

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, April 2, 2014
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **INFORMATIONAL ITEMS**
4-5 a. Planning Calendar for April and May
- 3. **APPROVAL OF MINUTES**
6-14 March 5, 2014 Regular Meeting
- 4. **CONSIDERATION OF ADDITIONS TO AGENDA**
- 5. **PUBLIC CHARGE**
Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

Public Charge

The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

- 6. **CHAIR COMMENTS**

No.	Page(s)	Agenda Item
7.	15-38	<p>CLASS A SPECIAL USE PERMIT: To make a recommendation to the BOCC on a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40 in Cheeks Township. This item was heard at the February 24, 2014 quarterly public hearing and was discussed at the March 5, 2014 Planning Board meeting.</p> <p>Presenter: Michael Harvey, Current Planning Supervisor</p>
8.	39-130	<p>2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS: To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) outside of the Rural Buffer land use classification. This item was heard at the February 24, 2014 quarterly public hearing.</p> <p>Presenter: Perdita Holtz, Planning Systems Coordinator</p>
9.	131-179	<p>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – HOME OCCUPATIONS: To review certain aspects of the Planning Board- and Planning Director-initiated amendments to the Unified Development Ordinance (UDO) regarding Home Occupations. At the February 18, 2014 BOCC meeting, the BOCC referred this item back to the Planning Board and staff for further consideration.</p> <p>Presenter: Ashley Moncado, Special Projects Planner</p>
10.	180	<p>JOINT PLANNING LAND USE PLAN AND AGREEMENT: To receive educational information on the Joint Planning Land Use Plan and Agreement, a joint planning effort between Orange County and the Towns of Chapel Hill and Carrboro that was adopted in the mid-1980s. The purpose of this item is to familiarize the Planning Board with the plan and agreement in anticipation of recommendations the Planning Board will be asked to make in regards to Agenda Items 11 and 12.</p> <p>Presenter: Perdita Holtz, Planning Systems Coordinator</p>
11.	181-210	<p>JOINT PLANNING LAND USE PLAN AND AGREEMENT AMENDMENT: To receive information on a proposed amendment to the Joint Planning Land Use Plan and Agreement in regards to density in the Rural Buffer land use classification and clarifications on other topics. This item is scheduled for public hearing at the March 27, 2014 Joint Planning Public Hearing and it is expected that the Planning Board will be asked to make a recommendation on the proposed amendment at its May 7, 2014 meeting.</p> <p>Presenter: Michael Harvey, Current Planning Supervisor</p>

No.	Page(s)	Agenda Item
12.	211-21*	<p>JOINT PLANNING LAND USE PLAN AND AGREEMENT AMENDMENT: To receive information on a proposed amendment to the Joint Planning Land Use Plan and Agreement in regards to allowing appropriate agricultural support enterprises in the Rural Buffer land use classification. This item is scheduled for public hearing at the March 27, 2014 Joint Planning Public Hearing and it is expected that the Planning Board will be asked to make a recommendation on the proposed amendment at its May 7, 2014 meeting.</p>
10.		<p>Presenter: Perdita Holtz, Planning Systems Coordinator COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation</p>
11.		ADJOURNMENT

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).

April 2014

April 2014

Su	Mo	Tu	We	Th	Fr	Sa
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May 2014

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Mar 30 - Apr 5	Mar 30	31	Apr 1	2	3	4	5
			6:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)			
Apr 6 - 12	6	7	8	9	10	11	12
			7:00pm BOCC Work Session (Link Gov't Service)		7:00pm BOCC Budget Work Session (Southern Human Services)		
Apr 13 - 19	13	14	15	16	17	18	19
		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)		HOLIDAY	
Apr 20 - 26	20	21	22	23	24	25	26
Apr 27 - May 3	27	28	29	30	May 1	2	3
		8:30am Legislative Breakfast (Solid Waste Adm)					

*Planning Board Member Attendance Required

May 2014

May 2014

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June 2014

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Apr 27	28	29	30	May 1	2	3
Apr 27 - May 3							
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May 4 - 10				7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Department of Social Services)		
	11	12	13	14	15	16	17
May 11 - 17		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Work Session (Southern Human Services)		7:00pm BOCC Budget Work Session (Southern Human Services)		
	18	19	20	21	22	23	24
May 18 - 24			7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)	7:00pm BOCC Budget Public Hearing (Dept of Social Services)		
	25	26	27	28	29	30	31
May 25 - 31		HOLIDAY	7:00pm *Quarterly Public Hearing (Dept of Social Services)		7:00pm BOCC Budget Public Hearing (Southern Human Services)		

*Planning Board Member Attendance Required

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MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 5, 2014
REGULAR MEETING

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MEMBERS PRESENT: Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative

MEMBERS ABSENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Vacant- Eno Township Representative; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Tina Love, Administrative Assistant II

OTHERS PRESENT: Beth Trahos, Mike Brough, Donna Easterlin, Don Easterlin, Brent Niemann, Louis Lannoue, Rich Kirkland, Gabe Cantor

HANDOUTS: *Email from Alice Gordon to Peter Eckhoff; Email from Louis Iannone to Michael Harvey; Memorandum from Michael Brough to Orange County Planning Board*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lisa Stuckey called the meeting to order.

Tina Love: The Board of Adjustment meeting for next Monday is cancelled but there will be a meeting in April.

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for March and April

AGENDA ITEM 3: APPROVAL OF MINUTES
FEBRUARY 5, 2014 REGULAR MEETING

MOTION by Tony Blake to approve the February 5, 2014 Planning Board minutes. Seconded by Paul Guthrie.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

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55 laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and
 56 harmonious development. OCPB shall do so in a manner which considers the present and
 57 future needs of its citizens and businesses through efficient and responsive process that
 58 contributes to and promotes the health, safety, and welfare of the overall County. The OCPB
 59 will make every effort to uphold a vision of responsive governance and quality public services
 60 during our deliberations, decisions, and recommendations.

61

62 **AGENDA ITEM 6: CHAIR COMMENTS**

63

64 Lisa Stuckey: I was notified that Home Occupations will be coming back to us in April.

65

66 Perdita Holtz: There was a BOCC meeting which is available on the County's website under Meeting Videos. We
 67 thought this agenda was going to be full so we decided to put it on April's schedule.

68

69 **AGENDA ITEM 7: CLASS A SPECIAL USE PERMIT:**70 To make a recommendation to the BOCC on a Class A Special Use Permit application
 71 seeking to develop a solar array/public utility station on two parcels of property, totaling
 72 approximately 52 acres in are, off of Redman Road between the railway and Interstate 85/40
 73 in Cheeks Township. This item was heard at the February 24, 2014 quarterly public hearing.

74

75 **Presenter:** Michael Harvey, Current Planning Supervisor

76

77 Michael Harvey: Reviewed abstract.

78

79 Tony Blake: Were Ms. Wise's concerns addressed?

80

81 Michael Harvey: She has not responded to me. I have met with her three times since the public hearing to review
 82 the site plan with her and I will meet with her again to review this item. Strata Solar has reached out to her on two
 83 occasions where they said here are our responses, we would like to meet with you. I can't tell you whether she
 84 agreed to that.

85

86 Paul Guthrie: Have there been any other letters since the public hearing?

87

88 Michael Harvey: No sir except this one.

89

90 Lisa Stuckey: Everything has to go into the public record, either orally at the public hearing or in writing although we
 91 can ask for clarification tonight.

92

93 Michael Harvey: This packet will be entered into the record when the quarterly public hearing is reconvened
 94 including this email and any other emails as we move forward.

95

96 Lisa Stuckey: Do you need any feedback from us?

97

98 Michael Harvey: Only if you have questions you want staff or Strata Solar to respond to by the next meeting.

99

100 **AGENDA ITEM 8: ZONING ATLAS AMENDMENT:**101 To make a recommendation to the BOCC on an application to rezone an approximately 12 ace
 102 parcel of property located at 5908 US 70 East in Eno Township from Economic Development
 103 Eno Low Intensity (EDE-1); Economic Development Eno High Intensity (EDE-2); and Lower
 104 Eno Protected Watershed Protection Overlay to Economic Development Eno High Intensity
 105 (EDE-2) and Lower Eno Protected Watershed Protection Overlay. This item was heard at the
 106 February 24, 2014 quarterly public hearing.

107

108 **Presenter:** Michael Harvey, Current Planning Supervisor

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109 Michael Harvey: Reviewed abstract.

110
111 Paul Guthrie: Who is operating the communications tower?

112
113 Michael Harvey: AT&T has an antenna on it and other telecommunication providers are located on it. I believe
114 Verizon has re-erected an antenna or either AT&T has changed out their existing antennas.

115
116 Lisa Stuckey: Those two rectangular pieces that look like a residence, is that part of a different lot? Would it be a re-
117 division of the property to sell it?

118
119 Michael Harvey: Correct.

120
121 Lisa Stuckey: The remaining property, what are the divisions?

122
123 Michael Harvey: The blue line represents all this property and the red line is the area to be rezoned.

124
125 Lisa Stuckey: There are three parcels. So those two smaller parcels could be sold at any time without dividing the
126 property.

127
128 Michael Harvey: Yes, if they choose to do so.

129
130 Tony Blake: So the 12 acres in question is the entire red box including the building and that building is not a
131 separate lot.

132
133 Michael Harvey: That is the legal description supplied by the applicant's surveyor. That is correct.

134
135 **MOTION** by Herman Staats to approve the Ordinance in attachment 2, approving the Rezoning Petition and approve
136 attachment 3 which is the Statement of Consistency with the Comprehensive Plan. Seconded by Johnny Randall.

137 **VOTE: UNANIMOUS**

138
139
140 **AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:**

141 To make a recommendation to the BOCC on an application seeking to amend Section 5.6.5
142 (A) (2) (b) Kennels (Class II) – Standards of Evaluation to reduce required setbacks for Class
143 II Kennels developed within the EDE-2 zoning district. This item was heard at the February
144 24, 2014 quarterly public hearing.

145 **Presenter: Michael Harvey, Current Planning Supervisor**

146
147 Michael Harvey: Reviewed abstract. What I will state and ask the Board to remember is our recommendation is still
148 unfavorable and if this Board is going to make a recommendation to approve the request, we have provided
149 language in Attachment 3 of this document that incorporates the Easterlin's request to amend the UDO in a manner
150 consistent with the UDO framework. If this Board is going to make an affirmative finding and recommendation, we
151 would ask you do it on the language contained in Attachment 3.

152
153 Buddy Hartley: Inside the black area, that area is used for the purpose of training dogs?

154
155 Michael Brough: A portion of that area is being used for the training of dogs.

156
157 Buddy Hartley: The building in the red box that is used for training purposes?

158
159 Michael Brough: Yes. It was constructed as a residence but it is not being used as that.

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161 Michael Harvey: The staff was asked to provide a visual representation of the property that would meet the
 162 appropriate setbacks as currently required. The Easterlins' are proposing this. We wanted to provide the Board with
 163 what would comply and what exists.

164
 165 Michael Brough: What we are making in the memorandum is that while that is an area that complies with the legal
 166 requirements assuming the rest of the property was rezoned, there is a substantial portion of that property which
 167 does not lend itself to the expansion of the exercise area. (Described map). There is an area they could build an
 168 exercise area but that misses the point. From our perspective under the narrow circumstances this addresses, this
 169 would be a very expensive proposition. What good does that achieve? It is multiple thousands of dollars. The point
 170 of our request is it is a legislative matter when you weigh cost and benefits and the cost of this private business,
 171 which serves a great purpose for the County and surrounding areas, is very high and the benefit is virtual non-
 172 existent in this case. There have not been any complaints by either of the surrounding property owners and they
 173 were notified of this amendment. It gets down to this question; those objections are essentially theoretical in context.
 174 These properties will not be developed until sewer gets there. When it does get developed, it is hard to imagine this
 175 area being developed in any way not a substantially intensive use. You have situation where you have a problem we
 176 are trying to solve. We have come up with a solution that works and is narrowly drawn and has no real negative
 177 impacts on any but provides a legal and practical solution that we have been trying to solve for years. There is a
 178 legitimate distinction between why we are limiting this to EDE-2 when it makes no sense to have 150-foot setback if
 179 the adjoining property is not intensively zoned for development or residential development. Those circumstances
 180 maybe 150 feet is all right but when you have a situation like this, it makes no sense to have 150-foot setback.

181
 182 Michael Harvey: This property here is split zoned, this portion is EDE-1 so the 150 foot setback would apply, this
 183 portion is zoned EDE-2.

184
 185 Michael Brough: Years down the road if this property were developed, anybody who moved there would already
 186 know what is there.

187
 188 Paul Guthrie: Where is the current exercise yard?

189
 190 Michael Brough: In the blue lines.

191
 192 Paul Guthrie: Is this considered necessary, that space now being used as an exercise yard is clearly smaller than
 193 the total area of proposed change so is it the configuration of the terrain of that limits its use or are there other
 194 reasons.

195
 196 Michael Brough: There are buildings there and topographic issues in the lower part of the site that slopes. There is
 197 an area that is flat and open. Whether that is one third or one half of that site that could be developed but while you
 198 could have some exercise area it is very expensive and you are giving up acres of your site in the northwest corner.
 199 There are two elements the costs of pulling down the fence and putting up a new fence and the other element is that
 200 the 150 foot setback requires them to give up a substantial amount of property it amounts to acres of lands.

201
 202 Paul Guthrie: Is this an enlargement or maintaining the same level of animals that are cared for? Will you be
 203 increasing or maintaining the same level of animal care?

204
 205 Michael Brough: The long term plan would be that the property would be consolidated and then divided to segregate
 206 out a lot around the existing tower and the rest would be submitted for a special use permit covering all the remaining
 207 property and the particular uses at that time would be to have an expansion into the area that would be permissible.

208
 209 Paul Guthrie: I understand the cost argument but is it necessary to tear down the old fence or will you recycle the old
 210 fence?

211
 212 Michael Brough: I can't tell you.

213
 214 Mrs. Easterlin: The cost I gave you was to use the existing fence.

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215
 216 Michael Brough: We have a cost estimate here that comes to \$55,000.
 217
 218 Craig Benedict: I will make some general comments as you deliberate on a legislative decision to change the
 219 aspects of a zoning district EDE-2. If it is a general problem, you can address things generally. As a companion to
 220 that if it a specific issue, try to address the problem specifically or isolated. Another moral (standard) is each zoning
 221 districts has uses that are permitted by right. That is what the Planning Board and BOCC have determined that those
 222 are the most appropriate uses that permitted by right. Those are the ones that are anchors of a zoning district.
 223 Special uses do not have the same standing in a zoning district as a use permitted by right. Before you change
 224 regulations, is there a way to change how things are operated or change location of buildings. Also, if you make a
 225 change in this zoning district, could it ever be used to justify changes in another zoning district? The last thing is that
 226 we do not base regulation changes based on what the land is on now; we based it on what the land is zoned or what
 227 the future land use is.
 228
 229 Lisa Stuckey: Under this proposed text amendment, would the fence still need to be at least 25 feet from the
 230 property line?
 231
 232 Michael Harvey: If this is approved, yes.
 233
 234 Lisa Stuckey: So the fence has to be moved.
 235
 236 Michael Harvey: The fence has to be moved or the Easterlins' will have to purchase additional property to make it
 237 comply with the 25-foot setback.
 238
 239 Lisa Stuckey: The wording doesn't permit it to be close on the property line but always 25 feet.
 240
 241 Michael Harvey: When it is adjacent to property zoned EDE-2 the setback will be 25 feet.
 242
 243 Herman Staats: The blue line is the current fence; the black line is the setback in compliance.
 244
 245 Michael Harvey: The special use permit approved recognizing these structures as being part of the dog kennel
 246 operation approved in 1986. It is the dog runs that create the problem.
 247
 248 Herman Staats: The setback refers to outside use or any use.
 249
 250 Michael Harvey: The ordinance states that the 150-foot applies to all buildings and outdoors exercise areas. There
 251 was obviously a different interpretation in 1986. The rule does allow for the 150-foot setback to be waived if portions
 252 where animals are housed are completely enclosed in the building. The interpretation that we have utilized since I
 253 began work with the County in 2005 says that if all portions of the facility are in a building, no outdoor area at all, then
 254 the 150 rule does not apply.
 255
 256 Tony Blake: So technically he is not in compliance.
 257
 258 Michael Harvey: I am not going to say this is non-conforming because I have a special use permit and approval that
 259 says otherwise.
 260
 261 Buddy Hartley: The only place the animals are housed is in the original spot?
 262
 263 Michael Brough: The blue box with white areas is like portable carports.
 264
 265 Buddy Hartley: I am familiar with the area. You have more area for dog runs in the black box.
 266
 267 Michael Brough: There is area there but the problem is that it will cost thousands of dollars to do it. As you have
 268 already pointed out, you have got buildings well within the 150-foot setback.

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269
 270 Buddy Hartley: If those are covered areas, they could be moved to the areas in black.
 271
 272 Michael Brough: The fence is an issue and then we have the issue of why are we taking away 125 feet out of the
 273 ability to use their property when the adjoining property owners do not object.
 274
 275 Johnny Randall: The area of the existing fence that is on the property line, will that have to be moved anyway?
 276
 277 Michael Harvey: The Easterlins' will have to move the fence 25 feet or purchase additional property so the fence
 278 complies with the setback.
 279
 280 Buddy Hartley: Either way it will be expensive.
 281
 282 Tony Blake: Have the Economic Development folks weighed in on this.
 283
 284 Michael Harvey: No.
 285
 286 Tony Blake: There should be a way to tweak things that are special cases without affecting every EDD (2) parcel in
 287 the County. It seems this is not unreasonable in this instance. I don't see the benefit in enforcing this or putting this
 288 type of burden on a small business.
 289
 290 Craig Benedict: In my comments, this is not about looking at one property. I am not specifically talking about this
 291 use that is here but the long-term guidelines. We are not looking at someone's site plan when we are addressing
 292 changing a zoning district that we should not even looking at. I am representing EDD (2) zoning everywhere.
 293
 294 Paul Guthrie: If the owners were to abandon the use and leave it there and not use it for anything, would you have to
 295 tear the fence down?
 296
 297 Michael Harvey: If the area wasn't used as an exercise yard, then there would be no 150-foot setback.
 298
 299 Paul Guthrie: There would be no need to tear down that fence and move it?
 300
 301 Michael Harvey: That assumes that it is no longer utilized for the purpose that the Easterlins' want to use it.
 302
 303 Paul Guthrie: If they only had to erect a fenced area inside the black box that was sufficient to give the exercise they
 304 want to give, would that change the financial impact?
 305
 306 Michael Brough: Even if you left the fence there you would have to re-fence another area. You are saying acres of
 307 property and leaving it unusable. It would be cheaper to leave the fence there and not use that part of the property at
 308 all and erect a new fence somewhere else on the property.
 309
 310 Mrs. Easterlin: The blue line around the outside, there are also several fenced in yards inside the area so we have
 311 about nine yards.
 312
 313 Tony Blake: The way the amendments read there would need to be someone out there with them.
 314
 315 Michael Harvey: I have never seen a situation where the dogs were out there overnight.
 316
 317 Lisa Stuckey: We can't make them put them in.
 318
 319 Michael Harvey: Technically the UDO doesn't require it but animal services will mandate the animals have to be kept
 320 inside in the evening. This ordinance does require an applicant get the appropriate Class 2 permit from Animal
 321 Services in order to operate the kennel.
 322

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323 Lisa Stuckey: There is not another zoning that would be more appropriate that would have smaller setback.

324
325 Michael Harvey: The setback is related to the kennel. We looked at conditional use but we have language in the
326 UDO that states once we have adopted a development standard (i.e. a setback), it has to be observed.

327
328 Johnny Randall: Is the six-foot high chain link fence required?

329
330 Michael Harvey: Yes. If they want to suggest alternative fencing, we could discuss it. This is a dual review process.
331 Orange County Planning and the Board of Adjustment are reviewing it.

332
333 Tony Blake: What other General Use Zoning District designations could this possibly effect.

334
335 Michael Harvey: None. There could be an extensive reinvestigation of the viability of 150-foot setback in other non-
336 residential zoning districts. This only impacts all the property-zoned EDE-2.

337
338 James Lea: Wouldn't it also impact all Class 2 kennels?

339
340 Michael Harvey: They would have to come back to the Board of Adjustment and amend their existing approved site
341 plan to take advantage of the reduction if it were approved.

342
343 Michael Brough: Regarding that last questions, kennels are permissible in a number of different district but this was
344 limited to the EDE-2 district and further limited to properties that are zoned EDE-2 district. Let me address the
345 general as opposed to the specific. I concur with what Craig has said but in this situation it does that, is there any
346 why you have property that is zoned to a district that allows a 25 foot setback for some of these intensive uses, how
347 does it make sense this use requires a 150 foot setback. What is the point of a 150-foot setback? The main part of
348 our argument is that it doesn't make sense to have a 150-foot setback for a kennel use when it is in an EDE-2 district
349 adjoining property that is zoned for intensive use. This is a policy that is of general applicability to the circumstances
350 we have made it apply to. Does this ordinance make sense in the context in which it applies? We would submit it
351 does not. The ordinance is designed to serve public interest and there is not a public interest in this.

352
353 Lisa Stuckey: The 150-foot setback would apply to all Class 2 kennels in the County?

354
355 Michael Harvey: Yes.

356
357 Craig Benedict: What are some of the adverse impacts that come forward for special use permits. The four general
358 categories are noise, dust, vibration and odor. When things are enclosed in a building, most of the impacts go away.
359 These are what you need a wider type of buffer for. It has been determined that 25 feet because of the noise factor
360 was not a distance that would protect those adverse impacts from imparting upon adjacent property.

361
362 Perdita Holtz: May I add one thing to provide clarification. Even if you are a manufacturing facility and theoretically
363 can locate 25 feet away, there are other standards in the UDO that you have to comply with if you do make dust or
364 noise or vibration so you may be able to go to the minimum setback if you are a pretty benign manufacturing
365 operation but you may be required to locate further away so those impacts of noise, vibration, dust, or odor do not
366 cross the property line. There are standards in the UDO that other uses have to comply with that may require that
367 they move further away from the property lines than the minimum setback requires.

368
369 Michael Brough: That gets down to the final question. There have not been any complaints since 2005. You are
370 dealing with a theoretical concern. These folks have a real problem that you can solve.

371
372 Andrea Rohrbacher: Even though Mr. Brough has stated there have been no complaints on this property, I know of
373 another property in Orange County, in the Town of Carrboro, where there is a complaint because there is less than
374 150 foot distance.

375
376 Johnny Randall: Just because there are no complaints, we don't know why.

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377
 378 Lisa Stuckey: We have two options in terms of proposed changes. Doesn't anyone want to move on Attachment 2
 379 or if we are going to consider this would it be Attachment 3? I would like to get Attachment 2 off the table if this is not
 380 a viable option. We are taking Attachment 2 off the table. Attachment 2 was what Mr. Brough had written.
 381 Attachment 3 language is what Michael Harvey wrote. Is there anyone who would like to make a motion?
 382

383 Craig Benedict: Attachment 3 is to approve the change.
 384

385 James Lea: This would apply to all Class 2 kennels?
 386

387 Michael Harvey: This only impacts kennels potentially in the EDE-2. When you have an EDE-2 and you want to put
 388 a kennel on it, if it surrounded by EDE-2 zoning, the setback is 25 feet.
 389

390 Paul Guthrie: Is the recommendation of the staff that we vote no on that?
 391

392 Michael Harvey: Our recommendation is to deny the request. If you are going to approve it, use the language in
 393 Attachment 3.
 394

395 **MOTION** by Andrea Rohrbacher not to adopt the change. Seconded by Johnny Randall.
 396

397 **VOTE:** 6 Yes 2 No (Paul Guthrie, Tony Blake).
 398

399 Mr. Easterlin: We serviced 100,000 dogs in the last seven years. Someone has to take care of those dogs and we
 400 have to have room to do it. We are not going to have dogs we cannot let out. I want you to understand we have
 401 really done a job. My wife goes to work at 7:00 a.m. I just can't understand why when we take care of these
 402 animals.
 403

404 Lisa Stuckey: It is clear we were all struggling with this. We make a recommendation and the final decision is made
 405 by the BOCC.
 406

407 Craig Benedict: If you are voting on something, it shouldn't be about one person's property. That is why we have
 408 such odd feelings. I tried to separate what is on the ground to what the general rules of decision-making are by
 409 legislative bodies so it doesn't reduce itself.
 410

411 Paul Guthrie: I appreciate your comments but the legislative procedure is both. It is matters of policy and impact and
 412 the decision made in committees and every place I have been involved, both apply. When we come to a decision to
 413 vote for or against a recommendation, it is a balancing act.
 414

415 Tony Blake: We lack the tools to make the right decision. It was all or nothing. In this case, I think their argument is
 416 on but the problem is we can't make specific exceptions. We need the ability to do that.
 417

418 Michael Harvey: With all due respect, that is not this Board's role and function. That is the function of the Board of
 419 Adjustment.
 420

421 Tony Blake: They were denied that avenue.
 422

423 Michael Harvey: They were not denied anything; even their own attorney admitted it was not viable.
 424

425 Lisa Stuckey: Maybe it should be. Maybe under these circumstances these people should have the opportunity to
 426 continue their business but no one after them. If the business is sold, etc. I can see a situation where that area was
 427 filling in and developing and someone wanting to put in a restaurant there and then those dogs would be a problem.
 428 What do you do?
 429

430 Tony Blake: We do allow a use to exist that has existed prior to the zoning change and it seems that it existed prior.
 431

DRAFT

431 Michael Harvey: The previous users had a special use permit.

432

433

434 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS:**

435 a. Board of Adjustment

436 Michael Harvey: There was no meeting this month.

437

438

b. Orange Unified Transportation

439 Paul Guthrie: We will meet in a couple of weeks with a main focus of continuing to focus on rural transportation projects. The BOCC representative on Triangle Transit will take a message saying what Orange County needs to be doing for its rural transportation. The first project will be discussing with Triangle Transit over the Mebane express route whether it runs strictly on the interstate or it might get down on a road to pick up people at a reasonable distance.

443

444 Craig Benedict: Even though the population is 55% Chapel Hill/Carrboro and 45% Hillsborough and Orange County there are more senior citizens in that 45% of the County than in Chapel Hill/ Carrboro. We are trying to provide access to quality public transportation.

446

447

448

Tony Blake: Since Perdita presented the Eno EDD Small Area plan, that is screaming for transit.

449

450

Perdita Holtz: That was the Efland Small Area plan.

451

452

Tony Blake: Is there any movement to bring these people together and help the landowners to see the vision?

453

454

Craig Benedict: We are trying to create a hub in Efland. We are working on an East/West transportation route from Mebane, Efland, Hillsborough and Durham. We think Efland is the key. We will still have remote small van service in rural areas.

456

457

458

Tony Blake: It is also bringing people into the area too.

459

460

Paul Guthrie: I would suggest the budget the president sent to congress will rekindle the discussion on the expenditure of transportation of all kinds. If we could get the Hillsborough rail station established, I am pretty sure Amtrak would sign on soon and it would give us a place to make a regional transit hub to connect various transportation services to change.

463

464

465

Michael Harvey: We would like to express our thanks to Buddy Hartley for chairing the Quarterly Public Hearing.

466

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 7**

SUBJECT: Class A Special Use Permit – Solar Array off Redman Road in Cheeks Township

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

1. Vicinity Map
2. Applicant Submitted Evidence Via E-mail
On Use of Pesticides
3. Findings of Fact

INFORMATION CONTACT:

Michael D. Harvey, Planner III 245-2597
Craig Benedict, Director 245-2592

PURPOSE: To complete review of, and make a recommendation on, a Class A Special Use Permit (hereafter 'SUP') application proposing the development of a solar array in accordance with Section 2.7 *Special Use Permits* and Section 5.9.6 (C) *Solar Array-Public Utility* of the Orange County Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the February 24, 2014 Quarterly Public Hearing and the March 5, 2014 Planning Board meeting. Agenda materials from the February 24, 2014 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/140224.pdf>. Agenda materials from the March 5, 2014 Planning Board meeting can be viewed at: <http://orangecountync.gov/planning/documents/3.5.14PBPacket.pdf>.

As discussed at the March 5, 2014 Planning Board meeting the following testimony/evidence has already been entered into the record:

- i. Staff abstract and attachments, including the SUP application and site plan.
- ii. Staff testimony on the project and its compliance with various provisions of the UDO.
- iii. Applicant testimony from Mr. Louis Iannone, Mr. Bret Niemann, Mr. Gabriel Cantor, and Mr. Richard Kirkland, on how the project complied with the UDO.

The applicant entered copies of affidavits and a real estate report, completed by Mr. Kirkland, into the record providing additional information on the project's compliance with applicable standards.

- iv. Staff entered an email and letter from adjoining property owners into the record. The applicant testified they would address the concerns expressed by both property owners and respond in writing to the County.

STAFF NOTE: The applicant's response was presented to the Planning Board at its March 5, 2014 regular meeting.

v. Comments from the BOCC, Planning Board, and the general public.

The applicant has submitted additional written comment(s) on the project to address questions from the public hearing about the use of chemicals for treating grass on the subject properties. This is contained within Attachment 2. Staff has reviewed the response and has no concerns related to the use of pesticides/fertilizers on the properties.

Analysis: As required under Section 2.7.4 of the UDO, the Planning Director is required to: *'cause an analysis to be made of the application'* and pass that analysis on to the reviewing body. In analyzing this request, the Planning Director offers the following:

- a. Application submittal requirements detailed within Section 2.7 of the UDO have been satisfied.
- b. The applicant has demonstrated compliance with respect to landscaping and buffering requirements as detailed within Section 6.8 of the UDO.
- c. Staff has made the determination that a formal Environmental Impact Statement would not be required per Section 6.18 of the UDO.
- d. The applicant has complied with specific development standards associated with the development of a solar facility as detailed within Section 5.9.6 (C) of the UDO.
- e. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health) indicate there are no concerns associated with the request.

Please refer to the February 24, 2014 Quarterly Public Hearing packet for additional information.

- f. Staff finds the proposal is consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
 - a. Natural and Cultural Systems Goal 1: Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources and clean air.
 - b. Objective AE-15: Foster participation in green energy programs such as installation incentives for solar hot water/solar generation/solar tempering in residential or commercial construction. The County should develop programs that will link citizens and businesses with options for alternative and sustainable energy sources.
 - c. Objective AG-8: Encourage the use and production of natural fuel alternatives to petroleum based products and pursue new types of energy sources.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 of the UDO, the Planning Director recommends **approval** of the application subject to:

- Approval of the recommended Findings of Fact as detailed within Attachment 3,
- The imposition of the recommended conditions detailed within Attachment 3, and
- The Planning Board's and BOCC's ability to make an affirmative finding on the general standards outlined within Section 5.3.4 of the UDO.

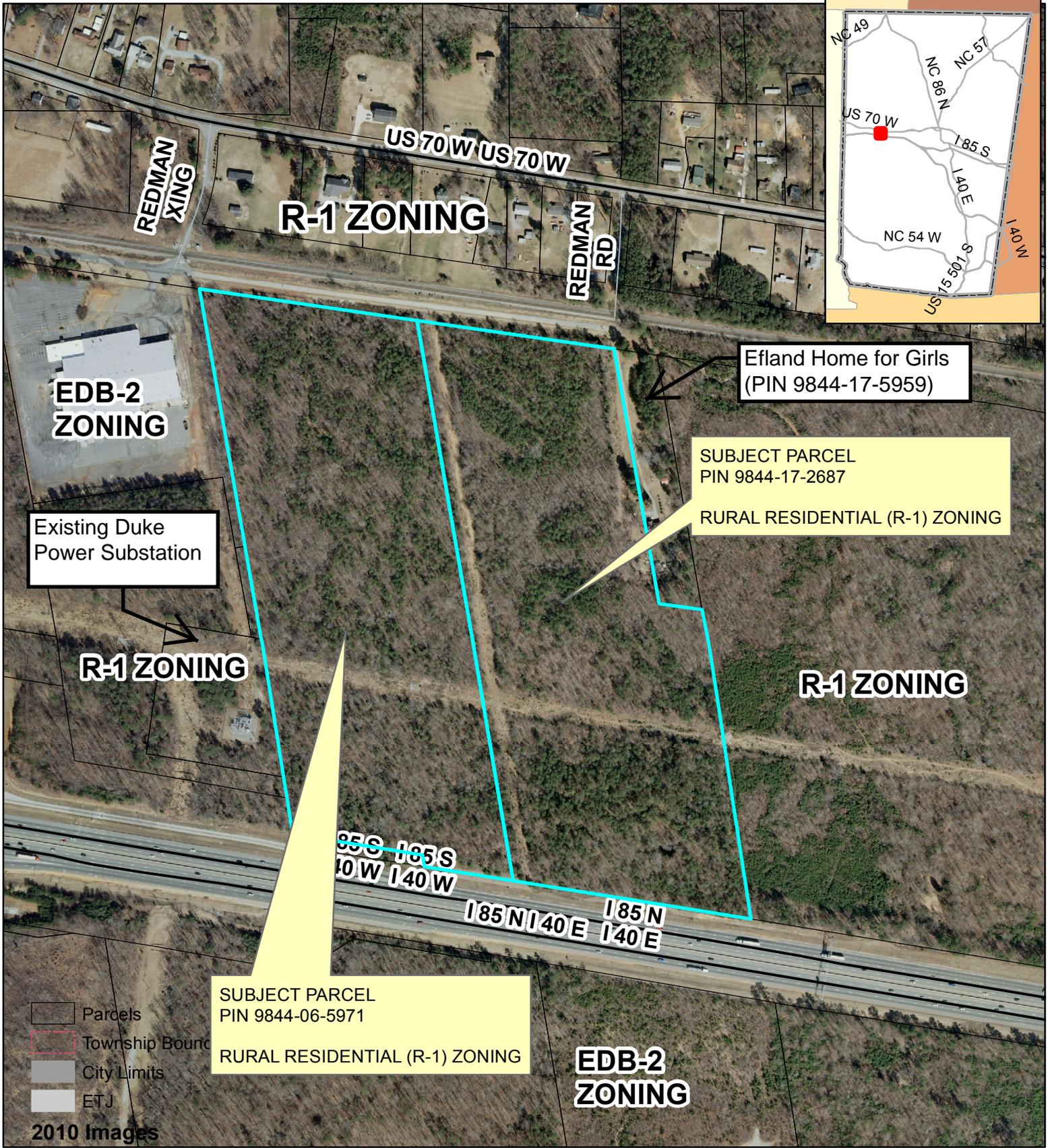
Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the May 8, 2014 BOCC regular meeting. As a procedural note, additional comments on the application must be submitted in writing to the Planning Board in order to become part of the official record of these proceedings.

FINANCIAL IMPACT: Staff has determined the project would not require augmentation of County budgetary outlays to support services and that anticipated revenues from property taxes should supplement increases in cost.

RECOMMENDATION: The Planning Director recommends the Board:

1. Deliberate as necessary,
2. Review the Findings of Fact and Conditions of Approval as contained in Attachment 3,
3. If deemed necessary, suggest additional conditions or modifications to the site plan, and
4. Make an affirmative recommendation to the BOCC regarding the Findings of Fact and Conditions of Approval as detailed within Attachment 3.

**VICINITY MAP - STRATA SOLAR
CLASS A SPECIAL USE PERMIT REQUEST**



1 inch = 400 feet
 0 500
 Orange County Planning and Inspections Department
 01/10/2014

STRATA SOLAR LLC
50101 Governors Drive Chapel Hill NC 27517

STANDARD OPERATING PROCEDURE: HERBICIDE

Herbicide use on Solar Farms owned and operated by Strata Solar will be applied at the rate suggested by the manufacture. All spraying will be done by a Licensed North Carolina Pesticide Applicator or an employee working directly under the supervision of a license holder. Persons applying herbicides will use proper PPE including but not limited to long pants and long sleeved shirts, eye protection, chemical resistant gloves and boots, and respirators depending on weather conditions. Any PPE that comes in contact with the herbicide will be washed according to the manufacturers recommendations. If there are no recommendations given, soap and hot water are to be used. All PPE will be washed separately form regular clothing. All persons who come into contact with the chemicals will wash hands with soap and warm water before visiting the toilet, eating, or using chewing tobacco. Chemicals will be used only where there is no chance of contamination to ground water or wetlands. All empty containers will be disposed at the proper location and with local codes. Should there be a major spill of chemicals, the proper authorities will be contacted and the appropriate measures will be taken to ensure the site is safe and cleanup has been done correctly.

Herbicides are typically applied to the areas under the racks holding the solar modules. These areas are sprayed two times per year. This has been shown to keep the weeds and grass under control so as not to shade the array. The fence line will also be sprayed at this time. There has been no need to spray selective broadleaf herbicides on the entire farm. Spraying will be done according to weather patterns. No spraying will take place when there are windy or rainy conditions in the immediate forecast.

Organic Herbicide use is being field tested and might come in to play in the future. Herbicide use is limited to the fence line where sheep are being used to manage the vegetation. All MSDS labels can be found on the manufacturer's web sites. These will also be on the truck applying the herbicide. These include but are not limited to Roundup Pro, Spectricide, 2,4d generic brands, and other generic glyphosate brands.

*Should there be an emergency, please contact the local authorities
and contact the Strata Solar office
(919) 960-6015*

STRATA SOLAR LLC
50101 Governors Drive Chapel Hill NC 27517

STANDARD OPERATING PROCEDURE: FERTILIZER

Fertilizer use on all farms owned and operated by Strata Solar LLC will be done in accordance to manufacturer's recommendations. All Fertilizer applications will be done by a licensed North Carolina Pesticide Applicator or an employee working directly under the supervision of a license holder. Persons applying fertilizers will use proper PPE including but not limited to long pants and long sleeved shirts, eye protection, chemical resistant gloves and boots, and respirators depending on weather conditions. Any PPE that comes in contact with the fertilizer will be washed according to the manufacturers recommendations. If there are no recommendations given, soap and hot water are to be used. All PPE will be washed separately form regular clothing. All persons who come into contact with the chemicals will wash hands with soap and warm water before visiting the toilet, eating, or using chewing tobacco. Chemicals will be used only where there is no chance of contamination to ground water or wetlands. All empty containers will be disposed at the proper location and with local codes. Should there be a major spill of chemicals, the proper authorities will be contacted and the appropriate measures will be taken to ensure the site is safe and cleanup has been done correctly.

Fertilizers are applied based on two sources. One is a standard that is written on the plan approved by each local authority. **On other farms that have been built in Orange County, the recommended rate of application for fertilizer use is 1,000 pounds per acre of 10-10-10. The suggested application is a split application of 500 pounds per acre in the spring and 500 pounds per acre in the fall.** We also take suggestions from soil samples taken from the site and analyzed by the North Carolina Extension Agency. This provides us with a more accurate representation of the amendments needed. All fertilizer applications will be done in consideration to weather patterns. No fertilizer will be applied when a large storm event is expected.

All fertilizers applied will have MSDS sheets available on the truck doing the application, on the manufactures website, and are available upon request from Strata Solar. Fertilizer use is limited on sites where there are sheep managing the grass.

*Should there be an emergency, please contact the local authorities
and contact the Strata Solar office
(919) 960-6015*

CASE NUMBER: SU-A-1-14

**FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO A REQUEST SUBMITTED BY
STOUT FARM LLC AND STRATA SOLAR
REQUESTING A CLASS A SPECIAL USE PERMIT
TO CONSTRUCT A SOLAR ARRAY-PUBLIC UTILITY
ON 2 PARCELS OF PROPERTY OFF OF REDMAN ROAD
FURTHER IDENTIFIED UTILIZING ORANGE COUNTY PARCEL IDENTIFICATION NUMBER(S)
9844-06-5971 AND 9844-17-2687.**

Applications for a SOLAR ARRAY-PUBLIC UTILITY are required to demonstrate compliance with general and specific standards as set forth in Section(s) 5.3.2 (A) and (B) as well as 5.9 of the Orange County Unified Development Ordinance (UDO).

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,
- (2) Applicable provisions of Article 3 (Dimensional Requirements) and Article 6 (Application of Dimensional Requirements) of the UDO,
- (3) Applicable landscape provisions detailed within Section(S) 5.9 and 6.8.6 of the UDO,
- (4) Specific regulations governing the development of individual Special Uses, in this case regulations detailed within Section 5.9.6 of the UDO,
- (5) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
 - a. Sewage disposal facilities,
 - b. The adequacy of police, fire, and rescue squad protection, and
 - c. The adequacy of vehicular access to the site and traffic conditions around the site
- (6) The aforementioned general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist in deliberations.

SECTION 2.2 AND 2.7.3 CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
<p>Section 2.2</p> <p>The application for a Class A Special Use Permit shall be on forms provided by the Planning Department.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained the completed application packet for the request.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.2.4 (D)</p> <p>Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff testimony from the February 24, 2014 Quarterly Public Hearing that the applicant had paid all applicable fees as required by the adopted fee schedule.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.7.3 (B) (1)</p> <p>A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a detailed narrative outlining the nature of the request as well as a formal, professionally prepared, site plan.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.7.3 (B) (2)</p> <p>The names and addresses of the owners of the property</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained the required information</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
<p>2.7.3 (B) (3)</p> <p>Relevant information needed to show compliance with the general and specific standards governing the Special Use</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained the required detail including a site plan denoting the boundary of the property.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.7.3 (B) (4)</p> <p>Twenty-six (26) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff testimony from the February 24, 2014 Quarterly Public Hearing indicating required copies of the site plan, prepared by Strata Solar and sealed by Mr. Brent Niemann License Number 026475 were submitted as part of Attachment 1.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.7.3 (B) (5)</p> <p>If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.</p>	<p><input type="checkbox"/> X <input type="checkbox"/> Not applicable</p>	<p>The Project does not involve a preliminary subdivision application.</p>	<p><input type="checkbox"/> Not applicable</p>
<p>2.7.3 (B) (6)</p> <p>A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment(s) 1 and 4 of the February 24, 2014 Quarterly Public Hearing packet contained the required information</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2.7.3 (B) (7)</p> <p>Elevations of all structures proposed to be used in the development.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>While no buildings are proposed for the site, Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan containing elevations of the proposed solar arrays.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	<u> X </u> Not applicable	The Project will not result in any disturbance requiring the submission of an Environmental Assessment per Section 6.18 of the UDO. As such this requirement is not applicable.	<u> </u> Not applicable
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	<u> X </u> Yes <u> </u> No	Attachment 1 of the packet, as well as applicant testimony, from the February 24, 2014 Quarterly Public Hearing referenced the submitted site plan containing a note stating the project will comply with applicable County Zoning and Solid Waste Management regulations.	<u> </u> Yes <u> </u> No
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	<u> X </u> Yes <u> </u> No	Attachment 1 of the packet, as well as applicant testimony, from the February 24, 2014 Quarterly Public Hearing indicating the project would be completed within a year of approval of all required permits.	<u> </u> Yes <u> </u> No
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	<u> X </u> Not applicable	The applicant is not requesting vesting of the project.	<u> </u> Not applicable

SECTION 2.7.5 CLASS A SPECIAL NOTIFICATION REQUIREMENTS ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>PLANNING BOARD FINDINGS</u>
A. The Planning Director shall give public notice of the date, time and place of the public hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 4 of, and staff testimony from, the February 24, 2014 Quarterly Public Hearing indicating public notice was sent via certified mail on February 7, 2014 for the February 24, 2014 Public Hearing.	<input type="checkbox"/> Yes <input type="checkbox"/> No
B. Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The legal ad was published in the News of Orange and the Herald Sun on February 12, 2014 and again on February 19, 2014.	<input type="checkbox"/> Yes <input type="checkbox"/> No
C. The Planning Director shall post on the affected property a notice of the public hearing at lest ten days prior to the date of said hearing.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The property was posted on February 12, 2014.	<input type="checkbox"/> Yes <input type="checkbox"/> No
D. Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	As previously indicated public notice was sent via certified mail on February 7, 2014. Attachment 4 of the February 24, 2014 Quarterly Public Hearing abstract contained staff's mail out certification, a copy of the notification letter, copies of the certified mail receipts dated February 7, 2014, and the mailing labels as provided by the applicant for all property owners within 500 feet.	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION(S) 3.3 BASE ZONING DISTRICT – AGRICULTURAL RESIDENTIAL AND 6.3 LAND USE INTENSITY MEASURES ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
<p>Section 3.3 and 6.3 of the UDO provides the land use intensity measures governing the development of projects within the County.</p>			
<p>The applicant has applied for a Special Use Permit within the Rural Residential (R-1) general use zoning district. The dimensional and ratio standards associated with the R-1 zoning district are as follows:</p>			
<p>Minimum lot size – 40,000 square feet</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet indicating the properties subject to the application totaled 52 acres of land area.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Minimum lot width – 150 feet</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan indicating the lot(s) had 686 and 620 feet, respectively, of frontage along Redman Road (SR 1311)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Required front yard setback – 40 feet</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan indicating the arrays will be setback approximately 47 feet from Redman Road (SR 1311)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Required side yard setback – 20 feet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan indicating the arrays will meet the required 20 foot side yard setback.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Required rear yard setback – 20 feet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan indicating the arrays will meet the required 20 foot rear yard setback.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Floor Area Ratio - .088 sq. ft. or 199,330 sq. ft. (52 acres x 43,560 x .088)	<input type="checkbox"/> X <input type="checkbox"/> Not applicable	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan indicating no buildings are being proposed for the property	<input type="checkbox"/> Not Applicable
Minimum gross land area	<input type="checkbox"/> X <input type="checkbox"/> Not applicable	Not applicable – This proposed project is not subject to the minimum gross land area requirement as detailed within Section 3.3 of the UDO	<input type="checkbox"/> Not Applicable
Required Open Space - .84 or 1,902,700 sq. ft. (43.68 acres) (52 acres x 43,560 x .84)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Applicant and staff testimony from the February 24, 2014 Quarterly Public Hearing indicating there is approximately 45 acres of open space as defined within Article 10 of the UDO.	<input type="checkbox"/> Yes <input type="checkbox"/> No

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Required Livability Space	<u> X </u> Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	<u> </u> Not Applicable
Required Recreation Space	<u> X </u> Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	<u> </u> Not Applicable
Required Pedestrian/landscape ratio - .21 or 475,675 sq.ft. (10.92 acres) (52 acres x 43,560 x .21)	<u> X </u> Yes <u> </u> No	Staff testimony from the February 24, 2014 Quarterly Public Hearing indicating there is approximately 11.7 acres of pedestrian/landscape space on the property comprised as follows: <ol style="list-style-type: none"> 1. Required Major Transportation Corridor (MTC) buffer – approximately 1 acre 2. Stream buffer area – south west portion of project – 9.6 acres 3. 50 foot Type D land use buffer along eastern property line – 1.1 acres 	<u> </u> Yes <u> </u> No

SECTION 5.9.6 (C) SOLAR ARRAY – PUBLIC UTILITY ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
<p>Section 5.9.6 (C) of the UDO establishes additional submittal requirements and standards of evaluation for a solar array public utility</p> <p>5.9.6 (C) (1)</p> <p>In addition to the information required by Section 2.7, the following shall be submitted as part of the application:</p>			
<p>5.9.6 (C) (1) (a)</p> <p>A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5.9.6 (C) (1) (b)</p> <p>Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information.</p> <p>The site plan indicates no buildings are proposed for the site.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
5.9.6 (C) (1) (c)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information. Existing foliage is going to be preserved along the eastern and southern boundary line to satisfy required landscape requirements.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Section 5.9.6 (C) (2) <i>Standards of Evaluation</i>			
5.9.6 (C) (2) (a)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information, specifically Note 20.	<input type="checkbox"/> Yes <input type="checkbox"/> No
All on-site utility and transmission lines shall, to the extent feasible, be placed underground.			
5.9.6 (C) (2) (b)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information, specifically in the elevation drawings of a typical array.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The height of proposed arrays and support structures shall not exceed 40 feet.			
5.9.6 (C) (2) (c)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information, specifically Note 21.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Individual arrays/solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.			

Ordinance Requirements

PLANNING STAFF RECOMMENDED FINDINGS

EVIDENCE SUBMITTED TO SUPPORT FINDINGS

PLANNING BOARD FINDINGS

5.9.6 (C) (2) (d)

Yes No

Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information, specifically Note 16.

Yes No

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5.9.6 (C) (2) (e)

Yes No

Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information.

Yes No

All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the provisions of Section 6.8.

The applicant is proposing an 8 foot high fence and a 50 foot wide Type D land use buffer as required within Section 6.8 of the UDO.

5.9.6 (C) (2) (f)

Yes No

Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a narrative indicating proof of insurance would be provided prior to issuance of a Certificate of Occupancy.

Yes No

The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$ 500,000.00 per occurrence.

Staff recommends a condition of approval be that a copy of the policy be submitted prior to the issuance of the Certificate of Occupancy

Ordinance Requirements

5.9.6 (C) (2) (g)

A Type D Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes.

Existing vegetation may be used to satisfy the landscaping requirements.

5.9.6 (C) (3)
Decommissioning

PLANNING STAFF RECOMMENDED FINDINGS

Yes No

Yes No

EVIDENCE SUBMITTED TO SUPPORT FINDINGS

Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a site plan denoting required information.

Attachment 1 of the February 24, 2014 Quarterly Public Hearing packet contained a narrative detailing the applicant's understanding of our decommissioning requirements and further indicating they will comply with these applicable standards in the event the use of the site as a solar array – public utility is ceased.

PLANNING BOARD FINDINGS

Yes No

Yes No

Section 5.3.2 (B) SPECIAL USE – SPECIFIC STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>PLANNING BOARD FINDINGS</u>
Section 5.3.2 (B)			
In addition to the general standards the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit			
Section 5.3.2 (B) (1)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 3 of the February 24, 2014 Quarterly Public Hearing packet contained correspondence from staff indicating there are no problems with respect to compliance with this standard.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Method and adequacy of provision for sewage disposal facilities, solid waste and water service.		No sewage system or well is proposed.	
		Waste will be disposed of by a private contractor. Orange County Solid Waste has indicated they have no concerns associated with the project.	

Ordinance Requirements

PLANNING STAFF RECOMMENDED FINDINGS

EVIDENCE SUBMITTED TO SUPPORT FINDINGS

PLANNING BOARD FINDINGS

Section 5.3.2 (B) (2)

Yes No

Attachment 3 of the February 24, 2014 Quarterly Public Hearing packet contained correspondence from staff indicating there are no problems with respect to compliance with this standard.

Yes No

Method and adequacy of police, fire and rescue squad protection.

Fire protection will be provided by the Efland Volunteer Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department.

The Fire Marshal indicates they had no problem with the proposal as submitted. Staff has verified with the deputy chief of the Efland volunteer fire department (Pete Hallenbeck) his department has no concerns.

No concerns have been expressed by the Sheriff's office.

Section 5.3.2 (B) (3)

Yes No

NC DOT has indicated they have no concerns over the project.

Yes No

Method and adequacy of vehicle access to the site and traffic conditions around the site.

A condition of approval is Strata Solar shall obtain a NC DOT driveway permit prior to the commencement of land disturbing activity associated with the project.

Section 5.3.2 (A) (2) SPECIAL USE – GENERAL STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
<p>In accordance with Section 5.3.2 (A) (2), the Board of Commissioners shall also consider the following general conditions before the application for a Special Use can be approved:</p>	<p>** NOTE – staff does not make specific recommendations with respect to these findings **</p>		
<p>Section 5.3.2 (A) (2) (a)</p>		<p>Based on evidence presented at the hearing including:</p>	<p style="text-align: center;">___Will ___Will Not</p>
<p>The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.</p>		<ul style="list-style-type: none"> i. Staff abstract and attachments, including the SUP application and site plan. ii. Staff testimony on the project's compliance with the UDO from the Public Hearing and the March/April Planning Board meetings. iii. Applicant testimony from Mr. Louis Iannone, Mr. Bret Niemann, Mr. Gabriel Cantor, and Mr. Richard Kirkland, on how the project complied with the UDO including the affidavit entered into the record at the Public Hearing and written correspondence submitted to the March and April Planning Board meetings. iv. Adjacent property owner e-mails and applicant responses. Comments from the BOCC, Planning Board, and the general public. 	

**PLANNING
STAFF
RECOMMENDED
FINDINGS**

Section 5.3.2 (A) (2) (b)

The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).

**EVIDENCE SUBMITTED
TO SUPPORT
FINDINGS**

Based on evidence presented at the hearing including:

- i. Staff abstract and attachments, including the SUP application and site plan.
- ii. Staff testimony on the project's compliance with the UDO from the Public Hearing and the March/April Planning Board meetings.
- iii. Applicant testimony from Mr. Louis Iannone, Mr. Bret Niemann, Mr. Gabriel Cantor, and Mr. Richard Kirkland, on how the project complied with the UDO including the affidavit entered into the record at the Public Hearing and written correspondence submitted to the March and April Planning Board meetings. This included a real estate evaluation indicating the project would not have an impact on adjacent property value.

**PLANNING
BOARD
FINDINGS**

___ Will ___ Will
 Not

**PLANNING
STAFF
RECOMMENDED
FINDINGS**

Section 5.3.2 (A) (2) (c)

The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

**EVIDENCE SUBMITTED
TO SUPPORT
FINDINGS**

Based on evidence presented at the hearing including:

- i. Staff abstract and attachments, including the SUP application and site plan.
- ii. Applicant testimony from Mr. Louis Iannone, Mr. Bret Niemann, Mr. Gabriel Cantor, and Mr. Richard Kirkland, on how the project complied with the UDO

**PLANNING
BOARD
FINDINGS**

___ Is ___ Is
 Not

RECOMMENDATION:

Staff has not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO.

Provided the Planning Board and the Board of County Commissioners finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Planning Board makes the determination that the permit can be issued, Planning Staff recommends the attachment of the following conditions to the Special Use Permit:

- (1) The applicant shall cause a formal and detailed landscape and tree preservation plan shall be submitted and approved by the Orange County Planning Department within 180 days from the approval of the Special Use Permit.
- (2) A revised site plan shall be submitted denoting the required Pedestrian/Landscape Ratio for the project as required under Section 3.3 of the UDO. This revised sheet shall be submitted within 180 days from the approval of the Special Use Permit.
- (3) That the applicant complete and submit a formal application to the Orange County Inspections Department requesting authorization to commence construction of the proposed solar array. The application, including all applicable fees, shall be submitted within 180 days from the approval of the Special Use Permit.
- (4) That the Orange County Fire Marshal's office shall review and approve the final site plan, as part of the normal building permit review process, and that any and all modifications be made to address fire code issues and access prior to the issuance of the permit authorizing the commencement of land disturbing activities.
- (5) The applicant shall provide a detailed, scaled, map to the Orange County Fire Marshal's office and the Efland Volunteer Fire Department denoting the location of all storage areas for batteries, master cut-off switches, and other similar devices to ensure the protection of emergency responders in the event of a catastrophic incident on the property. This map shall be submitted prior to the issuance of a Certificate of Occupancy by the County allowing for operation of the facility to commence.
- (6) That prior to the commencement of land disturbing activity the applicant shall submit all necessary stormwater, grading plans, and erosion control applications to the Orange County Erosion Control Department for review and processing. These applications shall be submitted within 180 days from the issuance of the SUP.
- (7) That the applicant shall submit the approved site plan to NC DOT for review and comment. In the event it is determined that the applicant is required to apply for, and receive a, driveway permit from NC DOT to allow for the project to be developed, the applicant shall submit all necessary applications as required by NC DOT within 180 days from the issuance of the SUP and provide planning staff with a copy of the issued permit.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 8**

SUBJECT: Comprehensive Plan and Unified Development ordinance Text Amendments for Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan/UDO Amendment Outline Form (UDO/Zoning 2013-06)
2. Proposed UDO and Comprehensive Plan Text Amendments
3. Chart of Basic Zoning Program

INFORMATION CONTACT:

Perdita Holtz, 919-245-2578
Craig Benedict, 919-245-2592

PURPOSE: To make a recommendation to the BOCC on Planning Director initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to implement a program commonly referred to as “Agricultural Support Enterprises” outside of the Rural Buffer land use classification.

BACKGROUND: The form in Attachment 1 contains additional information and analysis regarding these County initiated amendments that will implement a program that has been in development since 2001. The proposed amendments are contained in Attachment 2.

A chart depicting the basic zoning program for Agricultural Support Enterprises (ASE) uses is included in Attachment 3. This chart shows which uses are allowed in which zoning districts and directs users to the section of the UDO that contains any specific use standards. From a zoning/land use perspective, the ASE program involves:

- creating a new conditional zoning district (ASE-CZ),
- adding additional permitted uses to some of the existing general use zoning districts,
- creating use-specific standards that ASE uses must meet,
- updating some of the development standards in Article 6,
- defining what the use is (Article 10 – Definitions), and
- amending the Land Use and Zoning Matrix of the 2030 Comprehensive Plan to show which Land Use classifications the new conditional zoning district (ASE-CZ) would potentially be allowed in.

Advisory Board Review

The “Amendment Outline Form” (Attachment 1) for these amendments was approved by the BOCC at its September 5, 2013 regular meeting. The amendments have been reviewed three times by the Agricultural Preservation Board and twice by the Planning Board’s Ordinance Review Committee (ORC) (see Section C.2.b in Attachment 1 for more information) and

comments made by these boards have been incorporated into the proposed amendments. Both advisory boards are supportive of moving forward with the ASE program.

At the BOCC work session on May 14, 2013, the BOCC asked staff to get input from the advisory boards, especially the Agricultural Preservation Board, on whether removing the more intensive uses from the new conditional zoning district (ASE-CZ) would be acceptable. Both the Agricultural Preservation Board and the ORC are supportive of allowing applicants to apply for as many agriculturally-related uses as possible since the new ASE-CZ enables projects to be considered on a site-specific, case-by-case basis. There is acknowledgement that a project that may not be suitable on a 3-acre parcel immediately adjacent to a residential subdivision may be an appropriate use on a 20-acre parcel with limited neighbors. The new conditional zoning district would give the Board of Commissioners discretion in deciding these types of situations.

Information about the ASE program, including the public information meeting, was posted on the Planning Department's website (<http://orangecountync.gov/planning/AgriculturalSupportEnterprises.asp>) on January 24, 2014.

Public Hearing

The proposed UDO amendments were heard at the February 24, 2014 joint public hearing. A summary of comments made at the hearing is included in Section C.1.b of Attachment 1.

Procedural Information

In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation

The Planning Director recommends **approval** of the proposed Comprehensive Plan and UDO amendments on the basis that these amendments further the following Goals and Objectives of the Comprehensive Plan:

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

FINANCIAL IMPACT: See Section C.3 in Attachment 1.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Deliberate as necessary on the proposed UDO amendments;
2. Consider the Planning Director's recommendation to approve the Comprehensive Plan and UDO amendments contained in Attachment 2; and,
3. Make a recommendation to the BOCC on the proposed UDO text amendments in time for the May 20, 2014 BOCC meeting.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-06

Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s): Appendix F: Land Use and Zoning Matrix

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s): Numerous sections in order to establish a new conditional zoning district, define uses, designate zoning districts for uses, and establish/modify various standards for uses.

- Other:

B. RATIONALE

1. Purpose/Mission

To complete the Agricultural Support Enterprises (ASE) project that has been in development since 2001. The purpose of ASE is to enable bona fide farmers to engage in appropriate uses related to agriculture on their farmland in order to generate additional farm income with the intent of better enabling farmers to keep

farming, thereby preserving an important part of Orange County's heritage. Use-specific and general development standards are also proposed in order to minimize any adverse impacts on adjoining and nearby properties. The ASE program will potentially allow for development of more agriculturally-related uses in the county by utilizing a new conditional zoning district (ASE-CZ). The proposed amendments will also expand agriculturally-related uses in some of the general use zoning districts.

2. Analysis

A separate text amendment is being proposed that would make the ASE program applicable within the Rural Buffer land use classification. Readers are encouraged to view the materials for the separate amendment if they are interested in the applicability of the program to the Rural Buffer.

As required under Section 2.8.5 of the UDO, the Planning Director is required to: 'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'.

The Agricultural Support Enterprises (ASE) project has been in development since 2001 and has been known by other names ("Rural Enterprises" and "Agricultural Services") in the past. The project has been on several Board of County Commissioners (BOCC) agendas through the years and the following meeting materials can be reviewed for additional context:

February 23, 2004	http://orangecountync.gov/OCCLERKS/0402231.pdf
March 29, 2004	http://orangecountync.gov/OCCLERKS/040329.htm (JPA Information Item)
February 28, 2005	http://orangecountync.gov/OCCLERKS/050228c1.pdf
May 23, 2005	http://orangecountync.gov/OCCLERKS/050523d1.pdf
May 22, 2006	http://orangecountync.gov/OCCLERKS/060522d2.pdf
May 21, 2007	http://orangecountync.gov/OCCLERKS/070521d1.pdf
June 12, 2007	http://orangecountync.gov/OCCLERKS/0706124ii.pdf
August 27, 2007	http://orangecountync.gov/OCCLERKS/070827d1.pdf
May 14, 2013	http://orangecountync.gov/occlerks/130514.pdf
September 9, 2013	http://orangecountync.gov/occlerks/130909.pdf
November 21, 2013	http://orangecountync.gov/occlerks/131121.pdf (Assembly of Governments meeting)

This project is included in the "Future Phase Suggestions" section of the UDO "Implementation Bridge." A multi-department staff group has been working on this program. Departments include DEAPR, Economic Development, Environmental Health, and Planning & Inspections (including Building Code staff).

Completion of the ASE zoning program is also included in the County's adopted (2009) Agricultural Development and Farmland Protection Plan available at: <http://www.orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>

The proposed amendments build heavily upon the work that has been completed since 2001, with some minor deviations to account for changes in statutes related to bona fide farms and to follow the general cadence of the County's UDO (the former program had been written to fit into the former Zoning Ordinance) while maintaining the integrity of the UDO. As an example of a minor deviation, the former program proposed to allow for several of the new use categories to be permitted by right in the R-1 (Rural Residential) zoning district. Because this is inconsistent with the purpose of the R-1 zoning district, which is "to provide locations for rural non-farm residential development..." [underline added], staff is not including these uses as permitted by right in the R-1 district; property owners currently zoned R-1 who wish to engage in these uses can choose to apply for the new ASE-CZ zoning district or even the AR (Agricultural Residential) zoning district (in which these uses are proposed to be permitted by right).

The proposed text amendment would add a number of agriculturally-related uses/activities as "permitted by right" in several general use zoning districts, subject to the use-specific standards proposed in Article 5 and the general development standards in Article 6. The added uses are shown in red text in Section 5.2.1 (Table of Permitted Uses – General Use Zoning Districts).

The proposed text amendment also includes a new conditional zoning district, ASE-CZ. Conditional zoning districts allow applicants to apply for a rezoning that can be considered on a case-by-case basis, taking into account the suitability of a particular parcel of land for a proposed use(s). Mutually agreed upon development or operational conditions can also be applied to the rezoning action. Conditional districts are a regulatory tool that help local governments allow appropriate uses on a site-specific basis while also allowing the imposition of conditions that may help ease nearby residents' concerns about a particular use. The types of uses that can be applied for as an ASE-CZ are listed in Section 5.2.3 (Table of Permitted Uses – Conditional Zoning Districts).

Use-specific development standards for most of the new uses are proposed in Article 5. The standards are intended to mitigate any adverse impacts a proposed use may cause to adjacent properties. Additionally, the development standards applicable to all development in Orange County (Article 6 of the UDO) will apply to the uses included in this amendment; examples of the standards in Article 6 are: land use buffers, parking, signage, stream buffers, and performance standards such as noise.

The proposed amendments also add definitions to Article 10 of the UDO. Definitions are an important aspect of regulations as they are used to describe a specific activity so they assist in helping applicants and staff categorize a particular use to ensure it is permitted correctly.

The Land Use and Zoning Matrix in the Comprehensive Plan is proposed to be amended to show that the ASE-CZ zoning district could be applied in the following land use classifications:

- Commercial Transition Activity Node
 - Commercial-Industrial Transition Activity Node
 - Rural Residential
 - Agricultural Residential
 - Rural Community Activity Node
 - Rural Neighborhood Activity Node
 - Rural Industrial Activity Node
- If the amendments are adopted, a manual for the layperson to use will be developed by DEAPR and Planning staff.
- The Planning Director recommends **approval** of the proposed amendments on the basis that they further the goals of the Comprehensive Plan listed in (3) below.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

September 5, 2013

b. Quarterly Public Hearing

February 24, 2014

At the quarterly public hearing, the following comments were made:

1. The Staff Attorney raised issues of legal sufficiency with three definitions/standards

sections.

Staff Response: The County Attorney's office suggested edits to be made to correct concerns about legal sufficiency and those edits have been incorporated into the proposed text.

2. A BOCC member asked about how conditional zoning fits into the program and expressed concern with uses developed as part of the Conditional Zoning process and what happens if project cannot meet established standards.

Staff Response: A new conditional zoning district (ASE-CZ) is being proposed for Agricultural Support uses. The requirements of the UDO would have to be met in order to obtain a permit and the use would have to keep operating under the conditions of the permit. A use that does not keep operating under the conditions of the permit and other UDO requirements would have zoning enforcement taken to correct any deficiencies.

3. A BOCC member asked why the R-1 (Rural Residential) zoning district was not having ASE uses added to it.

Staff Response: As has been explained in Footnote #8 in the amendment package, the stated purpose of the R-1 zoning district is to provide for rural non-farm residential development. Because of the emphasis on non-farm development, Planning staff believes adding farming-related uses to the R-1 zoning district would be inconsistent with the stated purpose of the district. Farms currently located in the R-1 zoning district that desire to add ASE-related uses can either apply to have their property rezoned to AR (Agricultural Residential) or can apply for the new ASE-CZ zoning district.

4. A BOCC member asked if looking at conditional zoning districts on a case-by-case basis is OK or whether it would create legal problems.

Staff Response: The Staff Attorney answered that the conditional zoning district is legally sufficient. *Further Planning Staff Comment:* This question seems to arise from past concerns by this BOCC member about avoiding "spot zoning," which occurs when a particular piece of property is zoned differently (in a *general use* district) from surrounding or nearby property. It should be noted that spot zoning is legally defensible if it is done consistent with a Comprehensive Plan. To require otherwise would mean that local governments could not effect land use changes through rezonings because no property could be zoned differently from nearby property. Spot zoning is not legally defensible if a rezoning is not consistent with a jurisdiction's Comprehensive Plan. Regardless, case law has decided that *conditional zoning* does not constitute spot zoning. Spot zoning is applicable to general use zoning districts.

5. A BOCC expressed concern about water issues and the proposed text that will require higher water users to complete a groundwater study when other types of uses are not required to complete studies.

Staff Response: The Staff Attorney stated this was a policy issue and did not create a legal problem. *Further Planning Staff Comment:* The requirement for a groundwater study for uses expected to be high water users was added to the ASE

amendments after the November 2013 Assembly of Governments meeting because concern was expressed about allowing uses that could consume a lot of groundwater in areas of the county that are not served by public water systems. Concern over sustainable water quantities/quality is sometimes expressed during the review process for a variety of development projects and in 2001 the U.S. Geological Survey (USGS) completed a study entitled "Investigation of Ground-Water Availability and Quality in Orange County, North Carolina." The study found the mean groundwater recharge for the 12 basins in the county to be 4.90 inches per year (365 gallons per day per acre), although arguments have been made in the past that the years studied were particularly wet.

To date, Orange County has not chosen to regulate land uses completely on the basis of groundwater recharge rates, but Planning staff is supportive of a policy/requirement to lessen any impact high water users may have on neighboring properties. Planning staff recommends requiring the groundwater study for high water users. While it is correct that ASE-related uses are being singled out at this point, this is because uses other than single family residential uses are generally not currently allowed in areas of the county that rely on individual wells for their water supply.

6. A Planning Board member stated he believed some of the proposed regulations were too limiting.

Staff Response: The ASE program has been in development since 2001 and one of the reasons it has taken so long is that there have been disagreements over the years about how lenient or restrictive the regulations should be. The Agricultural Preservation Board is supportive of adopting these proposed amendments and Planning staff recommends that rather than re-opening long-standing debates about how restrictive or permissive the regulations should be, that the amendments as proposed should be adopted and if, in the future, the need is identified to further refine any particular portions, additional amendments can be undertaken at that time.

7. A Planning Board member asked whether exempt agricultural uses would be taken into account when determining if a groundwater study would be required.

Staff Response: Exempt agricultural uses are not limited in the amount of water they can use. Language has been added to appropriate sections of the proposed text to clarify that bona fide farm uses are not required to be included in the calculations for a groundwater study.

8. A member of the public expressed support for the amendments and for anything that can be done to help farmers make ends meet.
9. A member of the public stated this is an important concept and water is a big issue to be considered.
10. A member of the BOCC stated that the largest farmers in the county, such as commodity farmers, are likely to just keep doing what they're doing but that this program is most likely to benefit smaller farmers who are looking to augment their operations.
11. A member of the BOCC stated that low water users should be encouraged and the

carrying capacity should not be exceeded.

c. BOCC Updates/Checkpoints

May 14, 2013 - work session
 September 9, 2013 - special work session
 November 21, 2013 - Assembly of Governments meeting (issues related to Rural Buffer)
 February 4, 2014 – approve legal ad for quarterly public hearing
 April 15, 2014 – receive Planning Board recommendation on UDO amendment package outside of the Rural Buffer

d. Other

12. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements and additional outreach as described below.

a. Planning Board Review:

October 2, 2013 – ORC Meeting
 November 6, 2013 – ORC Meeting (continued) – Comments were incorporated into the proposed amendments and the Planning Board stated it was ready for the proposal to be heard at a public hearing
 March 5, 2014 – for recommendation

b. Advisory Boards:

Agricultural Preservation Board (APB) reviewed and discussed the entire ASE program at its October 16, November 20, 2013, and January 15, 2014 meetings

The consensus of the APB is that the Board is supportive of moving forward with the proposed ASE program and would like farmers to have the ability to apply for as many types of agriculturally-related uses as possible.

c. Local Government Review:

November 21, 2013 AOG Meeting to Present to Elected Officials

August 13, 2013 - Planning staff informally notified Chapel Hill and Carrboro Planning Directors of work in progress and anticipated AOG item

Proposed amendment package formally sent to JPA partners on January 17, 2014. To date, no comments have been received.

d. Notice Requirements

Item was included in the legal advertisement for the February quarterly public hearing which was published in The Herald Sun and the News of Orange on February 12 and 19, 2014.

e. Outreach:

- General Public: The Public Information Meeting scheduled for February 13, 2014 had to be rescheduled to February 17 due to inclement weather. The meeting was advertised in the legal ad, press release, and posted flyers in government buildings/facilities and businesses in the county.
- Small Area Plan Workgroup:
- Other: Planning staff has worked with DEAPR staff and the Agricultural Preservation Board to ensure the “agricultural community” is informed of the amendments.

13. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2013-14 Departmental funds budgeted for this purpose. Existing County staff included in Departmental staffing budgets will accomplish the work required to process this amendment and to develop the accompanying manual for the layperson.

D. AMENDMENT IMPLICATIONS

These amendments incorporate land uses the agricultural community would like to see specifically included on the Table of Permitted Uses (Section 5.2) (as opposed, for example, being considered “Retail, Class 1”). The amendments also establish a new conditional zoning district (ASE-CZ) and denote the types of uses that may be applied for as part of an ASE-CZ rezoning application, potentially allowing for development of more agriculturally-related uses in the county. The proposed amendments will also expand agriculturally-related uses in some of the general use zoning districts.

Please also see section B.2 above for additional information.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2

Primary Staff Contact:

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Planning & Inspections

919-245-2578

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Attachment 2

Amendment Package for “Agricultural Support Enterprises” Outside of the Rural Buffer

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text and Comprehensive Plan text to adopt changes related to “Agricultural Support Enterprises,” as it is applicable outside of the Rural Buffer land use classification. The changes are consistent with the general program that has been in development since 2001. A separate text amendment is available for Agricultural Support Enterprises (ASE) within the Rural Buffer. The text amendments are being proposed separately because an amendment is necessary to the Joint Planning Area Land Use Plan and Agreement in order to apply the ASE program within the Rural Buffer land use classification. The required amendment is anticipated to occur during 2014 but County staff thought it would be prudent to separate the Rural Buffer information from the remainder of the county since the Rural Buffer portion is expected to be on a longer timeframe of review.

The purpose of the ASE project is to augment allowable uses farmers throughout Orange County’s planning jurisdiction can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas while minimizing any adverse impacts on adjoining property by applying special standards for specific uses and the development requirements in the County’s UDO for all projects. By better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved.

Proposed additions/changes to existing text are depicted in red; text in red is unchanged from text presented at the February 24, 2014 quarterly public hearing. Text in blue was presented at the quarterly public hearing as proposed changes to the originally proposed language. Text in green are changes proposed after the quarterly public hearing to correct errors, clarify intent (in response to questions asked at the public hearing), or to address issues of legal sufficiency raised by the County Attorney’s office at the public hearing. Some of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

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

not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.

- (B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of all existing structures, driveways, and areas of impervious surface¹,
 - (4) The location of the proposed structure(s) and distances from all property lines,
 - (5) The location of the proposed driveway,
 - (6) The location of the proposed septic system and proposed drain lines on the property,
 - (7) The location of the proposed well, and
 - (8) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc)-, and
 - (9) The location and dimensions of proposed parking areas.

¹ Staff recommends adding this language to the requirements for a plot plan. This section seems to have been written only with new construction in mind. However, denoting the location of these items has always been asked by staff or else impervious surface could not be calculated for a lot. Additionally, some structure types are required by the building code to be a certain distance from other structures so without the information on the plot plan, it would be impossible for staff to determine compliance.

- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
 - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

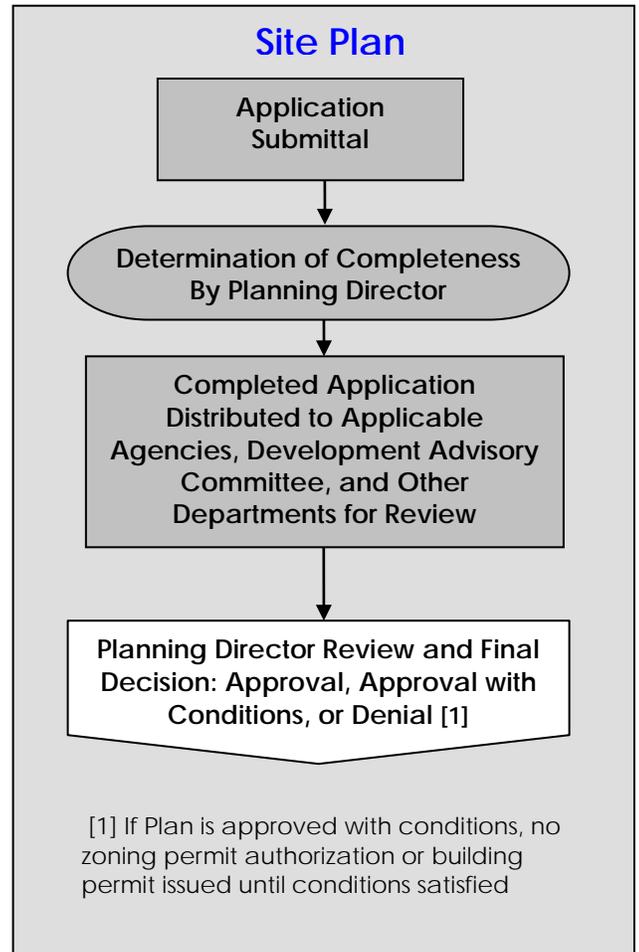
SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure's flowchart.

2.5.2 Application Requirements

- (A) Each site plan shall be prepared and sealed by an appropriately licensed professional ~~with the following exceptions.~~ **The following are exempt from this requirement but must provide a plot plan pursuant to Section 2.4.3.²:**
 - (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
 - (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
 - (3) Large day care homes, as defined in Article 10, Definitions.
 - (4) Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.
 - (5) **Cooperative Farm Stand.**
 - (6) **Rural Special Events.**
 - (7) **Non-Farm Use of Farm Equipment.**
- (B) The applicant shall submit to the Planning and Inspections Department:
 - (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;



² Staff recommends this additional language to provide more clarity that a plot plan is (and has always been) required for the uses in this list.

- (D) A rezoning request to a Conditional District is a voluntary procedure that is intended for firm development proposals.

3.8.3 Districts Established

(A) Conditional Zoning Districts

- (1) Conditional Zoning (CZ) Districts are floating zoning districts, permitted within most land use designations allowing for the development of specific land uses, in accordance with established standards.
- (2) A CZ requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan or Master Plan, and may include agreed-upon conditions of development.
- (3) The following CZ districts are hereby established:
 - (a) **Agricultural Support Enterprises (ASE-CZ)**
 - (b) Mobile Home Park (MHP-CZ)
 - (c) Master Plan Development (MPD-CZ)
 - (d) NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1)
- (4) Land uses permitted within CZ districts shall be those uses detailed within Section 5.2 of this Ordinance.
- (5) Development standards for each district are located in Article 6 of this Ordinance.

(B) Conditional Use Districts

- (1) Conditional Use Districts allow for the development of a specific land use, or land uses, listed on the Table of Permitted Uses in Section 5.2 of this Ordinance, even if such use is not listed as a permitted use or special use under the current zoning designation of the subject property.
- (2) Conditional Use Districts shall conform to all applicable development regulations, including uses, for the corresponding general use zoning district, as well as any specific use standards and development standards established in Articles 5 and 6 of this Ordinance.
- (3) A Conditional Use District requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan, the issuance of a Class A Special Use Permit, and may include agreed-upon conditions of development.

3.8.4 Where Permitted

- (A) Conditional Districts are permitted in any Land Use classification and shall be located consistent with the existing general development pattern and the objectives of the adopted Comprehensive Plan and any adopted small area plan(s).
- (B) Conditional Districts are permitted within areas subject to the Joint Planning Agreement (JPA) between Orange County the Towns of Carrboro and Chapel Hill, subject to the terms and standards of the JPA.
- (C) Conditional Districts are permitted within the University Lake, Cane Creek, and Upper Eno Protected and Critical Watershed Overlay Districts.

<h1 style="margin: 0;">ASE-CZ</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>	DIMENSIONAL AND RATIO STANDARDS ³		
	PURPOSE	Lot size, min., per use (square feet)	40,000 [1]
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.	Lot Width, min. (feet)	150	
	Front Setback from ROW, min. (feet)	40	
	Side Setback, min. (feet)	20 [2]	
The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself. ⁴ This district shall not be applied in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan. ⁵	Rear Setback, min. (feet)	20 [2]	
	APPLICABILITY	Height, max. (feet)	45 [3]
	Floor Area Ratio, max	No requirement [4]	
	Required Open Space Ratio, min.	No requirement [4]	
DIMENSIONAL STANDARDS NOTES: ⁶ [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.	Required Livability Space Ratio, min.	No requirement [4]	
	Required Recreation Space Ratio, min.	No requirement [4]	
	Required Pedestrian / Landscape Ratio, min.	No requirement [4]	
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS ⁷			
1.	Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. 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.		
2.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance.		

³ These standards are consistent with other existing zoning districts such as AR and AS and/or are consistent with how other CZ districts are handled.

⁴ This statement is consistent with the statements made for other CZ districts.

⁵ An amendment to allow certain ASE-CZ uses in the Rural Buffer land use classification will be processed separately. This is because revisions to the Joint Planning Area (JPA) Land Use Plan and Agreement must occur before this zoning classification can be considered for the Rural Buffer.

⁶ Consistent with how similar uses/zoning districts are written.

⁷ These are typical of other zoning districts and seek to direct users to other applicable sections of the UDO. #3 also clarifies that residential uses in the ASE-CZ district are incidental.

3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). The ASE-CZ district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated farm or the proprietor of the approved use.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

- (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,
 - (b) Class II Kennels,
 - (c) Commercial Feeder Operation,
 - (d) Composting Operation with grinding,**
 - (e) Crematoria,
 - (f) Extraction of Earth Products,
 - (g) Junkyards,
 - (h) Landfills (less than 2 acres),
 - (i) Landfills (2 acres or more),
 - (j) Meat Processing Facility, Regional,**

- (k) Military Installations (National Guard & Reserve Armory),
 - (l) Residential Hotel (Fraternities, Sororities, and Dormitories),
 - (m) ~~Riding Stables~~, **Commercial**,
 - (n) Sawmills,
 - (o) Stockyards / **Livestock Markets**, and
 - (p) 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,
 - (c) Bus Terminals & Garages,
 - (d) Class II Kennels,
 - (e) Commercial Feeder Operation,
 - (f) **Composting Operation with grinding**,
 - (g) Crematoria,
 - (h) Drive-In Theaters,
 - (i) Extraction of Earth Products,
 - (j) Farm Equipment **Rental**, & Sales **and Service**,
 - (k) ~~Feed, Seed, Storage & Processing Mill~~,
 - (l) Funeral Homes,
 - (m) Health Services: Over 10,000 square feet,
 - (n) Hospitals,
 - (o) Hotels & Motels,
 - (p) Industrial, Light,
 - (q) Industrial, Medium,
 - (r) Industrial, Heavy,
 - (s) Junkyards,
 - (t) Landfills (less than 2 acres),
 - (u) Landfills (2 acres or more),
 - (v) **Meat Processing Facility, Regional**,
 - (w) Military Installations (National Guard & Reserve Armory),
 - (x) Motor Freight Terminals,
 - (y) Motor Vehicle Maintenance & Repair (Body Shop),
 - (z) Motor Vehicle Repair Garage,
 - (aa) Petroleum Products: Storage & Distribution,
 - (bb) Research Facility,
 - (cc) Residential Hotel (Fraternities, Sororities, and Dormitories),
 - (dd) ~~Riding Stables~~, **Commercial**,

- (ee) Sawmills,
- (ff) Stockyards / Livestock Markets,
- (gg) Storage of Goods, Outdoor,
- (hh) Waste Management Facility; Hazardous & Toxic, and
- (ii) Wholesale Sales.

SECTION 5.2: TABLE OF PERMITTED USES

5.2.1 Table of Permitted Uses – General Use Zoning Districts

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 ⁸	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)																						
AGRICULTURAL USES																						
Agricultural Processing Facility ~																*		*	*	*		
Agricultural Processing Facility, Community ^		*								*	*					*		*				
Agricultural Services Uses													Δ			*						
Cold Storage Facility																A		*	*	*		
Commercial Feeder Operation ⁹		Δ														Δ		Δ				
Community Farmers' Market ^		*								*	*	*	*			*						
Composting Operation, no grinding																A						
Composting Operation, with grinding ~																A						
Cooperative Farm Stand ^		*								*	*					*						
Equestrian Center		A																				
Farm Equipment Rental, & Sales and Service ~													*	*		*			*	*		
Farm Supply Store										*	*	*	*			*						
Feed, Seed, Storage & Processing Mill ~																*			*	*		
Greenhouses with (On Premises Sales) ^ ¹⁰		*									*	*	*	*		*						

⁸ It should be noted that the pre-2010 ASE work proposed that many of the ASE-related uses would also be allowed in the R-1 (Rural Residential) zoning district. Planning staff is recommending that farming-related uses not be added to the R-1 zoning district as permitted uses because the stated purpose of the R-1 zoning district is “to provide for rural **non-farm** residential development...” (emphasis added). Farming ventures currently located in an R-1 zoning district can apply to have property rezoned to either AR (Agricultural Residential) or ASE-CZ if there is interest in pursuing additional uses on the farmed property.

⁹ This is considered a bona fide farm under State Statutes and cannot be regulated with zoning so it is being recommended for deletion by staff.

¹⁰ Moved from “Commercial Uses” section

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 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3
~ 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)																				
Meat Processing Facility, Community ^		*								*	*					*		*		
Meat Processing Facility, Regional ~																A				
Non-Farm Use of Farm Equipment ^		*														*				
Riding-Stables, Commercial ~	B	B	B									B	B			B				
Stockyards / Livestock Markets ~																*				
CHILD CARE & EDUCATIONAL FACILITIES																				
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*					
Libraries										*	*	*	*		*					
Non-Profit Educational Cooperative		A																		
Schools: Dance, Art & Music										*	*	*	*	*	*					
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A					
Schools: Vocational												*	*		*			*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*					
COMMERCIAL USES																				
Banks & Financial Institutions										*	*	*	*	*						
Beauty & Barber Shops										*	*	*	*	*						
Rural Guest Establishment: Bed & Breakfast ¹¹	*	*	*																	
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																	
Rural Guest Establishment: Country Inn ^		A	A																	
Country Store										*	*					*				
Drive In Theaters ~													*							

¹¹ The three “Rural Guest Establishment” types will be moved to alphabetical order within the list as well.

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 ⁸	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)																					
Funeral Homes ~												*	*								
Garden Center (On Premises Sales)										*	*	*	*			*					
Greenhouses (No On Premises Sales) ¹²	*	*	*								*	*	*	*		*					
Greenhouses (On Premises Sales) ¹³		*									*	*	*	*		*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B			B					
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^		B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								

¹² This is a bona fide farm use and cannot be regulated by zoning

¹³ Moved to “Agricultural Uses” section

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 ⁸	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)																					
Storage of Goods, Outdoor ~														*				*	*	*	
Storage of or Warehousing: Inside Building ¹⁴													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^		B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^		B																*	*	*	

¹⁴ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

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 ⁸	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)																						
Printing & Lithography													*	*	*				*	*	*	
Sawmills ~																*						
Winery, production only ^		B																*	*	*		
MEDICAL USES																						
Animal-Veterinary Hospitals; Veterinarians ¹⁵													*	*	*	*	*			*	*	
Health Services: Over 10,000 Sq. Ft. ~													*									
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*							
Hospitals ~													*		*							
Veterinary Clinic		B								*	*	*	*	*	*	*	*	*	*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*	*	*	*	*	*	
RECREATIONAL USES																						
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Camp/Retreat Center	B	B	B																			
Golf Driving and Practice Ranges		B										*	*					*				
Parks, Public & Non-Profit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B		
Recreational Facilities (Profit)												*	*					*				
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A		
RESIDENTIAL USES																						
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

¹⁵ Will be moved to alphabetical order within this section

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 ⁸	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)																					
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~								A	A	A			A	A							
Rooming House						*	*	*	*						*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																					
Buildings, Portable	B	B	B	B	B	B	B	B	B			B	B	B	B	B					
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B							B					
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
AUTOMOTIVE / TRANSPORTATION																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								

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 ⁸	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)																																			
Motor Vehicle Sales / Rental (New & Used)																						Δ ¹		*	*				*	*	*	*			
Motor Vehicle Services Stations																							*	*	*	*	*								
Parking As Principle Principal Use, Surface or Structure ¹⁶																								*	*	*									
Petroleum Products: Storage & Distribution ~																															*	*	*		
Postal & Parcel Delivery Services																												*	*		*				
UTILITIES																																			
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B														
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A														
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B														
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*										*	*	*	*	
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B														
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A														
WASTE MANAGEMENT																																			
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	
MISCELLANEOUS																																			
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*														
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A																														A	A	A
Assembly Facility Greater Than 300																																	*	*	

¹⁶ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

¹ See Section 5.14.1 5.15.1 for special standards

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 ⁸	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)																						
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						
Rural Special Events ^		*														*						
Special Events (Less than 150)												*	*						*			

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
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
AGRICULTURAL USES				
Agricultural Processing Facility	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Commercial Feeder Operation ¹⁷				
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, Seed, Storage & Processing Mill	*	*		
Greenhouses with (On Premises Sales) ¹⁸	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional	*			
Non-Farm Use of Farm Equipment	*			
Riding Stables, Commercial	*	*		
Stockyards / Livestock Markets	*			

¹⁷ This is a bona fide farm use and cannot be regulated by zoning so it is being recommended for deletion by staff.

¹⁸ Moved from "Commercial Uses" section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
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		*		*
Rural Guest Establishment: Bed & Breakfast ¹⁹	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Rural Guest Establishment: Country Inn	*	*		
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with (On Premises Sales)	*	*		
Greenhouses (No On Premises Sales) ²⁰		*		

¹⁹ The three “Rural Guest Establishment” types will be moved to alphabetical order within the list as well.

²⁰ This is a bona fide farm use and cannot be regulated by zoning so it is being recommended for deletion by staff.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Greenhouses (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)		*		
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		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Storage of Goods, Outdoor	*	*		*
Storage or Warehousing: Inside Building		*		*
Studio (Art)		*		*
Taxidermy	*			
Theater, Indoor or Outdoor (including Drive-ins)		*		*
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		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Printing & Lithography		*		
Sawmills	*			
Winery, production only	*	*		
MEDICAL USES				
Animal Veterinary Hospitals; Veterinarians ²¹	*	*		
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
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	*		*	

²¹ Will be moved to alphabetical order within this section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternities, Sororities, and Dormitories)				
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)		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Motor Vehicle Services Stations		*		
Parking As Principle Principal Use, Surface or Structure ²²		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
UTILITIES				
Elevated Water Storage Tanks	*	*		
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	*	*		

²² Staff is suggesting this typographical error be corrected as part of this UDO amendment.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

Section number update →

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.45¹⁷ establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

5.3.2 Special Uses

(A) General Standards

Before any application for a Special Use Permit shall be approved:

- (1) The applicant shall have the burden of establishing, by competent material and substantial evidence, in the form of testimony, exhibits, documents, models, plans and other materials, that the application meets the requirements for approval of a Special Use; and
- (2) The Board of County Commissioners or Board of Adjustment shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:
 - (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
 - (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
 - (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

(B) Specific Standards

In addition to the general standards stated in Section 5.3.2(A), the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

- (1) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.
- (2) Method and adequacy of police, fire and rescue squad protection.
- (3) Method and adequacy of vehicular access to the site and traffic conditions around the site.
- (4) Other use specific standards as set forth herein.

(C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD

In addition to the general and specific standards for all Special Use Permits, the following standards shall be addressed by the applicant before the issuance of a Class A Special Use Permit within the Hillsborough Economic Development District:

(1) General Provisions

There are no changes on this page. it is included to put the change on the next page into context.

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the type facility planned, the number of occupants, and the development schedule.
- (b) A site plan showing existing and proposed contours. Proposed buildings, parking, access, service, recreation, landscaped and screened areas.
- (c) Other criteria as set forth in sections 6.2.11 and 6.3.
- (d) A statement concerning the provision of public services which shall include fire, police and rescue protection.

(2) Standards of Evaluation –

- (a) Adequate parking, access and service areas are provided for the site.
- (b) Parking, service areas and buildings are adequately screened from adjacent residential uses.
- (c) Improved recreational facilities are provided for occupants.
- (d) Other criteria as set forth in sections 6.2.11 and 6.3.
- (e) Letters from public service agencies attesting to the adequacy of the provision of public services such as fire, police and rescue.

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

- (1) Buildings for nightclubs, bars and pubs shall not be located within 200 feet of a residence.

5.6.2 Massage Business

(A) General Standards for Evaluation

- (1) Must comply with the Ordinance for the Control of Massage and Massage Establishments
- (2) The submittal of construction plans for all existing and proposed buildings housing the massage business. The construction plans shall include floor plans and cross sections showing the proposed use of all portions of such buildings.
- (3) For existing buildings, certification by the Orange County Building Inspector that the structure(s) complies with the North Carolina Building Code and all related construction codes.

5.6.3 Garden Center

(A) General Standards for Evaluation

- (1) Outdoor display and storage of goods will be permitted.
- (2) Outdoor storage of bulk goods shall be located to the rear or side of the primary building and screened on three sides by an eight foot high opaque wall or fence.
- (3) Outdoor storage for bulk goods shall be limited to 1,500 square feet per acre of the zoning lot.

- (4) Land use buffers shall be provided in accordance with the requirements of Section 6.8.²³

5.6.4 Junkyards

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements –

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Detailed plans and specifications for the site screening proposed.
- (b) Description of type and number of motorized machines to be employed upon site.
- (c) Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles

(2) Standards for Evaluation -

- (a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.
- (b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines
- (c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.

5.6.5 Kennels (Class II)

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements –

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

(2) Standards of Evaluation –

- (a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.
- (b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.

²³ Staff is recommending this be removed as it is redundant with requirements of the UDO – all uses must meet the buffer requirements. Calling this out as a separate item for this particular use can cause confusion as to applicability to other uses; this is a remnant of duplicity staff attempted to catch when incorporating the previous zoning ordinance into the UDO but this instance was missed at the time.

- ~~(c) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.~~
- ~~(d) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.~~
- ~~(e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.~~
- ~~(f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.~~
- ~~(g) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.~~
- ~~(h) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.~~

5.6.6 Riding Stables²⁴

(A) ~~Standards for Class B Special Use Permit~~

~~(1) Submittal Requirements~~

~~In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:~~

- ~~(a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.~~
- ~~(b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.~~

~~(2) Standards of Evaluation~~

- ~~(a) The site is of adequate size to protect adjacent properties from adverse effects of the riding stable.~~
- ~~(b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.~~
- ~~(c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.~~
- ~~(d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.~~

²⁴ Moved to Section 5.13.16.

5.6.7 Rural Guest Establishment: Bed & Breakfast

(A) General Standards

(1) Submittal Requirements

Title change only

- (a) A site plan, prepared in accordance with the requirements of Section 2.5, containing the following: (Per Section.2.5.2 professional design and certification is not required for Rural Guest Establishments with three guestrooms or less—bed & breakfasts.)
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Boundaries of the site.
 - (iv) Location of well and septic system.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.
 - (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an "existing tree line" is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.
- (i) Any bed & breakfast establishment that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the Planning Director. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the Planning Director.

- (l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

5.6.8 Rural Guest Establishment: Bed & Breakfast Inn

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

Title change only

- (a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Location of well and septic system.
 - (iv) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.
 - (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an "existing tree line" is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

- (l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.
- (m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.
- (n) The minimum lot size for a Bed & Breakfast Inn using a private well and septic system shall be no less than five acres. A Bed & Breakfast Inn may be permitted on lots of less than five acres if the tract is currently served by public water and sewer, subject to the review and approval of the appropriate agencies and the Staff Engineer.

(3) Expiration and Re-Approval of SUP

- (a) The Class B Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Adjustment 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.
- (b) 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.
- (c) The Board of Adjustment shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.
- (d) If the Board of Adjustment does not renew the permit, the permit shall become null and void upon the expiration of the time limit.
- (e) 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.

5.6.9 Rural Guest Establishment: Country Inn

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

- (a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Location of well and septic system.
 - (iv) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.

Title change only

- ~~(d) 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.~~
- ~~(e) 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.~~

5.6.10 Microbrewery with Minor Events

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

- (1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:
- (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
 - (e) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:²⁵
 - (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

²⁵ This standard and requirement is consistent with a similar requirement for uses in the REDA-CZ zoning district. 240 gallons per day was used as the "cut off" because it is the average amount used by a single family residence. The amount of water used by an average single family residence, constructed at the density the existing zoning district allows, is used as the baseline standard because residences are the predominant land uses in the county and the most likely "by right" uses to be constructed. Text shown in blue was presented as a change to the proposed text at the February 24, 2014 quarterly public hearing. Text shown in green is clarifying text added after the quarterly public hearing in response to questions at the public hearing. PLEASE NOTE THAT THIS FOOTNOTE PERTAINS TO ALL PROPOSED USES THAT INCLUDE THIS PROPOSED REQUIREMENT.

- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.11 Microbrewery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

- (1) (1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
 - (e) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
- (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (7) Food services are not allowed unless approved in the permit.
- (8) The permit may limit the frequency of events.
- (9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.6.12 Taxidermy

(A) Standards for Class B Special Use Permit

- (1) Enterprises located in an AR zoning district must be located on a bona fide farm.
- (2) If located adjacent to residentially zoned property, all buildings, structures, facilities, etc. used in the taxidermy enterprise shall be located a minimum of 100 feet from the property line.

5.6.13 Winery with Minor Events

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

- (1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
 - (e) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken

into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
 - (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
 - (4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.
 - (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
 - (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
 - (7) Food services are not allowed unless approved in the permit.
 - (8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.14 Winery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

- (1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.
 - (c) A map depicting surrounding uses and the distance to residential structures.
 - (d) A description of retail sales and facility tours, if proposed.
 - (e) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may

use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
 - (3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
 - (4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.
 - (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
 - (6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
 - (7) Food services are not allowed unless approved in the permit.
 - (8) The permit may limit the frequency of events.
 - (9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.6.15 Country Store

(A) General Standards for Evaluation

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (5) Parking shall not be located in the front yard space.

- (6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Facilities

(A) General Standards of Evaluation

- (1) The standards included herein shall be applied to the following for-profit recreational facilities:
 - (a) Tennis clubs,
 - (b) Swim clubs,
 - (c) Racquet ball,
 - (d) Squash clubs,
 - (e) Pitch and putt courses,
 - (f) Amusement areas,
 - (g) Bowling alleys,
 - (h) Skating rinks,
 - (i) Shooting ranges,
 - (j) Billiard and pool halls,
 - (k) Indoor athletic facilities and
 - (l) Other similar uses.
- (2) The minimum lot area shall be two acres.
- (3) No building shall be closer than the minimum requirements of the district or 20 feet to the public right of way or private property line, whichever is greater.

(B) Standards for Class B Special Use Permit

(1) Submittal Requirements

~~County Fire Marshal shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.~~

~~(O) If additional or accessory land uses are desired, the facility owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with this Ordinance.~~

~~(P) The County shall approve a construction schedule to complete the items listed above.~~

5.7.6 Guest Ranch

(A) Standards for ASE-CZ Zoning District

- (1) Minimum lot size: 25 acres.
- (2) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (3) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
- (4) All structures, facilities, storage areas, and parking areas shall be located a minimum of 100 feet from all property lines.
- (5) Special events are not allowed unless approved in the permit and may be limited in duration, frequency, number of people in attendance, or other aspects.
- (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (7) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES

5.8.1 Daycare Center in a Residence

(A) Submittal Requirements

- (1) In addition to the information required by Section 2.4.3, the plot plan shall show the following:

- (h) All buildings associated with the operation of the cooperative shall be designed to be harmonious with the character of the zoning district and neighborhoods in which it is proposed to be located.
- (i) The applicant must demonstrate its compliance with the definition of "Non-Profit Educational Cooperative" as contained in Article 10 of this Ordinance.

5.8.4 Schools: Elementary, Middle and Secondary

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Sections 2.7.3 and 5.3.2, the following information shall be submitted as part of the application:

- (a) 26 copies of the site plan prepared in accordance with Section 2.7.3 of this Ordinance and with the following additional information shown on the plan:
 - (i) Total student capacity of school as designed;
 - (ii) Total number of employees at time of greatest shift;
 - (iii) Number and dimensions of designated parking spaces for school buses;
 - (iv) Number of designated parking spaces for employees;
 - (v) Number of visitor parking spaces;
 - (vi) Number of student parking spaces;
 - (vii) Location of student drop off points with stacking spaces identified;
 - (viii) Location of all proposed and future athletic fields and structures, including:
 - a. Total number of seats for spectators, and
 - b. Location of concession stands, if any anticipated;
 - (ix) Proposed public roadway improvements; and
 - (x) Existing and proposed infrastructure improvements (water and sewer).
- (b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.
- (c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.
- (d) Estimated water usage for structures, landscaping and athletic fields.
- (e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.
- (f) A Biological Inventory, prepared in accordance with Section 5.15~~17~~6(A)(2)(b) of this Ordinance.
- (g) A Resources Management Plan, prepared in accordance with the Resources Management Plan definition in Article 10 of this Ordinance.

Section reference
update →

(2) Standards of Evaluation Within Economic Development Districts (EDD)

If located within an EDD, the application must meet the EDD design standards established in Article 6 of this Ordinance.

(3) Standards of Evaluation in Zoning Districts other than an Economic

- (k) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.
- (l) No land disturbance shall take place within 250 feet of the zoning lot line or the property line where the zoning line and the property line are one and the same. Within the 250 foot setback area, existing vegetation shall be retained for the purpose of providing a visual screen and noise buffer. No disturbance or removal of vegetation shall be permitted except for access roads leading from the excavation area to public roads. Where vegetation within the 250 foot setback does not exist, the applicant shall be required to provide a dense, evergreen buffer consistent with the purpose cited above. The buffer shall be in place prior to the initiation of any excavation activities.
- (m) The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of materials extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings.
- (n) Annual inspections of the operation shall be conducted by the Planning Director following submittal of the annual operations reports to determine compliance with the provisions of the Special Use Permit.
- (o) In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new Special Use Permit is required.
- (p) The Board of County Commissioners shall require for all extractive uses a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State then the difference shall be made up in a bond to Orange County.

SECTION 5.13: STANDARDS FOR AGRICULTURAL USES

5.13.1 Commercial Feeder Operation²⁶

(A) General Standards

Property to be utilized for poultry raising, cattle feeding, hog feeding, or other similar uses that are not a part of a bona fide farm may be established in accordance with the Table of Permitted Uses subject to the following conditions:

- (1) All structures, buildings or enclosed areas, used for housing of poultry, hogs, cattle or other livestock, shall be a minimum of 100 feet from all property lines.
- (2) No structures, buildings or enclosed areas, housing poultry, hogs, cattle or other livestock shall be less than 120 feet from any residence.
- (3) Care shall be exercised that odor is kept to a minimum level through frequent cleaning of the area.

²⁶ This is a bona fide agricultural use and cannot be regulated by zoning so staff is suggesting it be removed from the UDO.

- (4) ~~Prior to making this exception, the applicant shall receive from the Orange County Health Department a letter stating that the applicant has reviewed the Health Department's requirements for operation of a feeder type facility and understands the health requirements that must be met. Any violation of a Health Department regulation shall be considered a violation of this Ordinance.~~

5.13.2 Agricultural Processing Facility

(A) General Standards for Evaluation

- (1) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (2) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (3) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an AR zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.
- (2) The building shall not exceed 10,000 square feet in size.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (4) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
 - (5) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.4 Cold Storage Facility

(A) General Standards for Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

5.13.5 Community Farmers' Market

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres unless permitted as an ASE-CZ.
- (2) If located adjacent to residentially zoned property, all buildings and vendor areas shall be located a minimum of 100 feet from the property line.

5.13.6 Composting Operation

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 10 acres unless permitted as an ASE-CZ.
- (2) All operations shall be located a minimum of 150 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (4) Outdoor storage areas shall be screened from view of adjacent properties and the road right-of-way.
- (5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (6) Compost piles shall not exceed 15 feet in height.
- (7) Operations that include grinding shall adhere to the following:
 - (a) Grinding shall be permitted only during the hours of 7 a.m. and 7 p.m., or as otherwise specified on the permit.
 - (b) Grinding area shall be located a minimum of 1,000 feet from any existing dwelling unit located on adjacent properties.
 - (c) Grinding area shall be located a minimum of 300 feet from all property lines.

- (8) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.7 Cooperative Farm Stand

(A) General Standards for Evaluation

- ~~(1) If located in an AR zoning district, stand shall be located on the bona fide farm of one of the cooperative farm partners.²⁷~~
- (2)²⁸ In addition to the application materials required in Sections 2.5.2 and 2.4.3, the following shall also be required:
 - (a) The number of and location of participating cooperative farm partners.
 - (b) A description of the facility, including size of structure(s) and access locations.
 - (c) Number of employees, if any.
 - (d) Frequency and hours of operation.
- (3) Sales of any products not produced on the farm(s) of one of the cooperative farm partners shall be incidental, related to, and a subordinate component of farm stand sales in scale and profit.

5.13.8 Equestrian Center

(A) Standards for Class A Special Use Permit or ASE-CZ Zoning District

- (1) Minimum lot size: 15 acres.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
- (3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

²⁷ The County Attorney’s office has advised that this standard is legally insufficient and must be removed. Removal of this standard means that within the AR zoning district, a cooperative farm stand can be located, subject to standards, on parcels that are not considered bona fide farms.

²⁸ Renumbering will automatically occur after (1) is removed.

- (4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and horse trailers.
- (5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (7) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.9 Farm Equipment Rental, Sales and Service

- (A) **General Standards for Evaluation**
 - (1) Outdoor display and storage of equipment shall be permitted in the side and rear yards of the primary structure and shall be screened from view of adjacent properties.
 - (2) Service bays shall be located at the side or rear of a structure and shall not be visible from adjacent residential property or the road right-of-way.
 - (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
 - (4) Parking shall not be located in the front yard space.
 - (5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.10 Farm Supply Store

(A) General Standards for Evaluation

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (5) Parking shall not be located in the front yard space.
- (6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.11 Feed Mill

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.
- (2) All structures, equipment, and outdoor storage areas shall be located a minimum of 100 feet from all property lines.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.
- (4) Outdoor storage shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

- (5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.12 Greenhouses with On Premise Sales

(A) General Standards for Evaluation

- (1) If located in an AR zoning district, the minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.
- (2) If located in an AR zoning district, outdoor storage shall be located in the side or rear yards and shall be setback a minimum of 100 feet from the property line.

5.13.13 Meat Processing Facility, Community

(A) General Standards for Evaluation

- ~~(1) If located in an AR zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners.²⁹~~
- (2)³⁰ The building shall not exceed 10,000 square feet in size.
- (3) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 100 feet from the property line.
- (4) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (5) In addition to the application materials required in Section 2.5 or 2.9, as applicable, the following shall also be required:
 - (a) The number of location of participating cooperative farm partners.
 - (b) Number of employees, if any.
 - (c) Frequency and hours of operation.
 - (d) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an

²⁹ The County Attorney's office has advised that this standard is legally insufficient and must be removed. Removal of this standard means that within the AR zoning district, a community meat processing facility can be located, subject to standards, on parcels that are not considered bona fide farms.

³⁰ Renumbering will occur automatically after (1) is removed.

annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

5.13.14 Meat Processing Facility, Regional

(A) Standards for Class A Special Use Permit or ASE-CZ Zoning District

- (1) The minimum lot size shall be 15 acres.
- (2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 300 feet from the property line.
- (3) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.
- (5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (6) In addition to the information required by Sections 2.7 or 2.9, as applicable, application materials shall also include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

- (c) An analysis of whether other wells in the vicinity of the proposed use ~~will~~ are expected to be affected by withdrawals made by the proposed use.

5.13.15 Non-Farm Use of Farm Equipment

(A) General Standards for Evaluation

- ~~(1) Use shall be located on a bona fide farm.³¹~~
- (2) ³²Equipment shall be screened from view from adjacent properties and road(s).
- (3) Outdoor storage of materials such as gravel, dirt, or plants shall be limited in both area and duration.
- (4) On-site retail sales shall not be permitted.

5.13.16 ~~Riding Stables, Commercial~~³³

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

(1) Submittal Requirements –

In addition to the information required by Sections 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.
- (c) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (iii) An analysis of whether other wells in the vicinity of the proposed use ~~will~~ are expected to be affected by withdrawals made by the proposed use.

³¹ The County Attorney's office has advised that this standard is legally insufficient and must be removed. Removal of this standard means that farm equipment could be stored, subject to standards, on parcels that are not considered bona fide farms.

³² Renumbering will occur automatically after (1) is removed.

³³ Language shown in black text (existing) is proposed to be moved from existing Section 5.6.6.

(2) Standards of Evaluation –

- (a) ~~The site is of adequate size to protect adjacent properties from adverse effects of the riding stable.~~ **Minimum lot size: 5 acres for up to 10 horses, increasing by ½ acre for each horse over 10.**
- (b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.
- (c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.
- (d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.

5.13.17 Stockyards / Livestock Markets**(A) General Standards for Evaluation**

- (1) **The minimum lot size shall be 10 acres.**
- (2) **Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.**
- (3) **All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.**
- (4) **Parking area(s) shall include sufficient space for parking and maneuvering trucks and stock trailers.**
- (5) **Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.**
- (6) **All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.**
- (7) **If located adjacent to residentially zoned property, all animal pens shall be located a minimum of 300 feet from the property line.**
- (8) **Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:**

- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING³⁴

5.14.1 Metal Fabrication Shop

(A) Standards for ASE-CZ Zoning District

- (1) Facility must be located on a bona fide farm.
- (2) Minimum lot size: 3 acres.
- (3) Maximum building size: 3,000 square feet.
- (4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.

5.14.2 Microbrewery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR zoning district, the microbrewery must be located on a bona fide farm.
 - (a) A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A microbrewery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

³⁴ New section will require subsequent sections in Article 5 to be renumbered.

- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use ~~will~~ are expected to be affected by withdrawals made by the proposed use.

5.14.3 Sawmills

(A) General Standards for Evaluation and ASE-CZ Zoning District

- (1) Minimum lot size: 5 acres.
- (2) All structures, equipment, and storage shall be located a minimum of 100 feet from the property line.
- (3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

5.14.4 Winery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR zoning district, the winery must be located on a bona fide farm.
 - (a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more ~~than 240 gallons of groundwater per day per acre of lot area~~ on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use ~~will~~ are expected to be affected by withdrawals made by the proposed use.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used) in the NC-2 Zoning District

(A) Standards for the NC-2 Zoning District

- (1) This use shall only be permitted within the Commercial Transition Activity or Commercial-Industrial Transition Activity Node land use classifications, as designated on the Land Use Element Map of the adopted Comprehensive Plan.
- (2) The site shall have direct access onto a State maintained roadway.
- (3) A maximum of 12 cars may be stored or displayed on-site.

SECTION 5.16: STANDARDS FOR MEDICAL USES

5.16.1 Veterinary Clinic

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.16.2 Veterinary Clinic, mobile

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR and R-1 zoning districts, this use is intended to be located on the same property as the operator's residence. The mobile clinic shall be parked to the side or rear of the residence, not in front of the residence, unless permitted otherwise in the permit.
- (2) For all zoning districts in which this use is permitted, observation shelters for up to three large or small animals shall be considered an accessory use. The permit may specify a greater number of observation shelters and may limit the maximum number of days an individual animal may be observed.
- (3) If adjacent to residentially zoned property, all mobile clinic operations shall be located a minimum of 100 feet from the property line.
- (4) Veterinary services whereby the public brings their animal to the mobile clinic location shall not be permitted, unless specifically permitted in the permit.

5.16.3 Veterinary Hospital

(A) Standards for ASE-CZ Zoning District

- (1) In the ASE-CZ zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

5.17.1 Churches

(A) General Standards

- (b) The site shall have direct access to a collector or arterial street
- (c) There shall be adequate space within the site for the parking and maneuvering of funeral carriages
- (d) No interments shall take place within 30 feet of any lot line.

5.17.4 Historic Sites Non Residential Reuse/Mixed Use

(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 supplied as part of the application:

- (a) The site plan, prepared by an appropriately licensed professional, shall also contain the following:
 - (i) Location, width, and type of all internal vehicular and pedestrian circulation.
 - (ii) Location and dimensions of all on site signage.
 - (iii) Boundaries of the site and distance to nearest residential structures.
- (b) Description of the proposed use(s) of the site and the buildings thereon, including the following:
 - (i) Amount of area allocated to each use.
 - (ii) Number of full and part time employees.
 - (iii) Number of clients and/or occupants expected to use the facility.
 - (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed. Description of how the historical style and character of the building and/or property is to be enhanced.
- (d) Landscape and tree preservation plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials.
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) Evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina as places of historic interest.
- (h) The proposed development schedule for the site.

(2) Standards of Evaluation

- (a) The site plan submitted meets all requirements specified in sections 2.7 and 5.5-1417.4(A)(1).

Section reference
update →

- a. Subdivisions with more than 40 lots outside of transition areas, and
 - b. Subdivisions with more than 80 lots within transition areas.
- (ii) The study shall include an analysis of the need for public road improvements, including pedestrian-oriented enhancements, for on-site and off-site improvements as said improvements relate to the level of service impacted by the development.
 - (iii) The traffic impact study shall be prepared in accordance with the requirements of Section 6.17.

(3) Standards of Evaluation

- (a) The project meets all applicable design standards and other requirements of this Ordinance.
- (b) The project meets all service provision criteria as set forth below:
 - (i) Fire – identifies the primary and secondary responders and the source(s) of water.
 - (ii) Police – identifies the primary and secondary responders.
 - (iii) Rescue services – identifies the primary and secondary responders.
 - (iv) Water Supply – source and capacity of water supply.
 - (v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.
- (c) Habitats shall be identified and evaluated in the biological inventory required by Section 5.15~~17~~.6(A)(2)(b) and are subject to the following:
 - (i) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff;
 - (ii) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include:
 - a. Preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags);
 - b. Installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or
 - c. Creating wetlands;
 - (iii) Conservation easements or other acceptable means such as dedication to a public agency, or conservancy or a homeowner's association are required to protect wetlands and other habitats while insuring proper long-term maintenance; and
 - (iv) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.
- (d) Landscaping and Buffers

Section reference
update →

- (i) Irrigation systems for the subdivision and the lots in the subdivision are designed and can be operated according to a water conservation plan described in the Resources Management Plan submitted with the application;
 - (ii) The Resources Management Plan shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and
 - (iii) Water recycled from stormwater retention ponds or treated wastewater effluent may be used for irrigation where it is a legally permitted alternative.
- (i) Habitat Maintenance
- (i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
 - (ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.
- (j) Access
- Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.
- (k) Maintenance of Improvements
- (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
 - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.17.7 Rural Heritage Museum

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.
- (2) The maximum building size in an AR zoning district shall be 5,000 square feet.

5.17.8 Rural Special Events

(A) General Standards for Evaluation or ASE-CZ or MPD-CZ Zoning Districts

- (1) Must be located on a bona fide farm.
- (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

- (b) Location of parking area(s).
 - (c) A map depicting surrounding uses and the distance to residential structures.
- (3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.
 - (4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
 - (5) Events permitted by right in the AR and AS zoning districts shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-CZ or MPD-CZ.
 - (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
 - (7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
 - (8) Food services are not allowed unless approved in the permit.
 - (9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

- (1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.

(C) Flag Lots

- (1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.

6.2.3 Clustering

(A) UNIV-CA & UNIV – PW Watershed Protection Overlay Districts

- (1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.
- (2) Each lot shall contain a minimum of one acre.

(B) All Other Overlay Districts

Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

- (A) Permitted as a CU District or CZ District; or
- (B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
- (C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or
- (D) One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short term lease; or
- (E) The use(s) is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1) and is/are located on a bona fide farm.

6.2.6 Principal Structures

(A) Residential

- (1) There shall be no more than one principal structure permitted on any residential zoning lot, with the exception of the following:
 - (a) Multi-family developments which have received approval as a CU District or CZ District, or
 - (b) Temporary use of mobile homes for custodial care approved in accordance with the provisions of Section 5.4.4(B), or
 - (c) During the installation or construction of a permanent unit on the same lot, as provided in Section 5.4.4 of this Ordinance, or

- (d) Duplexes, on lots that have twice the required lot area of the zoning district.

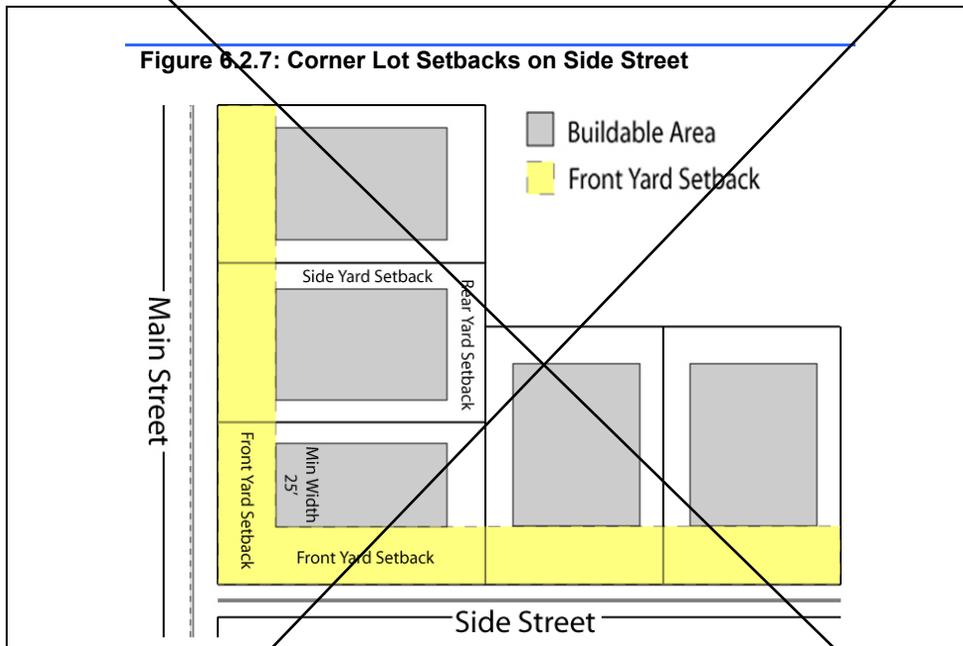
(B) Non-Residential

(1) There shall be no more than one principal structure permitted by right on any non-residential zoning lot greater than two acres in size, unless:

- (a) ~~p~~Permitted as a CU District or CZ District, or
- (b) ~~t~~The zoning lot is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
- (c) The structure(s) is/are located on a bona fide farm and is/are utilized for a use(s) that is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1).

6.2.7 Corner Lot Setback on the Side Street

Any corner lot of record in a residential zoning district abutting a side street shall meet the minimum required setbacks of the zoning district in which it is located; provided, however, that this requirement does not reduce the width of area suitable for building to less than 25 feet.



6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts

In all non-residential zoning districts, except I-1, I-2, I-3, and EI, required side and rear setbacks adjacent to residentially zoned land, shall be equal to the required side or rear setback of the adjacent residential district.

6.2.9 Permitted Projections Into Required Open Space

- (A) Certain architectural features, such as cornices, eaves and gutters, may project into the required open space as follows:

The following general provisions are applicable to MPD-CZ applications and each permitted use, special use, accessory use, and conditional use in Economic Development Districts:

- (1) All uses and activities must provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities must be convenient to collection and must be appropriate to the type and size of use or activity being served.
- (2) All solid waste and recyclables storage facilities must be screened in accordance with Sections 6.4 and 6.8. of this Ordinance.
- (3) All uses and activities must remove recyclable materials from the solid waste generated and make them available for recycling. Recyclable materials, consisting of glass, metal cans, plastic containers, corrugated cardboard and white office paper, newspapers, and motor oil, must not be mixed with or disposed of with other solid waste.
- (4) All uses and activities shall remove or cause to be removed all solid wastes from the site or property before harborage of such waste creates a health hazard.
- (5) Each Master Plan and site plan must be accompanied by Solid Waste Management Plan, including a recycling plan and a plan for the management of construction and land clearing debris. The recycling plan must provide information regarding the type and quantity of recyclable materials generated each month, and the facilities to be provided for collection and storage. Management plans for construction and land clearing debris must identify the type and quantity of debris as well as its disposal location.

6.4.10 Service & Outdoor Storage

(A) General Standards

- (1) Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.
- (2) Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted to the front of a building.
- (3) If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.²⁹

(B) Additional Standards in Economic Development Districts

- (1) Exterior storage for materials, supplies, and equipment may only be located at the side or rear of a building and only in totally enclosed screened areas. Exterior storage areas must never be located to the front of any building unless screened from view through the use of fencing, walls and/or landscaping, in accordance with Section 6.8 of this Ordinance.

²⁹ While not only related to ASE uses, staff is suggesting the language regarding outdoor storage be included at this time because it is a direction Orange County has been going for several years in regards to outdoor storage areas. Staff is specifically noting that including the language in this section will make it apply in all commercial, industrial, economic development, and conditional districts (See 6.4.1(B)). If not included as part of this amendment package, additional standards (Article 5) may need to be added for some uses.

- (2) The Planning Director may conduct inspections to monitor the health and status of the required landscaping.

6.8.6 Land Use Buffers

(A) Purpose

Land use buffers are intended to screen and buffer lower intensity/density uses from incompatible higher intensity/density land uses. Buffers reduce adverse visual effects, as well as noise, dust, and odor.

(B) Applicability

Land use buffers will be required based on the zoning district of the proposed use and the zoning district of the adjacent uses.

(C) Location

(1) Required land use buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses and/or zoning designations. Buffers shall not be located on any portion of an existing or proposed street right of way, drainage or utility easement.

(2) No building or structure of any type shall be erected, constructed or installed in a required land use buffer.

(D) Land Use Buffer Table

TABLE 6.8.6.D: LAND USE BUFFERS													
		ZONING OR USE OF ADJACENT PROPERTIES											
		RB, AR, RI	R-2, R-3	R-4, R-5	R-8, R-13	MHP-CZ	O/I, NC-2, LC-1	CC-3, GC-4, EC-5	EI, I-1, I-2, I-3, PID	INTERSTATE HIGHWAY	ARTERIAL STREET	COLLECTOR STREET	ACTIVE FARM/ AGRICULTURE
Zoning or Use of Subject Property	RB, AR, R1	-	A	A	B	F	E	F	F	F	E	B	B
	R-2 & R-3	A	-	A	B	F	D	F	F	F	D	B	B
	R-4 & R-5	A	A	-	B	F	C	E	E	F	C	B	B
	R-8 & R-13	B	B	B	-	F	B	D	D	F	C	B	B
	MHP-CZ	F	F	F	F	-	F	F	F	F	F	F	F
	O/I, NC-2, LC-1	E	D	C	B	F	-	-	-	F	B	B	D
	CC-3, GC-4, EC-5	F	F	E	D	F	-	-	-	F	B	B	D
	EI, I-1, I-2, I-3, PID	F	F	E	E	F	-	-	-	F	B	B	D
	AS, ASE-CZ ³⁰	D	A	A	A	F	A	A	A	F	B	B	B

Note: MPD-CZ buffers to be determined at time of approval.

(E) Natural Buffers

³⁰ The AS zoning district does not currently appear on this chart. Staff is suggesting the AS zoning district be added to the chart to require that property zoned AS is also required to provide a buffer.

No changes are proposed on this page; it is included so the buffer table would be readily available.

- (1) If there is existing, healthy, natural vegetation in the area of a required buffer, it must be preserved. If the vegetation is removed for any reason, other than in accordance with an approved landscape and tree preservation plan, the dimensions of the buffer shall be increased 50% and the number of required plantings shall be increased 50%.
- (2) The critical root zones of trees within the buffer must be protected if the applicant seeks credit for preservation of existing trees. For example, if a required buffer has a dimensional width of 30 feet, and the critical root zone extends beyond the 30 feet, the buffer will be extended to the edge of the critical root zone in the area around the tree.
- (3) If necessary, a natural buffer will be supplemented with additional plantings in order to meet the Constructed Buffers standards established herein.

(F) Constructed Buffers

- (1) If existing plantings are not sufficient to meet the buffer standards established in this Section, additional plantings shall be installed.
- (2) The plant units listed below will be considered comparable, and therefore interchangeable, as set forth below.
- (3) Option 2, Deciduous, shall not be permitted when the proposed use is non-residential and is proposed next to a residential district or use, unless employed with a wall, as set forth herein.

TABLE 6.8.6.F: BUFFER TYPES					
BUFFER TYPE	MINIMUM WIDTH	OPTION 1 MIXED	OPTION 2 DECIDUOUS	OPTION 3 EVERGREEN	OPTION 4 OVERHEAD UTILITY
Plant Material Required Per 100 Linear Feet					
A	20	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
B	30	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
C	40	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	0 Canopy Tree 4 Evergreen Tree 0 Deciduous Understory 9 Evergreen Understory 38 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 7 Deciduous Understory 5 Evergreen Understory 30 Shrubs Tree
D	50	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 9 Evergreen Understory 70 Shrubs Tree	7 Canopy Tree 0 Evergreen Tree 10 Deciduous Understory 0 Evergreen Understory 67 Shrubs Tree	0 Canopy Tree 7 Evergreen Tree 0 Deciduous Understory 16 Evergreen Understory 68 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 12 Deciduous Understory 9 Evergreen Understory 53 Shrubs Tree

TABLE 6.8.6.F: BUFFER TYPES					
BUFFER TYPE	MINIMUM WIDTH	OPTION 1 MIXED	OPTION 2 DECIDUOUS	OPTION 3 EVERGREEN	OPTION 4 OVERHEAD UTILITY
Plant Material Required Per 100 Linear Feet					
E	75	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 10 Evergreen Understory 77 Shrubs Tree	8 Canopy Tree 0 Evergreen Tree 11 Deciduous Understory 0 Evergreen Understory 73 Shrubs Tree	0 Canopy Tree 8 Evergreen Tree 0 Deciduous Understory 17 Evergreen Understory 74 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 10 Evergreen Understory 58 Shrubs Tree
F	100	7 Canopy Tree 1 Evergreen Tree 5 Deciduous Understory 12 Evergreen Understory 85 Shrubs Tree	10 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 0 Evergreen Understory 80 Shrubs Tree	0 Canopy Tree 10 Evergreen Tree 0 Deciduous Understory 20 Evergreen Understory 83 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 16 Deciduous Understory 12 Evergreen Understory 65 Shrubs Tree

6.8.7 Planting Requirements

(A) Street Trees

- (1) Street trees shall be required at the rate of one canopy tree and one understory, either deciduous or evergreen, tree for every 65 feet of street frontage along existing and proposed public and private streets, not including alleys.
- (2) To enhance the natural appearance in the rural areas of the County, canopy and understory trees shall be planted, and clustering is encouraged. However, there must be at least one tree every 100 feet of street frontage.
- (3) In all developments subject to the provisions of this section, the developer shall either retain or plant trees within the front yard setback along all existing and proposed street frontages, public and private, except for alleys.
- (4) If a conflict exists with public utilities, alternate plantings consisting of a greater number of understory trees will be permitted.
- (5) Street trees shall be of a species included on the Planning Director's list of acceptable street tree species.

(B) Between Lot Plantings

- (1) Where a land use buffer is not required, a landscape area ten feet in width exclusive of drainage and/or utility easements shall be provided along the interior side and rear lot lines of each lot being developed. If there are no existing trees, the developer shall provide a minimum of one tree per one thousand square feet of land contained within the ten foot landscape area.

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
AGRICULTURAL USES	
Agricultural Processing Facility	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Processing Facility, Community	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Service Uses	One space per 400 square feet of gross floor area
Cold Storage Facility	One space per employee
Community Farmers' Market	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Composting Operation	One space per employee
Cooperative Farm Stand	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Equestrian Center	One space per horse stall plus one space per employee plus one space per 4 spectator seats
Farm Equipment Rental, & Sales and Service	One space per 400 square feet of gross floor area
Farm Supply Store	One space per 300 square feet of gross floor area
Feed, Seed, Storage and Processing Mill	One space per employee on shift of maximum employment
Commercial Feeder Operation	One space per employee on shift of maximum employment
Greenhouses with (On Premises Sales)	One space per 400 square feet of gross floor area
Meat Processing Facility	One space per employee
Stables, Commercial	One space per three horses (or other equine) kept on site
Stockyards / Livestock Markets	One space per employee plus one space per 4 spectator seats OR one space per employee plus one space per 50 square feet of event area, whichever is greater
CHILD CARE AND EDUCATIONAL FACILITIES	
Child Care Facilities	One space per staff member and one space per five children
Daycare Center in a Residence	One space per staff member and one space per five children
Schools: Elementary, Middle & Secondary	One space per staff member One space per staff member and One space per four students
Schools: Vocational	One space per two students
Schools: Dance, Art & Music	One space per four students
Universities, Colleges and Institutes	One space per three students at design capacity of building(s)
Libraries	One space per four seats
COMMERCIAL USES	
Adult Uses	One space per 200 square feet of gross floor area
Banks & Financial Institutions	One space per 200 square feet of gross floor area; plus five stacking spaces per drive-in window
Beauty & Barber Shops	One space per 200 square feet
Country Store	One space per 300 square feet of gross floor area
Drive-In Theaters	no requirement
Funeral Homes	One space per four seats
Garden Center with On Premise Sales	One space per 300 square feet of gross floor area
Greenhouses (No On Premises Sales)	One space per employee on shift of maximum employment
Greenhouses (On Premises Sales)	One space per 400 square feet of gross floor area
Hotels, Motels, Motor Lodges	One space per lodging unit, plus one space per employee

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Junkyards	One space per employee on shift of maximum employment
Kennels/Riding Stables	One space per four pens or stalls
Laundry & Dry Cleaning Services	One space per 300 square feet of gross floor area
Metal Fabrication Shop	One space per employee
Microbrewery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Microbrewery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Night Clubs, Bars, Pubs	One space per four seats
Offices and Personal Services, Class 1	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 2	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 3	One space per 300 square feet of gross floor area
Repair Services: Electronic & Appliance	One space per 300 square feet of gross floor area
Restaurants: Carry Out	15 spaces plus one space per 50 square feet of gross floor area
Restaurants: Drive-In	15 spaces, plus one space per 50 square feet of gross floor area
Restaurants: General	One space per four seats or one space for every 50 feet of floor area for public use, whichever is greater
Retail trade, Class 1	One space per 300 square feet of gross floor area
Retail trade, Class 2	One space per 300 square feet of gross floor area
Retail trade, Class 3	One space per 200 square feet of gross floor area
Rural Guest Establishments: Bed & Breakfast	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Bed & Breakfast Inn	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Country Inn	One space per guest room, plus one space per employee, plus one space for every four seats in the restaurant, plus two spaces for the residence (if applicable)
Storage & Warehouse: Inside Building	One space per employee
Storage of Goods: Outdoor	One space per employee
Taxidermy	One space per 400 square feet of gross floor area
Tourist Home	One space per lodging unit
Wholesale Sales	One space per employee on shift of maximum employment
Winery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Winery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
EXTRACTIVE USES	
Extraction of Earth Products	no requirement
GOVERNMENTAL USE	
Governmental Protective Services	One space per employee on the shift of maximum employment
Police and Fire Stations	no requirement
Military Installations (National Guard & Reserve Armory)	no requirement
MANUFACTURING, ASSEMBLY & PROCESSING	
Industrial, Light	One space per employee on the shift of maximum employment
Industrial, Medium	One space per employee on the shift of maximum employment

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Industrial, Heavy	One space per employee on the shift of maximum employment
Metal Fabrication Shop	One space per employee
Microbrewery, production only	One space per employee
Printing and Lithography	One space per employee
Sawmills	One space per employee
Winery, production only	One space per employee
MEDICAL USES	
Animal- Veterinary Hospitals; Veterinarians	One space per 200 square feet of gross floor area
Health Services; Under 10,000 Square Feet	One space per 300 square feet of gross floor area
Health Services; Over 10,000 Square Feet	One space per 200 square feet of gross floor area
Hospitals	One space per 4 four beds
Veterinary Clinic	One space per employee plus one space per 300 square feet of gross floor area
Veterinary Clinic, mobile	One space per employee
RECREATIONAL USES	
Amusement Areas	One space per 50 square feet
Athletic Field	Ten spaces per field
Basketball Court	Five spaces per court
Billiard or Pool Hall	Two spaces per table
Botanical Gardens & Arboretums	Two spaces per acre
Bowling Establishment	Three spaces per lane
Camp / Retreat Center	Five spaces for first two acres of recreation space and one space for each additional acre thereafter
Golf Courses	Two spaces per tee
Guest Ranch	One space per guest room, plus one space per employee. Additional parking may be required based on facilities and uses proposed.
Health Exercise Facility	One space per 50 square feet
Pitch and Putt Courses	Two spaces per tee
Shooting Ranges	One space per target area
Skating Rink	One space per 200 square feet
Subdivisions - Private Recreational Facilities Dedicated Recreational Land	Five off-street parking spaces for first two acres of each recreational site plus one space for each additional acre thereafter
Swimming Pool	One space for every five patrons, based on maximum design capacity
Soccer Fields, Ball Fields	Eight spaces per acre
Tennis, Handball, Racquet Ball Courts	Two spaces per court
Basketball Courts	Five spaces per court
Picnic Shelter Area	One space for every ten patrons, based on maximum design capacity
Swimming Pool	One space per 140 square feet
Tennis, squash, Handball or Racquet Ball Court	Two spaces for every court
RESIDENTIAL USES	
Dwelling, Multi-family:	One space per dwelling unit

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Efficiency One bedroom Two bedroom	One and one-half space per dwelling unit Two spaces per dwelling unit
Dwelling, Single Family	One space per dwelling unit
Dwelling, Two Family	One space per dwelling unit
Family Care Facilities	One space per three residents; One space per employee on the shift of maximum employment
Group Care Facilities	One space per two beds; One space per employee on shift of the maximum employment
Membership Lodges (Sororities and fraternities)	One space per lodging resident member
Mobile Homes	One space per unit
Rehabilitative Care Facility	One space per two beds; One space per staff member
Rooming House	One space per lodging unit
TEMPORARY USES	
Buildings; Portable	See appropriate uses
TRANSPORTATION	
Bus Passenger Shelters	no requirement
Bus Terminals and Garages	no requirement
Motor Freight Terminals	One space per employee
Motor Vehicle Maintenance & Repair (Body Shop)	One space per each service bay and mechanic
Motor Vehicle Sales Rental (New and Used)	One space per 400 square feet of gross floor area
Motor Vehicles Service Stations	One space per each service bay and mechanic
Parking as Principle Use Surface or Structure	no requirement
Petroleum Products: Storage and Distribution	One space per employee
Postal and Parcel Delivery Services	One space per employee on shift of maximum employment and one space per 800 square feet of gross floor area
UTILITIES	
Public Utility Stations & Substations, Pumping Stations, Switching Stations, Telephone Exchanges	no requirement
Radio & Television Transmitting & Receiving Towers, Water Treatment & Sanitary Sewage Treatment Plants, Elevated Water Storage Tanks	no requirement
Transmission Lines	no requirement
WASTE MANAGEMENT	
Landfills (2 acres or more)	no requirement
Waste Management Facility, Hazardous and Toxic	One space per employee on shift of maximum employment
MISCELLANEOUS	
Airport General Aviation	One space per four air vehicles
Assembly Facility Greater than 300	One space per two seats
Assembly Facility Less than 300	One space per two seats
Cemetery	no requirement

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Church	One space per four seats
Clubs or Lodges, Social	One space per three members
Community Center	One space per 400 square feet of gross floor area
Crematoria	One space per employee
Research Facility	One space per employee
Research Lands & Installations , Non-Profit	no requirement
Rural Heritage Museum	One space per 400 square feet of gross floor area
Rural Special Events	One space per employee plus one space for 50 square feet of event area

6.9.8 Determination For Unlisted Uses

The Planning Director shall make a determination of the minimum required off-street parking spaces for uses not specifically listed in this Section. In reaching the determination, the Planning Director may consider the following:

- (1) Requirements for similar uses,
- (2) The number and kind of vehicles likely to be attracted to the proposed use, and
- (3) Studies of the parking requirements of such uses in other jurisdictions.

6.9.9 Fractional Results

When the number of parking spaces required by this Section results in a fractional space, any fraction of less than one-half may be disregarded; a fraction of one-half or more shall be counted as one parking space.

6.9.10 Off-Street Parking Design Standards

(A) Standard Parking Spaces

- (1) Each parking space shall have a minimum area of 180 square feet and have a minimum width of 9 feet.
- (2) Wheel stops or curbs may be required to prevent encroachment on pedestrian ways and/or landscaping.

DEFINITIONS

Related to Agricultural Support Enterprises

In an effort to minimize the number of pages for the amendment package, relevant definitions have been extracted from the UDO and proposed new definitions are listed as a group. After approval, the definitions will be inserted alphabetically into Article 10 of the UDO.

Revised Definitions of Existing Terms:

Commercial Feeder Operation¹

~~An intensive animal raising operation that takes place within a building. None of the feed is produced on the tract, and the processing is fully or partly automated.~~

Riding Stable, Commercial

~~A commercial facility where horses are sheltered, fed, groomed, boarded, trained, ridden, or bred. Typical accessory uses may include riding instruction, horse shows and auctions, a tack shop, and storage of feed and supplies. The operator of a riding stable shall be allowed to reside on the property to ensure the continuous care of the animals kept on-site.~~ **An establishment for boarding, breeding, training or raising of horses, ponies, mules, and/or donkeys for a fee; and/or rental of horses, ponies, mules, and/or donkeys for riding, driving, and/or instruction. Exercise rings shall be considered accessory uses to a commercial stable. Smaller scale events, such as horse shows expected to generate less than 80 traffic trips per day, may be held no more often than once per month. The operator of a commercial stable may reside on the property to ensure the continuous care of animals kept on the site.**

Proposed Definitions for New Terms:

Agricultural Processing Facility, Community

A facility utilized for the processing of produce and/or other commodities produced by no more than 5 cooperative farm partners for the consumption of others (e.g. small canning operation); Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

Agricultural Processing Facility

A facility utilized for the processing and packaging of produce and/or other commodities for transport to off-site wholesale or retail establishments. Facilities may be utilized by farm-based producers, restaurateurs, caterers, food entrepreneurs, and the like. Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce prior to shipment but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

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.

¹ This is considered a bona fide farm operation under State Statutes and cannot be regulated with zoning so staff is suggesting it be deleted from the UDO.

Cold Storage Facility

A facility used to warehouse perishable foods and products prior to transport.

Community Farmers' Market

An enclosed or open-air facility for the retail sale of locally produced vegetables, flowers, meats, commodities, plants, crafts, etc. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Composting Operation

A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This does not include backyard composting bins serving individual families.

Cooperative Farm Partner

A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Cooperative Farm Stand

An open-air facility, ~~located on a bona fide farm,~~ for the retail sale of produce, agricultural products, and/or plants produced on-site and from not more than 4 other cooperative farm partners.²

Country Store

An enclosed market not exceeding 1500 square feet in size for the retail sales of a variety of merchandise, which must include locally produced products. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Equestrian Center

A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, rodeos, general horse/mule shows, and similar equestrian disciplines. Events may be larger scale, such as horse shows expected to generate more than 80 traffic trips per day, and may be held more frequently than once per month. A commercial stable may be included on the site.

Farm Equipment, Non-Farm Use of

Commercial use of the farm equipment ~~owned/leased by, and stored on, a bona fide farm~~ for non-farming activities away from ~~the~~ a bona fide farm. Examples include grading services and landscaping services.³

Farm Equipment Rental, Sales and Service

An establishment engaged in the rental, sales, service, and/or repair of construction or farm equipment, including excavators, loaders, graders, bulldozers, farm tractors 50 horsepower or more in size and other large, heavy-duty types of equipment used in the construction or farming industries but not including horse trailers, trucks, or other vehicles designed for use on public roads.

Farm Supply Store

An establishment engaged primarily in the sale or rental of farm tools, small farming equipment, and farm supplies. Retail sales of animal feed, grain, hardware, lumber, tack, riding attire, animal care products, and the like may be an ancillary activity.

² The County Attorney's office has advised that this language is legally insufficient and must be removed.

³ The County Attorney's office has advised that this language is legally insufficient and must be revised as shown.

Feed Mill

A building with machinery and apparatus for grinding and/or bagging grain.

Guest Ranch

A rural lodge providing overnight accommodations for transient guests seeking a vacation experience characteristic to that of a rural ranch; onsite facilities may include lodge or cabin accommodations, dining facilities, barns, dance hall and recreational facilities, including but not limited to riding rings, trails, fishing holes and swimming facilities.

Meat Processing Facility, Community

A smaller scale facility, ~~located on a bona fide farm~~, where livestock or wildlife is slaughtered, processed, and packaged for personal consumption and/or wholesale or retail sale. The livestock must be raised on the subject farm and from 1 to 4 other cooperative farm partners.⁴

Meat Processing Facility, Regional

A larger scale facility where livestock is slaughtered, processed, and prepared for distribution for wholesale or retail sale.

Metal Fabrication Shop

A facility that is engaged in the shaping of metal and similar materials for wholesale or retail sale.

Microbrewery, production only

A facility that produces less than 15,000 barrels per year of craft malt beverages for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Microbrewery with Minor Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Microbrewery with Major Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Rural Heritage Museum

A facility which stores and exhibits objects of historical, agricultural, and/or cultural interest for the purpose of educating the public about the rural heritage of Orange County and surrounding areas.

Rural Special Event

A temporary or seasonal commercial activity that occurs on a bona fide farm and which is expected to attract more than 20 people at any given time.

Saw Mill

A facility where off-site logs or timber are sawn, planed or otherwise processed into lumber or other wood products; not including the processing of timber for use on the same parcel of property.

⁴ The County Attorney's office has advised that this language is legally insufficient and must be removed.

Stockyard / Livestock Market

A facility where livestock are kept temporarily awaiting purchase and/or transport; such facilities may include enclosed pavilions, grandstands, paddocks, and stalls.

Taxidermy

The practice of preparing and preserving the skins of animals and of stuffing and mounting them in lifelike form.

Veterinary Clinic

A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals. Such facilities may include grooming and short-term boarding as incidental uses.

Veterinary Clinic, mobile

A mobile medical facility staffed by one or more licensed veterinarians to provide care, diagnosis, and treatment of animals in need of medical or surgical attention.

Veterinary Hospital

A facility staffed by at least one licensed veterinarian for the specialized treatment of large and/or small animals. Said facilities may provide emergency medical services during and outside of normal business hours. Overnight care may be provided when it is necessary for the medical treatment of the animal.

Winery, production only

A facility utilized for making wines for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Winery with Minor Events

A facility utilized for making wines for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Winery with Major Events

A facility utilized for making wines for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Relevant Existing Terms, no changes proposed:**Agricultural Services**

Commercial activities offering goods and services which support production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, biocide services, retail sales of farm/garden products, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries.

Camp

A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreation vehicles. A camp may be owned by a profit or not-for-profit corporation.

Farming

The use of land consistent with the State of North Carolina's definition of farming, as contained in the General Statutes.

Farm, Bona Fide

The use of land meeting the criteria for "Farm" as defined by the State of North Carolina in the General Statutes.

Garden Center

Retail sales operation providing lawn and garden supplies and small equipment rental primarily for home landscaping. Typical products include, but not limited to, decorative stone, garden ornaments, decorative pots, container plant stock, and bagged or bulk sand, mulch and topsoil. Seasonal sales such as Christmas trees, pumpkins and flowers are permitted in the outdoor display area.

Retreat Center

A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit corporation.

Rural Guest Establishments

A temporary lodging facility that is compatible to the primary land use of agriculture, forestry, open space, or otherwise rural residential activities. Rural guest establishments consist of three subcategories based on intensity and permit requirements, Bed and Breakfast, Bed and Breakfast Inn, and Country Inn, which are further defined below.

- A. **Bed and Breakfast:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Zoning Permit)
- B. **Bed and Breakfast Inn:** A business operated in a structure which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guestrooms may range from four to no more than eight. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Class B SUP)
- C. **Country Inn:** A business, which offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guestrooms may range from four to no more than 24. The restaurant shall contain no more than 60 seats. (Class A SUP)

2030 Comprehensive Plan Amendments



No revisions on first two pages - included for information only. See third page for changes.

Appendix F: Land Use and Zoning Matrix

Appendix F. Relationships Between Land Use Classifications and Zoning Districts

Per the Orange County Unified Development Ordinance, zoning districts are applied to Land Use classifications and overlays in accordance with this appendix. A matrix is provided at the end of this appendix that links the zoning districts to the land use classifications and overlays listed.

TRANSITION LAND USE CLASSIFICATIONS

CHAPEL HILL AND CARRBORO TRANSITION

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

10-YEAR TRANSITION

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses, and Zoning Overlay Districts.

20-YEAR TRANSITION

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses.

COMMERCIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).

COMMERCIAL-INDUSTRIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed. The applied zoning districts include: I-1 (Light Industrial); I-2 (Medium Industrial); I-3 (Heavy



Appendix F: Land Use and Zoning Matrix

Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).

ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE

Identifies areas along major transportation corridors that may be in proximity to 10-Year or 20-Year Transition areas of the County which have been specifically targeted for economic development activity, consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning districts are EDB-1 (Economic Development Buckhorn Lower Intensity), EDB-2 (Economic Development Buckhorn Higher Intensity), EDE-1 (Economic Development Eno Lower Intensity), EDE-2 (Economic Development Eno Higher Intensity), EDH-1 (Economic Development Hillsborough Linear Office), EDH-2 (Economic Development Hillsborough Limited Office), EDH-3 (Economic Development Hillsborough Limited Office with Residential), EDH-4 (Economic Development Hillsborough Office), EDH-5 (Economic Development Hillsborough Office/Flex).

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER

Only very low density residential and agricultural uses are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL

Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R-1 (Rural Residential).

AGRICULTURAL RESIDENTIAL

Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

RURAL COMMUNITY ACTIVITY NODE

Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL NEIGHBORHOOD ACTIVITY NODE.

Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL INDUSTRIAL ACTIVITY NODE

Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I-1 (Light Industrial).

OVERLAYS

PUBLIC INTEREST AREA

These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).



Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Overlays	ZONING DISTRICTS																						
	RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4 -	EC-5	0/I	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	ASE-CZ	MPD-CZ	MHP-CZ
Chapel Hill Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement-																						
Carrboro Transition	Contact appropriate Municipality for applicable Zoning Standards																						
10-Year Transition			◆	◆	◆	◆													◆			◆	◆
20-Year Transition			◆	◆	◆	◆																◆	◆
Commercial Transition Activity Node							◆	◆	◆	◆	◆										◆	◆	
Commercial-Industrial Transition Activity Node							◆	◆	◆	◆	◆	◆	◆	◆	◆						◆	◆	
Economic Development Transition Activity Node																	◆					◆	
Rural Buffer	◆																						◆
Rural Residential			◆																		◆	◆	
Agricultural Residential		◆															◆				◆		◆
Rural Community Activity Node							◆	◆													◆	◆	
Rural Neighborhood Activity Node							◆	◆													◆	◆	
Rural Industrial Activity Node												◆									◆		
Overlay																				◆			

Attachment 3

Agricultural Support Enterprises

Basic Zoning Program

Notes:

1. Some uses listed below already exist within the UDO; of these, some are proposed for changes (predominantly addition of use-specific standards) while others are not proposed for changes (see footnote below for key). This table is intended to show the full range of uses that have been considered “Agricultural Support Enterprises” through the years and are subject to zoning regulations.
2. All uses are subject to the development standards contained in Article 6 of the UDO (Landscaping, Buffers, Parking, Loading, Signage, Lighting, etc.) and any other applicable section.
3. All uses are subject to any applicable Environmental Health (well, septic, food service, etc.) and Building Code regulations. These types of regulations are adopted at the State level and the local government cannot change them.
4. There may be other State or Federal requirements applicable to specific uses (e.g., meat processing for public consumption). DEAPR or Cooperative Extension staff can assist people with understanding other types of requirements.
5. A pre-development meeting is available free of charge to all persons proposing projects. All relevant County staff members (from all involved departments, depending on project proposed) are in attendance at the meeting to assist potential applicants in understanding all requirements for the potential project and the relevant processes. Prospective applicants are highly encouraged to take advantage of this service.

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility	AS, I1, I2, I3	ASE-CZ, MPD-CZ	5.13.2
Agricultural Processing Facility, Community	RB, AR, LC1, NC2, AS, I1	ASE-CZ, CUD	5.13.3
Agricultural Services Uses*	AS	ASE-CZ, MPD-CZ, CUD	None

¹ What is it? Check the **definition section** of the amendment packet to see how it’s defined.

² Check Article 3 of UDO for explanation of zoning districts: <http://orangecountync.gov/planning/Ordinances.asp>

*: Use type currently exists in the UDO and is not proposed for modification.

^: Use type currently exists in the UDO and is proposed for modification.

Type of Use¹	General Use Zoning Districts in which Allowed²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Botanical Gardens/Arboretum*	All districts except EC5 and E1	ASE-CZ	None
Cold Storage Facility	AS (w/ SUP-A), I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.13.4
Community Farmers' Market	RB, AR, LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.5
Composting Operation, no grinding	AS (w/ SUP-A)	ASE-CZ, CUD	5.13.6
Composting Operation, with grinding	AS (w/ SUP-A)	ASE-CZ	5.13.6
Cooperative Farm Stand	RB, AR, LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.13.7
Country Store	LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.6.15
Equestrian Center	AR (w/ SUP-A)	ASE-CZ, CUD	5.13.8
Farm Equipment Rental, Sales and Service [^]	GC4, EC5, AS, I2, I3	ASE-CZ	5.13.9
Farm Supply Store	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.10
Feed Mill [^]	AS, I2, I3	ASE-CZ, MPD-CZ	5.13.11
Garden Center*	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.6.3
Greenhouses with On Premises Sales [^]	AR, NC2, CC3, GC4, EC5, AS	ASE-CZ, MPD-CZ, CUD	5.13.12
Guest Ranch	none	ASE-CZ	5.7.6
Kennels, Class I*	RB, AR, R1, CC3, GC4, AS	ASE-CZ	None
Kennels, Class II*	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ	5.6.5
Meat Processing Facility, Community	RB, AR	ASE-CZ, CUD	5.13.13
Meat Processing Facility, Regional	AS (w/ SUP-A)	ASE-CZ	5.13.14
Metal Fabrication Shop	Not explicit (would fall under one of the Industrial classifications)	ASE-CZ	5.14.1
Microbrewery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.2
Microbrewery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.10
Microbrewery with Major Events	none	ASE-CZ, MPD-CZ	5.6.11
Off-Season Use of Farm Equipment	RB, AR, AS	ASE-CZ, CUD	5.13.15
Rural Guest Establishment: Bed &	RB, AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.7

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Breakfast*			
Rural Guest Establishment: Bed & Breakfast Inn*	w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.8
Rural Guest Establishment: Country Inn*	w/ SUP-A only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.9
Rural Heritage Museum	w/ SUP-B only: RB, AR, LC1, NC2, AS	ASE-CZ, CUD	5.17.7
Rural Special Events	RB, AR, AS	ASE-CZ, MPD-CZ, CUD	5.17.8
Sawmill [^]	AS		5.14.3
Stables, Commercial [^]	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ, MPD-CZ	5.13.16
Stockyards / Livestock Markets [^]	AS	ASE-CZ	5.13.17
Studio (Art)*	LC1, NC2, CC3, GC4, OI, I1, I2, I3	MPD-CZ, REDA-CZ-1, CUD	None
Taxidermy	LC1, NC2, CC3, GC4, I1 w/ SUP-B only: AR	ASE-CZ, CUD	5.6.12
Veterinary Clinic	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR	ASE-CZ, MPD-CZ, CUD	5.16.1
Veterinary Clinic, mobile	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.16.2
Veterinary Hospitals [^]	CC3, GC4, EC5, OI, AS, I2, I3	ASE-CZ, MPD-CZ, CUD	5.16.3
Winery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.4
Winery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.13
Winery with Major Events	none	ASE-CZ, MPD-CZ	5.6.14

Bona Fide Farming Activities

Bona fide farming activities are exempt from local zoning regulations, but may be subject to environmental health and building codes and regulations in the UDO that are not considered “zoning”. Examples of bona fide farming activities are:

- Production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock (including horses), and poultry. Includes the use of greenhouses.
- Planting and production of trees and timber
- Aquaculture
- Marketing and selling of agricultural products produced on-site (e.g., can have a farm stand or store building on the bona fide farm and farm products can include raw and value added products).
- On-site agritourism
- Storage and use of products and materials for on-site agricultural purposes
- Packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural products produced on-site
- Production of nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product, if produced on a farm subject to a conservation agreement in an enhanced voluntary agriculture district
- Sawmill for timber produced on-site
- Farm employee housing
- Teaching classes related to agriculture on the farm
- Winery (using predominantly grapes produced on-site)
- Microbrewery (using predominantly crops produced on-site)

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 9**

SUBJECT: Unified Development Ordinance Text Amendment – Home Occupations

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Unified Development Ordinance (UDO) Amendment Outline Form 2. Proposed Text Amendments 3. Home Occupations Report and Site Plan Examples 4. Approved January 8, 2014 Planning Board Meeting Minutes 5. Approved February 18, 2014 BOCC Meeting Minutes | <ul style="list-style-type: none"> Ashley Moncado, Planner II 245-2589 Craig Benedict, Director 245-2575 |
|---|--|
-

PURPOSE: To review and discuss comments received at the February 18, 2014 Board of County Commissioners (BOCC) meeting in order to make a recommendation for the May 8, 2014 BOCC meeting on a Planning Board and Planning Director initiated text amendment to the Unified Development Ordinance (UDO).

BACKGROUND: Since July 2013, staff has been working directly with the Planning Board to review and revise existing home occupation standards contained in the UDO. At the November 25, 2013 Quarterly Public Hearing, the BOCC and Planning Board identified concerns with the proposed home occupation text amendment presented for public hearing. Recognizing that a number of items needed to be addressed, staff recommended bringing the item back to the Planning Board for further review and discussion at the December 4 meeting. Following Planning Board review and discussion, staff revised the proposed text amendment to reflect comments received from the BOCC and the Planning Board.

The Planning Board considered this item at its January 8, 2014 meeting and voted 7-1 to recommend approval of the UDO text amendment. Minutes from this meeting are included in Attachment 4. The amendment was presented for adoption consideration at the February 18 BOCC meeting. During discussion, Board members identified concerns with existing and proposed language regarding screening and setback standards for accessory structures utilized in a home occupation. Due to these concerns, the BOCC voted to refer the item back to the Planning Board and staff for further review and consideration. Minutes from this meeting are included in Attachment 5.

Attachment 3 contains a staff report on the proposed text amendment's review history, including the Board's motion from the February 18 BOCC meeting, and site plan examples depicting existing and proposed setback standards. Additionally, pages 5-7 include a response from planning staff addressing comments received at the February 18 BOCC meeting.

Attachment 1 contains additional information and analysis regarding this amendment. Proposed text amendment language can be found in Attachment 2 within a "track changes" format (**red text** for proposed additions and black ~~strikethrough~~ for proposed deletions). Modifications made following the November Quarterly Public Hearing and December Planning Board meeting are denoted in **green text**. No revisions have been made to the proposed amendment since it was recommended for approval at the January 8 Planning Board meeting.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2013-14 Departmental funds budgeted for this purpose. Existing planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Receive the Home Occupations Report and Site Plan Examples in Attachment 3,
2. Review and deliberate as necessary on the proposed text amendment in Attachment 2,
3. Consider the Planning Director's recommendation to approve the text amendment as detailed in Attachment 2; and,
4. Make a recommendation to the BOCC on the proposed amendment in time for the **May 8, 2014** BOCC meeting.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-03
Home Occupation Standards

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:
Section(s):
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes
 Section(s):
- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Board and Planning Director are proposing to initiate a text amendment to modify existing language relating to the regulation of home occupations within the county.

At the January 9, 2013 Planning Board meeting, Board members discussed areas of interest for planning staff to address for the next year. One item, which was highlighted in the UDO Implementation Bridge report prepared when the UDO was adopted in 2011, included the need to review existing home occupation standards for a potential revision. At that time, Board members expressed concern with the existing standards limiting home occupations by being too restrictive with the required square footage allowances and number of permitted non-residential employees. As a result, the Board requested staff to proceed with reviewing existing standards. To address the Planning Board's request, staff presented information at the July 10, 2013 Planning Board meeting, including a summary of current standards contained in the UDO, a comparison with other local jurisdictions' standards, and items of consideration to better facilitate and promote the use of home occupations. Following review and discussion, the Board asked staff to proceed with an amendment to the UDO addressing their comments and areas of interest relating to the UDO Implementation Bridge report.

At the September 4 Planning Board meeting, staff presented draft language based on Planning Board comments received at the July meeting for review. Additionally, at this time, staff presented Section 419, Live/Work Units, from the 2012 North Carolina Building Code regarding the review and permitting of home occupations that are classified as live/work units. Although planning staff considers this Section of the building code, adopted in 2012, to be restrictive, local governments cannot amend laws, codes and/or rules adopted by the State. Staff anticipates that this Section of the building code will result in prospective home occupation applicants deciding to locate their home occupation in an accessory structure if the home occupation comprises of more than ten percent of their home's square footage. A copy of Section 419 is included at the end of this form.

At the October 2 Ordinance Review Committee (ORC) meeting staff presented proposed amendment language for Board comment. Following this meeting, planning staff identified concerns with the proposed recommendations and requested a meeting with the Planning Board Chair and Vice Chair to discuss and review the Board's recommendation. The Planning Board Vice Chair was unable to attend, but did provide comments regarding proposed recommendations to staff and the Planning Board Chair. At the October 16 meeting with Chair Hallenbeck proposed standards based on Planning Board's recommendation were revised in order to create a reasonable balance between supporting home based businesses in the county and protecting the character and enjoyment of residential neighborhoods.

Revised recommendations were presented at the November 6 ORC meeting. During this meeting, members stated concern with existing standards prohibiting specific uses from receiving a home occupation permit [See UDO Section 5.5.3(2)(a)(iii)], however, no specific amendment requests were made.

At the November 25 Quarterly Public Hearing concerns with standards regarding prohibiting specific uses, screening of accessory structures, and setback standards of accessory structures and outdoor storage space utilized in a major home occupation were discussed by the BOCC and Planning Board. Recognizing that a number of items needed to be reviewed and discussed among the Planning Board, staff recommended bringing the item back to the Planning Board for further review and discussion at the December 4 meeting. At the Quarterly Public Hearing a BOCC member suggested staff send a letter to residents who currently have a home occupation permit in order to solicit feedback. Sixty-three letters were mailed on November 27, 2013 and no comments were received from the public. At the January 8 Planning Board meeting, Board members reviewed revised standards based on comments received at the November Quarterly Public Hearing and the December 4 Planning Board meeting. Members voted 7-1 to recommend approval of the UDO text amendment as presented by staff.

The amendment was presented for adoption consideration at the February 18 BOCC. During the meeting, Board members identified concerns with existing and proposed standards regarding screening and setback regulations for accessory structures utilized in a home occupation. As a result, the BOCC referred the item back to the Planning Board for further review and consideration.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: 'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'.

The purpose of the proposed amendment is to develop standards that accommodate and encourage the use of home occupations while protecting the residential character of neighborhoods and meeting standards of the North Carolina Building Code in order to incorporate recommendations of the Implementation Bridge into the Unified Development Ordinance. Proposed standards will allow for smaller and larger scale home occupations with the development of two categories including a minor home occupation and a major home occupation. Uses such as artist studios often are considered home occupations and the updated standards will apply to artist studios. This is a topic that was raised at the February 2013 BOCC retreat and the May 14, 2013 BOCC work session when "Agricultural Support Enterprises" was discussed. Additional amendments to Section 5.4.3 *Special Events* will address reviewing and permitting events conducted by the home occupation. Specifically, allowing nonprofit or government organized events, including the Orange County Open Studio Tour, to be exempt from the existing special event and Class B Special Use Permit process in order to support and accommodate these events within the county. Also, see Section

D of this Form.

3. **Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)**

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high quality employment opportunities for County residents.

Economic Development Objective 1.5: Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

September 5, 2013

b. Quarterly Public Hearing

November 25, 2013

c. BOCC Updates/Checkpoints

November 5, 2013 – Approved legal ad for the November 25 Quarterly Public Hearing.

November 6, 2013 – Planning Board Ordinance Review Committee (ORC)

November 25, 2013 – Quarterly Public Hearing

- Comments made at the Quarterly Public Hearing are included at the end of this form.

February 18, 2014 – Receive Planning Board recommendation

May 8, 2014 – Receive Planning Board recommendation

d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements.

a. Planning Board Review:

July 10, 2013 – discussion of topic

September 4, 2013 – further discussion

October 2, 2013 – Ordinance Review Committee

November 6, 2013 – Ordinance Review Committee

December 4, 2013 – further discussion

January 8, 2014 – BOCC recommendation

April 2, 2014 – BOCC recommendation

b. Advisory Boards:

c. Local Government Review:

The proposed text amendments were	received from the Town of Carrboro
submitted to the JPA Partners on	and the Town of Chapel Hill are
November 7, 2013. Comments	included at the end of this form.

d. Notice Requirements

Consistent with NC State Statutes – legal ad prior to public hearing
--

e. Outreach:

<input type="checkbox"/>	General Public:	
<input type="checkbox"/>	Small Area Plan Workgroup:	
<input type="checkbox"/>	Other:	

3. FISCAL IMPACT

<p>Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2013-14 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.</p>
--

D. AMENDMENT IMPLICATIONS

<p>Proposed amendments to existing home occupation standards include two types of home occupations. The first type, minor home occupations, follows the existing review process in place for home occupations with revisions allowing for an increase in square footage and number of employees in all residential districts. The second type, major home occupations, is proposed in order to accommodate larger scale accessory business uses in the AR (Agricultural Residential) and R-1 (Rural Residential) zoning districts. A Class B Special Use Permit will be required for major home occupations. The number of employees and permitted amount of square footage utilized in a major home occupation shall be determined with the approved special use permit.</p> <p>Additional minor revisions to existing standards will address traffic generation, accessory structures, outdoor storage space, vehicle weight restrictions, and landscaping for all home occupations. Proposed amendments will introduce standards addressing the total number of students, customers, and/or clients permitted per day and address the review of special events for home occupations. Finally, definitions referencing minor home occupations and major home occupations are proposed within Article 10. The Planning Board and staff have endeavored to be mindful of any adverse impacts that may occur in the various types of residential districts found in the county while creating the amendment package.</p>

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2 for proposed language.

Primary Staff Contact:

Ashley Moncado

Planning Department

919-245-2589

amoncado@orangecountync.gov

SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

with 1/4-inch (6.35 mm) insulating mill board or other *approved* equivalent insulation.

[F] **417.4 Fire protection.** Drying rooms designed for high-hazard materials and processes, including special occupancies as provided for in Chapter 4, shall be protected by an *approved* automatic fire-extinguishing system complying with the provisions of Chapter 9.

SECTION 418 ORGANIC COATINGS

[F] **418.1 Building features.** Manufacturing of organic coatings shall be done only in buildings that do not have pits or basements.

[F] **418.2 Location.** Organic coating manufacturing operations and operations incidental to or connected therewith shall not be located in buildings having other occupancies.

[F] **418.3 Process mills.** Mills operating with close clearances and that process flammable and heat-sensitive materials, such as nitrocellulose, shall be located in a detached building or noncombustible structure.

[F] **418.4 Tank storage.** Storage areas for flammable and combustible liquid tanks inside of structures shall be located at or above grade and shall be separated from the processing area by not less than 2-hour *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 712, or both.

[F] **418.5 Nitrocellulose storage.** Nitrocellulose storage shall be located on a detached pad or in a separate structure or a room enclosed with no less than 2-hour *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 712, or both.

[F] **418.6 Finished products.** Storage rooms for finished products that are flammable or combustible liquids shall be separated from the processing area by not less than 2-hour *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 712, or both.

SECTION 419 LIVE/WORK UNITS

419.1 General. A live/work unit is a *dwelling unit* or *sleeping unit* in which a significant portion of the space includes a non-residential use that is operated by the tenant and shall comply with Sections 419.1 through 419.8.

Exception: *Dwelling* or *sleeping units* that include an office that is less than 10 percent of the area of the *dwelling unit* shall not be classified as a live/work unit.

419.1.1 Limitations. The following shall apply to all live/work areas:

1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m²);
2. The nonresidential area is permitted to be a maximum 50 percent of the area of each live/work unit;

3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and
4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

419.2 Occupancies. Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit when the live/work unit is in compliance with Section 419. High-hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

419.3 Means of egress. Except as modified by this section, the provisions for Group R-2 occupancies in Chapter 10 shall apply to the entire live/work unit.

419.3.1 Egress capacity. The egress capacity for each element of the live/work unit shall be based on the *occupant load* for the function served in accordance with Table 1004.1.1.

419.3.2 Sliding doors. Where doors in a *means of egress* are of the horizontal-sliding type, the force to slide the door to its fully open position shall not exceed 50 pounds (220 N) with a perpendicular force against the door of 50 pounds (220 N).

419.3.3 Spiral stairways. *Spiral stairways* that conform to the requirements of Section 1009.9 shall be permitted.

419.3.4 Locks. Egress doors shall be permitted to be locked in accordance with Item 4 of Section 1008.1.9.3.

419.4 Vertical openings. Floor openings between floor levels of a live/work unit are permitted without enclosure.

419.5 Fire protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an *automatic sprinkler system* in accordance with Section 903.2.8.

419.6 Structural. Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.

419.7 Accessibility. Accessibility shall be designed in accordance with Chapter 11.

419.8 Ventilation. The applicable requirements of the *International Mechanical Code* shall apply to each area within the live/work unit for the function within that space.

SECTION 420 GROUPS I-1, R-1, R-2, R-3

420.1 General. Occupancies in Groups I-1, R-1, R-2 and R-3 shall comply with the provisions of this section and other applicable provisions of this code.

420.2 Separation walls. Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building

From: [Patricia J. McGuire](#)
To: [Perdita Holtz](#)
Cc: [Martin Roupe](#); [Christina Moon](#)
Subject: RE: UDO Text Amendment that Applies to the Rural Buffer - Home Occupation Standards
Date: Tuesday, November 26, 2013 7:40:00 PM

Dear Perdita,

Carrboro staff have a few comments and suggestions for the ordinance revisions:

- 1) There appear to be benefits associated with offering additional economic opportunities to properties in the Rural Buffer and elsewhere in the county, so long as such uses are consistent with the purposes of the zoning districts otherwise.
- 2) You might consider expanding the use of performance standards as a means of limiting further or reducing entirely the exclusion of specific uses. Such standards could specify screening, sizing, siting, or parking provisions that would mitigate the impacts that presently necessitate excluding them entirely.
- 3) You might consider clarifying the traffic generation provisions to distinguish between traffic generated by the use and traffic generated in support of the use. Are the regulations intended to allow or prohibit a resident from operating a single –truck tractor-trailor business from their home, for example? If only a single driver/single-truck use was considered acceptable, but a larger trucking operation was not, perhaps the vehicle storage, number of employees and screening requirements could be modified accordingly?
- 4) You might consider clarifying whether outdoor storage includes the storage or parking of vehicles that are used in conjunction with a home occupation.

Thanks for the opportunity to review. Don't hesitate to contact me if you have a question.

Trish

Patricia J. McGuire, AICP, CZO, CFM

Planning Director

Town of Carrboro

301 W. Main Street

Carrboro, North Carolina 27510

35° 54' 41", -79° 04' 39"

919-918-7327 (T)/919-918-4454 (F)

pmcguire@ci.carrboro.nc.us <http://townofcarrboro.org>

From: Perdita Holtz [<mailto:pholtz@orangecountync.gov>]
Sent: Thursday, November 07, 2013 9:14 AM
To: J.B. Culpepper (jbculpepper@townofchapelhill.org); Patricia J. McGuire
Cc: Craig Benedict; Ashley E.. Moncado; Christina Moon; (gpoveromo@townofchapelhill.org)
Subject: UDO Text Amendment that Applies to the Rural Buffer - Home Occupation Standards

Hello JB and Trish,

Pursuant to the JPA Agreement, we are sending the attached proposed UDO text amendment to you for review and comment. We are proposing to change the existing standards for Home Occupations allowed in the residential zoning districts, including the RB (Rural Buffer) zoning district. We are also proposing to have a category of "Minor Home Occupation" and "Major Home Occupation" (we currently do not have two classes of Home Occupations). Major Home Occupations will not be allowed in the Rural Buffer; only Minor Home Occupations would be allowed in the RB.

I have also attached a chart you may find helpful that depicts the existing and proposed standards. This chart is not part of the actual amendments; it's just used for informational purposes.

These text changes are on the November 25 quarterly public hearing agenda. It would be great if you could forward any comments to us before the 25th. If you need more time than that to review this item, please let me know. The JPA Agreement stipulates that the County will not adopt an amendment affecting the RB until the Towns have had 30 days to review and comment on the amendment. This amendment is scheduled for adoption consideration in January.

Thanks and please let me know if you have any questions.

Perdita

Perdita Holtz, AICP

Planning Systems Coordinator

Orange County (NC) Planning Department

131 W. Margaret Lane, 2nd Floor (physical)

P.O. Box 8181 (mail)

Hillsborough, NC 27278

Phone: (919) 245-2578

Town of Carrboro, NC Website - <http://www.townofcarrboro.org> E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



PLANNING
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

phone (919) 968-2728 *fax* (919) 969-2014
www.townofchapelhill.org

December 6, 2013

Ms. Perdita Holtz
Planning Systems Coordinator
Orange County Planning Department
PO Box 8181
Hillsborough, NC 27278

**Subject: Courtesy Review Comments on Proposed Unified Development Ordinance
Amendment Regarding Home Occupation Permits in the Rural Buffer**

Dear Ms. Holtz:

Thank you for the opportunity to review the proposed zoning ordinance amendment regarding home occupation permits in the rural buffer area. We do not have any comments on the proposed ordinance amendment as it relates to the Joint Planning Agreement.

Should you have any questions, please do not hesitate to call me at (919) 968-2728.

Regards,

A handwritten signature in black ink, appearing to read "Phil Mason".

Phil Mason, AICP
Principal Planner

Comments Received at the November Quarterly Public Hearing

Planning Board Comments	BOCC Comments	Planning Staff Response/Comments
	Minor home occupation regulations should incorporate existing standards without any modifications. All proposed revisions allowing for an increase in employees, square footage allowances, and size of accessory structures shall be through the major home occupation process requiring a Special Use Permit.	Planning Board reviewed BOCC comment and proceeded with proposed amendments as presented in Attachment 2.
	Concerns with existing standards requiring landscaping and buffering of accessory structures used in the home occupation.	Existing standards contained within the UDO have been revised to allow for exemptions in screening requirements of accessory structures.
	Concern with existing nonprofit language being too vague regarding nonprofit special events.	Proposed standards for special events have been revised to specifically reference 501(c)3 nonprofits.
	Concerns with existing standards regarding the appearance of a residential accessory structure.	Existing standards contained within the UDO have been revised to provide clarity regarding the appearance of accessory structures.
	Concerns regarding proposed standards being too restrictive and creating a financial burden on business owners.	Proposed revisions to existing standards are more lenient and less restrictive allowing for more employees, visitors, daily trips, and deliveries and an increase in the overall size of home occupations. Existing and proposed standards may result in financial constraints on a business owner which are typically incurred with the opening of any new business.
Concerns with trade uses, including plumbing, electrical, and building contracting, not being permitted as a home occupation.		Existing standards contained within the UDO have been revised to allow these uses to operate from a residential property with an approved home occupation permit.
Concerns regarding setback standards for accessory structures and outdoor storage space used in a major home occupation.		Proposed setback standards for outdoor storage space have been revised to allow for greater flexibility in setback standards for accessory structures and outdoor storage space through the Special Use Permit process.

UDO AMENDMENT PACKET NOTES:

The following packet details the proposed modifications to existing home occupation standards. Proposed regulations include the establishment of two new home occupation categories allowing for minor and major (larger scale) home occupations. The amendment package also proposes the re-numbering and reformatting of Sections 2.22, 5.4.3, and 5.5.3, to accommodate the new standards.

As the number of affected pages/sections of the existing UDO are being modified with this proposal, staff has divided the proposed amendments into the following color coded classifications:

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO
- **Black Strikethrough Text:** Denotes existing text that staff is proposing to delete
- **Green Text:** Denotes modifications made following the November Quarterly Public Hearing and December Planning Board meeting.

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

- ~~(3) Structural stormwater measures that are designed, constructed and maintained in accordance with the NC DWQ Stormwater BMP Design Manual, approved accounting tool, and requirements listed in Section 6.14 will be presumed to meet the required performance standards of Section 6.14. Submittals containing measures not designed to these specifications, may be approved on a case by case basis provided the applicant provides adequate data and information showing how the deviations meet the requirements of Section 6.14.~~
- ~~(C) **Plan Approval**
The Erosion Control Officer is authorized to approve any Stormwater Management Plan which is in conformance with the performance standards specified in the NC DWQ Stormwater BMP Design Manual, and other requirements of this Ordinance.~~
- ~~(D) **Approved Plan a Prerequisite**
The Erosion Control Officer is not authorized to issue any permits for development on any land that is defined as new development under Section 6.14 of this Ordinance unless and until a Stormwater Management Plan in compliance with the requirements of this Ordinance has been approved.~~
- ~~(E) **Design of Permanent Nutrient Export Reduction Structural Stormwater Measures**
When a permanent nutrient export reduction structural stormwater measure is required for new development to meet the requirements of this Ordinance, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Stormwater Management affixed, signed, sealed and dated.~~

SECTION 2.22: HOME OCCUPATIONS

2.22.1 Application Requirements

- (A) An application for a Home Occupation Permit shall be filed with the Planning Director on forms provided by the Planning Department.
- (B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.
- (C) An application for a minor home occupation shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.3.
- (D) An application for a major home occupation shall require a Class B Special Use Permit and adhere to the requirements of Sections 2.5.3, 2.7, and 5.5.3.

2.22.2 Conditions of Approval

- (A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.
- (B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:
- (1) Hours of operation;
 - (2) Number of vehicles to be parked on the premises;
 - (3) The location of an accessory building, storage area or parking on the property.
- (C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the home occupation from adjoining properties.

5.4.3 Special Events

(A) Arts and Cultural Special Events

- (1) All arts and cultural special events organized, conducted, and affiliated with a 501(c)(3) nonprofit organization or government entity, for example the annual Orange County Open Studio Tour, shall be exempt from the special event review and permitting process.¹

(B) General Standards of Evaluation²

- (1) The application shall include a written description of the type of event planned, the number of participants for any single event, the frequency of the events, the anticipated hours of operation, the potential dates for the events, and the method and adequacy of sewage disposal, recycling and waste disposal, access, parking, lighting, and signage;
- (2) The plot plan shall be accompanied by written approval from the Orange County Division of Environmental Health regarding the adequacy of the water-supply and wastewater disposal;
- (3) The plot plan shall have written approval from the Orange County Fire Marshal;
- (4) The applicant shall submit a copy of notification sent to the Orange County Sheriff's Department stating the type of events, number of participants, date(s) and hours of operation, and emergency contact information. A location map must be attached to the notice provided to the Sheriff;
- (5) Lot size shall be adequate to accommodate all proposed activities including safe vehicular and pedestrian circulation;
- (6) The proposed activity will occur on no more frequently than seven days in a 30-day period, and on no more than 50 days per year; and
- (7) Signs shall be permitted in accordance with Section 6.12.11(D).

(C) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) A written description of the exact type of event planned, the maximum number of participants, the frequency of the event, anticipated dates and hours of operation, method and adequacy of sewage disposal, recycling and waste disposal, access, parking, lighting, and signage;
- (b) A site plan showing the boundaries of the area to be used for the events, the locations of access points, parking, service areas, activity areas, restrooms, solid waste disposal/recycling facilities, lighting, and signage;
- (c) Written comments from the Orange County Health Department, Division of Environmental Health regarding the adequacy of plans restroom facilities and food preparation/handling arrangements; and

¹ Proposed amendments regarding arts and cultural special events will address concerns with accommodating and permitting community wide events conducted by a nonprofit or government organization more efficiently. These standards will allow art and studio home occupations that participate in these events to be exempt from the Class B Special Use Permit process.

² Adding a new (A) resulted in the automatic renumbering of subsequent subsections.

- (c) The use of the building shall be only for the period of time specified and for the use specified.
- (d) The proposed use is a permitted use in the district in which it is located.

SECTION 5.5: STANDARDS FOR RESIDENTIAL USES

5.5.1 Accessory Structures and Uses

(A) General Standards of Evaluation

- (1) Accessory structures and uses shall not be located in any required front open space and shall conform to the principal setbacks of the district where located unless otherwise provided in this Section.
- (2) An attached private garage, or carport, not exceeding 12 feet in height, may occupy a portion of the required side open space, provided that this does not result in a required side open space of less than 7% of the lot width, nor a total, when combined with the required side open space of the lot immediately adjacent, of less than eight feet.
- (3) Mobile homes as accessory structures to residential uses are prohibited.

5.5.2 Efficiency Apartment

(A) General Standards of Evaluation

- (1) There shall be no more than one efficiency apartment, whether detached or attached, on any lot.
- (2) The efficiency unit shall contain no more than 800 square feet of gross floor area.
- (3) The residential lot shall meet the minimum lot size requirements of the zoning district in which it is located.
- (4) The efficiency unit shall comply with the N.C. Residential Building Code including minimum light/ventilation and room sizes.
- (5) The efficiency unit shall be accessory to the principal dwelling unit and may be attached or detached.
- (6) The efficiency unit shall be served by an approved water supply and sanitary facilities.
- (7) The efficiency unit shall remain in the same ownership as the primary residence.

5.5.3 Home Occupations

(A) General Standards

(1) Submittal Requirements

In addition to the completed application form, applicants for a **minor or major home** occupation shall submit the following to the Planning Department:

(a) Minor Home Occupations

- (i) A plot plan of the property on which the home occupation is to be located. The plot plan shall show:
 - a. The location of the residence **and/or** accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes;
 - b. The location, number, and means of access to required off street parking areas; and

- c. The location and type of required landscaping and/or screening.
 - (ii) A floor plan of the residence **and/or** accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence **and/or** accessory building.
 - (b) **Major Home Occupations**
 - (i) **A site plan of the property on which the home occupation is to be located. The site plan shall show:**
 - a. **The location of the residence and/or accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes;**
 - b. **The location, number, and means of access to required off street parking areas; and**
 - c. **The location and type of required landscaping and/or screening.**
 - (ii) **A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.**
- (2) Standards of Evaluation**
- (a) **All Home Occupations**
 - (i) No home occupation may be operated in a residence except as permitted under this Ordinance and only after a Home Occupation Permit has been issued in accordance with the provisions of Section ~~2-24~~ **2.22** of this Ordinance.
 - (ii) **Home based business operations that conduct only online retail sales and do not include nonresident employees located onsite, signage, or onsite students, customers, and/or clients do not require a home occupation permit.³**
 - (iii) **Uses Not Permitted**
 - a. **Except for the office component of the business operation, the following activities are explicitly prohibited as home occupations:**
 - i. Automotive repair,
 - ii. Automotive service,
 - iii. Automotive detailing,
 - iv. Body shop, **and**
 - v. Hauling, ~~and~~
 - vi. ~~Building, electrical, plumbing, mechanical, grading or other construction contracting.⁴~~

³ Revisions have been made to address Planning Board comments regarding onsite retail sales. Proposed standards will exempt home occupations conducting retail sales through the internet if the operation has no onsite employees, signage, and visitors from the home occupation permit process.

⁴ Based on comments received at the Quarterly Public Hearing, revisions to this Section will allow building, electrical, plumbing, mechanical, grading, and other construction contracting to operate from a

- b. The above list is not intended to include all uses which may be unsuitable as a home occupation. Home Occupation applications for other uses may be denied if the Standards of Evaluation listed herein are not fully met.
- (iv) No equipment or process shall be employed that will cause noise, vibration, glare, odor or electrical interference detectable to the normal senses at the lot lines in the case of detached dwelling units or outside the dwelling unit, in the case of attached dwelling units.
- (v) The on-premises sale and/or delivery of goods which are not produced **or modified in a manner that adds value to the product** on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service. **No goods, products, or commodities purchased and secured for the main purpose of onsite resale shall be permitted.**
- (vi) **All events conducted in connection with the home occupation and exceed the number of permitted daily students, customers, and/or clients contained within Sections 5.5.3(A)(2)(b)(i)d and 5.5.3(A)(2)(c)(i)g must adhere to Section 5.4.3, Special Events.⁵**
- (b) **Minor Home Occupations**
- (i) **General Operations**
- The following requirements apply to minor home occupations in all residential districts:**
- a. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. ~~No more than two individuals not living in the residence may work in the home occupation.~~ **Minor home occupations shall not exceed three nonresident employees onsite at any one time.**
- b. In all residential districts ~~except RB, AR and R-1,~~ no more than 35% of the floor area of the dwelling unit or ~~500~~ **750** square feet, whichever is less, may be used for the home occupation.
- c. **Up to three students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of six students, customers, and/or clients per day.**
- (ii) **Limitations on Traffic Generation**
- a. Traffic generated by ~~visitors, customers, or deliveries~~ **employees, students, customers, and/or clients** shall not exceed more than ~~two business trips per hour, more than eight~~ **twenty** trips per day. ~~or more than two deliveries of products or materials per week.~~ **All**

residential property with an approved home occupation permit. Revisions are proposed to additional Sections of the UDO to address potential traffic impacts as a result of these uses being permitted as a home occupation. The revisions also make it clearer that an office related to the types of uses in i. through v. may be allowed, however, it is the actual activities that are not allowed as a home occupation.

⁵ **Approved home occupations that conduct special events onsite are required to adhere to Section 5.4.3 Special Events. Home occupations that participate in a nonprofit or government organized event including the annual Orange County Open Studio Tour shall be waived from the special event review process as proposed within Section 5.4.3 Special Events.**

deliveries must be made by vehicles of a size normally used for household deliveries.⁶

- b. Parking generated by the home occupation shall be met off the street and ~~other than~~ not in a required yard area.
- c. There shall be no use of a vehicle with a ~~load capacity in excess of one ton~~ a gross vehicle weight in excess of 14,000 pounds used in connection with the home occupation⁷. ~~including vehicles used for delivery or pick-up. Vehicles with the permitted load capacity generally include large pick-up trucks, and delivery trucks and vans such as those used by UPS, but would not include vehicles such as tractor-trailers or dump trucks.~~⁸

(iii) Use of Accessory Structures

- a. An accessory building containing up to 4000 ~~1,500~~ square feet may be utilized in the ~~RB, AR and R-1~~ residential zoning districts, detailed in Section 3.3,⁹ provided that ~~the building structure is built with suitable residential construction materials to resemble~~ has the appearance of a residential accessory structure.¹⁰
- b. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous ~~plant materials~~ vegetation planted along the outside of the fence may be used for screening purposes. Screening will not be required when:
 - i. The accessory structure is located 40 feet or more from all property lines; or

⁶ Existing standards regulating the number of hourly and daily trips were found to be inconsistent with proposed language regulating the number of students, customers, and/or clients permitted onsite per day. As a result, revisions will allow for an increase in the number of daily trips resulting from the operation of the home occupation. Proposed standards are to regulate the number of daily trips generated from employees and visitors associated with the home occupation and not the number of daily trips generated from the residential use of the property. Please note that a "trip count" is one direction only (a round trip, in and out, is counted as two trips in traffic engineering calculations). ~~Additional revisions shall allow for an increase in deliveries while limiting the type of vehicle to a size normally used for household deliveries.~~

⁷ Weight standards have been modified replacing load capacity with the more common and familiar vehicle gross weight standard. The proposed weight of 14,000 pounds will allow for the use of standard and larger sized pick-up trucks in connection with all home occupations.

⁸ Staff recommends the existing language to be revised in order to avoid a potential inconsistency with standards contained within item a.

⁹ Revised standards are proposed to allow the use of accessory structures up to 1,500 feet in all residential districts contained within Section 3.3, Residential Districts, instead of limiting this use to only the RB, AR, and R-1 districts.

¹⁰ Revisions will clarify concerns raised at the Quarterly Public Hearing regarding existing language addressing the appearance of accessory structures. Standards require accessory structures to be constructed with suitable residential construction materials in order to avoid commercially designed structures to be located in a residential zoning district. Existing and proposed standards do not require accessory structures to take on the exact appearance of the residential structure.

- ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.¹¹
 - c. New structures built for the purpose of conducting a home occupation shall not exceed ~~4000~~ 1,500 square feet in area.
 - d. An existing accessory structure which is larger than ~~4000~~ 1,500 square feet may be used for the home occupation provided that no more than ~~4000~~ 1,500 square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.
- (iv) Use of Outdoor Storage
 - a. Up to 500 square feet of outdoor storage area ~~may be used~~ shall be permitted only in the RB, AR and R-1 zoning districts provided that it:
 - i. Is clearly defined on the site plan and on the ground.
 - ii. Is located at least 40 feet from any lot line or road right-of-way; and
 - iii. Is totally screened from the view from the road and from adjacent property in the same manner as is required for accessory buildings.
- (c) Major Home Occupations
 - (i) General Operations

The following requirements apply to major home occupations:

 - a. Major home occupations shall be permitted only in the AR and R-1 zoning districts.
 - b. All major home occupations shall be located on parcels at least five acres in size.
 - c. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Up to six permanent and/or temporary nonresident employees may be permitted onsite at any one time with the exact number established in the Special Use Permit.
 - d. The total amount of square footage permitted for a residential dwelling unit used in conjunction with a major home occupation, which exceeds standards referenced in Section 5.5.3.A.2(b)(i)b, shall be determined with the

¹¹ Existing standards regarding screening of accessory structures have been revised to address comments received at the Quarterly Public Hearing . Proposed revisions will allow accessory structures located at least 40 feet from all property lines or sites providing screening with the use of existing vegetation to be exempt from screening requirements.

approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.

- e. Up to eight students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of fifteen students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

- a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than fifty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.
- b. All major home occupations shall conform to the standards of Section 5.5.3(A)(2)(b)(ii)c.
- c. Parking generated by the home occupation shall be met off the street and set back at least 40 feet from all property lines.
- d. Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.
- e. Major home occupations located on shared private roadways shall be required to submit a private road maintenance agreement prior to approval.

(iii) Use of Accessory Structures

- a. An accessory building containing up to 2,500 square feet may be utilized, with the approval of a major home occupation, on tracts totaling five to ten acres in size. An accessory building containing up to 3,000 square feet may be utilized, with the approval of a major home occupation, on tracts greater than ten acres in size.
- b. All accessory structures shall be built with suitable residential construction materials to resemble the appearance of a residential accessory structure.
- c. Setback standards for all accessory structures shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines.¹²
- d. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous vegetation planted on the outside of the fence may be used for screening purposes. Screening will not be required when:
 - i. The accessory structure is located 80 feet or more from all property lines; or
 - ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.

¹² Proposed setback standards for accessory structures have been revised to address comments received at the Quarterly Public Hearing. Proposed revisions will allow setbacks to be determined on a case-by-case basis through the Special Use Permit process, but will still require a minimum setback of 40 feet from all property lines.

- e. New accessory structures built for the purpose of conducting a home occupation shall not exceed square footage allowances referenced in Section 5.5.3.A(2)(e)(iii)a.
- f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.3.A(2)(e)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage Space

- a. Up to 500 square feet of outdoor storage area may be used in conjunction with major home occupations provided that it is:
 - i. Clearly defined on the site plan and on the ground.
 - ii. Setback standards for outdoor storage space shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines; and ¹³
 - iii. Totally screened from the view from the road and from adjacent property in the same manner required for accessory buildings.

~~5.5.4 Mobile Home Parks~~

~~(A) Standards for MHP-CZ~~

~~(1) Permitted Uses and Structures~~

~~In addition to Mobile Homes, as defined by this Ordinance, the following accessory structures and uses shall be permitted:~~

- ~~(a) Caretaker's or manager's home or office.~~
- ~~(b) Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, and other similar services provided by the facility for the use and convenience of the mobile home park tenants.~~
- ~~(c) Recreation buildings/facilities and areas serving only the mobile home park in which they are located.~~
- ~~(d) Customary accessory buildings and facilities necessary for operation of the mobile home park in which they are located.~~
- ~~(e) Storage buildings for individual mobile home spaces and intended for the exclusive use of the occupants of the mobile home space.~~

¹³ Proposed setback standards for outdoor storage space have been revised to address comments received at the Quarterly Public Hearing. Proposed standards will allow setbacks to be determined on a case-by-case basis through the Special Use Permit process, but will still require the minimum setback standard of 40 feet currently contained in Section 5.5.3(A)(2)(f)(i)b of the UDO.

High-Density Option

One of two approaches available for development in some watershed overlay districts. Generally, the high-density option relies on density limits and engineered stormwater controls to minimize the risk of water pollution.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure

Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program," which has been approved by the Department of the Interior; or
- d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program". (CLG Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended).

Holiday Decoration

Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

Home Occupation, Major

An accessory business use which is owned and operated by the resident of the property, located on a single parcel of land at least five acres in size in the AR and R-1 zoning districts, and is clearly incidental and subordinate to the principal residential use of the property. Major home occupations, which do not meet the standards of a minor home occupation, shall accommodate for larger scale accessory business uses by allowing for an increase in square footage, number of onsite employees, students, customers, clients, and annual events with an approved Class B Special Use Permit.

Home Occupation, Minor

An accessory business use which is owned or operated by the resident of a residentially-zoned property which business and is clearly incidental and subordinate to the principal residential use of the property.

Hotel, Motel, Motor Lodge, Motor Inn, Inn, Tourist Court

A building or group of attached or detached buildings containing, in combination, ten or more lodging units, or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupants are generally residents rather than transients.

Hotel, Residential

A building or group of attached or detached buildings containing, in combination, ten or more lodging units available for occupancy only for periods of thirty days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with number of such units limited to 10% of the number of tenant lodging units.

Immediate Neighborhood

A subdivision or area of the county which distinguishes it from other subdivisions or areas by virtue of its location within the service area of a park site or sites as shown on the adopted "Recreation Service Area Boundaries Map" on file in the Planning Department.

Home Occupations Report and Site Plan Examples

Prepared by Orange County Planning Staff

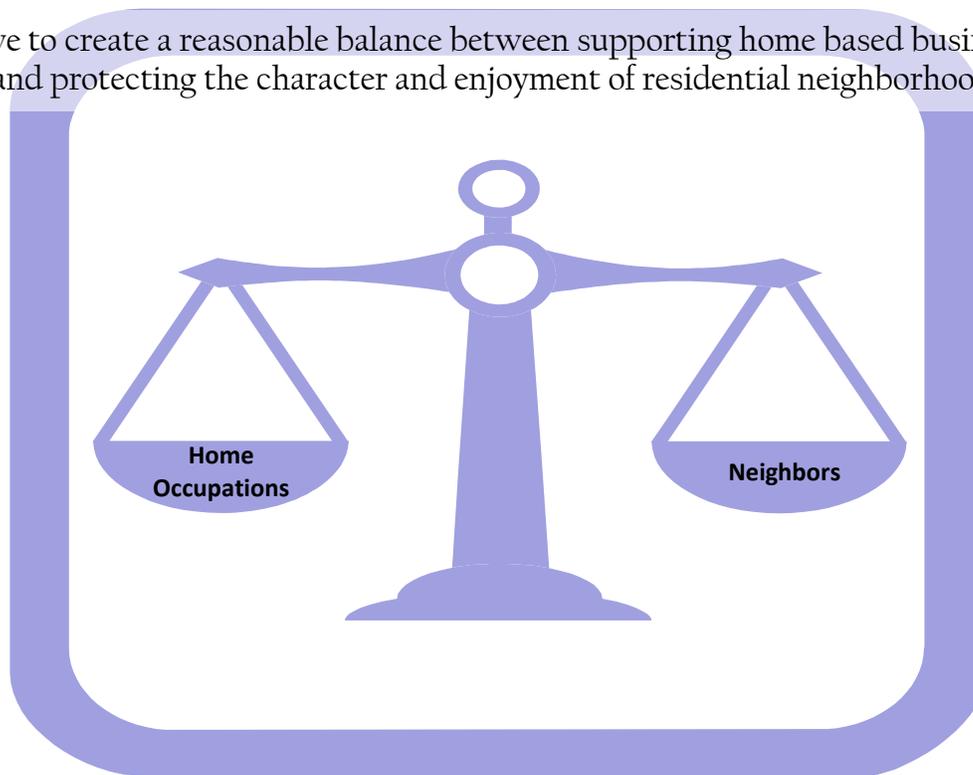
March 19, 2014

Introduction

At the July 10, 2013 Planning Board meeting, the Planning Board and Planning Director initiated a text amendment to the Unified Development Ordinance (UDO) to modify existing language relating to the regulation of home occupations within the county. Since then, staff has been working directly with the Planning Board to review and revise existing home occupation standards contained in the UDO.

The purpose of pursuing an amendment to existing standards is to allow for the expansion of home based businesses in the county. While working with the Planning Board, staff strived to develop regulations that would create a reasonable balance between supporting the expansion of home based businesses and protecting the character and enjoyment of residential neighborhoods. Since the proposed standards would have the greatest effects on the residential districts in which home occupations are located, it was important to remember the primarily residential purpose and function of these districts.

Strive to create a reasonable balance between supporting home based businesses and protecting the character and enjoyment of residential neighborhoods



** Proposed uses exceeding home occupation regulations may apply for a conditional use permit or relocate to a commercial zoning district.*

Review History

At the January 9, 2013 Planning Board meeting, Board members discussed areas of interest to be worked on in the coming year. Many of these items were elements highlighted in the UDO Implementation Bridge report prepared when the UDO was adopted in 2011. One item presented by the Board and referenced in the Implementation Bridge report was the need to review home occupation requirements to determine if there is a need to revise existing standards.

July to September Planning Board Review

At the July 2, 2013 Planning Board meeting, planning staff followed up with the Board's request with a presentation of existing standards and a review of home occupation standards from other local jurisdictions, including Chapel Hill, Carrboro, and Chatham County. This presentation informed the Planning Board how standards in other jurisdictions were much more restrictive compared to Orange County's current standards in regards to number of employees, square footage, visitors, parking, and traffic generation. During this meeting, Board members identified concerns with existing standards being too limiting regarding number of employees and square footage thresholds. At that time, Board members supported a text amendment revising existing standards for the November 25, 2013 Quarterly Public Hearing. Based on recommendations and direction from the Planning Board in July, staff continued the process by drafting text amendment language.

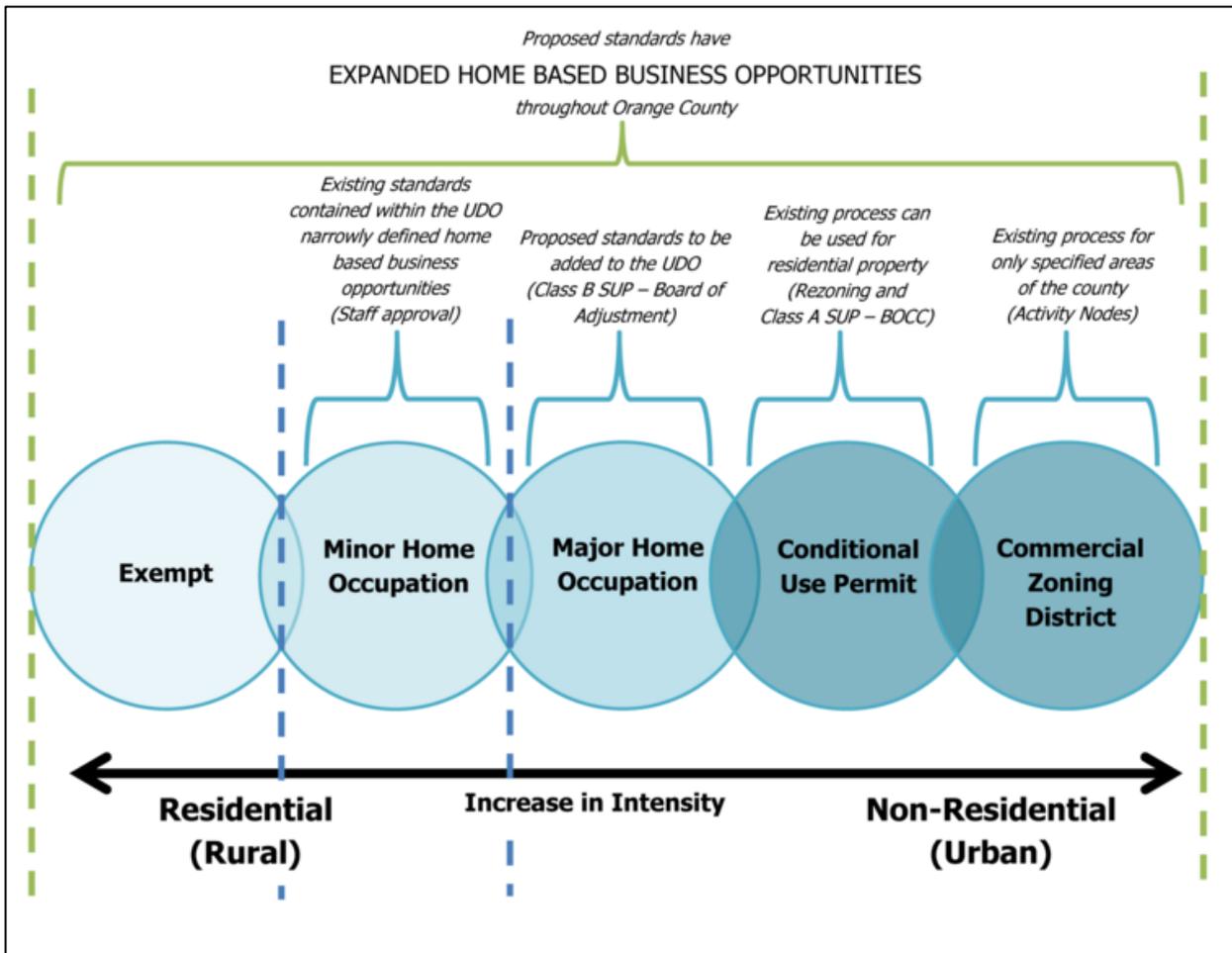
During the September 4, 2013 Planning Board meeting, draft language was presented to the Board for review and comment. Additionally, during this time, staff worked with the Planning Board Chair and Vice Chair to complete the Amendment Outline Form which was approved by the BOCC on September 5, 2013. Following this meeting, draft language was revised to reflect comments received regarding traffic generation, number of daily onsite students, clients, and/or customers, special events, and exemptions from the home occupation permit process.

October and November Ordinance Review Committee (ORC) Meetings

At the October 2, 2013 ORC meeting, revised draft amendment language was presented to the Board for further review and comment. During this meeting, the Planning Board and staff discussed concerns regarding parking, vehicle weight, and acreage requirements for major home occupations.

Following the September and October meetings, staff reviewed comments received from the Board and identified concerns with the proposed recommendations regarding the effects on daily traffic counts. As a result, staff conducted a meeting on October 16, 2013 with the Planning Board Chair to discuss these concerns. During this meeting, proposed standards based on Planning Board's recommendation were revised for review at the November 6, 2013 ORC meeting. At the November ORC meeting, the Planning Board supported the amendment as presented, however, stated concerns regarding existing language in the UDO not allowing specific uses, including plumbing, electrical, and building contracting, to operate as a home occupation. No specific amendment requests were made at that time for review at the Quarterly Public Hearing.

The Planning Board and planning staff worked together to develop amendments to present at the November Quarterly Public Hearing that supported home based businesses and protected the character and enjoyment of residential neighborhoods. The proposed amendments significantly increase the opportunity for home based businesses to operate in Orange County with the development of a minor and a major home occupation. The following graphic illustrates the number of existing and proposed options available to accommodate and support businesses, including home occupations, in the rural and urban areas of the county as a result of the proposed amendment.



November Quarterly Public Hearing

At the November 25, 2013 Quarterly Public Hearing, the Board of County Commissioners and Planning Board provided the following comments regarding the proposed home occupation text amendment:

- Minor home occupation regulations should incorporate existing standards without any modifications. All proposed revisions allowing for an increase in employees, square footage allowances, and size of accessory structures shall be through the major home occupation process requiring a Special Use Permit.
- Concerns with existing standards requiring screening and buffering of accessory structures used in the home occupation.
- Concerns with existing standards regarding the appearance of a residential accessory structure.
- Concerns regarding proposed standards being too restrictive and creating a financial burden on business owners.
- Concerns with trade uses, including plumbing, electrical, and building contracting, not being permitted as a home occupation.
- Concerns regarding setback standards for outdoor storage space used in a major home occupation.

Recognizing that a number of items needed to be addressed, staff recommended bringing the item back to the Planning Board for review at the December 4, 2013 meeting and return a recommendation in time for the February 18, 2014 regular BOCC meeting.

December and January Planning Board

Following the November Quarterly Public Hearing, the amendment was brought back to the December Planning Board meeting in order to discuss concerns raised by the BOCC and Planning Board. At this time, staff discussed revisions to the proposed amendment in regards to allowing previously unpermitted uses, including plumbing, electrical, and building contracting, to be allowed to operate in a residential district with an approved home occupation permit. Additionally, during this meeting the Board and staff discussed concerns with screening standards and negative visual impacts that may result from revising existing language. Comments received by the Planning Board were addressed within the amendment by allowing previously unpermitted uses to operate as a home occupation and providing a waiver from screening requirements with existing vegetation and/or increased setbacks.

At the January 8, 2014 Planning Board meeting, Board members reviewed the revised standards based on comments received at the November Quarterly Public Hearing and the December 4, 2013 Planning Board meeting. Members voted 7-1 to recommend approval of the UDO text amendment as presented by staff. Comments received from the dissenting Board member during this meeting were in regards to the existing permit fee, enforcement, and the proposed amendment limiting economic development in the county.

February 18, 2014 Board of County Commissioners Meeting

The proposed amendment was presented for adoption consideration at the February 18, 2014 BOCC meeting. During discussion, Board members stated concerns with standards contained within the proposed amendment. One item of concern included screening standards required for accessory structures utilized in a home occupation. This standard is currently existing in the UDO and required for all home occupations in the county. Board members stated that this standard may create an economic hardship for residents wishing to pursue a home occupation and questioned the need of the standard when existing language requires accessory structures to be built with residential construction materials. Members also questioned the fairness and necessity of this standard since residential accessory structures in general do not require screening and some benign home based businesses (i.e. accountant's office) would not create a substantial impact to adjacent properties requiring screening.

The second item of concern highlighted by the BOCC focused on setback standards for accessory structures utilized in a major home occupation. Board members stated that the increased setbacks for an accessory structure in a major home occupation may be difficult for residents to meet, which may limit their opportunity to construct and utilize an accessory structure as part of their home occupation. In addition, Board members questioned the fairness and necessity of this standard since residential accessory structures in general are not required to meet increased setbacks beyond the zoning district's principal setbacks.

A final item of concern recognized by the BOCC was in regards to the setback standards allowing for a waiver from screening requirements for an accessory structure utilized in a minor or major home occupation. Concerns raised by Board members recommended a decrease in these standards since the proposed setbacks may be too great for some residents to meet and qualify for a waiver from screening requirements.

During the meeting, individual Board members identified concerns with the standards for being too limiting and questioned their need and fairness, however, other Board members recognized the need and importance of the existing and proposed standards due to the expansion of home occupation uses in residential districts.

BOCC Motion

Following review and discussion, the BOCC voted to send the proposed amendment back to the Planning Board and staff for further review and consideration of their comments concerning setback and screening requirements for accessory structures utilized in a home occupation. Comments received from the Board highlighted their concerns with these standards and included recommendations for possible revisions to the proposed amendment including a complete elimination of existing and proposed screening requirements for accessory structures utilized in a minor and/or major home occupation, a reduction of the proposed setback standard to qualify for a waiver from screening requirements, and a reduction or elimination of the proposed setback standards for accessory structures utilized in a major home occupation. Other comments received from the BOCC recommended reviewing setback and screening requirements based on the proposed use to be conducted in the home occupation. Additionally, the BOCC recommended the Planning Board to review and discuss potential impacts resulting from the operation of trade uses in a residential district and to create standards addressing these impacts.

Planning Staff Response

Based on the initial goal of creating a reasonable balance between supporting home based businesses and protecting the character and enjoyment of residential neighborhoods, planning staff supports the existing and proposed standards contained within the amendment, as approved by the Planning Board in January. These standards mitigate negative impacts that may result from the expansion of accessory structures utilized in a home occupation and the permitting of more intensive uses operating in a residential district with an approved home occupation permit. The majority of residential districts are intended for primarily residential uses. Due to the purpose of these districts, it is imperative to provide standards that assist in protecting the majority, residential uses, from the minority, nonresidential uses including home based businesses, within residential districts. Historically throughout the nation, home occupations have been intended to be minor aspects of residential parcel, not full-blown commercial enterprises situated in residential areas. If adopted, the amendments as proposed in February, would be among the most lenient home occupations standards planning staff has seen and would permit much more intensive home occupations than any of the nearby jurisdictions (Chapel Hill, Carrboro, Durham County, Chatham County).

Planning staff believes the BOCC's suggested modifications to existing and proposed standards could result in significant negative impacts to neighboring residential uses. Due to the secondary, nonresidential use that is being conducted, accessory structures utilized in a home occupation require necessary standards to mitigate/reduce negative impacts when compared to accessory structures that are utilized for strictly residential purposes. Reducing or eliminating setback standards or eliminating screening requirements can increase noise, light, odor, and visual impacts from the accessory structure to adjacent residential properties and negatively alter the primary and intended use of the residential zoning district. Eliminating or reducing these standards could create a conflict of uses and disharmony in a residential zoning district and would not allow for an equal balance between expanding home based businesses while protecting the character and enjoyment of residential neighborhood.

Planning staff understand that some residential uses can produce noise, traffic, and other impacts, depending upon the family living in the residence (e.g. children may make noise, dogs may bark, teenagers may have many friends over at one time, and people may host parties). However, these types of impacts have historically been considered *residential* in nature. When a home based business potentially causes impacts, the impacts are no longer considered "usual and customary" to a residence

and mitigation measures are appropriate and called for. It is customary in development regulations to require mitigation of potential negative impacts, even if providing those mitigation measures requires an outlay of capital. It is understood by many people that capital costs are normally a part of starting a business.

Comments received by the BOCC stated concerns with the proposed setback and screening waiver requirements being too great for property owners to meet and may limit the amount of developable area on their piece of property to construct an accessory structure. The attachments following this narrative depict the proposed setback standards for a minor and major home occupation on a variety of sample real-life parcels in Orange County.

Attachments 1 to 3 demonstrate the setback standards currently in place and proposed for an accessory structure utilized in a minor home occupation. Additionally, Attachments 4 to 6 depict the 40 foot setback standard required on tracts approximately one (1) to eight (8) acres in size if a screening waiver is requested because appropriate screening is not provided onsite. The attachments show the large portion of the property that is still developable with these setback standards in place.

Attachments 7 and 8 depict the forty (40) foot setback standard proposed for an accessory structure utilized in a major home occupation on tracts approximately five (5) to eight (8) acres in size. The attachments illustrate the large portion of the property that is still developable with these setback standards in place. In addition, Attachments 9 and 10 depict the proposed setback standards required for accessory on tracts approximately five (5) to eight (8) acres in size if a screening waiver is requested because appropriate screening is not provided onsite. While the requirements can be limiting depending on the shape of the parcel, the proposed setback standards are very unlikely to completely restrict the construction of an accessory structure on site. In any instances where a hardship exists due to the shape of the parcel or other reason, the variance process is available to property owners to pursue alternative standards.

A final comment received from the BOCC recommended the need to review setback and screening standards based on the proposed use to be conducted in the home occupation. While this is a recommendation the Planning Board can review and discuss, it is important to note that proposed standards have become more comprehensive providing for greater options for different home based businesses. The amendment may be lengthened to include standards based on the specific use to be conducted in the home occupation. However, it is important to consider that similar home based businesses conducting the same use can have varying impacts depending on size, number of employees, visitors, client base, and production.

In regards to the BOCC comment regarding potential impacts from the operation of trade uses as a home occupation, planning staff believes the standards, as currently written, will provide sufficient protection to neighbors of such uses. However, if the existing and proposed setback and screening requirements are changed, taking another look at impacts of certain potential home occupations uses would be warranted.

The amendment provides the means to limit conflict and impacts while providing a sufficient balance between expanding the opportunity for home based businesses to operate in residential districts and protecting the residential character of neighborhoods. Without the existing and proposed regulations, an imbalance may create conflict and disharmony within a residential district. These issues may then lead to complaints and enforcement issues that cannot be mediated without standards in place to enforce. Unfortunately, similar to many standards, situations may arise that cannot meet the

regulations in place. However, those cases that are not able to meet standards or are exceeding home occupation regulations may apply for a conditional use permit or variance request or relocate to a commercial zoning district located in the county.

Benefits

The existing and proposed standards contained within the UDO and text amendment provide for a number of benefits. As previously stated, the introduction of new uses previously not permitted as home occupations and the expansion of larger scale home occupations will create the opportunity for greater impacts to neighborhoods and residential districts than currently experienced in the county. Maintaining screening requirements and increased setback standards for accessory structures will allow for potential impacts to be mitigated and reduce negative effects to adjacent property owners from noise, light, odor, or visual impacts. These standards will help to address conflicts that may arise from the permitting of an incidental or secondary nonresidential use to operate in an accessory structure in a district primarily intended for residential purposes. With the County's role in allowing new uses and expansion of home base business operations in residential districts, it is necessary to create standards that will not result in negative impacts, create conflicts, or loss of residential character.

The existing and proposed standards ease regulations to provide for an expansion of home occupations to support home based businesses in the county, but also provide a safeguard system protecting the residential character of neighborhoods. In the end, planning staff believes that the existing and proposed standards successfully create a reasonable balance between supporting home based businesses and protecting the character and enjoyment of residential neighborhoods.

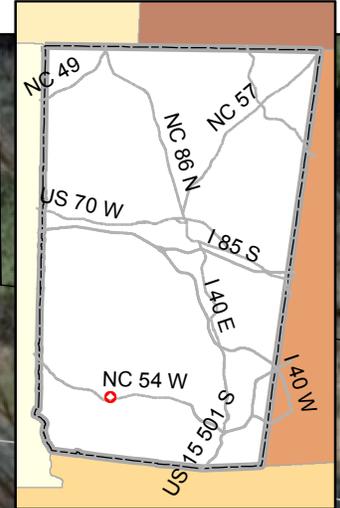
Summary

The existing language contained within the UDO and the proposed standards relating to accessory structure setbacks and screening are an essential component to the proposed home occupation text amendment in order to reduce negative impacts and protect the residential character of neighborhoods. By revising the existing and proposed standards, the County may create greater impacts to residential districts and conflicting land uses within a district primarily designed for residential purposes. These impacts can result in increased conflict of uses and enforcement issues dependent on the effects the new permitted uses and larger scale home occupations may have on adjacent properties. Proposed standards are providing greater opportunities for home based businesses by allowing for larger accessory structures and new uses that were previously not permitted as home occupations such as plumbing, electrical, and building contracting. In order to facilitate the original goal of balance, regulations contained within the UDO and the proposed amendment, addressing setbacks and screening of accessory structures utilized in a home occupation, are necessary to keep these uses in check and mitigate any negative effects resulting from expanded home occupation operations. As a result, planning staff supports the need to remain consistent with existing standards contained in the UDO regarding screening and proposed setback regulations contained in the text amendment recommended for approval by the Planning Board.

1 acre parcel
Off of Leslie Drive
150 ft. of road frontage

Minor Home Occupation: with appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (b) (ii).

20 ft. setback can be observed as appropriate buffer available at property line to screen accessory building.



-  Buffer_of_Default_Annotation_Target_18
-  Parcels
-  Township Boundary
-  City Limits
-  ETJ
- 2010 Images**
- RGB**
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3




1 inch = 50 feet

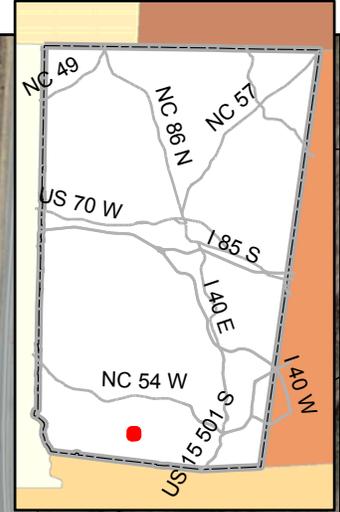


Orange County Planning and Inspections Department
03/18/2014

5 acre parcel
Off of Ferguson Road. Lot is 199 feet in width.

Minor Home Occupation: with appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (b) (iii).

20 ft setback can be observed as appropriate buffer available at property line to screen accessory building



- Buffer_of_Default_Annotation_Target_10
- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3



ORANGE COUNTY
FLORIDA



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1 inch = 178 feet



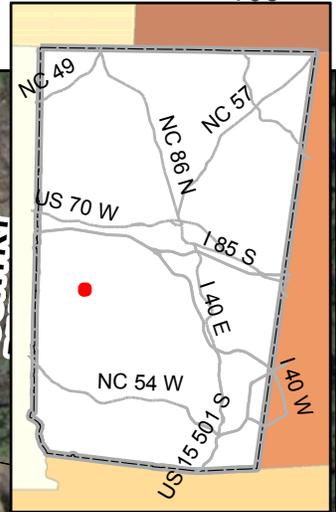
Orange County Planning and Inspections Department
03/18/2014

7.8 acre parcel
Off of Buckhorn Road via a private road.

Minor Home Occupation: with appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (b) (iii).

20 ft. setback can be observed as appropriate buffer available at property line to screen accessory building.

COUNTRY



- Buffer_of_Default_Annotation_Target_12
 - Parcels
 - Township Boundary
 - City Limits
 - ETJ
- 2010 Images**
RGB
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3




1 inch = 123 feet

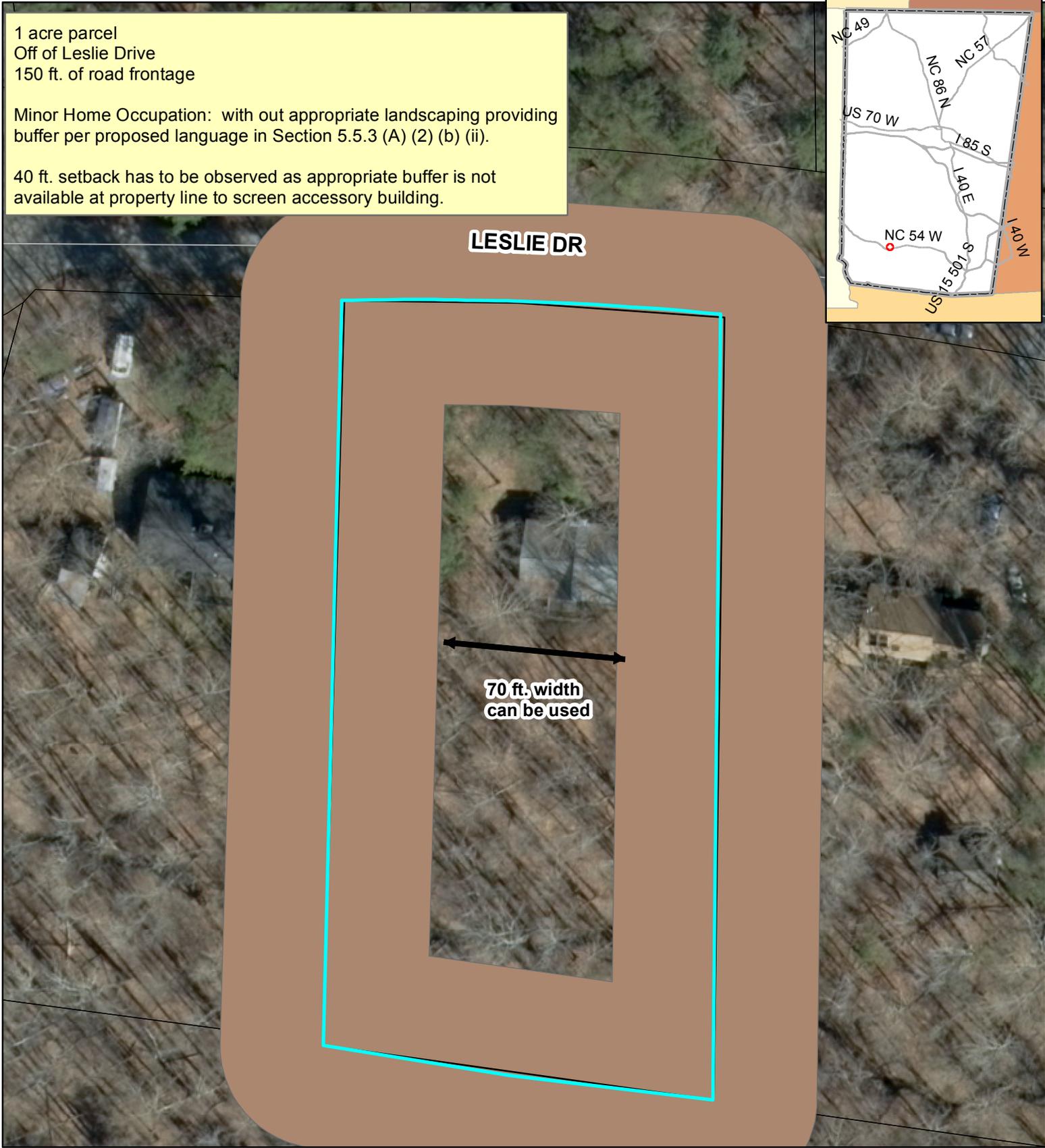
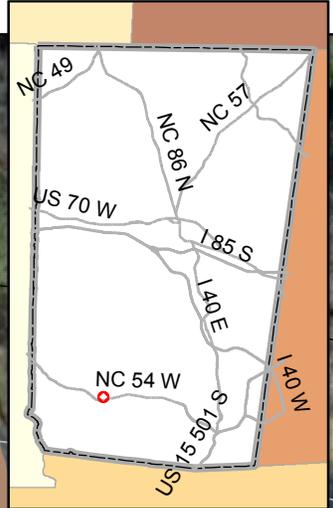
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Orange County Planning and Inspections Department
03/18/2014

1 acre parcel
Off of Leslie Drive
150 ft. of road frontage

Minor Home Occupation: with out appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (b) (ii).

40 ft. setback has to be observed as appropriate buffer is not available at property line to screen accessory building.



- Buffer_of_Default_Annotation_Target_20
- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3




1 inch = 50 feet

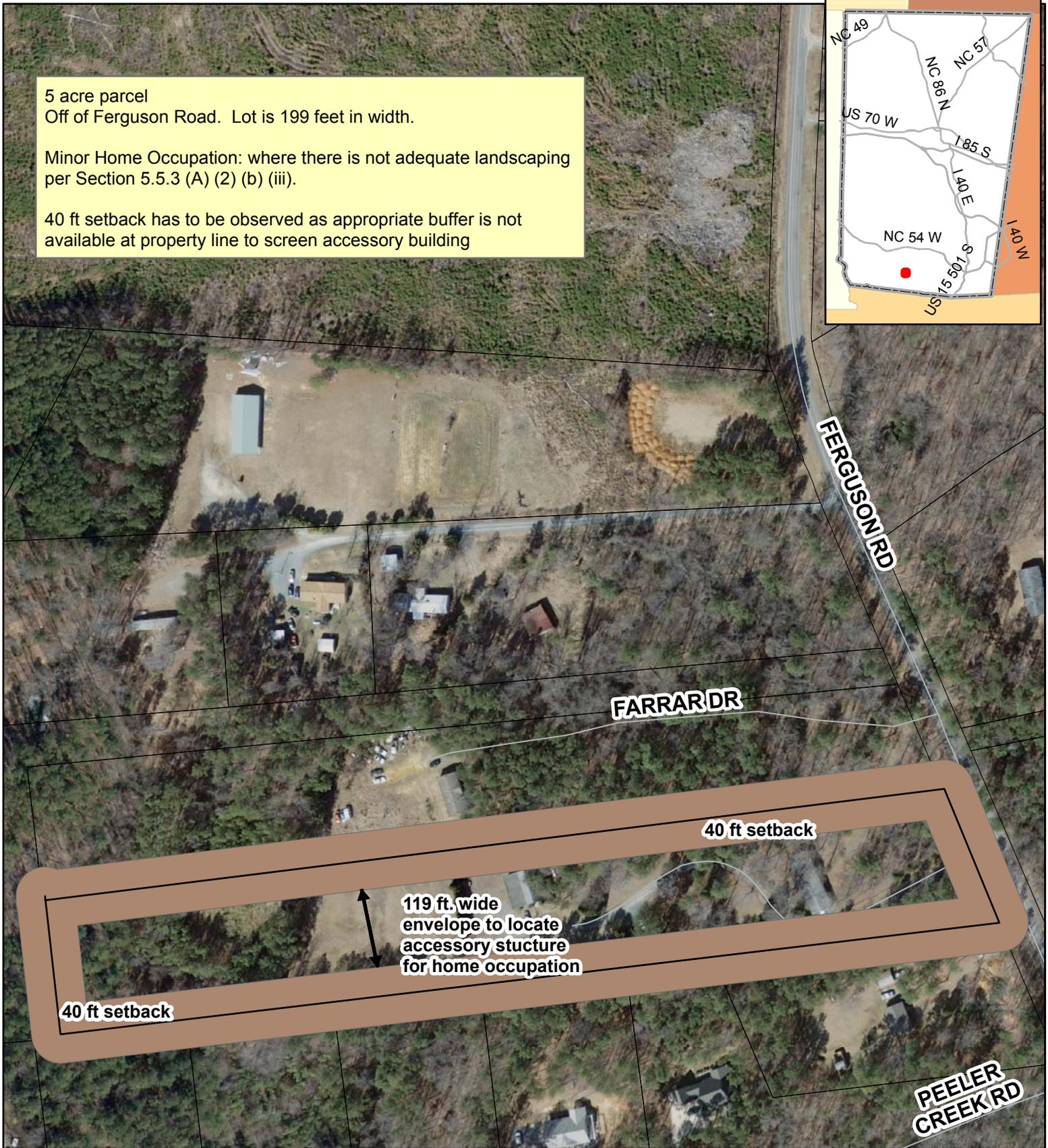
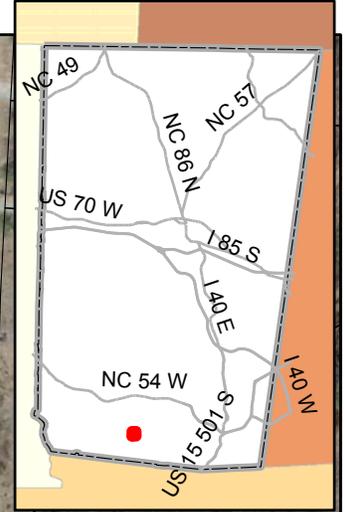


Orange County Planning and Inspections Department
03/18/2014

5 acre parcel
Off of Ferguson Road. Lot is 199 feet in width.

Minor Home Occupation: where there is not adequate landscaping per Section 5.5.3 (A) (2) (b) (iii).

40 ft setback has to be observed as appropriate buffer is not available at property line to screen accessory building



- Buffer_of_Default_Annotation_Target_11
- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3




1 inch = 178 feet



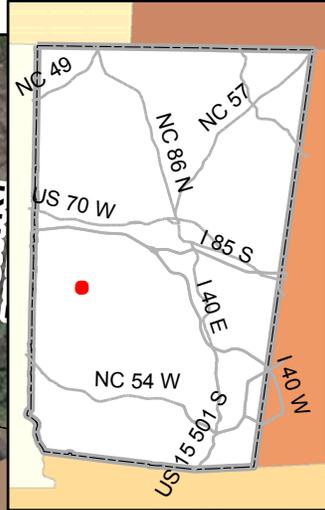
Orange County Planning and Inspections Department
03/18/2014

7.8 acre parcel
Off of Buckhorn Road via a private road.

Minor Home Occupation: without appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (b) (iii).

40 ft. setback has to be observed where appropriate buffer is not available at property line to screen accessory building.

COUNTRY

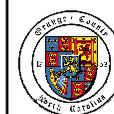


Buffer_of_Default_Annotation_Target_13

- Parcels
- Township Boundary
- City Limits
- ETJ

2010 Images

- RGB
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



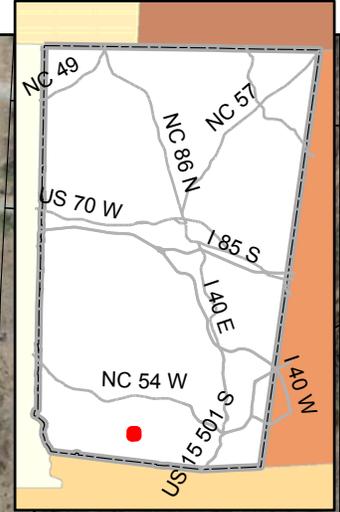
1 inch = 123 feet



5 acre parcel
Off of Ferguson Road. Lot is 199 feet in width.

Major Home Occupation: where there is adequate landscaping
per Section 5.5.3 (A) (2) (c) (iii).

40 ft setback is the minimum setback required with landscaping



-  Buffer_of_Default_Annotation_Target_11
-  Parcels
-  Township Boundary
-  City Limits
-  ETJ
- 2010 Images**
- RGB**
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3




1 inch = 178 feet

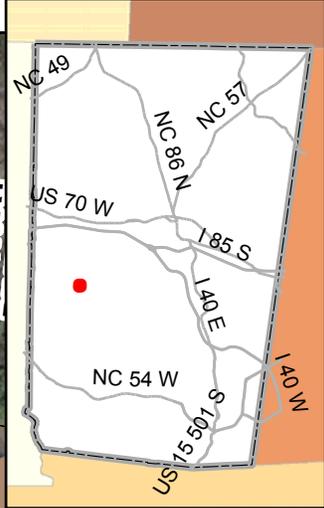


Orange County Planning and Inspections Department
03/18/2014

7.8 acre parcel
 Off of Buckhorn Road via a private road.

Major Home Occupation: with appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (c) (iii).

40 ft. setback is the minium setback required with landscaping.



- Buffer_of_Default_Annotation_Target_14
 - Parcels
 - Township Boundary
 - City Limits
 - ETJ
- 2010 Images**
RGB
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1 inch = 123 feet

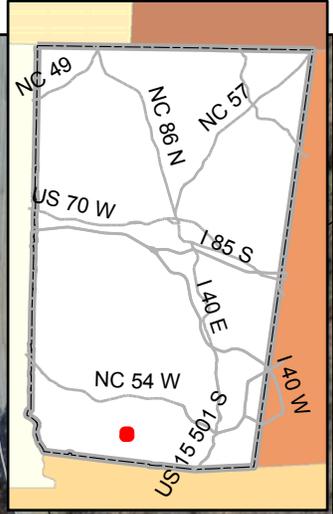
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Orange County Planning and Inspections Department
 03/18/2014

5 acre parcel
Off of Ferguson Road. Lot is 199 feet in width.

Major Home Occupation: where there is not adequate landscaping per Section 5.5.3 (A) (2) (c) (iii).

80 ft setback has to be observed where appropriate buffer is not available at property line to screen accessory building.



- Buffer_of_Default_Annotation_Target_17
- Parcels
- Township Boundary
- City Limits
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- 2010 Images**
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- Green: Band_2
- Blue: Band_3



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1 inch = 178 feet

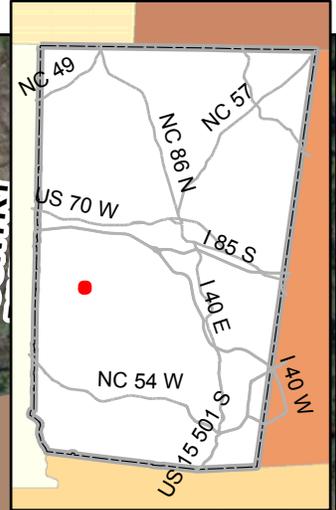
Orange County Planning and Inspections Department
03/18/2014

7.8 acre parcel
Off of Buckhorn Road via a private road.

Major Home Occupation: without appropriate landscaping providing buffer per proposed language in Section 5.5.3 (A) (2) (c) (iii).

80 ft. setback has to be observed where appropriate buffer is not available at property line to screen accessory building.

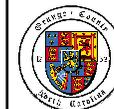
COUNTRY



490 ft. width
can be used

345 ft. length
can be used

-  Buffer_of_Default_Annotation_Target_15
-  Parcels
-  Township Boundary
-  City Limits
-  ETJ
- 2010 Images**
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1 inch = 123 feet



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**MINUTES
ORANGE COUNTY PLANNING BOARD
JANUARY 8, 2014
REGULAR MEETING**

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township;

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Vacant- Hillsborough Township Representative; Vacant – Eno Township Representative

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment – Home Occupations: To make a recommendation to the BOCC on Planning Board – and Planning Director – initiated amendments to the Unified Development Ordinance (UDO) to change the existing standards for home occupations, modify and clarify existing regulations and definitions associated with home occupations, and allow for the exemption of special events organized or affiliated with a government or non-profit agency. This item was heard at the December 4, 2013 Planning Board meeting.
Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado reviewed abstract.

Paul Guthrie: First the disclaimer that I give every time that we in our household have an interest in small business. I have had a lot of questions with this and I have one particular thing that I want to raise which is not new but I want to raise it again. That is for minor home occupations, no matter whether you have one customer per year or 500, you have to pay \$90 to the planning department for the privilege of having a license. I have real problems with that with certain occupations those defined as minor home occupations. I have a little bit of problem with the requirement of a plot plan if it has to be done professionally. I had suggested earlier that it should be sufficient in a residential home to use what is on the GIS system as a sketch of the property and indicate on that whether or not that would be viable. I would hope there could be some accommodation especially for extremely small line of business so that it doesn't become a big paperwork jungle in order to file.

Pete Hallenbeck: Well, Mr. Harvey do you have a comment on that?

Michael Harvey: As I've indicated before, a plot plan is a simple drawing that you can use the GIS map system, it's actually listed that way in the Unified Development Ordinance. It's not a professionally prepared site plan. The \$90 dollar fee is a one-time application fee. There are application fees for everything you have to do and this is a one-time fee that you have to pay. I don't believe it is burdensome and I don't believe it is unnecessary and I believe we are within our right to charge the fee.

Paul Guthrie: I'm not going to follow with the natural comment other than to say, I believe that to be a burden on people trying to start a small business in a residence and I think as a matter of public policy, given the nature of the changing of the economics in this society, that we ought to be very careful about how we do this. That was one set of comments. My personal opinion, and I think everybody has heard me before on the record, my personal opinion is you will have massive ignoring of this. What will come will be selective enforcement. I'm not comfortable with

Approved 2/5/14

55 selective enforcement. I think when you have enforcement, you enforce those who are not in compliance but the
56 enforcement actions and the litigation etc. that will follow will take precious time from the planning department and
57 the legal hypothesis of the County on this and I question that in the area of minor home occupation. I think with that
58 I'll let others comment.

59
60 Herman Staats: I have no comments, I thought it was nicely done and it has been discussed here many times so I
61 have no other comments.

62
63 James Lea: No comments at this time.

64
65 Buddy Hartley: I don't have any problems with the standards set.

66
67 Maxecine Mitchell: I agree with them.

68
69 Tony Blake: I reread it and I don't have any issues with it. I think it is well put together.

70
71 Johnny Randall: I read it and I couldn't find anything of concern. However, what Paul just brought up, so in terms of
72 people not conforming to these regulations, how is it going to be enforced? Is it going to just create contempt for
73 the law for people who don't think they can be caught?

74
75 Pete Hallenbeck: Let me throw my two cents in on that and then see what Michael says. I think what you said is
76 very true. You have all these ordinances and there are always people who are going to fly under the radar and do
77 what they want but I think part of the goal here is that if somebody is doing that and it is bothering their neighbors
78 there is a recourse. I don't know how you get people to follow the rules, it is very difficult, but I do like the fact that
79 at least they are there. It is very difficult to call out a neighbor, it's a catch 22, we all want to be able to do what we
80 can but we like to be able to stop someone else if it is bothersome to us.

81
82 Pete Hallenbeck: Michael, does that pretty much jive with what.....

83
84 Michael Harvey: I'm not going to add anything. Thank you though.

85
86 Pete Hallenbeck: I have two things, one is a question about 5.4.3 special events where it talks about arts and
87 cultural special events in particular it calls out the Orange County Open Studio Tour. The other thing that I am
88 familiar with is the farm tour.

89
90 Ashley Moncado: That is exempt, that would be considered part of a bona fide farm and considered agricultural
91 and covered under a different set of rules.

92
93 Tony Blake: But that just an example.

94
95 Ashley Moncado: Yes, it is being used as an example. That was specifically called out as an example but also to
96 highlight it as well.

97
98 Pete Hallenbeck: That's fine but by throwing it in there seemed odd to have an ordinance call out a specific event
99 instead of making it in general so I wanted to make sure it was an example.

100
101 Ashley Moncado: We could add "for example".

102
103 Paul Guthrie: That's about a 100, anywhere from 90 to 120 artists, who once a year open up their studios in their
104 residences by in large for the tour over two days for two weeks. Every one of those artists will have to pay \$90.

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106 Pete Hallenbeck: So does this get back to your \$90 concern then?

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108 Paul Guthrie: That's one of them but it's much more delicate than that.

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Pete Hallenbeck: My second comment on this is on the minor home occupation, the 750 sq. ft. limit is interesting, it takes me out of the game for the sq. footage I have in my house. It takes room to have a machine shop and test benches and rooms for parts and electronics and I don't think how much of your home you use is something that impacts your neighbors. However, I'll also point out that as an ordinance it is pretty nice because if that really bothered me I could apply for a major home occupation and there is a mechanism to do that. That brings me to my last comments and I can't remember an ordinance that had so many lines in the sand that were being discussed. We talked about sq. footage, number of trips, setbacks, what activity you can do, number of visits, size of vehicles, and it is quite extraordinary for this Board to deliberate something that has so many different thresholds and lines in the sand. I think it makes it a very difficult thing to discuss. Those are all my comments. Doesn't anybody have anything thing else to add?

MOTION by Tony Blake to recommend to the County Commissioners to accept this recommendation with comments. Seconded by James Lea.

VOTE: PASSED 7-1 (Guthrie opposed)

Paul Guthrie: I believe that with this ordinance we are moving into an area that we are not prepared to deal with and I think that while the intention is good, if you read the language carefully, especially when you start picking up the UDO and reading the references, that it exposes the County to some great difficulty, that's point one. Point two, due to the current economic situation, the more and more independent, small businesses erupting whether they start in the garage in California and become a billion dollar corporation or whether they start in a garage in Orange County and become a fifty thousand dollar organization, this can and may, if not administered in a very careful way, be an inhibition to economic development and to small business. I would much prefer to see the County develop a small business license system using some of these definitions than to smuggle it through under a regulation of the use of an individual residential property. With my own experience, two different enterprises in our family, one which falls under this and one which does not, I would vote no.

Pete Hallenbeck, Chair

1 Chair Jacobs asked if it could be assumed that existing structures would be
2 treated differently than new structures.

3 Ashley Moncado said those would be grandfathered in.

4 Chair Jacobs said there had been discussion of defining non-profits as 501-c-3.
5 He asked if this was included.

6 Ashley Moncado said this was revised and it is included on page 18. She said
7 this was not highlighted in green, but it has been included in the amendments.

8 Michael Harvey addressed Chair Jacobs earlier question. He said the non-
9 conforming section of the UDO says that any land use legally permitted, made non-
10 conforming by text amendment, can continue in its approved state until such time as its
11 use is expanded. He said if the home occupation is expanded above a certain
12 percentage, the occupant will then have to be in compliance with the code.

13 Commissioner Gordon referred to past discussions of the uses not permitted.
14 She noted that these uses are no longer prohibited. She asked for the original reason
15 for exclusion and the balancing provisions that then made them acceptable.

16 Ashley Moncado that these were always in the UDO as uses not permitted and
17 this was not a topic until the eleventh hour. She said there was then discussion to allow
18 these uses; and the planning board was willing to allow them, but there were limits put
19 in place to prevent them from being an intrusion to neighbors.

20 Commissioner Gordon asked how these changes are different for major home
21 occupations versus minor home occupations.

22 Ashley Moncado said this means less employees, less clients, smaller
23 accessory structures, lower traffic counts and less dwelling use for the minor home
24 occupations. She said the major home occupations would allow for more in each of
25 these areas.

26 Commissioner Gordon asked about the differences in outside storage
27 structures.

28 Ashley Moncado said this has remained the same, at 500 square feet for major
29 and minor. She said the traffic counts are not to exceed 20 for minor home occupations
30 and 50 for major home occupations.

31 Commissioner Gordon asked about delivery trucks.

32 Ashley Moncado said these are not counted, and there is no limit.

33 Commissioner Price asked for the rationale of 80 feet as a setback amount.
34 She asked if it was possible to go down to 60 feet.

35 Ashley Moncado said 80 feet was the minimum setback for those zoning
36 districts. She said the least amount would be 40 feet and the concern was doubling this
37 to keep that protective buffer.

38 Commissioner Price said she is concerned that this is making life more difficult
39 for those wanting to start a home business.

40 Ashley Moncado said 40 feet is the setback for the accessory structure, but the
41 80 feet is the setback to be exempt from screening requirements.

42 Commissioner Price asked if this requirement can be lessened.

43 Ashley Moncado said there is always the option for a variance if a hardship can
44 be identified.

1 Commissioner Price said she was wondering if it could be lessened in the UDO,
2 before the need for a variance.

3 Ashley Moncado said this could be done.

4 Commissioner Pelissier said she does not understand why vegetation is
5 required around accessory structures when the accessory structure is already required
6 to be built of materials similar to a residence. She said this seems to mean that it must
7 be shielded just because it is used as a business, even if it looks like a house.

8 Ashley Moncado said this was meant to reduce the visual impact of introducing
9 a secondary usage on to a piece of property. She said this may also reduce noise
10 impacts.

11 Commissioner Rich noted that the planning board passed the recommendation
12 7-1. She asked if the person who voted against it had a strong objection to anything in
13 particular.

14 Ashley Moncado said this person had concerns regarding the application fee,
15 enforcement, and the standards limiting economic development in Orange County.

16 Commissioner Gordon said there is a balance between allowing expansion in
17 home occupations and maintaining the existing residential character of the area. She
18 said some businesses could create noises and other impacts, and the required
19 setbacks are not that large. She said the balance is between allowing some non-
20 residential use without disturbing the people already there. She said she is concerned
21 about the noise and other impacts of some of the construction businesses.

22 Commissioner McKee said he agreed with Commissioner Gordon because it is
23 a balancing act. He noted that the 40 foot setback is the size of the current meeting
24 room. He said the goal is to improve the availability of the activity without throwing out
25 all the rules.

26 Commissioner Price said if you consider some of the benign businesses that are
27 located in offices made of the same material as your house, she does not understand
28 why the expense of a fence or shield plants is necessary. She is thinking of the
29 residents in clustered areas or cul-de-sacs that don't allow a lot of room. She said
30 many of the businesses will make less noise than the kids in the neighborhood. She
31 feels a lot of hardship is being put on these businesses by requiring the screens.

32
33 A motion was made by Commissioner Price, seconded by Commissioner McKee
34 to close the public hearing.

35
36 VOTE: UNANIMOUS

37
38 Commissioner Dorosin said the more traditional zoning distinguishes between
39 types of uses. He suggested that this ordinance might also have more specifically
40 tailored home occupations and would account for variances in impact, such as less
41 noise, or less light. He said the home occupation could be matched with the
42 requirements.

43 Commissioner Rich agreed with this. She said it is important to know what a
44 business is before applying standards like sheltering.

45 Perdita Holtz said the Planning Department is trying to make the standards fit for
46 all different types of home occupation uses. She said historically, zoning ordinances in

1 municipalities just lump home occupations into one category. She said Orange County
2 is actually being very progressive by having the major and minor distinctions, and these
3 standards are being liberalized by these proposed amendments. She said it is possible
4 to look at different things and come back, but this will be a trade off.

5 Michael Talbert said since there are a lot of comments on this by the Board, it
6 may be best to send this back to the planning board with the Board of County
7 Commissioners' comments.

8

9 A motion was made by Commissioner Gordon, seconded by Commissioner
10 Price to refer this back to the planning board to review BOCC comments.

11

12 Commissioner Dorosin said it is important, when these home occupations are a
13 source of neighborhood controversy, it is to the County's advantage to make the
14 process very clear.

15 Commissioner Gordon said she would like for the planning board to think about
16 adding standards for traffic impacts. She said the building trades have the potential to
17 have large impacts, and she would like for this to be addressed.

18

19 VOTE: UNANIMOUS

20

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 10**

SUBJECT: Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan and Agreement

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Perdita Holtz, 919-245-2578

Craig Benedict, 919-245-2592

PURPOSE: To receive a presentation about the Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan and Agreement (often referred to as “the JPA”). It is expected that there will be items on the May Planning Board agenda regarding this plan so staff thought a briefing on the plan would be appropriate since it has been several years since the Planning Board has acted on any JPA matters.

BACKGROUND: In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan and accompanying Agreement that provided land use planning for the area of the county commonly referred to as the Rural Buffer. Other geographic areas, such as Transition Areas, are also covered in the plan. The full plan, agreement, and most-referenced maps are available at: <http://orangecountync.gov/planning/Documents.asp>.

Staff’s presentation will provide the Planning Board with more in-depth information about the geographic areas, the requirements of the plan and agreement, and the amendment process.

FINANCIAL IMPACT: There is no financial impact in receiving a presentation.

RECOMMENDATION: The Planning Director recommends the Planning Board hear the staff presentation on the plan.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 11**

SUBJECT: Joint Planning Land Use Plan and Agreement Amendments – Revisions to Existing Language Ensuring Agricultural Activities are Allowed Throughout the Rural Buffer as well as Density and Minimum Lot Size Clarification(s)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENTS:

Pages of Joint Planning Land Use Plan and Agreement Proposed for Amendment (includes Agreement in its entirety for reference)

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2592

PURPOSE: To receive an update and briefing from staff on proposed amendments to the Joint Planning Land Use Plan (hereafter 'the Plan') and Joint Planning Agreement (hereafter 'JPA').

This item is scheduled for the March 27, 2014 Joint Planning Public Hearing and it is expected to be on the May Planning Board agenda for a recommendation. Staff thought it would be helpful to provide a briefing at the April Planning Board meeting to familiarize Planning Board members with the proposed amendment.

BACKGROUND: In October 1986 Orange County and the Towns of Chapel Hill and Carrboro adopted the Plan outlining acceptable levels of development within what became the County's Rural Buffer land use classification. In 1987 the participating entities adopted the JPA establishing parameters for the review and approval of development projects within the area.

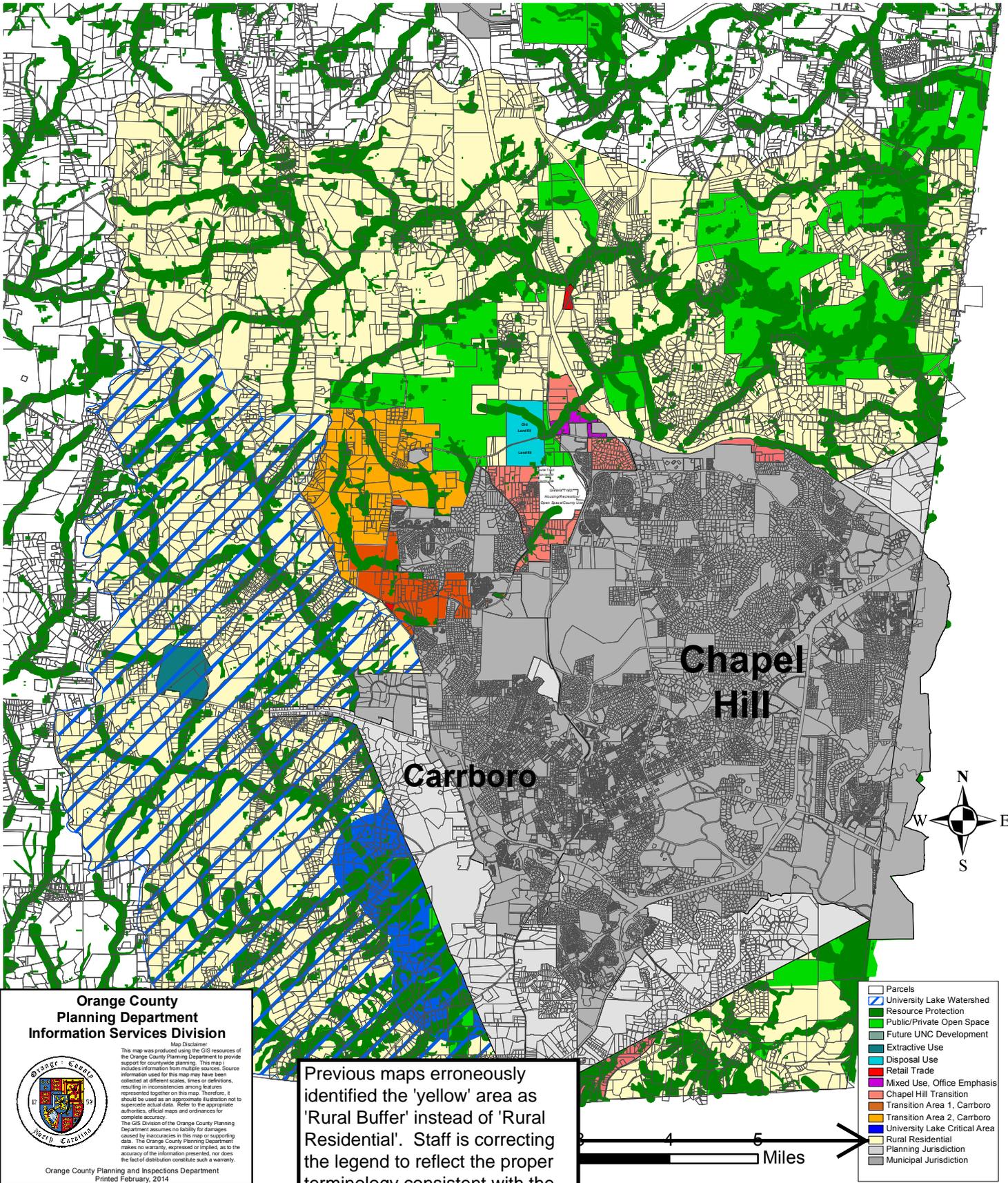
The Plan can be viewed utilizing the following link: <http://orangecountync.gov/planning/documents/JPALUPDocument.pdf>. A copy of the JPA is contained within the Plan in Appendix A, beginning on page 92. The Plan Land Use Map can be viewed at: <http://orangecountync.gov/planning/documents/JPALandUsePlanMap.pdf>.

Abstract packages from the March 27, 2014 Joint Planning Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/140327JPH.pdf>.

As previously indicated at the April 2, 2014 Planning Board meeting staff will review the parameters and history of the Plan and JPA and discuss the proposed amendments. The Board will not be asked to take any action on the proposed amendments until the May 7, 2014 regular meeting.

RECOMMENDATION: The Planning Director recommends the Board receive staff's presentation.

Orange County - Chapel Hill - Carrboro JOINT PLANNING AREA - LAND USE PLAN



**Orange County
Planning Department
Information Services Division**

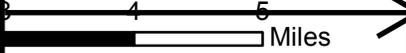
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Orange County Planning and Inspections Department
Printed February, 2014

Previous maps erroneously identified the 'yellow' area as 'Rural Buffer' instead of 'Rural Residential'. Staff is correcting the legend to reflect the proper terminology consistent with the Plan.

- Parcels
- University Lake Watershed
- Resource Protection
- Public/Private Open Space
- Future UNC Development
- Extractive Use
- Disposal Use
- Retail Trade
- Mixed Use, Office Emphasis
- Chapel Hill Transition
- Transition Area 1, Carrboro
- Transition Area 2, Carrboro
- University Lake Critical Area
- Rural Residential
- Planning Jurisdiction
- Municipal Jurisdiction



September 22, 1987
 Amended April 2, 1990
 Amended September 30, 1998
 Amended February 2, 1999
 Amended August 20, 2002
 Amended June 24, 2003

JOINT PLANNING AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of November, 1987, by and between the COUNTY OF ORANGE, a political subdivision of the State of North Carolina, the TOWN OF CHAPEL HILL, and the TOWN OF CARRBORO, municipal corporations duly created and existing under the laws of North Carolina.

WITNESSETH:

In consideration of the public benefits expected to flow from the cooperative efforts of the parties in establishing a coordinated and comprehensive system of planning within their respective areas of public concern, the parties to this Agreement hereby mutually agree as follows:

ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE

Section 1.1 Purpose of the Agreement

The purpose of this Agreement is to establish a method of coordinated and comprehensive planning in the Orange County-Chapel Hill-Carrboro Joint Planning Area, as defined herein.

Section 1.2 Definitions

A. Joint Planning Area. The area within the Rural Buffer and Transition Areas designated on the Joint Planning Area Land Use Map lying outside the extraterritorial planning jurisdiction of Chapel Hill and Carrboro.

- B. Joint Planning Area Land Use Plan. The Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan dated April, 1986, adopted by Orange County August 19, 1986 (revised October 13, 1986), amended May 4, 1987 and as it may be amended from time to time.
- C. Joint Planning Area Land Use Map. The Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map, adopted August 19, 1986 (revised October 13, 1986) and as it may be amended from time to time.
- D. Carrboro Joint Development Review Area (CJDA). The area lying generally west of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.
- E. Chapel Hill Joint Development Review Area (CHJDA). The area lying generally east of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

- F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.
- G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Agricultural¹, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.² The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses and not require urban services (public utilities and other town services).
- H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in transition from rural to urban or already urban in density. Urban services (public utilities and other town services) are now provided to this area or are projected to be provided to this area. The portion of the Transition Area located in the CJDA shall be

¹ We are combining the existing 'Agricultural' land use category with the 'Rural Residential' category as part of amendments to the Plan. The agreement is being updated accordingly.

further divided into Transition Area I and Transition Area II on the Joint Planning Area Land Use Map. The Joint Planning Area Land Use Plan shall provide that, within Transition Area II, no tract may, after the effective date of this Agreement, be approved for development at a density that exceeds one (1) housing unit per gross acre until at least 75% of the gross land area of Transition Area I consists of any combination of:

1. lots containing one acre or less;
2. residential developments approved for development at a density of at least one unit per acre;
3. streets, roads and utility easements located outside of lots containing one acre or less;
4. lots or tracts that are used for commercial, industrial, institutional or governmental purposes;
5. tracts that are owned by the University of North Carolina or other non-profit entities and that are not available for development.

This density limitation does not apply to Village Mixed Use districts or Office/Assembly districts as provided for in the Facilitated Small Area Plan for Carrboro's Northern Study Area.

- I. Development Permit. Major subdivision preliminary plat approval and any discretionary permit (whether called conditional or special use permit or some other term) issued by the Orange County Board of Commissioners, the Chapel Hill Town Council, or the Carrboro Board of Aldermen.

² Incorporating modifications within the Plan into the Agreement

- J. Involuntary Annexation. Annexation authorized or undertaken pursuant to G.S. 160A-31, Article 4A, Part 3.
- K. Voluntary Annexation. Annexation authorized or undertaken pursuant to G.S. Chapter 160A-31 or G.S. Chapter 160A, Article 4A, Part 4.

Section 1.3 Effective Date and Duration

- A. This Agreement, except as provided below, shall become effective on the effective date of an Orange County ordinance (1) adopting this Agreement (after it has been approved by Chapel Hill and Carrboro); (2) amending Orange County's Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations as prescribed in Section 2.1 of this Agreement; (3) amending the Joint Planning Area Land Use Plan to reflect the existence of Transition Area I and Transition Area II; and (4) amending the Joint Planning Area Land Use Map to show the location of Transition Area I and Transition Area II as indicated on Exhibit A. Any previously adopted Agreements shall become null and void upon this date. The Appendix to this Agreement shall become effective upon the execution of this Agreement.
- B. This Agreement, including any Appendix hereto, shall remain in effect until terminated by mutual agreement or by withdrawal of any party. Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for not more than 20 years and may thereafter be renewed. A party may not withdraw until it holds a public hearing on the proposed withdrawal followed by written notices to the other parties within thirty (30) days of the public hearing. The withdrawal shall be effective

one (1) year following receipt by the other party of the written notice. Withdrawal of one party shall not invalidate the Agreement with respect to remaining parties.

- C. Upon execution of this Agreement, the parties agree that each will take, in a timely manner and without unnecessary delay, all steps (including but not limited to preparation and adoption of Zoning maps, appointment of Transition Area representatives to Planning Boards and Boards of Adjustment, and all required land use ordinance amendments) required to cause this Agreement to become effective, and will notify the other parties when those steps have been taken. Orange County will notify the Towns by resolution when this Agreement becomes effective. This Agreement may become effective as to two parties pending completion of steps necessary to make effective a 3-party Agreement.

Section 1.4 Linkage with the Water and Sewer Management, Planning and Boundary Agreement

The Water and Sewer Management, Planning and Boundary Agreement (hereinafter WSMPBA) is incorporated into this agreement by reference. A copy of the WSMPBA is Exhibit B to this agreement. Termination of the WSMPBA does not terminate this agreement. The withdrawal by a party from the WSMPBA does not constitute withdrawal from this agreement. Termination of this agreement or withdrawal from this agreement can only be accomplished as provided in this agreement.

ARTICLE 2. ADOPTION, ADMINISTRATION AND AMENDMENT OF STANDARDS

Section 2.1 Standards Within the Transition Area

- A. Chapel Hill shall prepare a Zoning Map for that portion of the Transition area that lies within the CHJDA and shall recommend its adoption by Orange County which, upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond to the text of the Chapel Hill Land Development Ordinance and which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CHJDA.
- B. Carrboro shall prepare a Zoning Map for that portion of the Transition area that lies within the CJDA and shall recommend its adoption by Orange County, which upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CJDA. Transition Area II shall have density limited pursuant to Section 1.2H.
- C. Upon completion of the Zoning Maps referred to in Section 2.1A and B above, Orange County shall amend its Zoning Atlas in accordance with said Maps. Orange County shall also adopt by reference (i) the Chapel Hill Land Development Ordinance and make its provisions applicable to that portion of the Transition area located within the CHJDA, and (ii) the Carrboro Land Use Ordinance and makes its provisions applicable to that portion of the Transition area located within the CJDA.

Section 2.2 Standards Within the Rural Buffer

Within the Rural Buffer, the Orange County Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations that are in effect on the effective date of this Agreement shall remain in effect unless amended in accordance with Section 2.6 of this Agreement.

Section 2.3 Permit Administration Within the Transition Area

A. Except as otherwise provided in Sections 2.5 and 2.6, the Town of Chapel Hill and the Town of Carrboro, respectively, shall perform all functions related to the administration of the ordinances referenced in Section 2.1C. Subject to the remainder of this Section, Chapel Hill and Carrboro shall administer the referenced ordinances just as if the land were located within the respective Towns' planning jurisdictions. Administration shall include, but not be limited to, the following:

1. Receipt and processing of applications;
2. Issuance of any required permits and certifications;
3. Review and approval of required site/construction plans;
4. Conducting necessary site/building inspections;
5. Enforcement of all standards;
6. Any other acts or things necessary to administer the Ordinances;

and shall be carried out in a manner so as to insure that a developer complies with all applicable ordinance requirements and the terms and conditions of any permit issued by the respective towns. The towns may also charge fees for processing applications, conducting site/construction plan reviews, and carrying out site/building inspections in accordance with fee schedules applicable within their respective planning jurisdictions.

- B. Whenever Chapel Hill or Carrboro receives an application for a development permit as defined in this Agreement relating to land within their respective portions of the Transition area, it shall forward copies of the application to Orange County for review. The towns shall establish timetables to insure that Orange County has an opportunity to make recommendations regarding such applications within the framework of the County's regularly scheduled meeting dates. To the extent possible, the timetables of the County and the towns shall provide for simultaneous review to expedite application processing; provided, however, the towns may not vote to issue or deny a permit until they have received the recommendations of Orange County or until the expiration of forty-five (45) days after orange County has received the application, whichever comes first.
- C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Town of Chapel Hill or the Town of Carrboro. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, the Town of Carrboro or the Town of Chapel Hill may propose the adoption of a development moratorium pending consideration of the ordinance amendment. With respect to the CJDA, any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro. With respect to the CHJDA, any proposed moratorium shall not be effective until adopted by the Town of Chapel Hill and approved by Orange County

following a public hearing conducted by the Town of Chapel Hill. Any such adopted and approved moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.4 Permit Administration in the Rural Buffer

- A. Except as otherwise provided in Section 2.6 and the remaining provisions of this Section, Orange County shall perform all functions related to the administration of the ordinances referenced in Section 2 .2 in the same manner as if the land were located outside the Joint Planning Area.
- B. Whenever Orange County receives an application for a development permit relating to land located within the CHJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Chapel Hill for review. Similarly, whenever Orange County receives an application for a development permit relating to land located within the CJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Carrboro for review. The County shall establish timetables to insure that the towns have an opportunity to make recommendations regarding such applications within the framework of their respective regularly scheduled meeting dates. To the extent possible, the timetables of the respective towns and the County shall provide for simultaneous review to expedite application processing; provided, however, Orange County may not vote to issue or deny a permit until it has received the recommendations of the respective Towns or until the expiration of forty-five (45) days after the respective towns have received the application, whichever occurs first.

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of Orange County. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, Orange County may propose the adoption of a development moratorium pending consideration of the ordinance amendment. Any proposed moratorium shall not be effective until adopted by Orange County following a public hearing conducted by Orange County. Any such adopted moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.5 Enforcement Remedies.

- A. Permit revocation, if necessary and authorized by ordinance, shall be handled by the same individual or board authorized to issue the original permit.
- B. Within those portions of the Joint Planning Area where the ordinances specified in Section 2.1C are administered by the respective towns, enforcement efforts through the use of civil penalties, criminal penalties or injunctive relief shall be initiated by the respective towns. The towns shall have the duty to defend at their own expense and shall indemnify and hold harmless, to the extent they can legally do so, Orange County, its Board of Commissioners, its advisory boards, its staff and all members of its boards and staffs, in their official and individual capacities, from any and all claims, actions, proceedings,

expenses, damages or liabilities, including attorneys' fees and courts costs, resulting from the towns' administration of the ordinances specified in Sections 2.1(C).

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County Zoning and Subdivision Ordinances that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its portion of the Transition area the same standards that it enforces within its own planning jurisdiction. In the event of objection by Orange County as provided herein, no such amendment shall be effective within the Joint Planning Area until it is adopted by Orange County.
- D. Orange County may not unilaterally amend the text of its zoning or subdivision ordinances applicable to the Transition areas (i.e., those ordinances adopted by reference pursuant to Section 2.1C). Amendments to the ordinances referenced in Section 2.1C by Orange

County may be accomplished only pursuant to subsection C above (including adoption by Orange County following a request to do so by the applicable town). Any petitions or request to amend these ordinances received by the County or initiated by the County shall be referred to the respective Towns.

- E. With respect to property that is located within the CHJDA Transition area, changes in zoning classifications may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Chapel Hill following a joint public hearing by the two governing bodies. With respect to property that is located within the CJDA Transition area, changes in zoning classifications, including the creation of or changes to the ‘floating’ conditional use districts designed to implement the recommendations of the ‘Facilitated Small Area Plan for Carrboro’s Northern Study Area’ (Village Mixed Use conditional use districts or Office/Assembly conditional use districts) may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Requests for rezonings within the Transition areas that are filed with the County shall be referred to the respective towns to initiate the amendment process.
- F. Proposed amendments to the text of this Agreement shall not become effective until approved by the towns and an Orange County ordinance adopting the amendment is adopted by Orange County.

Section 2.7 Representation of Transition Area Residents

Chapel Hill shall revise its Land Development Ordinance and Carrboro shall revise its Land Use Ordinance to provide that at least one resident of each town's respective Transition area shall be appointed to each town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in each Town's ordinance.

ARTICLE 3. LIMITATIONS ON ANNEXATIONS

Section 3.1 No Annexation Into Rural Buffer

Except pursuant to the written consent of all parties to this Agreement, neither Chapel Hill nor Carrboro may annex into the Rural Buffer (whether by voluntary or involuntary annexation or any other method authorized by law) nor shall any party seek special legislation accomplishing such annexation.

Section 3.2 No Annexation by One Town Into Another Town's Transition Area

Except pursuant to the written consent of the other town, neither Chapel Hill nor Carrboro may annex into the other's Transition area (whether voluntary or involuntary annexation) or any other method authorized by law, nor shall either Town seek special legislation accomplishing such annexation.

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PAGE 57 – JPA LAND USE PLAN

*** ORANGE COUNTY LAND USE PLAN CATEGORIES**

*Amended
2/3/92 (effective 2/24/92)

<u>Basic Category</u>	<u>Land Use Plan Category</u>
DEVELOPED	Urban Existing Urban Activity Node Proposed Activity Node
TRANSITION	Ten-Year Transition Twenty-Year Transition Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
COMMUNITY	Rural Community Activity Node
RURAL	Rural Buffer Rural Residential Agricultural-Residential Rural Neighborhood Activity Node Rural Industrial Activity Node
CONSERVATION	Public Interest District Water Supply Watershed Water Quality Critical Area New Hope Creek Corridor Open Space

***JOINT PLANNING AREA LAND USE PLAN CATEGORIES**

*Amended
4/2/90
2/3/92 (effective 2/24/92)

Major Class	Subclass	Land Use Plan Category
TRANSITION	Transition	Resource Protection
	Transition I	Public-Private Open Space
	Transition II	New Hope Creek Corridor Open Space
		Suburban Residential
		Urban Residential
		Office-Industrial
		Future UNC Development
		Retail Trade
		Light Industrial
		Disposal Use
RURAL	Rural Buffer	University Lake Watershed
CONSERVATION		Resource Protection
		Public-Private Open Space
		New Hope Creek Corridor Open Space
		Agricultural Rural Residential and Agricultural ¹

¹ Staff is recommending combining the terms together and creating a new land use category.

		Retail Trade
		Extractive Use

PAGE 60 – JPA LAND USE PLAN

***Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

*Amended 2/1/93

Urban Residential Areas are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

Office-Institutional Areas is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

Future UNC Development is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

Retail Trade Areas are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

Light Industrial Areas are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

Disposal Use Areas consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

***Rural Buffer and Conservation**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses as well as agricultural uses~~ **The Rural Buffer and** consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural;~~ **Agricultural;**² Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~³ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~⁴

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

² County governments do not have the authority to restrict the location of agricultural activities while municipalities can regulate farms located within their corporate limits. Agricultural activities, as defined within State law, are allowed in all areas subject to the Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

³ Cluster subdivisions are allowed throughout the County, including the University Lake Watershed Area, with the exception of the Rural Residential area of the Rural Buffer. We are modifying existing language to allow cluster subdivisions in the Rural Buffer, outside of the University Lake Watershed Area, so long as a density limit of 1 dwelling unit per 2 acres is maintained. This proposed amendment does not impact existing density limits in the University Lake Watershed Area, which only allows 1 dwelling unit for every 5 acres of land area. Staff has incorporated comments received by the County Attorney's office as well as Chapel Hill and Carrboro Planning staff.

⁴ This information has been captured within the renamed 'Rural Residential and Agricultural Areas' land use category.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

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***University Lake Watershed Area**

*Amended

4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development. ⁵Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989. ⁶ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

⁵ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences are allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres to ensure consistency with the Joint Planning Agreement.

⁶ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance. This date is consistent with the existing requirements of Orange County's Unified Development Ordinance (UDO) specifically Section 4.2.4.

PAGE 61 – JPA LAND USE PLAN**LOCATION STANDARDS**

The principal task in formulating a land use plan is determining where specific land uses will be located. The primary elements feeding into this step include the operating principles outlined previously and a defined set of location standards.

The location standards proposed for the preparation of the Joint Planning Area Land Use Plan are based upon previously enumerated background elements – natural environment and compatibility with existing land use patterns. On the accompanying page, these elements are listed on the horizontal axis of the Location Standards Matrix. Included in the matrix, but not previously defined are various street classifications listed under Transportation Accessibility. These classifications are defined as follows:

STREET CLASSIFICATIONS

STREET TYPE	FUNCTION	SPEED	ROW	DAILY VOLUME	TRIP LENGTH	ACCESS	TRAVEL LANES
INTERSTATE	Movement	55 mph	200-300'	>40K	>3 mi.	Limited	4
ARTERIAL	Movement	45 mph	120-150'	10K-25K	>1 mi.	Unlimited	4
COLLECTOR	Movement/Access	35 mph	60-70'	800-3K	<1 mi.	Unlimited	2
LOCAL	Access	25 mph	50'	75-200	<1/2 mi.	Unlimited	2

Listed on the vertical axis are the general land use planning categories. By locating the desired land use plan category on the vertical axis, it is possible to read from left to right and identify by the "X" symbol desired locations for each land use type.

CONCEPTS AND STRATEGIES

Following the November Public Information Meeting, four alternative strategy maps were prepared with illustrated various development scenarios for the Joint Planning Area. The four maps sought to identify those areas which would be classified as urban, transition, and rural buffer without identifying specific 10 and 20 year growth areas. The four maps are reproduced in sketch form on the following pages. The basis premises governing each alternative are listed below.

LOCATION STANDARDS MATRIX

LAND USE CLASSIFICATION	SLOPE			SOIL STABILITY			VEGETATION			RESIDENTIAL			COMMER		PUBLIC/QUASI-PUBLIC	INDUSTRIAL	OPEN AREA			ACCESSIBILITY			
	0 - 7 ½%	7½ - 15%	15% +	SLIGHT	MODERATE	SEVERE	CLEAR	FOREST	WETLAND	RURAL	SUBURBAN	URBAN	HIGH URBAN	OFFICE			RETAIL	RECREATIONAL	AGRICULTURAL	FORESTRY	INTERSTATE	ARTERIAL	COLLECTOR
RESIDENTIAL																							
<u>Rural and Agricultural</u>	X	X	X	X	X		X	X		X	X				X		X	X	X	X	X	X	X
Suburban	X	X		X	X		X	X		X	X	X			X		X					X	X
Urban	X			X			X				X	X	X	X	X		X			X	X	X	
COMMERCIAL																							
Office	X	X		X			X					X	X	X	X		X			X	X	X	
Retail	X	X		X	X		X					X	X	X	X					X	X	X	
INDUSTRIAL	X			X			X									X				X	X	X	
RESOURCE-CONSERVATION																							
Recreational	X	X	X	X	X		X	X		X	X	X	X	X		X		X	X			X	X
<u>Agricultural</u>	X	X		X	X		X			X					X		X	X	X	X	X	X	X
Forestry	X	X	X	X	X	X		X	X								X	X	X	X	X	X	X

STAFF NOTE: We are recommending deleting existing references to the ‘Agricultural’ category and combining them with the existing ‘Residential’ category. Staff has denoted those locations where ‘x’ has been added in red underlined text to preserve the locational criteria for agricultural uses within the ‘Residential’ category.

***THE RURAL BUFFER**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

Eight Seven categories of Rural Buffer land use have been depicted on the Land Use Plan. These categories include Resource

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Protection Areas, Public-Private Open Space Areas, Agricultural Areas¹, Rural Residential and Agricultural Areas, Retail Trade Areas, Extractive Uses, and the overlay category designated University Lake Watershed Area.

Resource Protection Areas

As was the case with Transition Areas, Resource Protection Areas have been designated on the Land Use Plan to include flood plains, and wetlands along drainage tributaries and steep slope areas (15% or greater). These areas form the basis for a comprehensive parks and open space system which provides the framework within which other land use categories are to function. Parks have been generally located throughout the Joint Planning Area using a neighborhood park one-half mile service radius. The parks, as well as portions of Duke Forest, are linked together by a system of greenways extending along drainageways, and pedestrian routes (sidewalks) along thoroughfares.

Public/Private Open Space Areas

Major land areas owned or controlled by both public and private interests in the Joint Planning Area have been designated on the Land Use Plan. These areas include the following:

1. Duke Forest;
2. University of North Carolina lands (excluding Horace Williams Airport and adjacent properties);
3. U.S. Government lands associated with conservation areas around the Jordan Lake Reservoir;
4. Orange Water and Sewer Authority lands associated with conservation areas around University Lake and raw water storage in the former quarry site on NC Highway 54: and
5. Camp New Hope conference and recreational center.

A Public/Private Open Space Area has also been designated along Interstate 40 to recognize the Major Transportation Corridor (MTC) district established to provide a 100-foot buffer along that route. The Plan recommends utilization of portions of the buffer to link proposed park and greenway areas together.

While the status of such holdings as Duke Forest, UNC lands and Camp New Hope is uncertain in the future, their continued existence appears likely during the planning period. This is due to the research, educational, forest management and recreational functions related to such areas. If decisions are made to change the use of such large tracts of land, negotiations should be initiated to secure the use of all or portions of the tracts for recreation and/or open space purposes. Such areas contribute greatly to the natural setting of the Joint Planning Area and every effort should be made to retain such features.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private

¹ As previously indicated, County governments do not have the authority to restrict the location of agricultural activities. Agricultural activities, as defined within State law, are allowed in all areas that are subject to this Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

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Open Space Areas which are designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value. The New Hope Corridor Open Space Master Plan describes these areas in detail and makes specific recommendations as to how they should be protected or utilized for environmental, educational, and/or recreational purposes.

Agricultural Areas²

~~During the compilation of background information, a land use survey was conducted of the Joint Planning Area. The survey indicated those land areas currently in use for agricultural purposes. This information was further verified through the Orange County Tax Office to determine those farms which were qualified and listed for use value taxation purposes.~~

~~The Land Use Plan designated those farms and agricultural uses which are anticipated to continue in the same status during the planning period. Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low density nature and will generally consist of farm dwelling and outbuildings.~~

***University Lake Watershed Area**

*Amended
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. ~~Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres.~~ Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development.~~³ Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed ~~so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.~~⁴ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.⁵

² Some of this information has been relocated to the renamed Rural Residential and Agricultural section of the Plan and is denoted in **green underlined bold text** on the next page.

³ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment Staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres.

⁴ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance.

⁵ Staff has ensured the language describing the University Lake Watershed Area is consistent throughout the Plan.

***Rural Residential and Agricultural**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in size or greater.~~ Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained⁶. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses and agricultural uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

⁶ As previously indicated we are modifying existing language to ensure required minimum lot sizes and density limits are observed. As previously indicated staff has incorporated comments from the County Attorney's office and the Towns of Carrboro and Chapel Hill into this section.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 12**

SUBJECT: Joint Planning Land Use Plan and Agreement Amendments – Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENTS:

INFORMATION CONTACT:

Pages of Joint Planning Land Use Plan and Agreement Proposed for Amendment

Perdita Holtz, Planner III, (919) 245-2578
Craig Benedict, Director, (919) 245-2592

PURPOSE: To receive an update and briefing from staff on proposed amendments to the Joint Planning Land Use Plan and Agreement to allow appropriate Agricultural Support Enterprises within the Rural Buffer land use classification. This item is scheduled for the March 27, 2014 Joint Planning Public Hearing and it is expected to be on the May Planning Board agenda for a recommendation. Staff thought it would be helpful to provide a briefing at the April Planning Board meeting to familiarize Planning Board members with the proposed amendment.

BACKGROUND: In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan and accompanying Agreement that provided land use planning for the area of the county commonly referred to as the Rural Buffer. Other geographic areas, such as Transition Areas, are also covered in the plan. The full plan and agreement is available at: <http://orangecountync.gov/planning/Documents.asp>.

On March 27, 2014 a Joint Planning Area Public Hearing will be held to review proposed modifications to the Land Use Plan and Agreement in order to allow appropriate agricultural support enterprise uses in the Rural Buffer land use classification. Agenda materials for the public hearing can be viewed at: <http://orangecountync.gov/occlerks/140327JPH.pdf>.

The Planning Board is familiar with the Unified Development Ordinance (UDO) amendments regarding Agricultural Support Enterprises (which were part of the February 24, 2014 quarterly public hearing agenda: <http://orangecountync.gov/occlerks/140224.pdf>). The amendments to the joint planning area documents are necessary before the UDO amendments pertaining to the Rural Buffer can be adopted.

At the April 2, 2014 Planning Board meeting staff will review the proposed amendments to the joint planning documents. The Board will not be asked to take any action on the proposed amendments at this meeting but it is expected that the May Planning Board agenda will include an item requesting that the Planning Board make a recommendation on the amendments.

FINANCIAL IMPACT: There is no financial impact in receiving a presentation.

RECOMMENDATION: The Planning Director recommends the Board receive staff's presentation.

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The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses, as well as agricultural uses, and agricultural support uses¹.~~ ~~The Rural Buffer and~~ consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural;~~ ~~Agricultural;~~ Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ Red text is related to a separate amendment that is proposing to amend the same paragraph. The amendment necessary for Agricultural Support uses is shown in blue text.

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in~~

¹ Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

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~~size or greater. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained.~~ The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses, and agricultural uses, and agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

Page 3 of Joint Planning Agreement

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

A. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

B. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential ~~and Agricultural, Agricultural~~, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, ~~and agricultural uses~~, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

C. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

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