

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, November 6, 2013
Ordinance Review Committee Meeting – 6:00 pm

Note: This is a meeting of the Ordinance Review Committee (ORC) for Planning Board members who would like to review and comment on the proposed amendments before the items are placed on a Quarterly Public Hearing agenda. Attendance is not mandatory and a quorum is not necessary for meetings of the ORC.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	2-25	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – HOME OCCUPATIONS To continue review and comment upon proposed revisions to the UDO regarding Home Occupation standards. Presenter: Ashley Moncado, Special Projects Planner
3.	26-106	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – AGRICULTURAL SUPPORT ENTERPRISES To continue review and comment upon proposed revisions to the UDO to implement a program commonly referred to “Agricultural Support Enterprises.” This topic was presented/discussed at the October ORC meeting and Planning Board members felt further discussion would be helpful. Presenter: Perdita Holtz, Planning Systems Coordinator
4.		ADJOURNMENT

**ORANGE COUNTY
PLANNING BOARD ORDINANCE REVIEW COMMITTEE
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 6, 2013**

**Action Agenda
Item No. 2**

SUBJECT: Review of Proposed UDO Text Amendment – Home Occupations

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form and Section 419 of the North Carolina Building Code
2. Proposed Text Amendments
3. Proposed Amendment Summary Spreadsheet
4. Proposed Amendment Graphs
5. Map of Potential Major Home Occupation Locations

Ashley Moncado, Planner II (919) 245-2589
Craig Benedict, Director (919) 245-2575

PURPOSE: To review and comment upon a Planning Board and Planning Director initiated Unified Development Ordinance (UDO) text amendment regarding existing home occupation standards contained within the UDO.

BACKGROUND: At the January 9, 2013 Planning Board meeting, Board members discussed areas of interest in the coming year. These items were elements highlighted in the UDO Implementation Bridge report prepared when the UDO was adopted in 2011. One item of interest included the need to review existing home occupation standards to determine if there was a need for a text amendment to encourage and support their use within the county.

July to November Planning Board Review

At the July 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. At this time, Board members supported a text amendment revising existing standards for the November 25 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 and October 2 Planning Board meeting, draft amendment language was presented to the Board for review and comment. On September 5, the Amendment Outline Form (Attachment 1) was approved by the BOCC. Agenda materials for past Planning Board meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>.

Following the October 2 ORC meeting staff reviewed comments received from the Board and identified concerns with the proposed recommendations including the number of onsite employees and daily visitors as well as potential traffic counts from these recommendations. Staff graphed existing regulations, relationship to other jurisdictions, Planning Board recommendations, and Planning Staff recommendations for review. As a result, staff conducted a meeting on October 16 with the Planning Board Chair to discuss these regulatory relationships. The Planning Board Vice Chair was unable to attend, but did provide comments regarding proposed recommendations to staff and the Planning Board Chair. During this meeting 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.

Special Events

In addition, the discussion focused on revisions to Section 5.3.4 *Special Events* in order to accommodate and permit annual events conducted in conjunction with the home occupation. Proposed standards to Section 5.4.3 will allow government and nonprofit organized events, including the Orange County Open Studio Tour, to be exempt from the special event and Class B Special Use Permit process.

Attachments

Staff has revised the proposed amendments to existing home occupations standards based on comments received at the October Planning Board meeting and discussions with the Planning Board Chair. Proposed text amendment language for review can be found in Attachment 2. Additionally, Attachment 3 contains a spreadsheet summarizing proposed revisions to Sections 2.22, 5.3.4, and 5.5.3 and Attachment 4 includes summary graphs depicting Planning Board recommendations, Planning Staff recommendations, and proposed traffic counts. Attachment 5 includes a county map identifying parcels greater than five acres in size that would allow for a major home occupation.

Following the November 6 ORC meeting, staff will proceed with submitting the proposed revisions to the JPA partners (Towns of Chapel Hill and Carrboro) for review and prepare the text amendment package for the Quarterly Public Hearing on November 25, 2013. The opportunity for comment by the JPA partners is required for all text amendments that could affect the Rural Buffer.

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: Planning staff recommends the Ordinance Review Committee review and comment upon the proposed amendments to the UDO.

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):

1. Section 2.2 *Home Occupations*
2. Section 5.4.3 *Special Events*
3. Section 5.5.3 *Home Occupations*

- 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 nonresidential 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 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 2 Planning Board meeting, staff presented draft language based on Planning Board comments received at the previous 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 anticipated 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.

Staff followed up with Board comments at the October 2 Ordinance Review Committee (ORC) meeting, presenting proposed amendment language. Based on recommendations received from the ORC, staff organized a meeting with the Planning Board Chair on October 16 to discuss concerns from Board member's recommendations including number of employees and visitors per day. Following this meeting, revisions were made to the proposed standards for Planning Board review and comment at the November 6 ORC meeting.

The purpose of the proposed amendment is to develop standards that accommodate and encourage the use of larger scale home occupation while protecting the character and enjoyment of residential neighborhoods and meeting standards of the North Carolina Building Code in order to incorporate recommendations of the Implementation Bridge into the Unified Development Ordinance. 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 were 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.

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 proposed text amendment is designed to address suggested modifications from the Planning Board's area of interest and elements of the UDO Implementation Bridge. Additional analysis will be provided as part of the quarterly public hearing materials.

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

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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 – approve legal ad for public hearing January 2014 – receive Planning Board recommendation
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- 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 – recommendation to BOCC

b. Advisory Boards:

c. Local Government Review:

Draft text will be sent to JPA partners
prior to public hearing

d. Notice Requirements

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

e. Outreach:

General Public: _____
 Small Area Plan Workgroup: _____
 Other: _____

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 Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

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.

Additional minor revisions to existing standards will address traffic generation, accessory structures, outdoor storage space, 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 endeavor 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.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2 for draft language

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(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 nonprofit or government entity, including 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
- (d) Written comments from the Orange County Fire Marshal and Sheriff's Department regarding the adequacy of parking, access, or other factors related to public safety.

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.

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 ~~2.21~~ 2.22 of this Ordinance.
- (ii) Home based business operations that do not include nonresident employees located onsite, signage, onsite retail sales, or onsite students, customers, and/or clients do not require a home occupation permit.
- (iii) Uses Not Permitted
 - a. The following activities are explicitly prohibited as home occupations:
 - i. Automotive repair,
 - ii. Automotive service,
 - iii. Automotive detailing,
 - iv. Body shop,
 - v. Hauling, and
 - vi. Building, electrical, plumbing, mechanical, grading or other construction contracting.
 - 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.³~~
- (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 shall not exceed more than two business trips per hour, more than eight trips per day or more than two deliveries of products or materials per week. All deliveries must be made by vehicles of a size normally used for household deliveries.⁴~~
 - 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

³ 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*.

⁴ Existing standards regulating the number of trips and deliveries per hour, day, and week were found to be inconsistent with proposed language limiting the number of students, customers, clients, and event attendees onsite per day. As a result, these standards are being proposed to be removed to allow traffic generation standards concerning daily trips and parking to be regulated by the number of permitted students, customers, clients, and event attendees onsite at any one time or per day. Additionally, proposed standards shall allow for an increase in deliveries while limiting the type of vehicle to a size normally used for household deliveries.

occupation⁵. 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.⁶

(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, provided that building has the appearance of a residential accessory structure.⁷
- 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.
- 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.

⁵ 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.

⁶ Staff recommends the existing language to be revised in order to avoid a potential inconsistency with standards contained within item a.

⁷ 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.

(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. All accessory structures, outdoor storage space, and parking areas used in conjunction with the home occupation shall be setback at least 80 feet from all property lines and public or private roadways.
- d. 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.
- e. 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 approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.
- f. 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. All major home occupations shall conform to the standards of Section 5.5.3(A)(2)(b)(ii).
- b. Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.
- c. 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. 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.
- c. 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.

- d. 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. Located at least 80 feet from any lot line or road right-of-way; and
 - 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.
- (f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents.
- (g) Sales of mobile homes already located on approved and established mobile home stand spaces.

(2) Mobile Home Stand Space Requirements

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.

Proposed Amendments

Planning Board ORC – November 6, 2013

Revised Standards			
	Existing Language	Proposed Language	
		Minor Home Occupations	Major Home Occupations
Application Requirements Section 2.22.1	An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.3.	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.	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.
Special Events Section 5.4.3	All proposed Special Events must follow the Class B Special Use Permit process.	All special events planned, conducted, and affiliated with a community, nonprofit, or government organization including county wide tours such as the annual Orange County Open Studio Tour shall be exempt from the special event review and permitting process.	
Standards of Evaluation Section 5.5.3(A)(2)		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 2.22 of this Ordinance.	
		The following activities are explicitly prohibited as home occupations: automotive repair, automotive service, automotive detailing, body shop, hauling, and building, electrical, plumbing, mechanical, grading or other construction contracting.	
		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.	
		The on-premises sale and/or delivery of goods which are not produced on the premises are prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.	
		Home based business operations that do not include nonresident employees located onsite, signage, onsite retail sales, or onsite students, customers, and/or clients do not require a home occupation permit.	
General Operations 5.5.3(A)(2)(b)(i) and 5.5.3(A)(2)(c)(i)	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.	The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Minor home occupations shall not exceed three nonresident employees onsite at any one time.	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.

Existing language to be revised within the referenced section of the UDO

Existing language to remain within the referenced section of the UDO

Proposed language to be added within the referenced section of the UDO

Revised Standards			
	Existing Language	Proposed Language	
		Minor Home Occupations	Major Home Occupations
General Operations 5.5.3(A)(2)(b)(i) and 5.5.3(A)(2)(c)(i)	In all residential districts except RB, AR and R-1, no more than 35% of the floor area of the dwelling unit or 500 square feet, whichever is less, may be used for the home occupation.	In all residential districts no more than 35% of the floor area of the dwelling unit or 750 square feet, whichever is less, may be used for the home occupation.	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 approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.
		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.	
		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.	Major home occupations shall only be permitted in the AR and R-1 zoning districts.
			All major home occupations shall be located on parcels at least five acres in size.
			All accessory structures, outdoor storage space, and parking areas used in conjunction with the home occupation shall be setback at least 80 feet from all property lines and public or private roadways.
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.			
Limitations on Traffic Generation 5.5.3(A)(2)(b)(ii) and 5.5.3(A)(2)(c)(ii)	Traffic generated by visitors, customers, or deliveries shall not exceed more than two business trips per hour, more than eight trips per day, or more than two deliveries of products or materials per week.	All deliveries must be made by vehicles of a size normally used for household deliveries.	
	Parking generated by the home occupation shall be met off the street and other than in a required yard area.	Parking generated by the home occupation shall be met off the street and not in a required yard area.	

Existing language to be revised within the referenced section of the UDO

Existing language to remain within the referenced section of the UDO

Proposed language to be added within the referenced section of the UDO

<u>Revised Standards</u>			
	Existing Language	Proposed Language	
		Minor Home Occupations	Major Home Occupations
Limitations on Traffic Generation 5.5.3(A)(2)(b)(ii) and 5.5.3(A)(2)(c)(ii)	There shall be no use of a vehicle with a load capacity in excess of one ton in connection with the home occupation 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.	There shall be no use of a vehicle with a gross vehicle weight in excess of 14,000 pounds used in connection with the home occupation	
			Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.
			Major home occupations located on shared private roadways shall be required to submit a private road maintenance agreement prior to approval.
Use of Accessory Structures Sections 5.5.3(A)(2)(b)(iii) and 5.5.3(A)(2)(c)(iii)	An accessory building containing up to 1000 square feet may be utilized in the RB, AR and R-1 zoning districts, provided that building has the appearance of a residential accessory structure.	An accessory building containing up to 1,500 square feet may be utilized in the residential zoning districts, detailed in Section 3.3, provided that building has the appearance of a residential accessory structure	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 totaling eleven acres or more in size.
		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 along the outside of the fence may be used for screening purposes.	
Use of Outdoor Storage Space Sections 5.5.3(A)(2)(b)(iv) and 5.5.3(A)(2)(c)(iv)	Up to 500 square feet of outdoor storage area may be used in the RB, AR and R-1 zoning districts	Up to 500 square feet of outdoor storage area shall only be permitted in the RB, AR and R-1 zoning districts.	Up to 500 square feet of outdoor storage area may be used in conjunction with a major home occupation in the AR and R-1 zoning districts.

Existing language to be revised within the referenced section of the UDO

Existing language to remain within the referenced section of the UDO

Proposed language to be added within the referenced section of the UDO

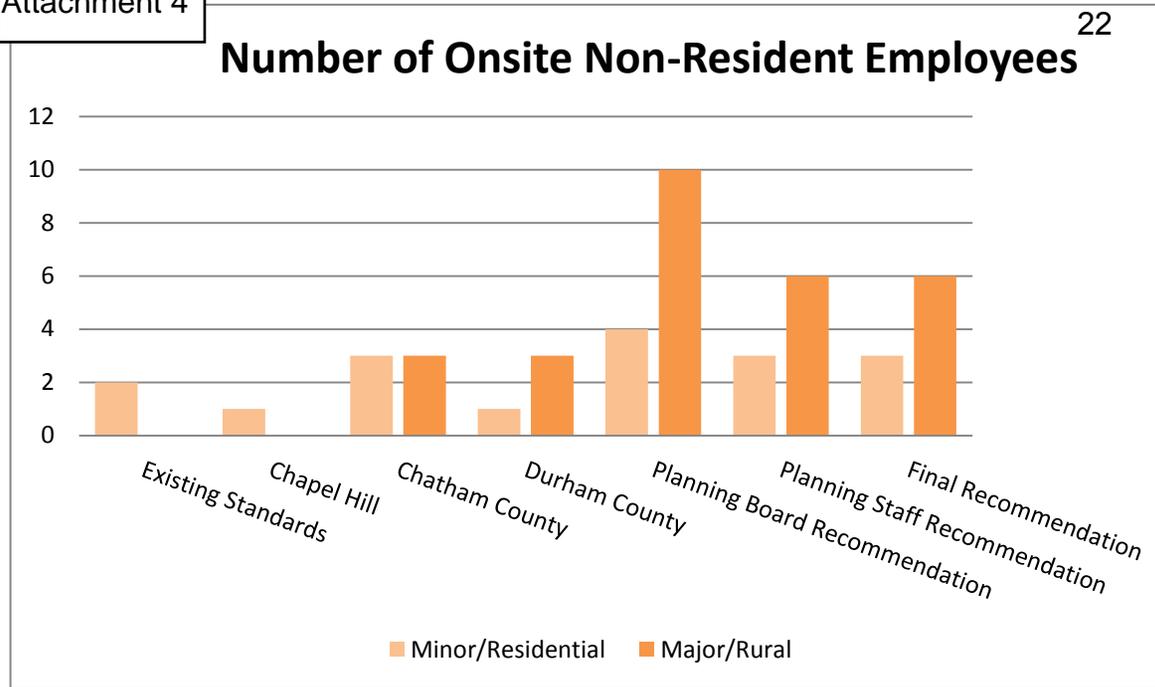
Revised Standards			
	Existing Language	Proposed Language	
		Minor Home Occupations	Major Home Occupations
Definitions Section 10.1	An accessory business use, which is owned or operated by the resident of residentially-zoned property, which business is clearly incidental and subordinate to the principal residential use of the property.	An accessory business use which is owned or operated by the resident of a residentially-zoned property and is clearly incidental and subordinate to the principal residential use of the property.	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.

Existing language to be revised within the referenced section of the UDO

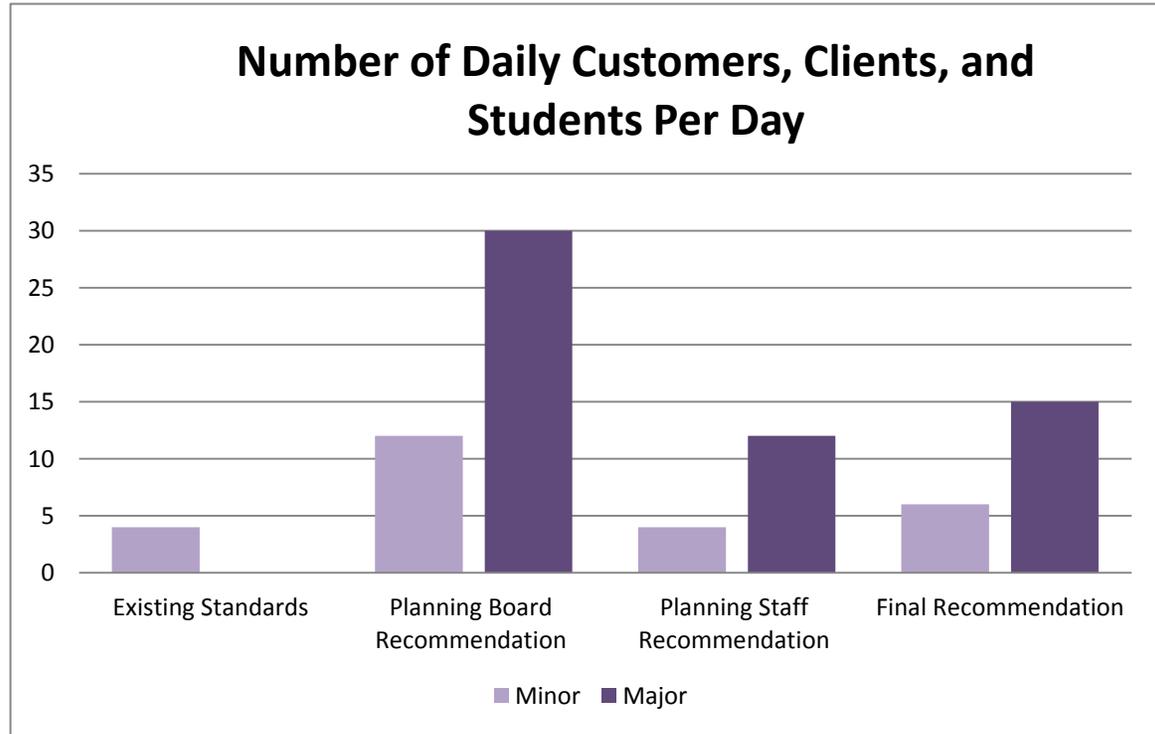
Existing language to remain within the referenced section of the UDO

Proposed language to be added within the referenced section of the UDO

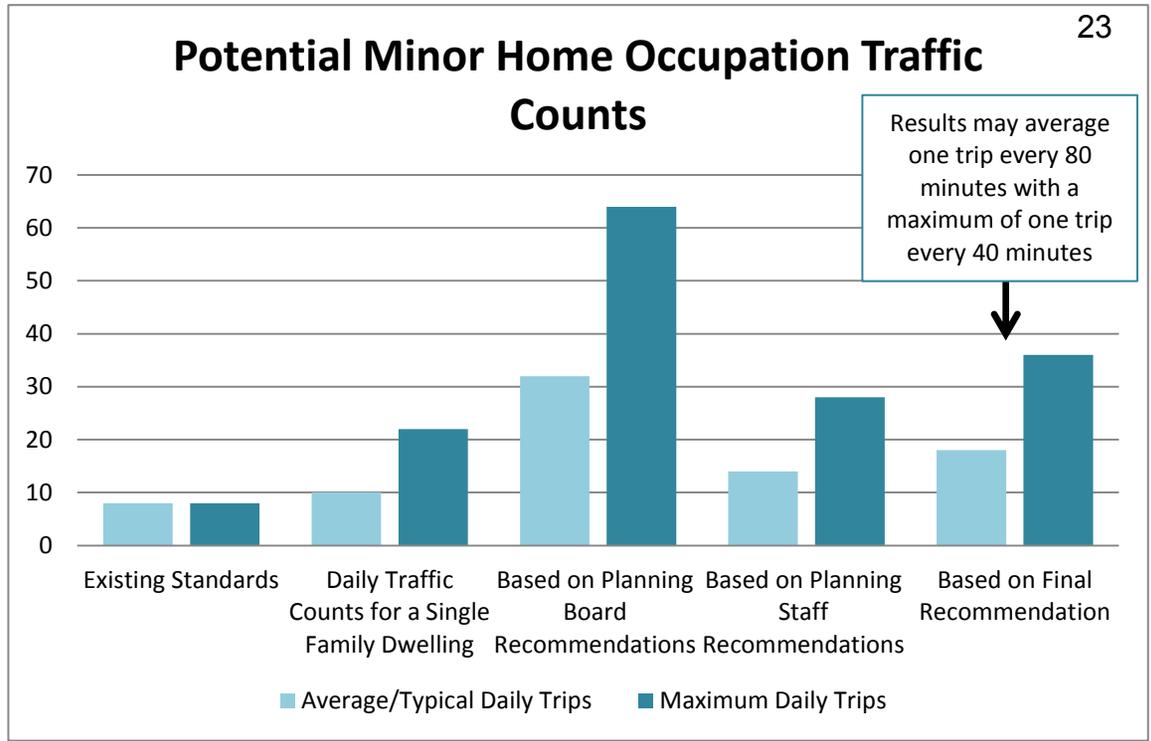
Number of Onsite Non-Resident Employees		
	Minor/ Residential	Major/ Rural
Existing Standards	2	-
Chapel Hill	1	-
Chatham County	3	3
Durham County	1	3
Planning Board Recommendation	4	10
Planning Staff Recommendation	3	6
Final Recommendation	3	6



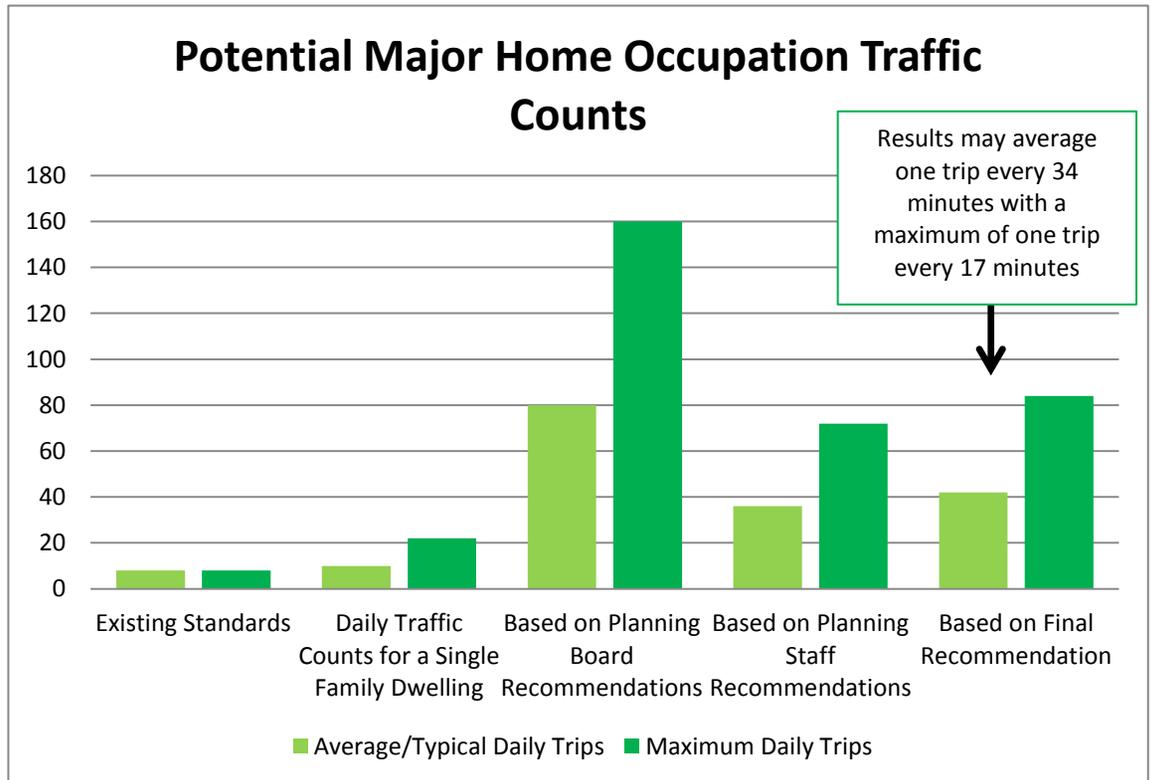
Number of Daily Customers, Clients, and Students Per Day		
	Minor	Major
Existing Standards	4	-
Planning Board Recommendation	12	30
Planning Staff Recommendation	4	12
Final Recommendation	6	15



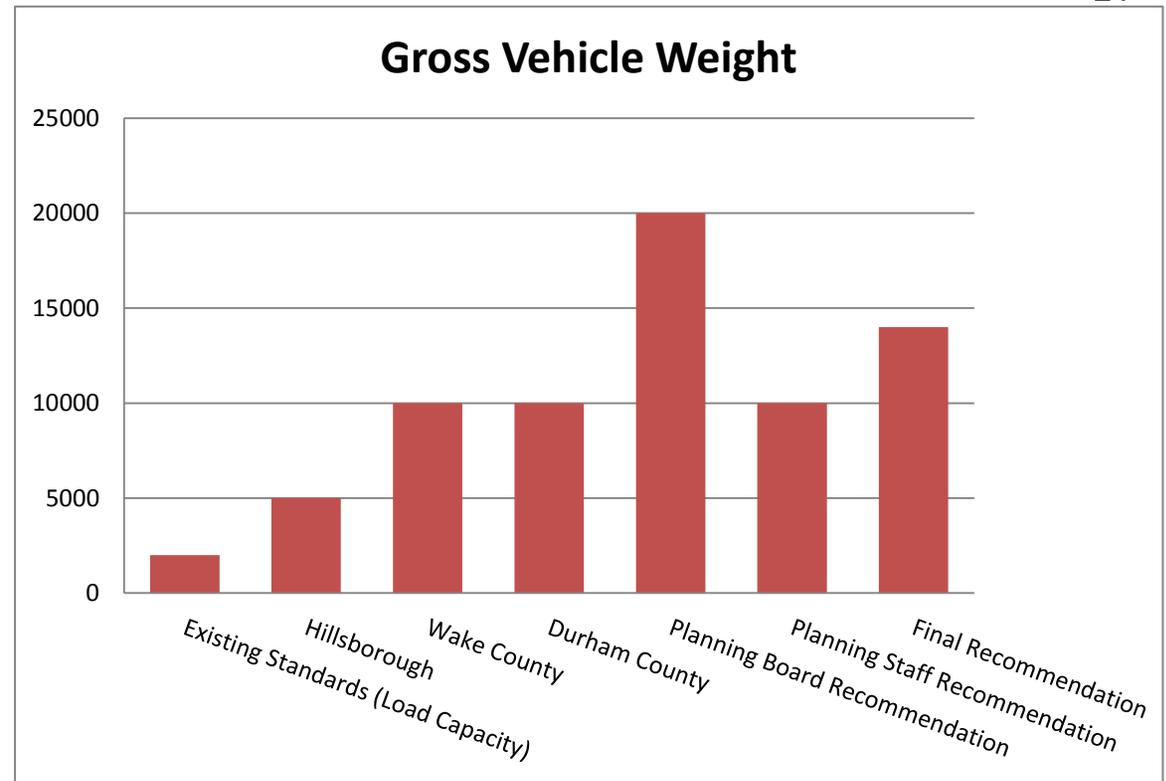
Potential Minor Home Occupation Traffic Counts		
	Average/ Typical Daily Trips	Maximum Daily Trips
Existing Standards	8	8
Daily Traffic Counts for a Single Family Dwelling	10	22
Based on Planning Board Recommendations	32	64
Based on Planning Staff Recommendations	14	28
Based on Final Recommendation	18	36



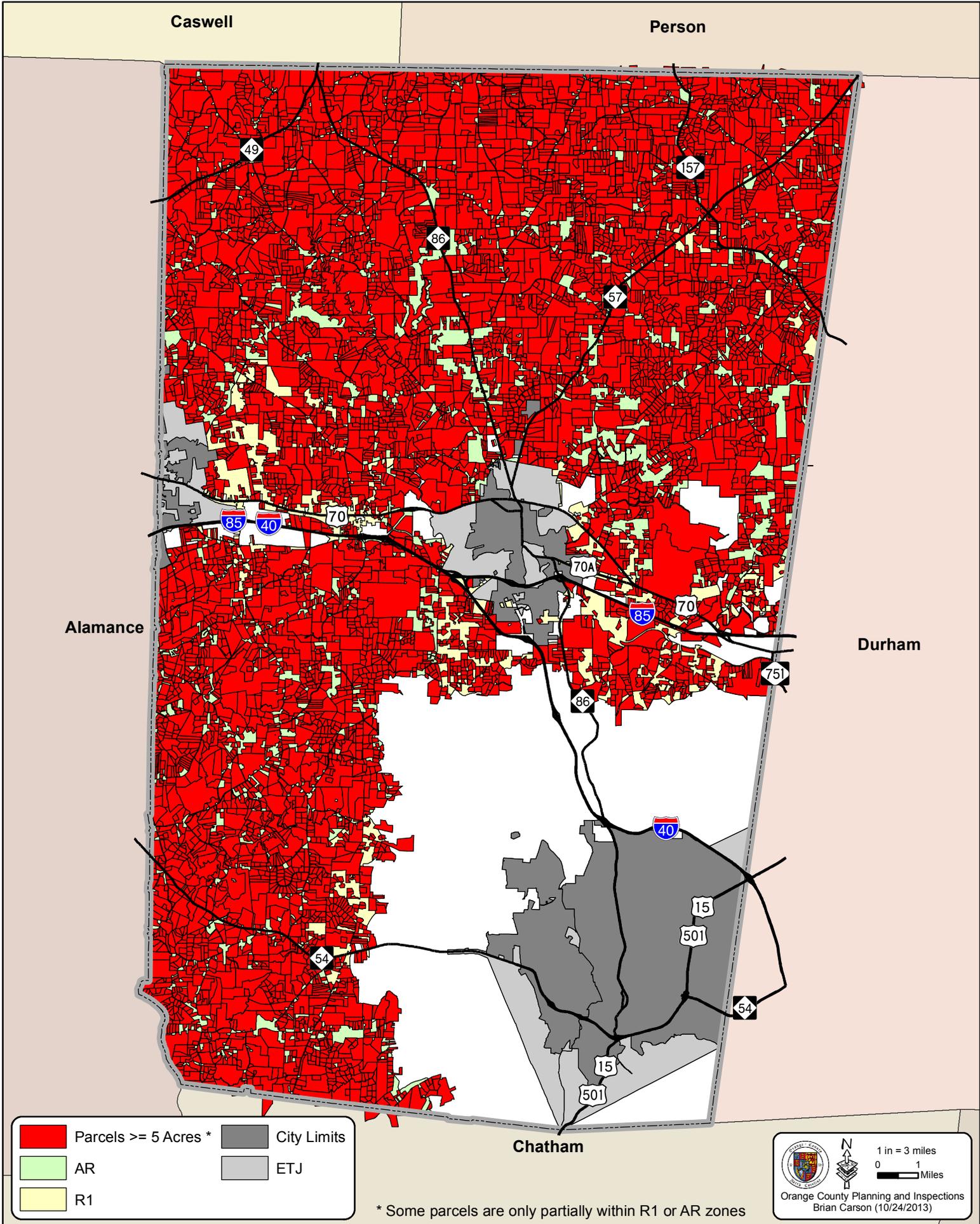
Potential Major Home Occupation Traffic Counts		
	Average/ Typical Daily Trips	Maximum Daily Trips
Existing Standards	8	8
Daily Traffic Counts for a Single Family Dwelling	10	22
Based on Planning Board Recommendations	80	160
Based on Planning Staff Recommendations	36	72
Based on Final Recommendation	42	84



Gross Vehicle Weight	
Existing Standards (Load Capacity)	2,000
Hillsborough	5,000
Wake County	10,000
Durham County	10,000
Planning Board Recommendation	20,000
Planning Staff Recommendation	10,000
Final Recommendation	14,000



Potential Major Home Occupation Locations



**ORANGE COUNTY
PLANNING BOARD ORDINANCE REVIEW COMMITTEE**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 6, 2013

**Action Agenda
Item No. 3** _____

SUBJECT: Agricultural Support Enterprises

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

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

INFORMATION CONTACT: (919)

Perdita Holtz, Planning, 245-2578
Michael Harvey, Planning, 245-2597
Craig Benedict, Planning, 245-2592

PURPOSE: To continue review and comment upon Planning Director initiated Unified Development Ordinance (UDO) and 2030 Comprehensive Plan text amendments to implement a program commonly referred to as "Agricultural Support Enterprises".

BACKGROUND: 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 lead departments on this project historically have been Economic Development and the former ERCD (Environment & Resource Conservation Department), which is now DEAPR (Department of Environment, Agriculture, Parks and Recreation), in conjunction with the County Attorney. However, due to staff changes and the fact the program involves amendments to the Unified Development Ordinance and Comprehensive Plan, the Planning and Inspections Department has become more involved in the project and has completed the necessary draft amendments to the UDO and Comprehensive Plan.

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> (see this abstract for additional recent background information)

September 9, 2013 <http://orangecountync.gov/occlerks/130909.pdf> (recent work session to discuss approval process if a BOCC public hearing is required; staff will be working on amendments to the approval process for all projects, not just ASE projects. This will be a separate text amendment, possibly for the February 2014 quarterly public hearing)

Meeting minutes for these meetings can be found by referencing the appropriate folder at: <http://server3.co.orange.nc.us:8088/weblink8/Browse.aspx?startid=3&dbid=0>

A chart depicting the basic zoning program for ASE uses is contained in Attachment 2. 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,
- adding additional permitted uses to some of the existing general use zoning districts,
- creating 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.

The “Amendment Outline Form” (Attachment 1) for these amendments was approved by the BOCC at its September 5, 2013 regular meeting. This item is expected to be on the February 2014 quarterly public hearing agenda. Other steps included in the amendment outline form are as follows:

- October 2, 2013 – Planning Board ORC (Ordinance Review Committee) meeting
- October 16, 2013 – Agricultural Preservation Board meeting for review/comment; additional meetings as necessary
- November 6, 2013 – Planning Board ORC meeting (continued)
- November 21, 2013 – Assembly of Governments meeting to discuss these amendments and their applicability in the Rural Buffer
- February 2014 – Public Information Meeting (generally held the week before the quarterly public hearing so advertising can be included in the QPH legal ad)
- February 2014 – Quarterly Public Hearing on UDO/Comprehensive Plan amendments

Specific Input Needed

One of the areas of concern over the years has been the inclusion of more intensive agriculturally-related uses that potentially would be developed in the rural areas of Orange County. Examples of these more intensive uses are Sawmills, Composting Operations with Grinding, and Regional Meat Processing Facilities. It should be noted that these types of uses are currently permitted in the AS (Agricultural Service) general use zoning district and there is an existing sawmill zoned AS off of West 10 Road near Efland. Additionally, these types of uses are exempt from zoning regulations if they occur on the bona fide farm (or lands leased by a bona fide farm) and process only materials (e.g., timber) produced on the farm.

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.

Planning staff is requesting Planning Board input on this aspect of the program.

Agricultural Preservation Board Meeting – October 16

Perdita Holtz attended the Agricultural Preservation Board (APB) meeting on October 16. Certain members of the APB are still considering the amendment package but initial feedback is that the APB will recommend that the more intensive uses remain in the ASE-CZ zoning district as potential uses but that these particular uses would not be applicable to the Rural Buffer land use classification. Planning staff can easily write the regulations to exclude the more intensive ASE-CZ uses from consideration in the Rural Buffer.

Additional Information for Planning Board

Planning staff would like to make the Planning Board aware that many of the discussions over the years have related not only to zoning/land use issues but also to Environmental Health (well, septic, and food safety [commercial kitchen]) and Building Code (buildings that allow public access must be built to more rigorous standards to enhance public safety) matters. Some people feel that some of the Environmental Health and Building Code regulations, adopted at the State level and unchangeable by local governments, are burdensome. It is possible that the Planning Board may hear input from others on these matters so staff is informing the Board of these ancillary issues.

FINANCIAL IMPACT: Existing Staff has accomplished the work completed thus far on this project. It is anticipated that existing staff will be able to complete the necessary work required for this project.

RECOMMENDATION(S): The Planning Staff recommends the Ordinance Review Committee continue its review and comment upon the proposed amendments to the UDO and Comprehensive Plan.

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. Depending on direction to be received at the September 9, 2013 BOCC work session, approval processes may also be modified.

- 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. 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
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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

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).

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.

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

Additional analysis will 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 2014
- c. BOCC Updates/Checkpoints

May 14, 2013 work session
 September 9, 2013 special work session
 Early February 2014 – approve legal ad for quarterly public hearing
- 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 2014 – for recommendation

b. Advisory Boards:

Agricultural Preservation Board –
 October 16, 2013 meeting for
 review/comment; additional APB
 meetings as deemed necessary

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.
JPA partners will be formally notified and invited to comment a minimum of 30 days prior to adoption (per JPA Agreement). (Planning staff intends to transmit the proposed amendment package to JPA partners well before the 30-day minimum.)	

d. Notice Requirements

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

e. Outreach:

- General Public: At least one public information meeting will be held prior to the quarterly public hearing.
- Small Area Plan Workgroup:
- Other: Planning staff will work 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

A draft of the amendment package is in Attachment 3.

Primary Staff Contact:

Perdita Holtz

Planning & Inspections

919-245-2578

pholtz@orangecountync.gov

Agricultural Support Enterprises

Basic Zoning Program

Notes:

1. Some uses listed below already exist within the UDO and are not proposed for changes. They are included on this table in order to address the full range of uses that are part of “Agricultural Support Enterprises” and regulated by zoning.
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	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
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

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

Type of Use¹	General Use Zoning Districts in which Allowed	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
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	None
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 & Breakfast	RB, AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.7
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

Type of Use¹	General Use Zoning Districts in which Allowed	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
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	
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)

Attachment 3

Amendment Package for “Agricultural Support Enterprises”

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.” The changes are consistent with the general program that has been in development since 2001.

Proposed additions/changes to existing text are depicted in red. 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.

At this time, a search of the UDO has not been completed to determine if any references to changed section numbers need to also be included in the amendment package. A search will be completed prior to drafting of the legal ad.

Finally, additional changes to Article 2 of the UDO may be forthcoming, depending on the outcome of the BOCC work session on September 9, 2013 where staff will seek input/direction on approval processes. Also, the amendment package is subject to change pending additional staff and advisory board review.

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

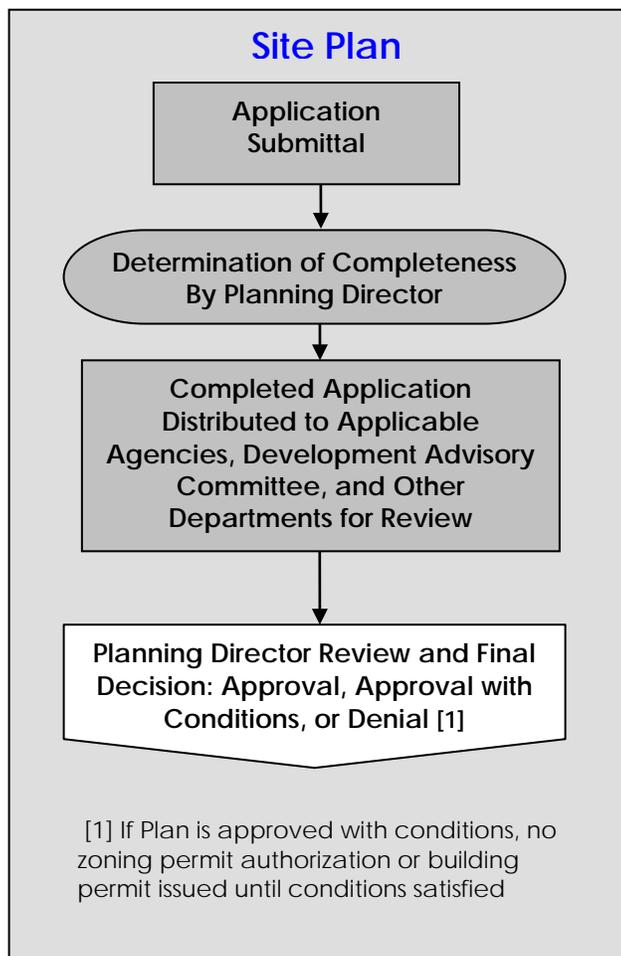
The review and approval process for a Site Plan is shown in the procedure's flowchart.

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 STANDARDS³	
		Lot size, min., per use (square feet)	40,000 [1]
		Lot Width, min. (feet)	150
PURPOSE		Front Setback from ROW, min. (feet)	40
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.		Side Setback, min. (feet)	20 [2]
		Rear Setback, min. (feet)	20 [2]
APPLICABILITY		Height, max. (feet)	45 [3]
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		Floor Area Ratio, max	No requirement [4]
		Required Open Space Ratio, min.	No requirement [4]
		Required Livability Space Ratio, min.	No requirement [4]
		Required Recreation Space Ratio, min.	No requirement [4]
DIMENSIONAL STANDARDS NOTES:⁵ [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 Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS⁶			
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.	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		

³ These standards are consistent with other existing zoning district 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 Consistent with how similar uses/zoning districts are written.

⁶ 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.

- 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 ⁷	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 ⁸		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) ^ ⁹		*									*	*	*	*		*						

⁷ 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.

⁸ 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.

⁹ 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 ⁷	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)																					
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 ¹⁰	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Country Store										*	*					*					
Drive In Theaters ~													*								

¹⁰ 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 ⁷	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) ¹¹	*	*	*								*	*	*	*		*					
Greenhouses (On Premises Sales) ¹²		*									*	*	*	*		*					
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	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												*	*								

¹¹ This is a bona fide farm use and cannot be regulated by zoning

¹² 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 ⁷	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 ¹³													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	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	B																*	*	*	

¹³ 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 ⁷	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	B																*	*	*	
MEDICAL USES																					
Animal-Veterinary Hospitals; Veterinarians ¹⁴													*	*	*	*	*			*	*
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	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

¹⁴ 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 ⁷	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 ¹⁵											*	*	*								
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	
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
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	
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
Solar Array – Public Utility	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	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								

¹⁵ Staff is suggesting this typographical error be corrected as part of this UDO amendment.

¹ See Section 5.14.1 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 ⁷	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 ¹⁶				
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) ¹⁷	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional	*			
Non-Farm Use of Farm Equipment	*			
Riding Stables, Commercial	*	*		
Stockyards / Livestock Markets	*			

¹⁶ This is a bona fide farm use and cannot be regulated by zoning so it is being recommended for deletion by staff.

¹⁷ 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				
Teaching Farm	*			
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 ¹⁸	*	*		
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}	*	*		

¹⁸ The three “Rural Guest Establishment” types will be moved to alphabetical order within the list as well.

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 (No On Premises Sales)¹⁹		*		
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		*		

¹⁹ 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				
Retail, Class 2		*		
Retail, Class 3		*		
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 Army)				
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)		*		

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				
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills	*			
Winery, production only	*	*		
MEDICAL USES				
Animal Veterinary Hospitals; Veterinarians ²⁰	*	*		
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				*

²⁰ 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				
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternalities, 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)		*		

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 Repair Garage		*		
Motor Vehicle Sales Rental (New & Used)		*		
Motor Vehicle Services Stations		*		
Parking As Principle Principal Use, Surface or Structure ²¹		*		
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	*	*		*

²¹ 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				
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
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	*	*		

There are no changes on this page, it is included to make the change on the next page more clear.

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 6.8.²²

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.

²² 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 Stables~~²³

~~(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.~~

²³ Moved to Section 5.13.16.

5.6.7 Rural Guest Establishment: Bed & Breakfast

(A) General Standards

(1) Submittal Requirements

- (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.

- (j) Any application for a bed & breakfast operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road, or has legal access to a public road by way of a recorded easement.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).
- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Bed & Breakfast establishments shall be allowed in all protected watersheds, and critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance.

- (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

- (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.

- (i) Any bed & breakfast inn that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the County. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the County.
- (j) Any application for a bed & breakfast inn operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).
- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Bed & Breakfast Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, and critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Sections 6.9 of this Ordinance.

- (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.

- (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 application for a Country Inn that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.
- (j) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

- (a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
- (b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
- (c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).
- (d) The site is served by direct access to a State maintained road.
- (e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

- (f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.
- (g) Country Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, an critical areas.
- (h) Building plans for all building areas intended for public use shall be reviewed and approved by the Health Department, Fire Marshal, and Building Inspections Division prior to issuance of any Certificates of Occupancy.
- (i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.
- (j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.
- (k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance. The Fire Marshal shall review and approve the site plan to ensure EMS and fire truck accessibility.
- (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 Country Inn using a private well and septic system shall be no less than ten acres. A Country Inn may be permitted on lots of less than ten 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; or if the tract will receive public services as part of a larger development project such as a planned development or village flexible development.

(3) Expiration and Re-Approval of SUP

- (a) The Class A Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of County Commissioners after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.
- (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 County Commissioners shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.

- (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.
- (2) Site shall have direct access to 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.

5.6.11 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.
- (2) Site shall have direct access to 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 (Agricultural Residential) 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.
- (2) Site shall have direct access to 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.
- (2) Site shall have direct access to 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.

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,~~

To accomplish this goal, the owners/managers have the option of employing, either singly or in combination, any of the following:

- (1) Requiring all competition vehicles to have functional noise mufflers attached at all times;
- (2) Installing a system of noise baffles, berms, or walls on the perimeter of the racetrack facility incorporated into the design and placement of any lighting system and viewing stands, and/or
- (3) Depressing the elevation of the raceway track surface, or
- (4) Some other innovative noise abatement system.
- (L) Limits on racing activities shall be such that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, or beyond 9:00 p.m. on other evenings. Practice activities shall not commence before 10:00 a.m. on any day and shall cease by 9:00 p.m.
- (M) All external lighting fixtures shall comply with Orange County lighting standards (Section 6.11).
- (N) No storage of hazardous materials shall be permitted, except for racing fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange 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) Site shall have direct access to 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 located a minimum of 100 feet from all property lines.
- (4) 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.
- (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.

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:
 - (a) The location of the residence in which the Daycare Center in a Residence is to be located in relation to existing property lines and adjacent homes;

- (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 Operation²⁴

(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.

²⁴ 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) 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.

5.13.3 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an RB or 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) 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.
- (4) 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.

5.13.7 Cooperative Farm Stand

(A) General Standards for Evaluation

- (1) If located in an RB or AR zoning district, stand shall be located on the bona fide farm of one of the cooperative farm partners.
- (2) 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 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 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 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.

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.

5.13.10 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.

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.

5.13.12 Greenhouses with On Premise Sales

(A) General Standards for Evaluation

- (1) If located in an AR (Agricultural Residential) zoning district, the minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.
- (2) If located in an AR (Agricultural Residential) 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 RB or AR zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners.
- (2) 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 x.x.xx, 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.

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 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.

5.13.15 Non-Farm Use of Farm Equipment

(A) General Standards for Evaluation

- (1) Use shall be located on a bona fide farm.
- (2) Equipment 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~~, Commercial²⁵

(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.

(2) Standards of Evaluation –

²⁵ Language shown in black text (existing) is proposed to be moved from existing Section 5.6.6.

- (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 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.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING

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 the RB and AR zoning districts, 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.

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 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 the RB and AR zoning districts, 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.

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

- (1) Churches are required to provide setbacks in residential districts; the minimum shall be as follows:

TABLE 5.14.1.A: CHURCH SETBACK STANDARDS IN RESIDENTIAL DISTRICTS	
SETBACK	DISTANCE (FEET)
Front	45
Side	50
Rear	50

5.17.2 Community Center

(A) Standards for Class B Special Use Permit

- (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 the RB or AR zoning districts 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 RB, 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

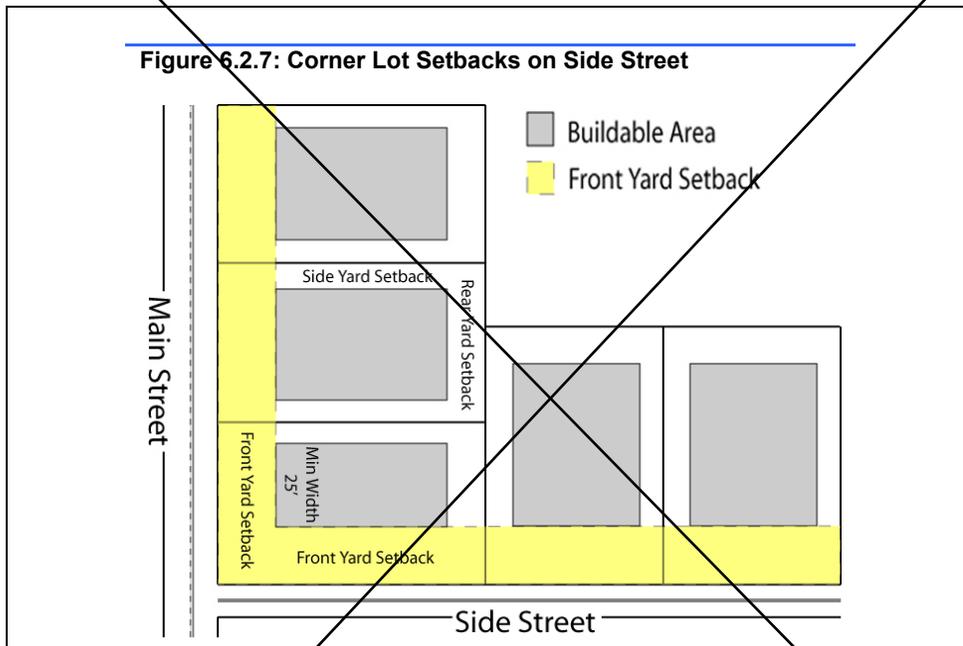
- (d) Duplexes, on lots that have twice the required lot area of the zoning district.

(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) ~~Permitted~~ as a CU District or CZ District, or
 - (b) ~~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.²⁶

(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.

²⁶ 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 ²⁷	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

²⁷ 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 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
Teaching Farm	One space per employee plus one space per student
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

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Hotels, Motels, Motor Lodges	One space per lodging unit, plus one space per employee
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

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Industrial, Medium	One space per employee on the shift of maximum employment
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	

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Dwelling, Multi-family: Efficiency One bedroom Two bedroom	One space per dwelling unit 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

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
Cemetery	no requirement
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. 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.

Cold Storage Facility

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

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.

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.

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. A commercial stable may be included on the site.

Farm Equipment, Non-Farm Use

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

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.

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.

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.

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. 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



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	O/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																				◆			