

**AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition submitted by Terra Equity Incorporated (hereafter 'the Applicant') seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO); and

WHEREAS, This petition seeks to rezone 3 parcels totaling approximately 161 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Research Triangle Logistics park (RTLTP) development (hereafter 'the Project'); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 90.37 acre tract of land PIN# 9863-71-8857,
- ii. Approximately 60 acres of land PIN# 9863-91-6573, and
- iii. A 12 acre parcel of land PIN 9862-99-8894,

hereafter 'the Property'; and

WHEREAS, The applicant has voluntarily chosen to establish development and land use limitations on the Project to address potential conflicts with surrounding properties; and

WHEREAS, This petition has been submitted in concert with a formal master plan in accordance with the provisions of Section 2.9.2 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed complete; and

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

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone aforementioned 3 parcels of property to Master Plan Development Conditional Zoning (MPD-CZ) and allow development of the Project as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT The terms and conditions contained herein shall encumber the Property and bind the owners and lessees thereof, their successors

in title and interest. The development of the Project as well as all necessary site improvements, both internal and external to the Project, shall be reviewed, approved, and developed in accordance with:

- a. The applicable provisions of the Orange County Unified Development Ordinance (UDO),
- b. Any and all applicable Federal, State, and local regulations, and
- c. The application package as submitted/modified by the Applicant and as approved by the Orange County Board of Commissioners on **October 20, 2020**.

This includes the revised/updated traffic impact analysis (TIA) reviewed and approved by the County Planning Department and NC Department of Transportation on October 2, 2020.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning applicant is subject to the following mutually agreed to conditions:

I. GENERAL:

- a. Approval of the Project does not constitute an explicit guarantee for utility services (i.e. water and sewer) by the Town of Hillsborough. Provision of services shall be consistent with applicable Town utility connection policies and the utility agreement between the Town and Orange County;
- b. The Project shall be composed of 3 individual properties totaling approximately 161 acres of land area further defined as follows:
 - i. PIN 9863-71-8857: An approximately 90 acre parcel currently zoned MPD-CZ (Settlers Point) and Major Transportation Corridor (MTC) Overlay District;

NOTE: MTC Overlay district boundaries not impacted by this approval.

- ii. PIN 9863-91-6573: An 80 acre parcel currently zoned:
 1. Approximately 60 acres (south of Interstate 40) zoned MPD-CZ (Settlers Point);
 2. Approximately 20 acres (north of Interstate 40) zoned Economic Development Hillsborough Limited Officer (EDH-2). This portion of the property will remain zoned EDH-2 and shall be developed consistent with that general use zoning designation.
 3. Major Transportation Corridor (MTC) Overlay District.

NOTE: MTC Overlay district boundaries not impacted by this approval. EDH-2 zoned portion of property, north of Interstate 40, is not impacted by this approval and will remain zoned EDH-2.

- iii. PIN 9862-99-8894: An approximately 12 acre parcel currently split zoned Rural Residential (R-1) and Rural Buffer (RB).

NOTE: The RB zoned portion of property, along Davis Road, is not impacted by this approval and will remain zoned RB. This area shall remain either in undisturbed open space, used to support required utility improvements consistent with Town of Hillsborough or County requirements, or to support external roadway improvement(s) consistent with County and NC Department of Transportation requirement(s).

- c. The Zoning Atlas for Orange County shall be designated MPD-CZ. Development shall be in accordance with the approved application packet, master concept plan, and the conditions detailed herein.
- II. SITE PLAN: In addition to the requirements of Section 2.5 *Site Plan Review* of the UDO, development applications within the Project shall provide the following additional information as part of the site plan application process:
- a. All site plans proposing development within the Project shall be reviewed by Town of Hillsborough staff as part of existing courtesy review agreements;
 - b. All site plans shall provide detail denoting the anticipated daily water and sewer needs for proposed land use(s);
 - c. Consistent with existing inter-local utility agreements between Orange County and the Town of Hillsborough, the Project has a utility allotment of 108,000 gallons a day of water/sewer service. Site plans proposing development/land uses exceeding this daily allotment shall be required to provide documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the proposed development.
A lack of water and/or sewer capacity shall result in the denial of the site plan;
 - d. Prior to the approval of a site plan allowing development within the Project, the County shall require documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the project.
A lack of water and/or sewer capacity for a proposed use shall result in the denial of the site plan;
 - e. The Orange County and Town of Hillsborough Fire Marshal(s), in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water and sewer lines prior to the initiation of land disturbing activity;
 - f. The Orange County and Town of Hillsborough Fire Marshal(s) shall review and offer comment on:
 - i. Road layout and construction methodology,

- ii. Location of fire lanes,
- iii. Location of fire hydrants, and
- iv. Location of the proposed stand-pipe(s).

as part of all site plan review.

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO as well as the approved master plan and environmental assessment completed for the Project. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. Each site plan shall be required to demonstrate compliance with required traffic improvements detailed within the approved application, traffic impact analysis, and the condition(s) detailed herein.

Lack of compliance or consistency with required internal/external traffic improvement(s) shall result in the denial of the site plan;
- i. In addition to the standards detailed in Section 2.5 of the UDO, all landscaping plans shall include information denoting the proposed method of care (i.e. underground sprinklers, maintenance personnel, etc.) for the development;
- j. For all site plans submitted for the Project the Orange Rural Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily limited to: land use regulations, conditions of MPD-CZ approval, applicable State fire/building codes.
- k. Site plans shall contain documentation outlining proposed and/or existing cumulative impervious surface area as well as building/open space ratios within the Project.

III. DIMENSIONAL STANDARDS:

- a. The Project shall observe a building square footage limit of 2,400,000 sq.ft. consistent with the submitted and approved application and Traffic Impact Analysis (TIA) as approved by the NC Department of Transportation on October 2, 2020.

Additional floor area may be developed with the submittal of a revised, updated, master plan development conditional zoning district application and TIA processed and reviewed in accordance with the provisions of the UDO.¹

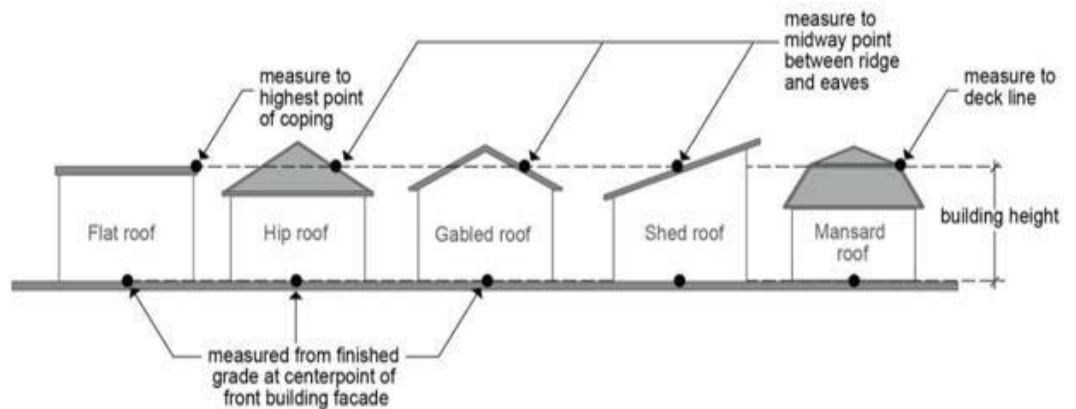
¹ Yellow highlight denotes modification to proposed condition(s) consistent with the applicant's presentation at the September 15 and 22, 2020 public hearing and the October 6, 2020 BOCC regular meeting limiting the allowable building square footage for the Project.

b. Height: Consistent with the definition of *building height* in Article 10 Definitions² and Section(s) 6.2.2 and 6.5³ of the UDO, the following height limitations shall be observed within the Project:

i. Principal structures:

1. PINs 9863-71-8857 and 9863-91-6573 shall abide by a height limit of 60 ft.

2. PIN 9862-99-8894 shall abide by a height limit of 40 ft. This height limit shall not include architectural features utilized to screen rooftop equipment, consistent with the provisions of the UDO.⁴



5

No structure shall be erected fronting on the Davis Road parcel which exceeds 40 ft. in height above the highest elevation of the adjoining portion of Davis Road exceeding 40 ft. in height, as measured from the highest elevation of the adjoining portion of Davis Road to the roof deck of the building from the highest elevation of Davis Road where said building has frontage.⁶

² As was discussed at the October 6, 2020 BOCC meeting, existing regulation(s) establish building height as being measured from: *the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.* Staff has included example(s) illustrating how various roof types are measured to address BOCC concerns.

³ As a reminder, per Section 6.5.1 (C) (8) of the UDO, rooftop mechanical equipment is required to be screened.

⁴ New language to address BOCC comment(s) from the October 6, 2020 meeting. Staff is attempting to address BOCC interest in limiting development on the Davis Road property to a 40 ft. height limit while address applicant requests for use of architectural features to screen rooftop equipment (i.e. HVAC, vents, ducts, telcom equipment, etc.). Staff has added language referencing allowable screening limit(s) within the UDO.

⁵ Staff has added a visual aid to detail how building height shall be calculated consistent with existing definitions.

⁶ Yellow highlight denotes a suggested modification to proposed conditions made by the applicant and discussed at the October 6, 2020 BOCC meeting. Staff has attempted to address comment(s) in a revised condition detailed herein.

ii. **Accessory Structures:** Water tower shall not exceed 90 ft.⁷

c. Setbacks:

i. Structures shall observe:

1. 100 ft. setback from exterior property lines abutting residentially zoned property;

~~1.2.~~ and the 120 ft. setback from Davis Road right-of-way;⁸

~~2.3.~~ 50 ft. setback from property exterior lines abutting non-residentially zoned property and the Service Road right-of-way.

ii. Vehicular use areas shall observe:

1. ~~50 ft.~~ 100 ft. setback from exterior property lines abutting residentially zoned property except as defined below;

a. Access road/parking area along the western boundary line, adjacent to PIN 9863-53-9059, shall be permitted observing a 50 ft. setback; and

~~1.b.~~ An access road along the southern property line, affording interior access from the Project to PIN 9862-99-8894, shall be permitted observing a 50 ft. setback.⁹

2. 50 ft. setback for access roads/drives running parallel with Davis Road;¹⁰

~~2.3.~~ 25 ft. setback from property lines abutting non-residentially zoned property and the Service Road right-of-way.

~~iii. Interior lot line setbacks;~~¹¹

⁷ Staff is recommended a 90 ft. height limit for proposed water towers. The application submittal makes no reference to any additional use that would need to exceed established height limits.

⁸ Language suggested/recommended by the applicant to address setbacks for structures erected on the Davis Road property.

⁹ The applicant has requested modification of vehicular use setbacks as detailed herein. In the first instance, the area adjacent to the Project on PIN 9863-53-9059 is heavily encumbered by floodplain and required buffers. The applicant suggests allowing for an access road/parking in this area will not impact development on the adjacent parcel as same is already limited due to the presence of mapped floodplain. In the second instance, the applicant is seeking to reduce the required land use buffer to allow for the location of an access road in an area that will have the least impact on existing floodplain. If the applicant is required to observe a 100 ft. buffer in this area, the required roadway crossing could have more environmental impact on the floodplain and floodplain buffers in the area.

¹⁰ Language suggested/recommended by the applicant to address access management issues along Davis Road. While no parking is intended within this area, driveway access will be necessary.

¹¹ A new condition designed to address BOCC comments from the October 6, 2020 meeting seeking clarification on internal setback requirements. The condition, however, was eliminated when the applicant indicated there would be no internal subdivisions creating the need for internal property lines.

1. Structures: 20 ft. from all interior property lines;

2. Vehicular use areas: 10 ft. from all interior property lines.

- d. Open Space: ~~41 acres (25%)~~ 48.3 acres (30%)¹² of land within the Project shall be preserved as open space area.

IV. ACCESS AND TRANSPORTATION: In addition to the requirements of Section 6.10 *Roadway Improvements and Multi-modal Transportation* of the UDO the following standards shall apply:

- a. Internal roadways shall be developed in accordance with Section 6.10 (A) of the UDO and shall be privately maintained;
- b. External roadway construction/improvements shall be completed or appropriately bonded prior to the issuance of a Certificate of Compliance (C of C) allowing the occupancy of a structure triggering completion of same;
- c. External roadway improvements shall be constructed in accordance with NC Department of Transportation requirements and guidelines, approved Traffic Impact Analysis (TIA), and the standards outlined herein;
- d. The right-of-way for Service Road shall be extended to the western edge of the PIN 9863-71-8857 to serve as a future access point for adjacent land area to the west.

Applicant and/or their successors shall not bear financial responsibility for the construction of additional roadway in this extended portion of the Service Road right-of-way nor shall they bear any financial responsibility for any required roadway improvements at the intersection of Service Road and Old NC Highway 86 necessary to accommodate additional traffic resulting from development external to the Project;

- e. Consistent with the approved traffic impact analysis for the Project, all passenger and commercial vehicle traffic shall utilize Service Road for ingress/egress;

- f. Vehicular ingress/egress to the Project from Davis Road shall be limited to:

- i. Life safety vehicles;
- ii. Fire, ambulance, rescue and emergency vehicles;
- iii. Municipal and law enforcement vehicles; and
- iv. Public utility vehicles.

No other traffic (i.e. passenger vehicles, commercial vehicles, etc.) shall be permitted to utilize this access, which will be blocked by a gate or bollards to prevent unrestricted access;¹³

¹² Consistent with applicant statements to the BOCC on October 6, 2020, the Project will preserve approximately 30% of the property as open space.

¹³ Consistent with the discussion that occurred at the October 6, 2020 BOCC meeting, access from/to the Project using Davis Road will be limited to emergency and utility vehicles. Staff is also recommending the access be blocked to prohibit use inconsistent with suggested condition(s).

- ~~d.g.~~ Final roadway layout, including pavement widths and driveways, shall be approved by the Town of Hillsborough and Orange County Fire Marshal's office as part of the final site plan review process;
- ~~e.~~ ~~Signage shall be placed directing vehicles to turn left onto Davis Road in order to access Interstate 40/85;~~¹⁴
- ~~f.h.~~ Site plan submittals shall be required to demonstrate internal/external traffic improvements necessary to address development impacts consistent with the submitted Transportation Impact Analysis (TIA);
- ~~g.i.~~ Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use **for employees/customers/visitors to the site;**¹⁵
- ~~h.j.~~ Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- ~~i.k.~~ Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation. All street signals shall be erected on metal poles;
- ~~j.l.~~ Segregated entrances and exists for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities;
- ~~k.m.~~ Any required or requested bus pullouts and/or transit shelters shall be constructed to serve the Project consistent with transit plans adopted by Orange County and shall be developed in accordance with the following:
- i. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,
 - ii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
- ~~l.n.~~ In addition to the standards contained within Section 6.10 (A) (2) of the UDO, the following additional requirements shall apply to the development of crosswalks:
- i. Signals shall be installed, where stoplights are located, providing assistance to deaf and visually impaired individuals announcing when it is safe to cross roadways

¹⁴ Condition is no longer necessary as vehicle access onto Davis Road is limited to emergency and public utility vehicles.

¹⁵ **Yellow highlighted text** denotes a modification, suggested by the applicant, approved by the BOCC at its October 6, 2020 meeting.

~~m.o.~~ Traffic directional signage shall be required for all internal and external roadway as directed by Orange County and the North Carolina Department of Transportation including but not limited to:

- i. Stop signs,
- ii. Yield signs,
- iii. Bus parking and unloading informational signs
- iv. Lane ends,
- v. Merge signs,
- vi. Caution Pedestrian Traffic – Yield Signs,
- vii. Traffic safety signs designed to direct construction traffic throughout the site,
- viii. Traffic warning signs indicating the location of private driveways and forbidding public access to the various properties, and
- ix. Through traffic signs.

~~n.p.~~

~~Heavy Trucks, as hereinafter defined, shall be prohibited from exiting the Project on to Davis Road. Heavy Trucks are defined as those vehicles that:~~

- ~~i. Have a gross vehicle weight rating of 33,001 pounds or more;~~
- ~~ii. Are required under North Carolina law to be registered;~~
- ~~iii. Are designed to operate on public highways; and~~
- ~~i. Are powered by a diesel engine.¹⁶~~

~~q. Driveway access onto Davis Road shall be designed to limit traffic exiting the project to only a left turn thereby directing traffic towards Old NC Highway 86 excluding local traffic and emergency vehicles.¹⁷~~

~~e.f. Entry into the Project from Davis Road shall be designed and restricted to the following:~~

- ~~i. Life safety vehicles;~~
- ~~ii. Fire, ambulance, rescue and emergency vehicles;~~
- ~~iii. Municipal and law enforcement vehicles;~~
- ~~iv. Public utility vehicles; and~~

¹⁶ Text was proposed as part of the conditions reviewed by the BOCC at its October 6, 2020 meeting. Condition was revised to capture applicant suggested condition(s) and moved to subsection(s) e and f above. Consistent with the applicant's suggested condition(s), all passenger and commercial vehicle traffic shall be required to utilize Service Road. Driveway access onto Davis Road shall be reserved for emergency and public utility vehicles only.

¹⁷ Ibid.

v. Vehicles under 33,001 pounds. ¹⁸

s. At the time development within the Project exceeds allowable traffic trips for the preservation of the left turn movement from Service Road onto Old NC Highway 86, as detailed in the Projects traffic impact analysis and/or as determined by the NC Department of Transportation consistent with external roadway improvements, an alternative traffic alignment/improvement shall be required to serve the Project allowing for both left and right turn access onto Old NC Highway 86.

This alternative shall be reviewed and approved by Orange County and the NC Department of Transportation and shall be installed in conjunction with the proposed development project generating the need for said alternative traffic alignment/improvement.

This shall be reviewed as a modification to the Project requiring the public hearing approval process detailed within the County Unified Development Ordinance (UDO). ¹⁹

V. PERFORMANCE STANDARDS:

- a. The Project shall comply with Section(s) 6.4.2 through 6.4.7 of the UDO inclusive;
- b. **Solid Waste Management:** The following specific standards shall apply:
 - i. External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance.
 - ii. Waste collection areas shall be located in such a manner as to provide convenient access for users of the facility and safe passage for service vehicles.
 - iii. The following additional notes shall be provided on any submitted site plan:
 1. Gate design will include gate retainers.
 2. Parking shall be prohibited from blocking access to waste receptacles. ²⁰
 3. Orange County will not be responsible for any pavement damage that may result from service vehicles.

¹⁸ Ibid.

¹⁹ Text was proposed as part of the conditions reviewed by the BOCC at its October 6, 2020 meeting. Condition was eliminated consistent with a revised/updated traffic impact analysis submitted by the applicant and approved by staff and NC DOT on October 2, 2020. Further, language under Dimensional standards, specifically Section III (a) of this document, makes the condition as originally recommended by staff moot.

²⁰ Yellow highlighted condition modified to address BOCC approval of staff recommendation made at the October 6, 2020 regular meeting.

4. In cases where waste collection areas are located across property lines or district lines for shared areas, the developer shall prepare and record a joint access agreement (and a shared dumpster agreement) to assure that (both parties may use) the proposed trash/recycling area and that it can be serviced across property lines.
 5. The developer shall reserve space within all solid waste collection areas for segregated grease rendering/recycling collection facilities and shall provide space for segregated food waste collection near the delivery entrance for any building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, or other food service facility at any time.
 6. All solid waste containers, dumpsters, recycling bins, etc. shall be located within an enclosure, buffered in accordance with the standards contained herein, and meeting the following criteria:
 - a. Loading areas shall be designed and situated not to negatively affect adjacent properties.
 - b. Solid waste enclosures shall be so located as to not impact internal traffic flow,
 - c. Loading zones shall not be located within areas designated as housing for solid waste facilities.
- c. **Architectural Design:** In addition to the standards detailed in Section 6.5 of the UDO, The the following specific standards shall apply to the Project:
- i. Finished building materials shall be applied to all sides of a building;
 - ii. Exterior wall materials shall include, but not be limited to:
 1. Stucco,
 2. Concrete,
 3. Textured concrete,
 4. Wood,
 5. Glass,
 6. Steel,
 7. Brick,
 8. Stone, and
 9. Masonry.

Examples of allowable exterior materials are contained in the approved application narrative and denoted on the approved master plan.

- iii. Prohibited design elements include:
1. Highly reflective surfaces,
 2. Exposed, untreated precision block walls;
 3. **Barbed wire** ~~No barbed wire products shall be installed on the 12-acre parcel along Davis Road;~~²¹
 4. “Stuck on” mansard roofs;
 5. Materials with high maintenance such as stained wood shingles.
- iv. An internal architectural review committee shall be established to ensure ~~proposed building colors strive to be harmonious and compatible with the natural surroundings and the general overall palette shall be earth tones; consistent consistency with the UDO and with~~ the standards detailed ~~within the approved application~~ herein. A representative of the Planning Department shall sit on the committee and be involved in reviewing development proposals/modifications,²²
- v. Consistent with the approved narrative and master plan, Ssingle, dominant, monolithic building mass is not acceptable for the Project. Visual breaks shall be used to provide ‘visual relief’ for long building facades. Acceptable techniques to provide visual breaks include, but are not limited to:
1. Changes in height and the horizontal plane,
 2. Changes in Materials,
 3. Changes in Textures,
 4. Changes in Color,
 5. Reveals and/or Jogs,
 6. Utilization of other architectural enhancements.²³
- vi. Primary building entries shall be readily identifiable and well defined through the use of projections, recesses, columns, roof structures, or other design elements.

²¹ **Bold Green Text** denoted suggested amendments provided by the applicant on October 1, 2020. At the October 6, 2020 BOCC meeting, the applicant agreed to ban the use/incorporation of barbed wire for the Project as a whole.

²² Language modified to address staff and BOCC comment(s) from the October 6, 2020 meeting.

²³ Revisions to address staff and BOCC comment(s) from the October 6, 2020 meeting. With staff now sitting on the architectural review committee, there will be additional oversight on development proposals to ensure compliance with applicable standards.

- vii. Expansions to an existing buildings shall provide for continuity between the existing building and the proposed addition. The addition need not strictly match the existing building, but shall include prominent design elements of the old building to provide architectural compatibility between old and new.

STAFF COMMENT: It is unclear how this condition will be enforced. Staff is concerned over the lack of measurable standard.

- viii. Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.²⁴

- ix. Equipment (i.e. HVAC, elevator overrides, etc.) shall be screened utilizing 1 of the following methods:

1. Clad in exterior materials that are non-reflective or illuminated, OR
2. Designed as an architectural feature of the proposed structure, OR
3. Screened through some vegetative buffer or fencing.²⁵

- x. All buildings constructed within the Project shall—utilize equipment/appliances/etc. be energy star rated shall be Energy Star certified at the time of construction (or in the discontinuance of such certification, substantially in compliance with the former certification requirements) and, after issuance of a certificate of compliance (CoC), all installed systems shall receive proper maintenance in the ordinance course of businesses;²⁶

- xi. Development within the Project shall substantially utilize LED lighting for interior and exterior lights, or future successor technology, except in areas where use of same could typically be prohibited (i.e. lab space, etc.);²⁷

- xii. Development within the Project shall utilize rain reclamation devices collecting rainwater for irrigation purposes;²⁸

²⁴ Condition added to address Planning Board concern(s) identified during the August 5 and 19, 2020 regular meeting. The applicant agreed during the meeting to the proposed language.

²⁵ **Yellow highlighted text** denotes a modification, suggested by staff, approved by the BOCC at its October 6, 2020 meeting

²⁶ **Bold Green Text** denotes suggested amendments provided by the applicant with a staff modification.

²⁷ **Bold Green Text** denotes suggested amendments provided by the applicant on October 1, 2020 after the agenda packet had been distributed. Staff has added language addressing these instances where LED lights may not be required as a means of eliminating the word ‘substantially’.

²⁸ **Yellow highlighted text** denotes a condition recommended by the applicant, and approved by the BOCC at its October 6, 2020 regular meeting.

xiii. Buildings within the Project shall incorporate 'cool roof' systems into their design. The cool roof system is designed to deliver higher solar reflectance (i.e. the ability to reflect the visible, infrared and ultraviolet wavelengths of the sun, reducing heat transfer to the building, etc.) and higher thermal emittance (the ability to radiate absorbed, or non-reflected solar energy) than standard designed roofing products.²⁹

xiv. Motion control activated lighting shall be, where safety and internal operations permit, used for all internal building lighting to prevent internal lights being left on indefinitely;³⁰

xv. Bio retention basins (i.e. rain gardens) shall be incorporated into the Project to capture and treat runoff from truck wells within proposed loading docks;³¹

xvi. Low flow toilets and water fixtures shall be used within the Project for all restroom or general use facilities and where not associated with a manufacturing or research process.³²

d. **Landscaping/Buffering:** In addition to the standards contained in Section 6.8 of the UDO, the following specific standards shall apply to the Project:

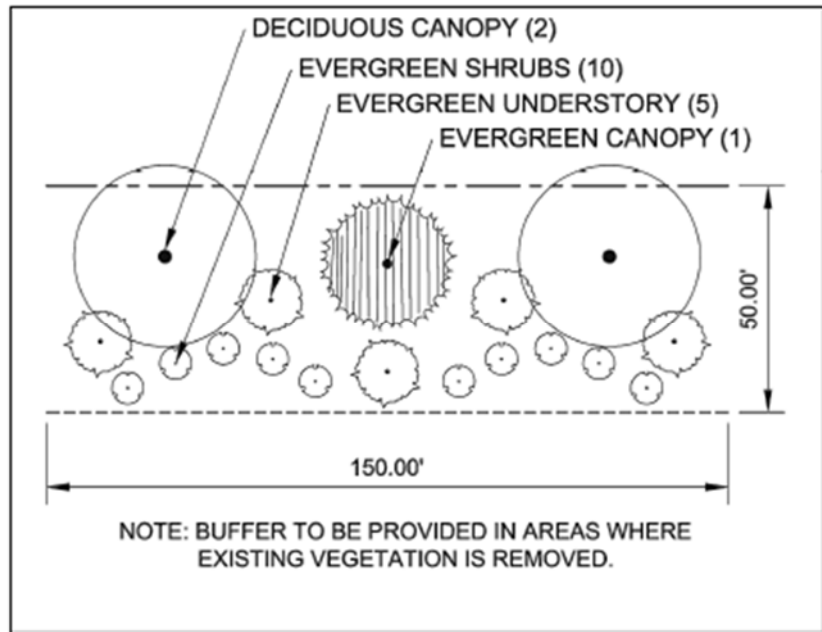
- i. All required landscaping shall be installed and maintained by the developer or their successor in perpetuity;
- ii. Existing vegetation shall be preserved in identified buffer areas as indicated on the approved master concept plan, including a 100 ft. perimeter buffer around external parcels zoned to an Orange County residential general use zoning designation. In those instances where foliage is disturbed or non-existent, landscaping shall be installed consistent with the following schematic:

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.



STAFF COMMENT: Staff recommends the minimum linear foot of planting be reduced to 100 ft. (i.e. the number of trees for every 100 ft. of required buffer area versus 150 ft. as proposed by the applicant) consistent with Section 6.8.6 (F) of the UDO.³³

Permitted breaks within this required 100 ft. perimeter buffer are detailed within this document, specifically Section III (c) establishing setback standards for structures and vehicular use areas, and on the approved master plan.³⁴

iii. Interior landscaping shall be consistent with the following:

1. Parking lot:

a. A ten-foot vegetated buffer shall be provided between vehicular use areas and internal access roads. Consistent with Section 6.8.7 (D) of the UDO, this buffer shall be composed of shrubs and flowering plants forming a continuous opaque landscape barrier reducing glare and visual distractions to passing motorists.³⁵

³³ This issue is still being discussed, based on staff's notes. Staff had recommended minimum planting requirement as follows: 7 canopy trees, 1 evergreen tree, 5 deciduous understory, 12 evergreen understory, 85 shrub trees to form the recommended opaque buffer along external property lines consistent with the UDO and desire of the BOCC.

³⁴ The applicant has agreed to a 100 ft. perimeter buffer, with the exception of an area near the southern boundary line to accommodate an access road to the Davis Road property. Staff has no objection(s) to the reduction allowing for the proposed roadway.

³⁵ Language added to address comments from the BOCC's October 6, 2020 regular meeting.

- b. Shade trees shall be provided at a ratio of one (1), one and one half-inch (1.5") minimum caliper tree for every ten (10) car parking spaces; Caliper size is measured at the time of planting.
- c. All site plans shall demonstrate a minimum of sixty percent (60%) of passenger parking spaces are within seventy-five (75) feet of the center of a shade tree. If not, additional landscaping shall be required.
- d. The minimum tree planting area shall be 200 square feet except where tree grates are provided.
- e. Where trees are planted within tree grates, and surface paving encroaches into the planting area, then the minimum planting area shall be sixteen (16) square feet in area by two (2) feet in depth.
- f. Screening of parking areas along the perimeter boundary of the project shall maintain a minimum tree spacing of sixty (60) feet.

2. Building foundation:

- a. Twenty percent (20%) of a building's perimeter shall be landscaped while maintaining the necessary sidewalk area.
- b. These areas may consist of lawn, planters, or shrub areas so long as the shrub areas, that have to be twenty-four inches (24") minimum in width, comprise a minimum of twenty percent (20%) of the total linear dimension along the building's perimeter

3. With respect to internal street landscaping, there shall be one (1) tree at a one-inch (1") caliper provided every one hundred (100) feet;

4. All ground level HVAC, mechanical equipment cabinets, solid waste containers, dumpsters, recycling bins, etc. shall be screened from view through the use of landscaping, walls, and or fencing in accordance with Section 6.8.9 of the UDO.

iv. The Project shall comply with the provisions of Section 6.6.4 of the UDO related to preservation of required buffers within the Major Transportation Corridor (MTC) overlay district. This includes the ability to create visual breaks in the buffer in accordance with Section 6.6.4 (A) (5).

e. **Parking:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:

~~i. Parking lot design and layout shall be in accordance with Section 6.9 of the UDO;~~³⁶

~~ii.i.~~ 1 space shall be required for every 750 sq.ft. of office space;

~~iii.ii.~~ 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office area).³⁷

f. **Signage:** In addition to the standards contained in Section 6.12 of the UDO, the following specific standards shall apply to the Project:

i. Signs shall be permitted consistent with the approved sign master plan for the project;

ii. Final location/size shall be reviewed/approved by staff as part of a site plan submitted in accordance with Section 2.5 of the UDO and the conditions contained herein.

g. **Lighting:** In addition to the standards contained in Section 6.11 of the UDO, the following specific standards shall apply to the Project:

~~i. Lighting plans shall be prepared in accordance with Section 6.11 of the UDO;~~³⁸

ii. All lighting shall be full-cut off fixtures;

iii. Lighting in parking areas shall observe a height limit of 45 ft.;

iv. All lighting shall comply with maximum foot-candle limits at property lines as noted in Section 6.11.6.A of the UDO;

~~v. Lighting within the Project shall abide by the standards detailed in Section 6.11.8 of the UDO.~~³⁹

h. **Stream Buffers:** The Project shall comply with the provisions of Section 6.13 of the UDO.

i. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.

j. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO.

k. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.

VI. PERMITTED AND PROHIBITED LAND USES:

³⁶ Yellow highlighted language makes this condition unnecessary.

³⁷ Staff had identified concern(s) proposed parking was insufficient to address the overall parking needs for the project. At its October 6, 2020 regular meeting, the BOCC agreed to impose the condition recommended by the applicant and denoted with yellow highlighting.

³⁸ Yellow highlighted language makes this condition unnecessary.

³⁹ Ibid.

- a. **Manufacturing:** Land uses category associated with assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site.

Permitted uses, by way of example and not limitation, include the following:

- i. Bottling.
- ii. Brewery, winery, distillery, cidery with tasting/sampling facilities and associated retail sales.
- iii. Bus or rail transit vehicle maintenance or storage facility.
- iv. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
- v. Food and beverage products.
- vi. Lawn, tree or garden service.
- vii. Laundry, dry-cleaning, and carpet cleaning plants.
- viii. Leather and leather products except tanning.
- ix. Sheet metal, welding, machine, tool repair shop or studio.
- x. Stone, clay, glass, and concrete products.
- xi. Woodworking, including cabinet makers and furniture manufacturing.
- xii. Fabricated metal products and machinery.
- xiii. Industrial sign-making.
- xiv. Manufactured or modular housing sales.
- xv. Primary metal manufacturing.

- b. **Light Manufacturing:** Land use category associated with facilities conducting light manufacturing operations within a fully-enclosed building.

Permitted uses include by way of example and no limitation, the following:

- i. Clothing, textile apparel manufacturing.
- ii. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
- iii. Office showroom/warehouse.

- iv. Printing, publishing, and lithography.
 - v. Production of artwork and toys, graphic design sign-making, movie production facility, photofinishing laboratory.
 - vi. Repair of scientific or professional instruments and electric motors.
- c. **Research and Development:** Land use category associated with facilities focused primarily on the research and development of new products. This includes associated manufacturing operation(s) for said products.

Permitted uses include by way of example and not limitation the following:

- i. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
- ii. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
- iii. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

- d. **Warehousing/Storage:** Land use category associated with facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Permitted uses include by way of example and not limitation the following:

- i. Warehouse, self-service.
- ii. Fully enclosed indoor multi-story storage.
- iii. Mini-warehouse.

- e. **Warehousing/Distribution Services:** Land use category associated with facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Permitted uses include by way of example and not limitation the following:

- i. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
- ii. Commercial packing for fruits and vegetables.
- iii. Distribution facility, central postal facility.
- iv. Freight, service facility.
- v. Parcel services.
- vi. Transfer and storage business where there are no individual storage areas or where employees or automation are the primary movers of the goods to be stored or transferred.

- vii. Trailer storage, drop off lot.
 - viii. Truck or motor freight terminal, cross-docking or service facility.
 - ix. Trucking operation.
 - x. Warehouse.
- f. **Wholesale Trade:** Land use category associated with facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Permitted uses include by way of example and not limitation the following:

- i. Mail-order house.
 - ii. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
 - iii. Wholesale sales of food, clothing, auto parts, building hardware and similar products.
- g. **Other Facilities:** including by way of example and not limitation, the following:
- i. Customary Accessory Uses to Principal land uses developed on-site
 - ii. Government Facilities and Office Buildings
 - iii. Government Protective Services
 - iv. Bus Passenger Shelter,
 - v. Surface and structure parking as principal use
 - vi. Mail kiosks for central mail pick-up,
 - vii. Elevated Water Storage Tanks.
 - viii. Public open space for use of on-site businesses, employees of same, and customers rather than the general public.
 - ix. Natural and man-made pedestrian/bicycle paths
- h. **Prohibited Land Uses:** The following land use categories and/or specific land uses are expressly prohibited from developing within the Project:
- i. Animal Slaughtering and Processing;
 - ii. Vegetable Fats/Oil Manufacturing and Processing;
 - iii. Concrete Batching Plant;
 - iv. Leather and Hide Tanning;

- v. Petroleum and Coal Processing, Preparation, and Distribution including but not limited to Asphalt Plants;
- vi. Pulp, Paper, and Paperboard Mills;
- vii. Sawmills;
- viii. Mining;
- ix. Landfills;
- x. Body alteration (i.e. tattoo artist, body piercing, etc.);
- xi. Cemetery;
- xii. Crematoria;
- xiii. Funeral Home;
- xiv. Pawnshop/Payday Loan.
- xv. Junk/Salvage yard;
- xvi. Massage Business; and
- xvii. Sexually Oriented Business.

VII. **UTILITIES:** In addition to the requirements of Section 6.20 *Public Sewer Connection* of the UDO, required utility extensions and/or connections shall abide by the following:

- a. Development within the Project shall be served by public water and sewer services as provided and maintained by the Town of Hillsborough; additional and/or alternative water and/or wastewater systems shall not be permitted.
- b. A written, signed agreement between a developer, Orange County, and the Town of Hillsborough shall be executed describing the timing, phasing, design, and financing of public water distribution and public sanitary sewer collection mains;
- c. Water systems and water pressure shall comply with all applicable Town of Hillsborough utility standards, building, and fire codes based on the proposed land use;
- d. Sizing/looping of utility lines shall be based on the proposed development, including water flow test data and shall be reviewed and approved by County staff, Town of Hillsborough Planning Director, and the Town of Hillsborough Utility Director;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with the Town of Hillsborough and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards;

- f. The Orange County and Town of Hillsborough Fire Marshal, in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water lines prior to the initiation of land disturbing activity. Sizing of said lines shall be based on the proposed development, including water flow test data.

VIII **OTHER:** ⁴⁰

- a. No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO.
- b. A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process.
- c. Vehicles within the Project shall be prohibited from idling for more than five (5) consecutive minutes. This shall include any device or combination of devices meeting all of the following criteria:
 - i. Designed with a gross vehicle weight rating of more than 14,000 pounds; and
 - ii. Required under North Carolina law to be registered; and
 - iii. Designed to operate on public highways; and
 - b-iv. Powered by a diesel engine. ⁴¹

This restriction shall not apply when:

- 1. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle;
- 2. A vehicle is being operated for emergency or law enforcement purposes;
- 3. The primary propulsion engine of a vehicle meets all of the following criteria:
 - a. Is providing a power source necessary for mechanical operations other than propulsion; and;

⁴⁰ These 2 conditions were added to address Planning Board comments from the August 5 and 19, 2020 meeting. The applicant agreed to the imposition of these conditions.

⁴¹ Idling condition as recommended by the applicant. Staff would recommend prohibiting any/all vehicles from idling for more than 1 consecutive minute.

b. Involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and

c. Is powered by the engine for:

i. Loading and unloading cargo, or

ii. Mixing or processing cargo, or

iii. Controlling cargo temperature, or

iv. Providing a mechanical extension to perform work functions.

4. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.

5. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

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

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2020.

I, Greg Wilder, Interim Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2020 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2020.

SEAL

Clerk to the Board of Commissioners