



Memorandum

Date: April 19, 2022

To: City of Mebane Planning Board

From: Cy Stober, Development Director

Subject: Mebane Unified Development Ordinance Comprehensive Revision, Phase 1

The City of Mebane’s Unified Development Ordinance (UDO) regulates all development and land use in the City and extraterritorial jurisdiction. The City adopted the UDO in 2008 and has regularly amended it to reflect current and emerging needs; most UDOs are replaced every 15 – 20 years. The most significant recent change was to make the UDO consistent with North Carolina General Statutes (NCGS) 160D, adopted into law in 2019.

The Mebane UDO currently needs amendment to A) respond to local concerns and priorities, most notably the goals and objectives stated in plans adopted by the City Council; B) reflect City staff concerns on applying and interpreting the existing language of the UDO; and C) bring the UDO into alignment with current professional practices and standards. This requires amendment of Articles 2 – 7, 10, & 12, as well as Appendices A and G. The City of Mebane contracted with Green Heron consulting in September 2021 to provide updates to its UDO. Green Heron and City staff identified needs in November 2021 and have acted accordingly to address these needs.

Several of the proposed Mebane UDO amendments are likely to generate more discussion than others. In an effort to distribute comments and shepherd through amendments in a timely manner, staff has opted to present changes to the UDO in two “phases”. Staff is presenting a suite of amendments in Phase 1, detailed below, but generally features changes to the Tables of Permitted Uses, Dimensional Standards, Perimeter Landscaping, and Streetscaping; introducing several new uses, some with development standards; providing definitions for all permitted uses; reconfiguring existing language for improved reference and application by staff and the public; and providing clearer guidance on issues of nonconformance. Staff will be presenting the Phase 2 round of amendments later this year, which will feature 1) an entirely new set of sign standards, 2) new parking requirements, and 3) the inclusion of new supporting illustrations to aid in public and staff interpretation of the UDO.

I will also be encouraging the Planning Board and City Council to act more promptly on some specific matters if the Phase 1 amendments garner deliberation and discussion requiring multiple meetings. Accessory structure materials, fencing, and definitions are active matters of concern to City Planning staff that I am requesting prompt attention and action upon.

Concurrent with staff efforts on recommendations, a series of eight surveys on specific topics were released to the public to good response – the City received >150 responses to Fence standards. The feedback of these surveys is summarized and attached. Most of the feedback was informative regarding aesthetics and accessibility in the City, and the results guided staff recommendations on some specifics regarding some of the recommended amendments (e.g. fence materials).

Below is a brief summary of the proposed amendments to the Mebane UDO. This summary is accompanied by copies of the UDO with the proposed amendments as inline changes highlighted in red and comments provided by me alongside nearly all proposed amendments that provides an explanation for its change (this should avoid your having to go back to this document repeatedly); a separate copy of the Table of Permitted Uses, with proposed amendments, for ease of use; a zoning map proposed new symbology; and a summary report on the public survey data. A summary of the proposed changes to be considered by the Planning Board at their May 9, 2022, meeting follows:

Article 2

There are only three recommended amendments to Article 2:

- 1) Clarify plot plan requirements;
- 2) Incorporate pedestrian access concerns, as recommended by the City's adopted *Bicycle and Pedestrian Transportation Plan*; and
- 3) Relocate the Developer Agreements requirement for all Major Subdivisions, Conditional Zonings, and Special Use approvals from the City to a more logical location in the UDO. No changes to the text are recommended in this amendment – it is simply a translocation.

Article 3

The needs of Article 3 are largely “good housekeeping”:

- 1) A new zoning map (see attached) that brings the City's zoning into conformance with NCGS 160D, which eliminated conditional use (CU) districts, and brings the City zoning map's symbology into consistency with the profession's best practices;
- 2) Recommended revisions to the descriptions of the “Office/Institutional” (O/I) and “Commercial Business District” (B-1) zoning districts to accurately reflect their applied use; and

- 3) Relocation of the Mobile Home Overlay (“MHO”) overlay district standards currently detailed in Article 5 to their more appropriate locations in Articles 3 and 4, where they are currently cross-referenced to the Article 5 language rather than stated. The current approach creates redundancies and muddles the purpose of Article 5, which is otherwise environmental regulations.

Article 4

Article 4 has substantial recommended amendments, including multiple changes to the Tables of Permitted Uses (“TPU”) and Dimensional Standards, as well as several new land use types, including three with development standards. City staff recommendations are as follows:

- 1) Proposed elimination of the RA-20 zoning district due to A) its lack of use; and B) the broad exemptions to local land use regulations offered by NC General Statutes for *bona fide* farms.
- 2) Change the current key to the TPU so it is more user-friendly and consistent with general professional practice, switching “Z” for “P” for uses “Allowed in the Zoning district”, and “CC” for “S” for a “Special Use Permit before the City Council”.
- 3) Switching of the M-1 and M-2 districts so that the former is “Light Manufacturing” and the latter is “Heavy Manufacturing”, which is both more logical and consistent with zoning classification practices in general (the higher number, the more intensive the use).
- 4) Elimination of all accessory uses that are regulated in Section 4-2.
- 5) Elimination of uses that are not presented to staff often, are obsolete, and/or are redundant with other, more comprehensive uses:
 - Bingo Parlor
 - Fishing Lake
 - Orphanage
 - Blacksmith
 - Photocopying and Duplicating Services
 - Photofinishing Laboratory
 - Roofing Shop
 - Newsstand
 - Video Tape Rental and Sales, except Adult Video Store
 - Printing and Publishing, Incidental to a Newspaper Office
 - Manufacturing or Industrial, not listed elsewhere
 - Commercial Feeder/Breeder Operation
 - Billboard, Outdoor Advertising Sign
 - Planned Multiple Occupancy Group (Commercial, Office or Industrial)

- 6) Reassignment of several uses as having to meet the development standards provided in the UDO but, technically, not currently enforceable due to the symbology of the Table showing them allowed by-right.
- 7) Introduction of the following new “Educational/Institutional” Uses:
 - Crematorium
 - Urgent Care Facility
 - Wellness Center
 - Vocational, Business, or Technical School (relocated from Service menu)
- 8) Introduction of the following new “Business, Professional, and Personal Services” uses:
 - Automobile, ATV, and Motorcycle Repair Services, Minor
 - Automobile Repair Services, Major
 - Craft Studio
 - Makerspace
 - Medical or Dental Offices
 - Medical Office Park
 - Tattoo Parlor & Body Piercing
- 9) Introduction of “Other Hazardous Materials Trade and Storage” to the Wholesale Trade uses.
- 10) Introduction of the following new “Transportation, Warehousing, and Utilities” uses:
 - Broadcast Station
 - Broadcast Studio
 - Composting Facility (as a prohibited use)
 - Data Center
 - Distribution Center
 - Junkyard or Recycling Facility (as a prohibited use)
 - Landfill, Construction & Demolition Debris (as a prohibited use)
 - Landfill, Municipal Waste (as a prohibited use)
 - Landfill, Land Clearing & Inert Debris (as a prohibited use)
 - Railyard
 - Telephone Exchange, Transformer Stations
 - Transfer Station, Municipal Solid Waste
- 11) Introduction of the following new “Temporary” uses:
 - Health Care Structure
 - Temporary Debris Storage and Reduction Sites
- 12) Reallocation of multiple B-3 uses to O/I to reflect the need for larger parcels and potential impacts to neighboring properties for several uses.

13) Requirement of Special Use Permits for the following Manufacturing Uses:

- Batteries
- Carpets, Bedding (M-2 only)
- Chemicals, Paints, and Allied Products
- Furniture and Fixtures (M-2 only)
- Hardware and Housewares (M-2 only)
- Manufactured Housing and Wood Buildings
- Paper Products (M-2 only)
- Rubber and Plastics
- Tobacco Products

14) Identification of the following land uses as not being permitted anywhere in Mebane:

- Four categories of Junkyards/Landfills
- Compost Facilities
- Mining/Extraction

15) Established the “Microbrewery/Microdistillery” use, allowed by right in M-1 and M-2 districts and as a special use in B-1 and B-2 districts. It establishes a “micro” establishment as one having 15,000 barrels of beer or 50,000 gallons of spirit produced per site per year, as now defined in Article 12.

16) Amendment to Table of Dimensional Standards to reflect City needs resulting from an analysis of twelve peer communities. These amendments will allow for

- narrower residential lots with homes closer to the street in higher zoning districts;
- more appropriately allow office and business zoning districts on properties sized to accommodate them;
- bring businesses closer to the street by reducing front setbacks so that the frontage will primarily be the façade and landscaping; and
- appropriately locate large employers in Manufacturing zones farther from the street and their non-Manufacturing neighbors

17) Clarify that garages/carports are allowed in side yards.

18) Clarify that high-quality metal is allowed to be used as a building material for accessory structures (see also Article 6 for details).

19) Relocate Dumpster criteria (without change) to focus other discussion concentrating on accessory uses and structures from its current location in Article 6-3 “Landscaping”.

20) Revision to Fence/Wall standards for clarity, which is largely informed by the public survey regarding materials and height for side yards on corner lots.

- Prohibit welded wire as a fencing material
- Restrict the use of chain link on residential lots to side and rear yards

- Reduce from 15' to 5' the distance a corner lot side yard is allowed to have a 6' fence
- 21) Consolidation of all Single Family Lot Standards – including Flag Lots – here, from where they are currently located in Article 7, with the few recommended changes shown. These lot standards are universal and should not be relegated to events of “subdivision”; nonconforming lots can be addressed as allowed by Article 10.
 - 22) Require that Flag Lots – unless allowed by statutory exemption – to require a BOA public hearing.
 - 23) Provide reference to Article 7 standards (water and sewer, sidewalk, street, and TIA requirements) for universal application, which will accordingly allow for their universal application.
 - 24) Provide a cross-reference to the City Ordinance for Noise Levels and remove any/all quantitative criteria from the UDO. Noise is a police matter already addressed by the City Ordinance.
 - 25) As discussed in Article 3 amendments, Mobile Home standards are proposed to be relocated to 4-7.3.A, where they were already reserved and cross-referenced to Article 5.
 - 26) Allow for Patio Homes, Townhomes, Multifamily complexes (for rent and sale) to be placed closer to each other (10' vs. 20'), reflecting contemporary practices.
 - 27) Provide for bicycle and pedestrian access, as recommended by the City's adopted *Bicycle and Pedestrian Transportation Plan*.
 - 28) Allow all B-1 uses in PUDs and TNDs, as well as for Live/Work situations.
 - 29) Remove some burdensome development standards for the Live/Work land use.
 - 30) Reduce lot area threshold to allow for a detached ADU to required lot size for zoning district from the current 150% minimum lot area requirement.
 - 31) Eliminate Development Standards for Public parks, though any stadiums, athletic fields, swimming pools, or other large, constructed features would remain subject to the development standards of those separate, defined uses.
 - 32) Introduction of Farm Supplies and Equipment development standards – largely based on existing criteria for “Superstores” – to respond to market demand for these establishments in B-2 districts.

- 33) Introduction of Warehouse (self-storage) development standards – largely based on Burlington and Greensboro’s standards – to respond to market demand for these establishments in B-2 districts.
- 34) Introduction of Temporary Health Care Structures as a by-right use for all residential districts, as required by NCGS 160D-910.
- 35) Provide eliminate the Planned Multiple Occupancy Group land use, which is satisfactorily served already by the Shopping Center criteria (which restrict uses for facilities <15,000 s.f. in gross area and require special use permits if larger), and by the Planned Nonresidential Group standards of Section 4-4, which allows for multiple buildings on a single property by right, provided they meet development standards.
- 36) Relocation of the Highway Corridor Overlay (“MHO”) overlay district standards currently detailed in Article 5 to their more appropriate location in Article 4. The current approach places all land use types in Article 4, including overlay districts, and eliminates redundancies with Article 5, which is otherwise environmental regulations

Article 5

The only proposed amendments are the elimination of the Mobile Home and Highway Corridor Overlay districts to focus article on environmental regulations, with the descriptions relocated to Article 3 and MHO standards relocated to Article 4.

Article 6

Staff has not provided any proposed changes to the Sign standards except to bring the “Non-Commercial” signs into consistency with Supreme Court rulings (Reed v. Town of Gilbert). The following amendments are otherwise proposed:

- 1) Reference to relevant Article 7 standards here and for universal application.
- 2) Reduction of the building size to which architectural standards are applied to make it consistent with the thresholds elsewhere established for greater scrutiny (e.g. footprint to qualify as a “Neighborhood Shopping Center”).
- 3) Architectural Standards definitions have been relocated to Article 12.
- 4) Establish that the front entrance to a building must face a street.
- 5) Allow for high-quality metals, as described, as an exterior building material.
- 6) Provide amendments as recommended by the City’s adopted *Bicycle and Pedestrian Transportation Plan*.

- 7) Reduce the redevelopment threshold from 45% to 35% to require landscaping conformance.
- 8) Clarifying the small lot exemption for landscaping.
- 9) Provide reference to NCSU and NCDA documents regarding what plants qualify as “invasive” and are prohibited in Mebane (note that Appendix G has been correspondingly amended).
- 10) Eliminate the 50% landscaping reduction for development next to vacant lots and simply establish standards for that situation, as proposed in Table 6-3-1.
- 11) Proposed increases to perimeter buffers for Manufacturing zones in Table 6-3-1.
- 12) Provide for two new uses that have specified Land Use Classes for buffering and relocate “Adult Establishments” and “Warehousing” from Class 6 to Class 7.
- 13) Clarify the planting standards for Type B and Type C buffers (staff will be presenting new illustrations to support this written description to be presented in Phase 2).
- 14) Increase the streetscape requirements for Manufacturing zones and streetscaping along the interstate corridor.
- 15) Clarify the Tree Survey requirements and purpose to reflect staff application and contemporary practices/technology.
- 16) Relocation of Dumpster criteria to Article 4.
- 17) Proposed parking amendments to accommodate more modes of transportation and simplify Table 6-4-2 while allowing for more standard 9’x18’ perpendicular parking spaces.
- 18) Allow curb and gutter waiver for parking areas by City Engineer rather than City Council.
- 19) Proposed restructuring of the Open Space and Recreation requirements to allow for simpler interpretation while not significantly altering current approach, except to
 - require public recreation dedication by for-rent multifamily and townhome developments; and
 - create new standards for B-1 and infill development types so that they do not have impossible recreation and open space criteria to meet in small, constrained lots.

- 20) Removing stormwater wet ponds as creditable open space, and giving 50% credit for other environmental features (floodplains, steep slopes, etc.).

Article 7

- 1) Repeat subdivision exemptions in this section so that they are not only located in the definition for “Subdivision” in Article 12.
- 2) Relocate Lot Standards to Article 4 for universal application with very few changes.
- 3) Address driveway requirement at 50+ lots, to ensure that staff is evaluating these for constructability prior to getting to City Council discussion.
- 4) Expressly discourage private streets.

Article 10

- 1) Clarifying nonconformance language for staff enforceability purposes.
- 2) Clarify that the condemnation/acquisition process – whether voluntary or forced – allows for continued nonconformance of affected lots and structures, including signs.
- 3) Allow for continued improvement of nonconforming structures without penalty until property is redeveloped.
- 4) Clarify need for sign and site conformance with redevelopment/improvement.
- 5) Clarify application of planning police powers to address nonconformances by establishing thresholds for enforcement that also allow for minor improvements to sites and structures, including the provision of conforming features (e.g. new signs).

Article 12

- 1) Integrates all Permitted Uses and Architectural definitions into definitions
- 2) Provides statutory cross-references for Adult Uses, Temporary Health Care Structures, and Hazardous Waste facilities.
- 3) Provide clarity on lot frontages, yards, and setbacks. Currently, the UDO is either ambiguous or contradictory on whether staff should recognize only one “front” to a lot or that every street frontage of a lot should be treated as a “front”, with the appropriate setbacks, landscaping, etc., applied. The definitions proposed are intended to clarify the matter and make it clear that every lot in Mebane has one front; all other frontages are “sides”, including dual frontage and corner lots. The definition provides an iterative approach to making the determination on which frontage is the primary frontage.

Appendix A

Brings Plot Plan requirements up to date with staff needs and to maintain NPDES Phase II and MS4 compliance, ensuring that onsite drainage accesses private and public stormwater infrastructure.

Appendix G

Updates Plant list to eliminate invasive species and promote Native species