

REVIEW OF PROPOSED NEW AIRPORT DEVELOPMENT REGULATIONS:

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to revise existing regulations governing the review and approval of airports.

BACKGROUND: Airport and other similar facilities are currently combined into a central land use category, specifically *Airports, General Aviation, Heliports, STOL*, defined within the UDO as follows:

- *“Airport (Heliport: S.T.O.L. Port), Air Carrier:* A public airport served by a certified air carrier. This includes any runways, land areas or other facilities designed or used for landing, taking off, processing passengers or cargo.
- *Airport, Commuter Service (Heliport: S.T.O.L. Port):* A public airport, not served by a certified air carrier, but is served by one or more commuter airlines which enplaned 2500 or more passengers in the preceding calendar year.
- *Airport, General Aviation (Heliport: S.T.O.L. Port):* A public airport serving aviation other than airlines. This includes any runway, land area, or other facility designed or used for the landing and taking off of small aircraft.”

Such use(s) are only permitted through the review and approval of a Class A Special Use Permit by the BOCC in the following general use zoning districts:

1. Rural Buffer (RB);
2. Agricultural Residential (AR);
3. Rural Residential (R-1);
4. Light Industrial (I-1);
5. Medium Industrial (I-2); and
6. Heavy Industrial (I-3).

ISSUE: During the time period the UDO was being developed (2010-11) there were efforts by the State and the University of North Carolina at Chapel Hill to locate a new airport in rural Orange County. These efforts were, ultimately, abandoned.

At that time staff and residents identified a need to revise existing regulations governing the development of airports. Work on this issue was delayed while other priority UDO amendments were pursued. Staff was authorized by the Board of County Commissioners to begin moving forward with revision(s) to our existing regulations governing the development of airport facilities.

PROPOSAL: Staff is proposing to create a new Conditional Zoning District allowing for the development of an airport. This would require the BOCC to act on a petition to amend the zoning atlas to create a new airport district. Staff believes this mechanism will be the most appropriate as it would:

- a. Require the applicant to obtain approval of the site plan by the BOCC before the project can move forward;
- b. Allow for the review of the project in a legislative setting rather than the quasi-judicial setting associated with a Special Use Permit;
- c. Allow for a process whereby the County can negotiate with the applicant to address potential impacts of the project on surrounding property owners; and
- d. Give greater flexibility to the BOCC with respect to acting on the petition.

The proposed amendments will also clarify the development of private facilities for local plane enthusiasts and/or commercial operators (i.e. crop dusters).

The amendments are necessary to address previously expressed concerns over the development of an airport in the County, update existing development standards/regulations, and provide the County with greater flexibility in terms of acting on the petition.

KEY DATES: Key dates associated with the review of this amendment package are as follows:

1. Planning staff will be holding 2 information sessions to solicit public comment on the proposed amendments. These sessions will be held within the lower level meeting room of the West Campus Office building at 131 West Margaret Lane Hillsborough, NC on:
 - a. Thursday December 17, 2015: 5:30 p.m. to 7:00 p.m.; and
 - b. Monday December 21, 2015: 5:30 p.m. to 7:00 p.m.
2. The Planning Board will review this item at its January 6, 2015 regular meeting. The meeting will begin at 7:00 p.m. and will be held within the lower level meeting room of the West Campus Office building at 131 West Margaret Lane Hillsborough, NC.
3. The Board of County Commissioners is slated to review this proposed amendment at the February 18, 2016 Quarterly Public Hearing.

For more information on the proposal please contact staff at (919) 245-2575.

Proposed new Airport
Conditional Use District
Language

<h1 style="margin: 0;">AP-CZ</h1> <h2 style="margin: 0;">AIRPORT GENERAL AVIATION DISTRICT</h2>		DIMENSIONAL AND RATIO STANDARDS	
		Tract size, min. (acres)	none
		Tract Front Setback from ROW, min. (feet)	No requirement [1]
PURPOSE		Tract Side Setback, min. (feet)	No requirement [1]
<p>The purpose of the Airport – General Aviation (AP-CZ) District is to provide for potential development of aviation facilities while addressing the impacts of such development on nearby land uses.</p> <p>The goal of the AP-CZ district is to require that aviation facilities mitigate impacts they cause while protecting nearby existing or identified future land uses rather than requiring that surrounding land uses adjust to an aviation facility.¹</p>			
APPLICABILITY		Tract Rear Setback, min. (feet)	No requirement [1]
<p>The district shall be located in such a manner as to cause the least impact practical to the character of existing development of surrounding properties, thus insuring the most appropriate use of land in the county.</p> <p>When evaluating an application for this district, emphasis shall be given to the location of the proposed airport district, the relationship of the site and site development plan to adjoining property, and the development itself.</p>		Height, max. (feet)	No requirement [1]
		Tract Floor Area Ratio, max	No requirement [1]
		Required Open Space Ratio, min.	No requirement [1]
<p>DIMENSIONAL STANDARDS NOTES: [1] The AP-CZ district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with the policies and objectives of this Ordinance. Specific site design standards shall be incorporated into the Planning Department-approved Site Plan.</p>		Required Livability Space Ratio, min.	No requirement [1]
		Required Recreation Space Ratio, min.	No requirement [1]
		Required Pedestrian / Landscape Ratio, min.	No requirement [1]
AP-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> 1. Applications for the AP-CZ district shall be accepted only for parcels with direct frontage and access from a State maintained roadway.² 2. Potential uses shall be restricted to those listed as permitted for the AP-CZ District in Section 5.2.3. 3. All roadways developed within the AP-CZ district shall be designed and constructed to the public road pavement standards as defined by the North Carolina Department of Transportation.³ 			

¹ Typically when an airport is developed local land use regulations restrict adjacent development to protect the airport operation. From our standpoint what we are attempting to do is require the exact opposite, specifically an airport should not create a significant impact on adjacent property owners use of their property.

² Staff wants to ensure adequate access to a proposed airport facility by requiring frontage on a public road.

³ This is being recommended to ensure roadways can handle heavy equipment and emergency vehicles.

4. All required land area supporting development within the AP-CZ District, including required land use buffers and open space, shall be under the ownership or control of the applicant prior to the submittal of a rezoning petition.⁴
5. Specific uses shall be limited to those approved by the Board of County Commissioners. Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
6. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area.
7. Development within the conditional zoning district shall be subject to all applicable use standards detailed in Articles 5 and all applicable development standards detailed within Article 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations.
8. The AP-CZ zoning district shall be prohibited within the Rural Buffer land use classification as denoted on the Future Land Use Map of the adopted 2030 Comprehensive Plan.
9. No new development having a significant negative impact on existing roadways, traffic patterns or surface drainage patterns shall be permitted unless an appropriate and viable solution has been approved to mitigate these conditions.

⁴ The purpose of the requirement is to ensure the applicant has total control over the property(s) that will comprise the proposed airport facility. Our goal is to ensure adjacent property owners do not have their development rights limited (i.e. height restrictions) due to the development of an airport.

- ~~(C) In addition to the listing of such uses, the Board of County Commissioners intends that the general standards and the more specific requirements established herein, shall be used by the Board of Adjustment, the Planning Board and the Board of County Commissioners, as appropriate, to direct deliberations upon application or the approval of Special Uses.~~
- ~~(D) It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.~~
- ~~(E) **Establishment of Classes of Special Uses, Authority To Approve or Disapprove**~~
~~There are hereby established the following classes of Special Uses which shall be approved or disapproved as shown:~~
- ~~(1) Class A - Approved or disapproved by Board of County Commissioners~~
- ~~(2) Class B - Approved or disapproved by Board of Adjustment~~

5.1.4 Conditional Uses

- (A) The Board of County Commissioners is mindful of its responsibility to protect the public health, safety and general welfare of the residents of Orange County and intends to encourage development within the County consistent with that purpose.
- (B) The Board of County Commissioners also recognizes that certain uses are appropriate for development in Orange County but their location and site development specifics cannot be predetermined or regulated through the use of a general zoning district designation and conventional standards.
- (C) Conditional Uses and Conditional Use Districts are hereby established and shall be reviewed in accordance with the provisions of this Ordinance.
- (D) **Permitted Uses**
- (1) Any use listed as Permitted by Right or by Special Use Permit on the Table of Permitted Uses may be approved as a Conditional Use within a Conditional Use District, unless expressly excluded in Section 5.1.4(E) of this Ordinance.
- (2) Permitted uses are subject to all general and specific standards of approval for that use, as established within this Section.
- (E) **Exclusions**
- (1) Unless otherwise noted in Section 5.2, the following uses shall not be considered or approved as a Conditional Use District within the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node land use classifications, as designated by the adopted Comprehensive Plan:
- ~~(a) Airports, General Aviation, Heliports, S.T.O.L,~~
- ~~(a)(b) Airport, Private Airfield,¹~~
- ~~(b)(c) Class II Kennels,~~
- ~~(c)(d) Commercial Feeder Operation,~~
- ~~(d)(e) Composting Operation with grinding,~~
- ~~(e)(f) Crematoria,~~
- ~~(f)(g) Extraction of Earth Products,~~
- ~~(g)(h) Junkyards,~~

¹ Staff is modifying existing language to be consistent with proposed new airport classification methodology. It is not our intent to allow these land uses to be approved through the Conditional Use District process.

- ~~(h)~~(i) Landfills (less than 2 acres),
- ~~(i)~~(j) Landfills (2 acres or more),
- ~~(j)~~(k) Meat Processing Facility, Regional,
- ~~(k)~~(l) Military Installations (National Guard & Reserve Army),
- ~~(l)~~(m) Residential Hotel (Fraternities, Sororities, and Dormitories),
- ~~(m)~~(n) Sawmills,
- ~~(n)~~(o) Stables, Commercial,
- ~~(o)~~(p) Stockyards / Livestock Markets, and
- ~~(p)~~(q) Waste Management Facility; Hazardous & Toxic

(2) For all land use classifications other than the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node, the following uses shall not be considered or approved as a Conditional Use District:

- (a) Agricultural Processing Facility
- ~~(b)~~ Airports, General Aviation, ~~Heliports, S.T.O.L.~~
- ~~(b)~~(c) Airport, Private Airfield
- ~~(c)~~(d) Bus Terminals & Garages,
- ~~(d)~~(e) Class II Kennels,
- ~~(e)~~(f) Commercial Feeder Operation,
- ~~(f)~~(g) Composting Operation with grinding,
- ~~(g)~~(h) Crematoria,
- ~~(h)~~(i) Drive-In Theaters,
- ~~(i)~~(j) Extraction of Earth Products,
- ~~(j)~~(k) Farm Equipment Rental, Sales and Service,
- ~~(k)~~(l) Feed Mill,
- ~~(l)~~(m) Funeral Homes,
- ~~(m)~~(n) Health Services: Over 10,000 square feet,
- ~~(n)~~(o) Hospitals,
- ~~(o)~~(p) Hotels & Motels,
- ~~(p)~~(q) Industrial, Light,
- ~~(q)~~(r) Industrial, Medium,
- ~~(r)~~(s) Industrial, Heavy,
- ~~(s)~~(t) Junkyards,
- ~~(t)~~(u) Landfills (less than 2 acres),
- ~~(u)~~(v) Landfills (2 acres or more),
- ~~(v)~~(w) Meat Processing Facility, Regional,
- ~~(w)~~(x) Military Installations (National Guard & Reserve Army),
- ~~(x)~~(y) Motor Freight Terminals,
- ~~(y)~~(z) Motor Vehicle Maintenance & Repair (Body Shop),
- ~~(z)~~(aa) Motor Vehicle Repair Garage,

- ~~(aa)~~(bb) Petroleum Products: Storage & Distribution,
- ~~(bb)~~(cc) Research Facility,
- ~~(ee)~~(dd) Residential Hotel (Fraternities, Sororities, and Dormitories),
- ~~(dd)~~(ee) Sawmills,
- ~~(ee)~~(ff) Stables, Commercial
- ~~(ff)~~(gg) Stockyards / Livestock Markets,
- ~~(gg)~~(hh) Storage of Goods, Outdoor,
- ~~(hh)~~(ii) Waste Management Facility; Hazardous & Toxic, and
- ~~(ii)~~(jj) Wholesale Sales.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~													A					A	A		
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, Private Airfield General Aviation, Heliports, S.T.O.L.²	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*		*									
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*	*	*	*	*	*	*	*	*
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*		*						
Research Facility ~											*	*	*		*			*	*	*	
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*													*						

² Staff’s proposal calls for the breakdown airports into 2 distinct categories, specifically private airfields and general aviation airports. Private airfields are intended to be used only by the owner of the property will be reviewed under the Class A Special Use Permit process. A general aviation airport, open for public use, will be subject to rezoning to the proposed new Airport Conditional Zoning (AP-CZ) District.

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS					
* = PERMITTED USE					
USE TYPE	CONDITIONAL ZONING DISTRICTS				
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1	AP-CZ ³
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval					
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.					
AGRICULTURAL USES					
Agricultural Processing Facility ^	*	*			
Agricultural Processing Facility, Community	*				
Agricultural Services Uses	*	*			
Cold Storage Facility	*	*			
Community Farmers' Market	*	*			
Composting Operation, no grinding	*				
Composting Operation, with grinding ^	*				
Cooperative Farm Stand	*	*			
Equestrian Center	*				
Farm Equipment Rental, Sales and Service	*				
Farm Supply Store	*	*			
Feed Mill	*	*			
Greenhouses with On Premises Sales	*	*			
Meat Processing Facility, Community	*				
Meat Processing Facility, Regional ^	*				
Non-Farm Use of Farm Equipment	*				
Stables, Commercial	*	*			
Stockyards / Livestock Markets ^	*				

³ Staff is seeking input on the possibility of allowing commercial operations within the AP-CZ district. The main area of concern is that uses will more than likely have to rely on well and septic systems to operate. Staff is also concerned over how these land uses will be able to address public safety issues (i.e. available water sources for fire suppression). Further, we anticipate there will be objections from local residents who will view this as an attempt to further ‘urbanize’ the rural areas of the County. We have identified some land uses for consideration.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS					
* = PERMITTED USE					
USE TYPE	CONDITIONAL ZONING DISTRICTS				
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1	AP-CZ ³
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.					
CHILD CARE & EDUCATIONAL FACILITIES					
Center in a Residence for 3 to 12 Children					
Child Care Facilities		*			
Libraries		*		*	
Non-Profit Educational Cooperative					
Schools: Dance, Art & Music		*			
Schools: Elementary, Middle & Secondary		*			
Schools: Vocational		*			
Universities, Colleges & Institutes		*			
COMMERCIAL USES					
Banks & Financial Institutions		*			
Beauty & Barber Shops		*		*	
Construction (Sector 23)		*			
Contractors, Building & Trade		*		*	
Country Store	*	*			
Finance & Insurance (Sector 52)		*			
Funeral Homes		*			
Garden Center with On Premises Sales	*	*			
Hotels & Motels		*			
Insurance Carriers & Agents		*			
Junkyards					
Kennels, Class I	*				
Kennels, Class II	*				
Laundry & Dry Cleaning Services		*			
Management of Companies & Enterprises (Sector 53)		*			

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NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval					
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.					
Massage, Business of		*			
Metal Fabrication Shop	*				
Microbrewery with Minor Events	*	*			
Microbrewery with Major Events ^	*	*			
Nightclubs, Bars, Pubs		*			
Offices & Personal Services, Class 1		*		*	
Offices & Personal Services, Class 2		*			*
Offices & Personal Services, Class 3		*			*
Professional, Scientific & Technical Services (Sector 54)		*			
Real Estate Agents & Brokers		*		*	
Repair Service Electronic & Appliance		*			
Restaurants: Carry Out		*			
Restaurants: Drive In		*			
Restaurants: General		*			
Retail, Class 1		*			
Retail, Class 2		*			
Retail, Class 3		*			
Rural Guest Establishment: Bed & Breakfast	*	*			
Rural Guest Establishment: Bed & Breakfast Inn	*	*			
Rural Guest Establishment: Country Inn	*	*			
Storage of Goods, Outdoor	*	*		*	
Storage or Warehousing: Inside Building		*		*	
Studio (Art)		*		*	
Taxidermy	*				
Theater, Indoor or Outdoor (including Drive-ins)		*		*	

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NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.					
Tourist Home					
Wholesale Trade		*			
Winery with Minor Events	*	*			
Winery with Major Events ^	*	*			
EXTRACTIVE USES					
Extraction of Earth Products					
GOVERNMENTAL USES					
Governmental Facilities & Office Buildings		*			
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*			
Military Installations (National Guard & Reserve Armory)					
Public Administration (Sector 92)		*			
MANUFACTURING, ASSEMBLY & PROCESSING					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*			
Industrial, Heavy		*			
Industrial, Light		*			*
Industrial, Medium		*			*
Manufacturing (Sector 31-33)		*			
Microbrewery, production only	*	*			
Pharmaceutical Products		*			
Printing & Lithography		*			
Sawmills ^	*				
Winery, production only	*	*			
MEDICAL USES					
Health Services: Over 10,000 Sq. Ft.		*			

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Health Services: Under 10,000 Sq. Ft		*			
Hospitals		*			
Veterinary Clinic	*	*			
Veterinary Clinic, mobile	*	*			
Veterinary Hospitals	*	*			
RECREATIONAL USES					
Arts, Entertainment & Recreation (Sector 71)					
Botanical Gardens & Arboretums	*				
Camp/Retreat Center	*				
Golf Driving and Practice Ranges		*			
Guest Ranch	*				
Parks, Public & Non-Profit	*	*			
Recreational Facilities (Non-Profit)		*			
Recreational Facilities (Profit)		*			
Golf Course		*	*		
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*	
RESIDENTIAL USES					
Dwelling; Mobile Home	*		*		
Dwelling; Multiple Family		*			
Dwelling; Single-Family	*	*			
Dwelling; Two-Family		*			
Family Care Home					
Group Care Facility		*			
Rehabilitative Care Facility		*			
Residential Hotel (Fraternities, Sororities, and Dormitories)					

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Rooming House					
TELECOMMUNICATIONS					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*			
Telecommunication Towers (150 feet in height or shorter)	*	*			
Telecommunication Towers (greater than 150 in height)	*	*			
TEMPORARY USES					
Buildings, Portable	*				
Temporary Mobile Home (Custodial Care)	*				
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*				
TRANSPORTATION					
Bus Passenger Shelter		*			
Bus Terminals & Garages		*			* --
Motor Freight Terminals		*			* --
Motor Vehicle Maintenance & Repair (Body Shop)		*			
Motor Vehicle Repair Garage		*			
Motor Vehicle Sales Rental (New & Used)		*			
Motor Vehicle Services Stations		*			
Parking As Principal Use, Surface or Structure		*			* --
Petroleum Products: Storage & Distribution		*			
Postal & Parcel Delivery Services		*		*	* --
UTILITIES					
Elevated Water Storage Tanks	*	*			* --

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Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*			
Electric, Gas, and Liquid Fuel Transmission Lines	*	*			
Water & Sanitary Sewer Pumping	*	*			
Solar Array – Large Facility	*	*			
Solar Array – Public Utility	*	*			
WASTE MANAGEMENT					
Landfills (2 Acres or More)					
Landfills (Less Than 2 Acres)					
Waste Management Facility; Hazardous & Toxic					
MISCELLANEOUS					
Accessory Uses	*	*	*	*	
Airports, General Aviation, Heliports, S.T.O.L.					
Assembly Facility Greater Than 300 Occupants ^	*	*			
Assembly Facility Less Than 300 Occupants	*	*		*	
Cemetery					
Church	*	*			
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*			
Community Center	*	*			
Crematoria		*			
Historic Sites Non-Residential/Mixed Use	*	*			
Information (Sector 51)		*			
Research Facility		*			* -
Research Lands & Installations, Non-profit		*			* -
Rural Heritage Museum	*				

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NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.					
Rural Special Events	*	*			

- (e) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (f) The site is served by direct access to a State maintained road.
- (g) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(3) Expiration and Renewals

- (a) This Class A Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Commissioners after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit. The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.
- (b) The Board of County Commissioners shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval. If the Board of County Commissioners does not renew the permit, the permit shall become null and void upon the expiration of the time limit.
- (c) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.17.5 ~~General Aviation Airports, STOL and Heliports~~⁴

(A) General Standards

- (1) Unmanned Aircraft Systems (UAS) as defined by the Federal Aviation Administration (FAA) used for commercial purposes shall be subject to the provisions of these regulations.⁵

(B) Standards for Airport – Private Airfield (Class A Special Use Permit)

(1) Submittal Requirements

In addition to the information required in section 2.7, the following shall be submitted as part of the application:

- (a) A notarized statement from the applicant indicating the airfield shall be used only for personal use and not connected with commercial air travel.⁶
- (b) The number and type of aircraft proposed to be stored and used on site.
- (c) The site plan shall denote the location of storage areas for the aircraft as well as fuel storage and aircraft service areas.

⁴ As previously indicated staff is proposing to breakdown airports into 2 categories: Airport - Private Airfield and Airports – General Aviation. Private airfields will be reviewed under the Class A Special Use Permit process while a general aviation airport will be subject to rezoning to the Airport Conditional Zoning (AP-CZ) District

⁵ UAS is the term used by the FAA for drones, models, and radio controlled aircraft. The intent of the standard is to require a property owner using same as part of a commercial operation to obtain the necessary permits.

⁶ Staff is only requiring a private airfield be prohibited from being used to support a commercial air travel operation.

- ~~(a)~~(d) The site plan shall contain Aa configuration diagram depicting the layout of runways, taxiways, ~~approach zones~~Airport Surface Zones, helicopter pads, and overrun areas. These diagrams should be on aerial photographs that show the area within ~~five-2~~⁷ miles of the proposed site.
- ~~(b)~~(e) Isotonic contours or noise contour lines⁸ showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.
- ~~(c)~~(f) ~~The number and type of aircraft proposed to be stored including also the storage areas for aircraft, fuel and motor vehicles, service areas for aircraft.~~⁹
- ~~(d)~~(g) How on site fire and rescue services shall be provided and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility.
- ~~(e)~~(h) List of land uses located within the final approach zones of the ~~airport~~airfield.
- (i) Hazardous Materials Management Plan, including a description of the program for application, storage, and handling of various chemicals and fuel products including, but not limited to, the following:
- (i) Airplane fuel,
 - (ii) Hydraulic fluid,
 - (iii) Oil,
 - (iv) Lubricants utilized to support aircraft,
 - (v) Pesticides and/or fertilizers, and
 - (vi) Any other hazardous substances;
- A Material Safety Data Sheet listing each substance, its known impacts, physical properties, and protective measures is required as part of the submittal.
- ~~(f)~~(j) Certification that all ~~Federal Aviation Administration (FAA)~~ and State standards and requirements have been met.

(2) Standards of Evaluation

- (a) There shall be a limit of 5 aircraft for the facility all of which shall be owned by the property owner.¹⁰
- ~~(a)~~(b) All ~~F-A-A-~~ and State regulations are met as a condition of approval including, but not limited to, noise level limits.¹¹

⁷ Staff is not requiring the full 5 mile radius for an Airport-Private Airfield as the impacts should not be as great as what we anticipate for an Airport – General Aviation land use.

⁸ In reviewing FAA information on airport development these terms are used interchangeably.

⁹ This provision was moved to subsection(s) (b) and (c) of the proposed amendment.

¹⁰ Staff is recommending this language to avoid the blurring of commercial versus private facilities. What we want to avoid is a private property owner allowing for ‘public’ use of an airstrip as part of a club, organization, or other similar activity.

¹¹ Noise contour lines are a continuous line on a map representing equal levels of noise exposure. According to the FAA severe noise exposure occurs outside the 55 DNL (day-night average sound level) contour line, the level at which the Federal Aviation Administration (FAA) describes noise exposure as minimal. Noise exposure is regarded as significant above the 65 DNL noise contour line.

- ~~(b)~~(c) The site and its operation will not adversely affect existing adjacent land uses.
- ~~(e)~~(d) Land sufficient to provide approach zones and overrun areas is owned or controlled by the applicant.
- ~~(d)~~(e) Adequate land area is provided for all of the proposed uses, buildings and storage areas.
- ~~(e)~~(f) Screening of buildings, storage and maintenance areas is provided from adjacent residential land.
- ~~(f)~~(g) Letters from appropriate fire and rescue agencies that protective services can be provided at an adequate level.
- ~~(g)~~(h) Access shall be directly onto a State maintained road.
- ~~(h)~~(i) Compatible land uses are located in the final approach areas of the airport.

(C) Standards for Airports – General Aviation (AP-CZ)

(1) Pre-application Submittal Requirements¹²

(a) Letter of Intent: An applicant shall be required to submit to the Planning Department a Letter of Intent indicating the interest in developing an AP-CZ District within the county. As part of this Letter, the applicant shall include the following:

- (i) A map and aerial photo of the subject property including a legal description.
- (ii) Preliminary feasibility studies outlining the rationale for choosing the site in question.
- (iii) A site plan outlining the location of all facilities and required areas as detailed herein.
- (iv) Noise contour data for the proposed facility, and
- (v) An environmental assessment completed in accordance with Section 6.16.3 of the Ordinance.

Staff shall inform the County Manager's office in writing within 5 days of the submittal of the letter and outline a preliminary schedule for review of the project.

(b) Initial Neighborhood Information Meeting: Within fourteen days of submitting the Letter of Intent the petitioner shall schedule, at their expense, a Neighborhood Information Meeting (NIM) designed to inform local residents of the proposed project. The location of this meeting shall be a government office, community building, or other similar facility that is located in close proximity to the proposed District.

During this meeting, Planning Staff will outline the process that will be employed to review the formal application, once submitted, and outline the detailed studies and plans that will be part of the review process.

The applicant shall adhere to notification criteria outlined within Section 2.9.2 (D) of this Ordinance.

¹² Given the nature of the development staff believes it would be appropriate to require a the submittal of a notice of intent to inform all parties of a pending application as well as an initial neighborhood meeting so that the general public can comment on the proposed prior to it being submitted. As written there will be 2 neighborhood meetings for the development of an Airport- General Aviation facility with the second meeting occurring prior to the actual public hearing.

The applicant shall also be required to advertise the scheduled initial NIM two (2) weeks prior to the agreed upon date of the meeting in a newspaper of general circulation within the county.

(2) Submittal Requirements:

In addition to the information required herein as well as Section(s) 2.5¹³ and 2.9.2, the following shall be submitted as part of the application:

- (a) A detailed narrative for the project including:
 - (i) Description of all proposed air service operations for the facility including day, night, and inclement weather operations.
 - (ii) Type of runway proposed, specifically precision versus non-precision instrument runways.
- (b) The site plan shall contain a configuration diagram depicting the layout of runways, taxiways, overrun areas, and Airport Surface Zones¹⁴. This shall include sufficient information detailing the construction of all runways, taxiways, and overrun areas. In addition, required information shall be provided on aerial images that show the area within 5 miles of the proposed site.
- (c) A lighting plan prepared in accordance with Section 6.11 of the Ordinance.
- (d) An architectural concept plan shall be required demonstrating the proposed building materials, colors, and anticipated design elements of all structures proposed for the District.
- (e) Site Data: A written and graphic site analysis illustrating:
 - (i) Soils,
 - (ii) Depth to water table,
 - (iii) Slope,
 - (iv) Hydrology,

¹³ All site plans have to demonstrate compliance with development standards contained within Article 6 which includes parking, signage, and lighting. Staff does not believe it necessary to repeat compliance with these individual sections herein.

¹⁴ An airport has several imaginary surfaces and zones that exist primarily to prevent existing or proposed manmade objects, objects of natural growth, or terrain from extending upward into navigable airspace. These include approach surfaces/zones, transitional surfaces/zones, horizontal surfaces/zones, and conical surfaces/zones. The Ordinance requires the applicant to identify, define, and locate each zone as part of the submittal package.

- (v) Natural areas and habitats of special concern,
 - (vi) Infrastructure and other manmade features,
 - (vii) Historic and archaeological sites, and
 - (viii) A visual analysis of views into and from the site;
- (f) A grading, erosion control, and stormwater management plan.
- (g) A biological inventory which identifies:
 - (i) Habitat diversity,
 - (ii) Species diversity,
 - (iii) Species of special concern such as those designated as threatened or endangered, last known sighting, and candidate species likely to be present which may warrant protection,
 - (iv) Specimen trees outstanding in size and/or species, and the status and source of the information compiled in the inventory.

The biological inventory shall be accompanied by an analysis describing habitat integrity, relationships between habitats and to ecological communities off-site, any existing threats to flora and fauna, and potential for habitat enhancement.
- (h) An Environmental Impact Statement prepared in accordance with Section 6.16.4 of the Ordinance.
- (i) A comprehensive groundwater study to determine the appropriateness of the proposed land use(s). Such a study shall detail how much water is anticipated to be consumed, the amount of groundwater withdrawal that is safe and sustainable in the immediate vicinity of the use, and if other wells within the vicinity are expected to be affected by such withdrawals.
- (j) Resources Management and Mitigation Plan including, but not limited to:
 - (i) Construction policies,
 - (ii) Methods for protecting water resources and natural areas,
 - (iii) Pollutant monitoring program,
 - (iv) Restoration and mitigation plan for wetlands and other habitats,
 - (v) State and/or Federal permits as may be required for alteration of wetlands,
 - (vi) Maintenance specifications for on-going site management, including solid waste, and
 - (vii) Water conservation plan.
- (k) Hazardous Materials Management Plan, including a description of the program for application, storage, and handling of various chemicals and fuel products including, but not limited to, the following:
 - (i) Airplane fuel,
 - (ii) Hydraulic fluid,
 - (iii) Oil,
 - (iv) Lubricants utilized to support aircraft,
 - (v) Pesticides and/or fertilizers, and
 - (vi) Any other hazardous substances;

A Material Safety Data Sheet listing each substance, its known impacts, physical properties, and protective measures is required as part of the submittal.

- (l) Isotonic contours or noise contour lines showing the effects of aircraft operations upon land within 5 miles of the boundary of the proposed site.
- (m) An Emergency Management Plan outlining the facilities procedures and responses to an emergency event. This plan shall identify anticipated resources for fighting a fire including water access sites and provide a detailed breakdown of anticipated involvement by outside public safety agencies.
- (n) Evidence the proposed airport complies with applicable Federal Aviation Administration (FAA) and State regulations.

(3) Standards of Evaluation

- (a) The applicant shall demonstrate the property subject to the rezoning includes, at a minmum, the isotonic contours or noise contour lines up to the 70 decibel limit for the airport.
- (b) No structure greater than 50 feet in height shall be erected, altered or maintained, and no trees shall be allowed to grow in any Airport Surface Zone created under the AP-CZ district.¹⁵
- (c) A perimeter land use buffer along the district shall be installed or maintained consistent with the Type E land use buffer standard as detailed in Section 6.8.6 of this Ordinance.¹⁶
- (d) A facility with an non-precision instrument runway shall only be allowed to operate from dawn to dusk.

5.17.6 Major Subdivision

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Section 2.7, the following shall be submitted as part of the application:

- (a) Notification
 Stamped envelopes addressed to each owner of property within 500 feet of the property proposed for subdivision. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records system.
- (b) Development Schedule
 A statement, from the applicant, indicating the anticipated development schedule for the build out of the project.
- (c) Water and Wastewater

¹⁵ In reviewing other example Ordinances height limits can range from 50 to 75 feet. Staff selected 50 feet as it is more consistent with existing height limits in other general use zoning districts.

¹⁶ In recommending this standard staff understands there will be concerns over potential conflicts created with the preservation/planting of vegetation and aircraft safety (i.e. approach and take off patterns). Our goal is to require a sufficient land use buffer to shield adjacent property owners from the impacts of an Airport – General Aviation facility and confine runaway areas to the interior portion of the AP-CZ District in an attempt to mitigate noise, vibration, and visual impacts.

Agritourism

A business directly related or incidental to agricultural activities occurring on the bona fide farm on which it is located and conducted for the enjoyment or education of the public.

~~Airport (Heliport: S.T.O.L. Port), Air Carrier~~

~~A public airport served by a certified air carrier. This includes any runways, land areas or other facilities designed or used for landing, taking off, processing passengers or cargo.~~

~~Airport, Commuter Service (Heliport: S.T.O.L. Port)~~

~~A public airport, not served by a certified air carrier, but is served by one or more commuter airlines which enplaned 2500 or more passengers in the preceding calendar year.~~

~~Airport, General Aviation (Heliport: S.T.O.L. Port)~~

~~A public airport serving aviation other than airlines. This includes any runway, land area, or other facility designed or used for the landing and taking off of small aircraft.~~

Airport – General Aviation

A public airport providing service to air passengers and/or leased aircraft for commercial and/or institutional purposes. Development shall include, but not be limited to, runways, landing areas, supporting infrastructure and facilities, Airport Surface Zones, and ancillary non-residential land uses.

Airport – Nonprecision Instrument Runway

A runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Airport – Precision Instrument Runway

A runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR) or a facility for which a precision approach system has been approved or planned.

Airport – Private Airfield

A private airfield or strip providing service for personal aircraft. Development shall include, but not be limited to, runways, landing areas, Airport Surface Zones, supporting infrastructure and facilities.

Airport Runway

Edges of pavement for the taxiing, takeoff, and landing of aircraft.

Airport Surface Zones

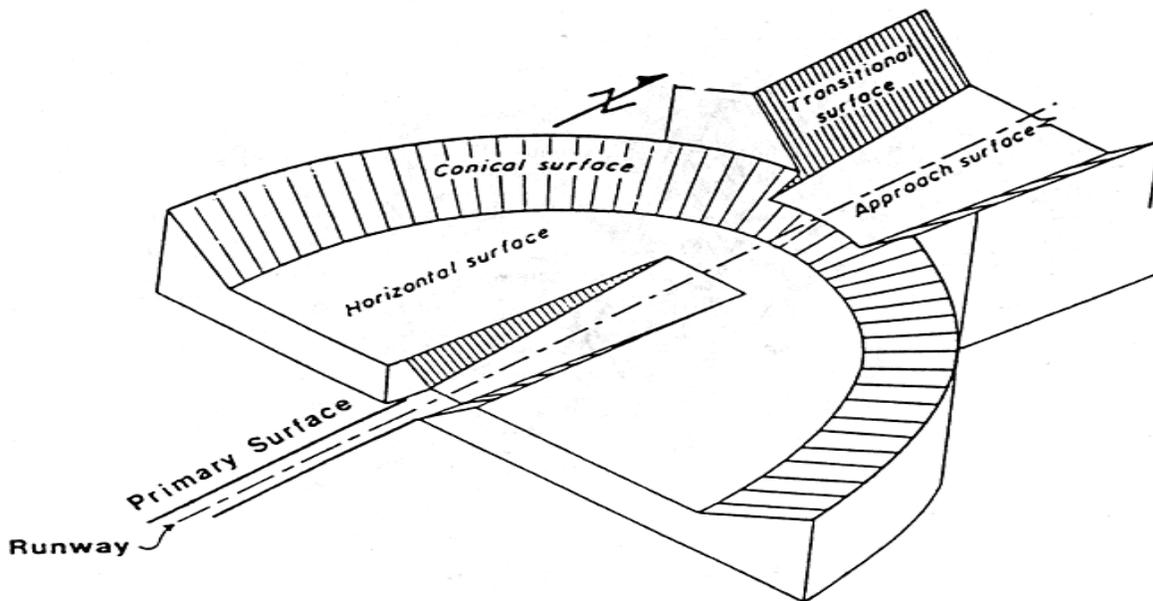
Imaginary surfaces and zones that exist primarily to prevent existing or proposed manmade objects, objects of natural growth, or terrain from extending upward into navigable airspace including:

- (A) Approach Surface Zone. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (B) Conical Surface Zone. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet. The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there for a distance of 4,000 feet and upward at a slope of 20:1.
- (C) Transitional Surfaces Zone. These surfaces extend outward at right angles (ninety degree angles) to the runway centerline and extend at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they

intersect the horizontal and conical surfaces. The transitional zones are the areas beneath the transitional surfaces.

- (D) Horizontal Surfaces. A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (E) Primary Surface. A surface longitudinally centered on a runway extending 200 feet beyond each end of said runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 1,000 feet.

A graphic example of the individual Airport Surface Zones is as follows:



Airport Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures.

Anchoring

The fastening of the mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

Appeal

A request from a review of an administrative interpretation of any provision of this Ordinance by the Board of Adjustment.

Applicator