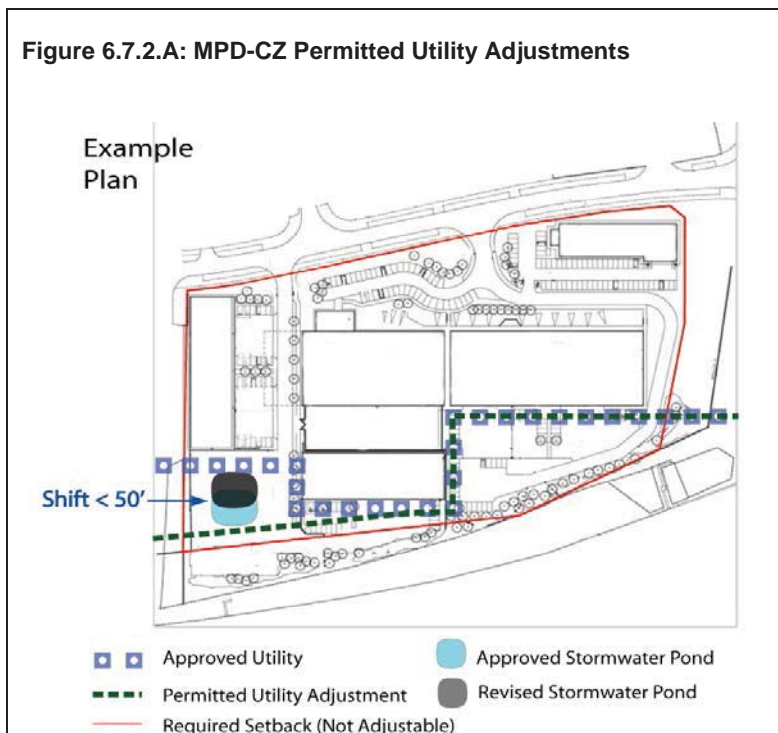
- (b) The acreage of each development lot/pod may be adjusted by up to 15%, provided the acreage of the entire development site remains the same and a plat has not been approved for the property.

(2) Roadways & Access Points

- (a) Shifts in the interior roadways/rights-of-ways shall be considered permitted adjustments provided the following conditions are met:
 - (i) The roadway/right-of-way is moved less than 50 feet to either side,
 - (ii) The roadway/right-of-way width remains the same, and
 - (iii) The roadway/right-of-way shift does not cause a change in the location or design of any intersection with a roadway exterior to the development.
- (b) Shifts in the location of roadway access points interior of the development shall be a permitted adjustment, provided the number of access points remains consistent with the approved Master Plan and the locations meet all separation requirements established within this Ordinance.
- (c) All points of access from roadways exterior to the development shall be as approved on the Master Plan.

(3) Utilities

- (a) Shifts in the location of utilities serving the development shall be a permitted adjustment provided the changes are consistent with the following:
 - (i) The proposed changes do not impact any perimeter buffers and/or setbacks established on the Master Plan.
 - (ii) On-site stormwater ponds shown on the Master Plan that are considered part of the buffer for incompatible uses, shall not be shifted more than 50 feet along the perimeter property boundary.



- (B) Permitted Adjustments may be approved by the Planning Director. The Master Plan shall be revised to show all permitted adjustments and filed with the Planning Department for incorporation in the approved MPD-CZD. Other changes to the Master Plan shall be approved by the Board of County Commissioners in accordance with the procedures specified in Section 2.9.2 of this Ordinance.

6.7.3 Final Development Plans

- (A) Site plans shall be submitted subsequent to MPD-CZ Master Plan approval in accordance with the procedures established in Section 2.5 of this Ordinance.
- (B) Approval of detailed site plans and related material is an administrative action and no public notice or hearing is required.
- (C) After a MPD-CZ district has been established, no zoning compliance permit, permit for land disturbing activity, building permit, or the like, shall be issued for the site, unless and until the Planning Director has approved a site plan, prepared and approved in accordance with Section 2.5 of this Ordinance, for the development as a whole or each development lot/pod, in accordance with the approved Master Plan.
- (D) Approval of site plans shall be based on compliance with regulations applying at the time the land was zoned to MPD-CZ.
- (E) The Planning Director shall certify that all conditions imposed by the Board of County Commissioners with the approval of the MPD-CZ and Master Plan have been met and a report shall be provided to the County Manager within 30 days following the approval of a site plan for any property included within the MPD-CZ.

6.7.4 Start of Construction & Extensions

- (A) Site plans shall be approved and construction started in accordance with the timetable approved with the Master Plan. If the site plan(s) have not been approved or no construction has started within the stated time frames, the Master Plan becomes void and of no effect. The owner can request an extension from the Board of County Commissioners upon the favorable recommendation of the Planning Board, if the request is received before the Master Plan expires.
- (B) No changes shall be made to the conditions of approval with extension requests. Approval of a time extension shall be based on evidence presented by the applicant showing that approvals have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the developer.

6.7.5 Specific Standards for Hillsborough EDD

In addition to the standards and regulations for all MPD-CZ districts established in this Ordinance, the standards contained herein shall apply to MPD-CZ districts in the Hillsborough Economic Development District.

(A) Purpose and Intent

The purpose of the MPD-CZ in the Hillsborough Economic Development District is to provide locations for a mix of residential, commercial and light industrial uses in a cohesive development that is compatible with the natural terrain and surrounding uses. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments.

(B) Applicability

- (1) The minimum size of a MPD-CZ district shall be 5 acres.
- (2) This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

(C) Development Standards

(1) Dimensional Requirements

- (a) There are no minimum lot sizes within the MPD-CZ district; However, the Master Plan will set forth the individual lot setbacks in accordance with the General Dimensional Requirements established herein.

TABLE 6.7.5.C: SPECIFIC STANDARDS FOR HILLSBOROUGH EDD									
ZONING DISTRICT	MINIMUM ZONING LOT		MINIMUM SETBACKS					MAXIMUM IMPERVIOUS SURFACE COVER (%)	MAXIMUM HEIGHT (FEET)
	AREA (ACRE)	WIDTH (FEET)	FRONT (FEET)	REAR (FEET)	SIDE				
					ONE SIDE (FEET)	COMBINED (FEET)	STREET (FEET)		
MPD-CZ	-	200	60	40	20	40	40	50	60

- (b) Single-family and duplex residential uses following the flexible development guidelines established in Section 7.13 of this Ordinance, may reduce the minimum setbacks by 50% and the lot width by 60%.

(2) Internal Access

- (a) All outparcels within the MPD-CZ district shall have internal access to the development.
- (b) All parcels shall provide for interconnectivity between parking areas if determined necessary by staff.

(3) No drive through facilities may be constructed in this district.

(4) Consideration of lower cost and affordable housing shall be incorporated into any mixed use development.

(5) A justification for any deviation to development standards must state a public benefit or purpose.

(D) Plan Approvals

- (1)** If a MPD-CZ rezoning application is approved with a Master Plan, the approval does not obviate the need to obtain a Class A Special Use Permit or site plan approval for the individual “pods”/lots shown on the Master Plan in accordance with the provisions of this Ordinance.
- (2)** A Class A Special Use Permit shall be required if any nonresidential use is located within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.
- (3)** No special use permit for a site governed by an approved MPD-CZ Master Plan may be denied for reasons set forth in Section 2.5 or Article 5 of this Ordinance, if the basis for such denial involves an element or effect of the development that has been specifically addressed and approved in the MPD-CZ Master Plan approval process, unless one of the following conditions apply:
 - (a) It can be demonstrated that the information presented to the Board of County Commissioners at the MPD-CZ Master Plan approval stage was materially false or misleading, or
 - (b) Conditions have changed substantially in a manner that could not reasonably have been anticipated, or
 - (c) The plan has changed substantially in its impacts, or

- (d) A basis for denial for reasons set forth in Section 2.5 or Article 5 is demonstrated by clear and convincing evidence.
- (4) A site plan shall not be accepted by staff for review until the MPD-CZ Master Plan has been approved.
- (5) The Planning Director shall have the discretion to require a modification to the approved MPD-CZ Master Plan should the submitted site plan violate, in the Planning Director's opinion, the provisions set forth in Section 6.7.5(D)(3) above.

SECTION 6.8: LANDSCAPING, BUFFERS & TREE PROTECTION

6.8.1 Purpose and Intent

The standards of this section provide for the preservation of existing vegetation and for the installation and maintenance of new vegetation and other landscape architectural features. The purpose of these standards is to:

- (A) Protect, preserve, and enhance the visual appeal, character, and value of Orange County;
- (B) Enhance the beauty of the built environment;
- (C) Enhance the privacy and welfare of citizens by separating incompatible land uses;
- (D) Allow for the ecological benefits provided by plant materials including: protection of land from erosion and storm water runoff; minimize noise, water, light and air pollution; mitigation of the heat island effect; recharging of aquifers; and protection and enhancement of wildlife habitats; and
- (E) Preservation of natural forested tree areas.

6.8.2 Applicability

The landscaping and buffering standards of this section shall apply to all proposed land development for which a site plan, special use permit, MPD-CZ Master Plan, preliminary plat in the case of major subdivisions or a final plat in the case of minor subdivisions, is required.

6.8.3 Variations

- (A) In some cases the strict adherence to this section of the Ordinance would serve no useful purpose, in which case the Planning Director, may modify the buffer and landscape standards of this Section where:
 - (1) The topography of a site and/or the size of a proposed lot are sufficient to serve the purpose of a buffer;
 - (2) Existing structures, utilities, gardens or active farmland are located in the buffer or setback areas;
 - (3) Existing vegetation is damaged, unhealthy, or poses a safety threat; or
 - (4) An existing residence or structure with established lawn areas and/or plant beds is contained within a proposed subdivision lot.
- (B) The Planning Director may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
- (C) When a proposed lot includes one or more of the conditions listed above, the Planning Director is empowered to waive the requirements for screening or additional landscaping provided that the request is submitted in writing stating the reason and rationale for such request, and the spirit and intent of this Ordinance is achieved.