

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

UDO / Zoning-2013-06
Agricultural Support Enterprises

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 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

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).

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).

Use-specific development standards for most of the uses will be included in the UDO. 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.

At and shortly after the November 21, 2013 Assembly of Governments meeting, it was determined that in order to make the ASE program applicable to the Rural Buffer land use classification, amendments to the Joint Planning Area Land Use Plan and Agreement would be necessary. Because of this the ASE amendments have been divided into two separate amendments: 1) an amendment package that would make ASE applicable to areas of the County's planning jurisdiction outside of the Rural Buffer land use classification, and 2) an amendment package that would make ASE applicable to properties in the Rural Buffer Land Use classification. Amendments to the Joint Planning Area Land Use Plan and Agreement are scheduled for the March 27, 2014 joint public hearing (a hearing that will include elected officials from the County and Towns of Chapel Hill and Carrboro). The County UDO amendments for "ASE within the Rural Buffer" cannot be considered for adoption until after the amendments to the Joint Planning Area Land Use Plan and Agreement are adopted by all three local governing bodies.

A user-friendly manual will also be part of the ASE project.

Additional analysis may be provided as part of the quarterly public hearing materials.

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 – for both proposed UDO amendment packages (areas outside the Rural Buffer and areas within the Rural Buffer)

- 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

March 27, 2014 – joint public hearing for JPA-related amendments

April 15, 2014 – receive Planning Board recommendation on UDO amendment package outside of the Rural Buffer

April 15, 2014 – decision on JPA-related amendments

May 20 or June 3, 2014 - receive Planning Board recommendation on UDO amendment package within the Rural Buffer

- d. Other

2. 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)

March 5, 2014 – for recommendation

- b. Advisory Boards:

Agricultural Preservation Board –

October 16, 2013

November 20, 2013

January 15, 2014

- 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

d. Notice Requirements

Consistent with NC State Statutes and requirements in UDO – legal ad prior to public hearing.

e. Outreach:

General Public: Public Information Meeting scheduled for February 13, 2014. Advertised in legal ad, press release, and posted flyers in government buildings 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.

3. 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 user-friendly manual.

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

Available on the Planning Department’s website:

<http://orangecountync.gov/planning/SpecialProjects.asp>

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