

## Amendment Package for “Agricultural Support Enterprises” Within the Rural Buffer

### Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text and Comprehensive Plan text to adopt changes related to “Agricultural Support Enterprises” (ASE). The changes are consistent with the general program that has been in development since 2001. The purpose of the ASE project is to augment allowable uses farmers throughout Orange County’s planning jurisdiction can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas while minimizing any adverse impacts on adjoining property by applying special standards for specific uses and the development requirements in the County’s UDO for all projects. By better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved and pressure to sell farmland for residential development may be lessened.

Because applying the ASE concept in the Rural Buffer requires text amendments to the Joint Planning Area Land Use Plan and Agreement, the program has been divided into 2 separate text amendments:

1) to consider/adopt the Comprehensive Plan and UDO amendments necessary to apply the ASE program outside of the Rural Buffer (these proposed amendments are scheduled for adoption consideration by the Board of County Commissioners on May 20, 2014), and

2) to consider/adopt the Comprehensive Plan and UDO amendments necessary to apply the ASE program within the Rural Buffer land use classification (these proposed amendments were heard at the County’s February 24, 2014 quarterly public hearing but since amendments to the Joint Planning Land Use Plan and Agreement are necessary before the UDO and Comprehensive Plan amendments can be adopted, they are not scheduled for adoption consideration until September 8, 2014).

Proposed additions/changes to existing text are depicted in **red**; text in **red** is unchanged from text presented at the February 24, 2014 quarterly public hearing. Text in **blue** was presented at the quarterly public hearing as proposed changes to the originally proposed language. Text in **green** are changes proposed after the quarterly public hearing to correct errors, clarify intent (in response to questions asked at the public hearing), or to address issues of legal sufficiency raised by the County Attorney’s office at the public hearing. The text in red, blue, and green is applicable to the County’s ASE program outside of the Rural Buffer. **Text shown in orange are the amendments necessary to apply the ASE program within the Rural Buffer.**

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.

Orange County planning staff notes that relatively few new uses are proposed to be permitted outright in the RB (Rural Buffer) zoning district (see orange \* in Section 5.2.1 *Table of Permitted Uses – General Use Zoning Districts*). Additionally, all of the proposed new uses in the RB zoning district are subject to Use Standards in Article 5 of the UDO and must also meet the Development Standards found in Article 6 of the UDO.

The proposed new ASE-CZ zoning district, which is a conditional zoning district, would also be applicable to the Rural Buffer but there are some more intensive uses that would not be considered for approval in the Rural Buffer. The uses that would not be applicable to the Rural Buffer are denoted with an orange ^ in Section 5.2.3 *Table of Permitted Uses – Conditional Zoning Districts*. Applying a conditional zoning district requires a rezoning application (which includes a site plan with all proposed uses disclosed). A rezoning application includes public notice (newspapers, sign postings, and mailed notifications to property owners within 500-feet of the parcel) and is decided upon by the Board of County Commissioners after a recommendation is made by Orange County’s Planning Board. The JPA partners would also be invited to review and comment on any proposed rezoning in the Rural Buffer, pursuant to the JPA Agreement.

Orange County’s conditional zoning districts work very similarly to the Towns’ CUP (Conditional Use Permit) process in that the governing body (e.g., Council, Aldermen, BOCC) can place mutually agreed upon conditions on a project, which can include limiting the types and extent of uses occurring on a particular piece of property. Indeed, one of the points of having a conditional use or conditional zoning process is that projects can be decided on a case-by-case basis with public input and projects can be tailored to unique site circumstances. The ASE program seeks to recognize/codify the fact that there are many areas of the county (and the Rural Buffer) with very large parcels (upwards of 50 acres) where uses that would be deemed undesirable on 5 acres next to a residential subdivision would be appropriate and have no or little impact on the area due to the size of the parcel and the location of the facility. The conditional zoning district (or Special Use Permit, depending on the use) allows officials to decide these matters on a case-by-case, site-specific basis with input from surrounding residents/property owners.

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 surface<sup>1</sup>,
  - (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.

<sup>1</sup> 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.

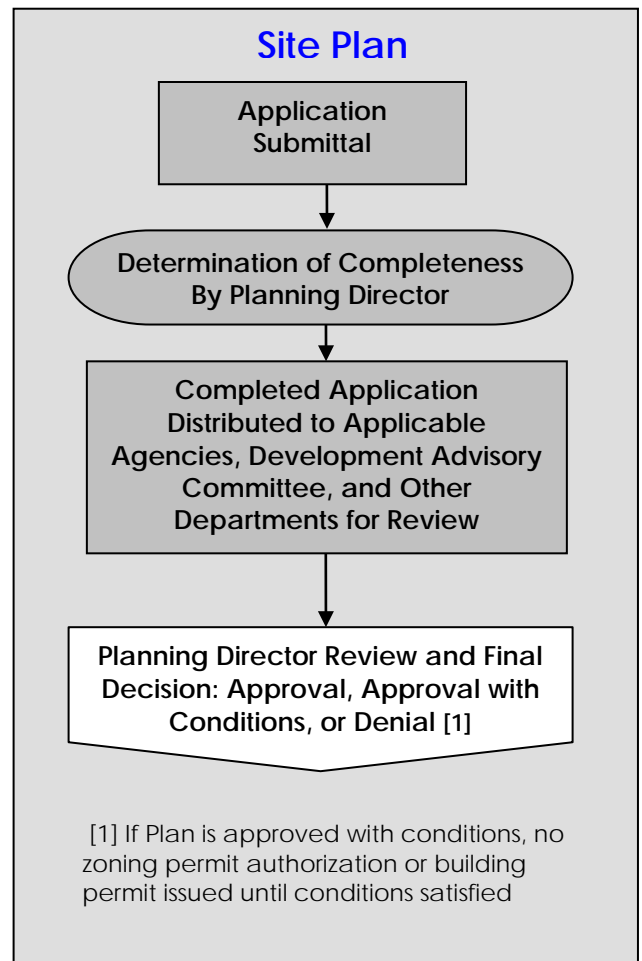
## SECTION 2.5: SITE PLAN REVIEW

### 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.<sup>2</sup>:**
  - (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;



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

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

### 3.8.3 Districts Established

---

#### (A) Conditional Zoning Districts

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

#### (B) Conditional Use Districts

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

### 3.8.4 Where Permitted

---

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

<h1 style="margin: 0;">ASE-CZ</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>	DIMENSIONAL AND RATIO STANDARDS <sup>3</sup>	
		Lot size, min., per use (square feet)
	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. <sup>4</sup> <del>This district shall not be applied in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.<sup>5</sup></del>	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]
<p><b>DIMENSIONAL STANDARDS NOTES:<sup>6</sup></b>                      [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.</p>	Required Pedestrian / Landscape Ratio, min.	No requirement [4]
<b>ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS<sup>7</sup></b>		
1.	Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. Certain uses shall not be approved on parcels located within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan (refer to Section 5.2.3 for these uses). 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	

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

<sup>4</sup> This statement is consistent with the statements made for other CZ districts.

<sup>5</sup> This sentence needs to be removed in order to allow certain ASE-CZ uses in the Rural Buffer land use classification.

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

<sup>7</sup> 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.

- 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 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 <sup>8</sup>	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)																							
<b>AGRICULTURAL USES</b>																							
Agricultural Processing Facility ~																*		*	*	*			
Agricultural Processing Facility, Community ^	*	*								*	*					*		*					
Agricultural Services Uses													Δ			*							
Cold Storage Facility																A		*	*	*			
Commercial Feeder Operation <sup>9</sup>		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) ^ <sup>10</sup>		*									*	*	*	*		*							

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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 <sup>8</sup>	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 ~																*					
<b>CHILD CARE &amp; EDUCATIONAL FACILITIES</b>																					
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	*	*	*									*	*		*						
<b>COMMERCIAL USES</b>																					
Banks & Financial Institutions										*	*	*	*	*							
Beauty & Barber Shops										*	*	*	*	*							
Rural Guest Establishment: Bed & Breakfast <sup>11</sup>	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Country Store										*	*					*					
Drive In Theaters ~													*								

<sup>11</sup> 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 <sup>8</sup>	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)										*	*	*	*			*					
<del>Greenhouses (No On Premises Sales)</del> <sup>12</sup>	*	*	*								*	*	*	*		*					
<del>Greenhouses (On Premises Sales)</del> <sup>13</sup>		*									*	*	*	*		*					
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												*	*								

<sup>12</sup> This is a bona fide farm use and cannot be regulated by zoning

<sup>13</sup> 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 <sup>8</sup>	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 <sup>14</sup>													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
<b>EXTRACTIVE USES</b>																					
Extraction of Earth Products ~		A														A		A	A	A	
<b>GOVERNMENTAL USES</b>																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>																					
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																*	*	*	

<sup>14</sup> 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 <sup>8</sup>	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																*	*	*		
<b>MEDICAL USES</b>																						
Animal-Veterinary Hospitals; Veterinarians <sup>15</sup>													*	*	*	*	*			*	*	
Health Services: Over 10,000 Sq. Ft. ~													*									
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*							
Hospitals ~													*		*							
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*		
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*		
<b>RECREATIONAL USES</b>																						
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		
<b>RESIDENTIAL USES</b>																						
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

<sup>15</sup> 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 <sup>8</sup>	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~							A	A	A			A	A								
Rooming House						*	*	*	*						*						
<b>TELECOMMUNICATIONS</b>																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<b>TEMPORARY USES</b>																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B						B						
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
<b>AUTOMOTIVE / TRANSPORTATION</b>																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								



TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 <sup>8</sup>	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 <sup>1</sup>		*	*			*	*	*	*	
Motor Vehicle Services Stations										*	*	*	*	*							
Parking As <del>Principle</del> <b>Principal</b> Use, Surface or Structure <sup>16</sup>											*	*	*								
Petroleum Products: Storage & Distribution ~																		*	*	*	
Postal & Parcel Delivery Services												*	*		*						
<b>UTILITIES</b>																					
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
<b>WASTE MANAGEMENT</b>																					
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	
<b>MISCELLANEOUS</b>																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								

<sup>16</sup> Staff is suggesting this typographical error be corrected as part of this UDO amendment.

<sup>1</sup> See Section 5.14.1 5.15.1 for special standards

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE					Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1 <sup>8</sup>	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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
<b>AGRICULTURAL USES</b>				
Agricultural Processing Facility	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
<del>Commercial Feeder Operation</del> <sup>17</sup>				
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) <sup>18</sup>	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional ^	*			
Non-Farm Use of Farm Equipment	*			
<del>Riding Stables</del> , Commercial	*	*		

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

<sup>18</sup> 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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Stockyards / Livestock Markets ^	*			
<b>CHILD CARE &amp; EDUCATIONAL FACILITIES</b>				
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		*		
<b>COMMERCIAL USES</b>				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Rural Guest Establishment: Bed & Breakfast <sup>19</sup>	*	*		
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}	*	*		

<sup>19</sup> 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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Greenhouses (No On Premises Sales) <sup>20</sup>		*		
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		*		

<sup>20</sup> 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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Restaurants: General		*		
Retail, Class 1		*		
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	*	*		
<b>EXTRACTIVE USES</b>				
Extraction of Earth Products				
<b>GOVERNMENTAL USES</b>				
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)		*		
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		

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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills ^	*			
Winery, production only	*	*		
<b>MEDICAL USES</b>				
Animal Veterinary Hospitals; Veterinarians <sup>21</sup>	*	*		
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
<b>RECREATIONAL USES</b>				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public & Non-Profit	*	*		

<sup>21</sup> 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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Recreational Facilities (Non-Profit)		*		
Recreational Facilities (Profit)		*		
Golf Course		*	*	
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*
<b>RESIDENTIAL USES</b>				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternities, Sororities, and Dormitories)				
Rooming House				
<b>TELECOMMUNICATIONS</b>				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		
<b>TEMPORARY USES</b>				
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)	*			
<b>TRANSPORTATION</b>				



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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Bus Passenger Shelter		*		
Bus Terminals & Garages		*		
Motor Freight Terminals		*		
Motor Vehicle Maintenance & Repair (Body Shop)		*		
Motor Vehicle Repair Garage		*		
Motor Vehicle Sales Rental (New & Used)		*		
Motor Vehicle Services Stations		*		
Parking As <del>Principle</del> <b>Principal</b> Use, Surface or Structure <sup>22</sup>		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
<b>UTILITIES</b>				
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	*	*		
<b>WASTE MANAGEMENT</b>				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				

<sup>22</sup> 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				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
<b>MISCELLANEOUS</b>				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

## SECTION 5.3: APPLICATION OF USE STANDARDS

### 5.3.1 In General

Section number  
update →

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.45<sup>17</sup> establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

### 5.3.2 Special Uses

#### (A) General Standards

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

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

#### (B) Specific Standards

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

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

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

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

- (1) **General Provisions**

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

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

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

**(2) Standards of Evaluation –**

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

**SECTION 5.6: STANDARDS FOR COMMERCIAL USES**

**5.6.1 Nightclubs, Bars and Pubs**

**(A) General Standards for Evaluation**

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

**5.6.2 Massage Business**

**(A) General Standards for Evaluation**

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

**5.6.3 Garden Center**

**(A) General Standards for Evaluation**

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

- (4) Land use buffers shall be provided in accordance with the requirements of Section 6.8.<sup>23</sup>

#### 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.

<sup>23</sup> 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<sup>24</sup>

#### (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.

<sup>24</sup> 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.

Title change only

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

**5.6.8 Rural Guest Establishment: Bed & Breakfast Inn**

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

**(1) Submittal Requirements**

Title change only

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



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

**(3) Expiration and Re-Approval of SUP**

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

**5.6.9 Rural Guest Establishment: Country Inn**

**(A) Standards for Class A Special Use Permit**

**(1) Submittal Requirements**

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

Title change only

- 
- ~~(d) If the Board of County Commissioners does not renew the permit, the permit shall become null and void upon the expiration of the time limit.~~
- ~~(e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.~~

### 5.6.10 Microbrewery with Minor Events

---

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

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

---

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

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

#### 5.6.11 Microbrewery with Major Events

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

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

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

#### 5.6.12 Taxidermy

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

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

#### 5.6.13 Winery with Minor Events

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

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

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

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

#### 5.6.14 Winery with Major Events

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

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

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

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

#### 5.6.15 Country Store

##### (A) General Standards for Evaluation

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

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

**SECTION 5.7: STANDARDS FOR RECREATIONAL USES**

**5.7.1 Recreational Facilities**

**(A) General Standards of Evaluation**

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

**(B) Standards for Class B Special Use Permit**

**(1) Submittal Requirements**

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

- ~~(O) If additional or accessory land uses are desired, the facility owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with this Ordinance.~~
- ~~(P) The County shall approve a construction schedule to complete the items listed above.~~

**5.7.6 Guest Ranch**

**(A) Standards for ASE-CZ Zoning District**

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

**SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES**

**5.8.1 Daycare Center in a Residence**

**(A) Submittal Requirements**

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



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

**5.8.4 Schools: Elementary, Middle and Secondary**

**(A) Standards for Class A Special Use Permit**

**(1) Submittal Requirements**

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

- (a) 26 copies of the site plan prepared in accordance with Section 2.7.3 of this Ordinance and with the following additional information shown on the plan:
  - (i) Total student capacity of school as designed;
  - (ii) Total number of employees at time of greatest shift;
  - (iii) Number and dimensions of designated parking spaces for school buses;
  - (iv) Number of designated parking spaces for employees;
  - (v) Number of visitor parking spaces;
  - (vi) Number of student parking spaces;
  - (vii) Location of student drop off points with stacking spaces identified;
  - (viii) Location of all proposed and future athletic fields and structures, including:
    - a. Total number of seats for spectators, and
    - b. Location of concession stands, if any anticipated;
  - (ix) Proposed public roadway improvements; and
  - (x) Existing and proposed infrastructure improvements (water and sewer).
- (b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.
- (c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.
- (d) Estimated water usage for structures, landscaping and athletic fields.
- (e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.
- (f) A Biological Inventory, prepared in accordance with Section 5.45~~17~~.6(A)(2)(b) of this Ordinance.
- (g) A Resources Management Plan, prepared in accordance with the Resources Management Plan definition in Article 10 of this Ordinance.

Section reference update →

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

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

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

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

## SECTION 5.13: STANDARDS FOR AGRICULTURAL USES

### 5.13.1 Commercial Feeder Operation<sup>26</sup>

#### (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.

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

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

### 5.13.2 Agricultural Processing Facility

#### (A) General Standards for Evaluation

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

### 5.13.3 Agricultural Processing Facility, Community

#### (A) General Standards for Evaluation

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

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

#### 5.13.4 Cold Storage Facility

---

##### (A) General Standards for Evaluation

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

#### 5.13.5 Community Farmers' Market

---

##### (A) General Standards for Evaluation

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

#### 5.13.6 Composting Operation

---

##### (A) General Standards for Evaluation

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

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

**5.13.7 Cooperative Farm Stand**

**(A) General Standards for Evaluation**

Materials presented at public hearing showed "or RB" as part of proposed amendment. Proposed standard #1 has been designated for deletion at the direction of the County Attorney's office due to issues of legal sufficiency related to bona fide farms.

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

**5.13.8 Equestrian Center**

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

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

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

<sup>28</sup> Renumbering will automatically occur after (1) is removed.

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

#### 5.13.9 Farm Equipment Rental, Sales and Service

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

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

#### 5.13.10 Farm Supply Store

##### (A) General Standards for Evaluation

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

#### 5.13.11 Feed Mill

##### (A) General Standards for Evaluation

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

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

**5.13.12 Greenhouses with On Premise Sales**

**(A) General Standards for Evaluation**

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

**5.13.13 Meat Processing Facility, Community**

**(A) General Standards for Evaluation**

- ~~(1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners.<sup>29</sup>~~
- (2)<sup>30</sup> 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 to the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (5) In addition to the application materials required in Section 2.5 or 2.9, as applicable, the following shall also be required:
  - (a) The number of location of participating cooperative farm partners.
  - (b) Number of employees, if any.
  - (c) Frequency and hours of operation.
  - (d) A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area on an

Materials presented at public hearing showed "or RB" as part of proposed amendment. Proposed standard #1 has been designated for deletion at the direction of the County Attorney's office due to issues of legal sufficiency related to bona fide farms.

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

<sup>30</sup> Renumbering will occur automatically after (1) is removed.



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

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

#### 5.13.14 Meat Processing Facility, Regional

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

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

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

### 5.13.15 Non-Farm Use of Farm Equipment

#### (A) General Standards for Evaluation

- ~~(1) Use shall be located on a bona fide farm.<sup>31</sup>~~
- (2) <sup>32</sup>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~~, Commercial<sup>33</sup>

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

##### (1) Submittal Requirements –

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

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

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

<sup>32</sup> Renumbering will occur automatically after (1) is removed.

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

**(2) Standards of Evaluation –**

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

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

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

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

## SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING<sup>34</sup>

### 5.14.1 Metal Fabrication Shop

#### (A) Standards for ASE-CZ Zoning District

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

### 5.14.2 Microbrewery, production only

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

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

<sup>34</sup> New section will require subsequent sections in Article 5 to be renumbered.

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

### 5.14.3 Sawmills

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

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

### 5.14.4 Winery, production only

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

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

## SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

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

#### (A) Standards for the NC-2 Zoning District

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

## SECTION 5.16: STANDARDS FOR MEDICAL USES

### 5.16.1 Veterinary Clinic

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

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

### 5.16.2 Veterinary Clinic, mobile

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

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

### 5.16.3 Veterinary Hospital

#### (A) Standards for ASE-CZ Zoning District

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

## SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

### 5.17.1 Churches

#### (A) General Standards

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

**5.17.4 Historic Sites Non Residential Reuse/Mixed Use**

**(A) Standards for Class A Special Use Permit**

**(1) Submittal Requirements**

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

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

**(2) Standards of Evaluation**

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

Section reference update →

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

**(3) Standards of Evaluation**

- (a) The project meets all applicable design standards and other requirements of this Ordinance.
- (b) The project meets all service provision criteria as set forth below:
  - (i) Fire – identifies the primary and secondary responders and the source(s) of water.
  - (ii) Police – identifies the primary and secondary responders.
  - (iii) Rescue services – identifies the primary and secondary responders.
  - (iv) Water Supply – source and capacity of water supply.
  - (v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.
- (c) Habitats shall be identified and evaluated in the biological inventory required by Section 5.17.6(A)(2)(b) and are subject to the following:
  - (i) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant’s biologist and County staff;
  - (ii) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include:
    - a. Preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags);
    - b. Installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or
    - c. Creating wetlands;
  - (iii) Conservation easements or other acceptable means such as dedication to a public agency, or conservancy or a homeowner’s association are required to protect wetlands and other habitats while insuring proper long-term maintenance; and
  - (iv) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.
- (d) Landscaping and Buffers

Section reference update →



- (i) Irrigation systems for the subdivision and the lots in the subdivision are designed and can be operated according to a water conservation plan described in the Resources Management Plan submitted with the application;
- (ii) The Resources Management Plan shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and
- (iii) Water recycled from stormwater retention ponds or treated wastewater effluent may be used for irrigation where it is a legally permitted alternative.
- (i) Habitat Maintenance
  - (i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
  - (ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.
- (j) Access
 

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.
- (k) Maintenance of Improvements
  - (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
  - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

**5.17.7 Rural Heritage Museum**

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

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

**5.17.8 Rural Special Events**

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

- (1) Must be located on a bona fide farm.
- (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:

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

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

**(C) Flag Lots**

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

**6.2.3 Clustering**

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

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

**(B) All Other Overlay Districts**

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

**6.2.4 Irregular Lots**

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

**6.2.5 Principal Uses**

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

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

**6.2.6 Principal Structures**

**(A) Residential**

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

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

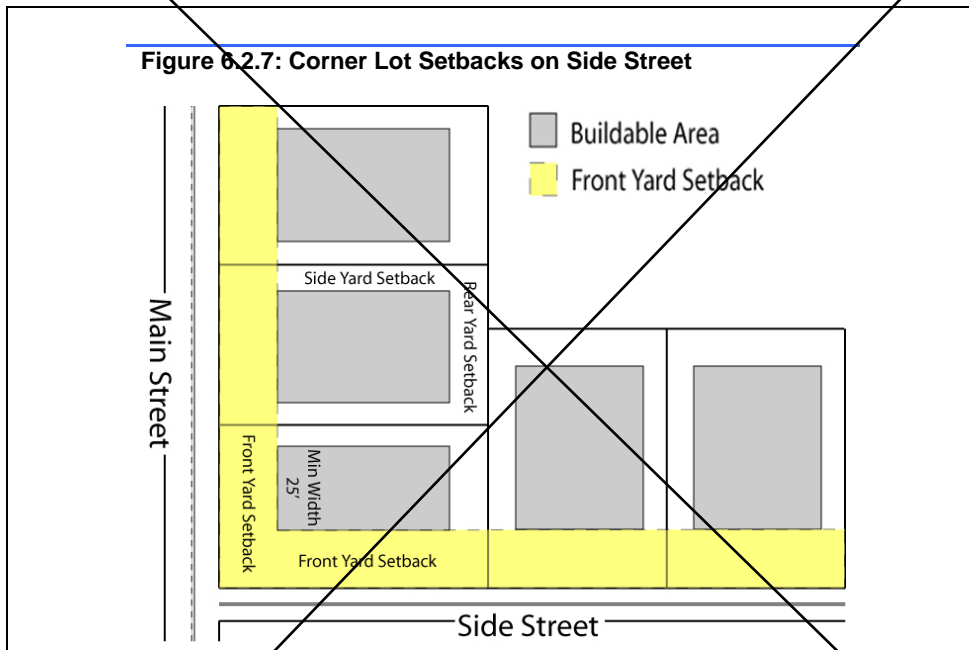
**(B) Non-Residential**

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

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

**6.2.7 Corner Lot Setback on the Side Street**

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



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

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

**6.2.9 Permitted Projections Into Required Open Space**

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

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

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

#### 6.4.10 Service & Outdoor Storage

##### (A) General Standards

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

##### (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.

<sup>29</sup> 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 <sup>30</sup>	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**

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

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

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

**(F) Constructed Buffers**

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

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

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

**6.8.7 Planting Requirements**

**(A) Street Trees**

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

**(B) Between Lot Plantings**

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



TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	MINIMUM PARKING REQUIREMENTS
<b>AGRICULTURAL USES</b>	
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
<b>CHILD CARE AND EDUCATIONAL FACILITIES</b>	
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
<b>COMMERCIAL USES</b>	
Adult Uses	One space per 200 square feet of gross floor area
Banks & Financial Institutions	One space per 200 square feet of gross floor area; plus five stacking spaces per drive-in window
Beauty & Barber Shops	One space per 200 square feet
Country Store	One space per 300 square feet of gross floor area
Drive-In Theaters	no requirement
Funeral Homes	One space per four seats
Garden Center with On Premise Sales	One space per 300 square feet of gross floor area
Greenhouses (No On Premises Sales)	One space per employee on shift of maximum employment
Greenhouses (On Premises Sales)	One space per 400 square feet of gross floor area
Hotels, Motels, Motor Lodges	One space per lodging unit, plus one space per employee

<b>TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS</b>	
<b>USE</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
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
<b>Metal Fabrication Shop</b>	<b>One space per employee</b>
<b>Microbrewery with Minor Events</b>	<b>One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area</b>
<b>Microbrewery with Major Events</b>	<b>One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area</b>
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
<b>Rural Guest Establishments: Bed &amp; Breakfast Inn</b>	<b>One space per guest room, plus one space per employee, plus two spaces for the residence</b>
<b>Rural Guest Establishments: Country Inn</b>	<b>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)</b>
Storage & Warehouse: Inside Building	One space per employee
Storage of Goods: Outdoor	One space per employee
<b>Taxidermy</b>	<b>One space per 400 square feet of gross floor area</b>
Tourist Home	One space per lodging unit
Wholesale Sales	One space per employee on shift of maximum employment
<b>Winery with Minor Events</b>	<b>One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area</b>
<b>Winery with Major Events</b>	<b>One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area</b>
<b>EXTRACTIVE USES</b>	
Extraction of Earth Products	no requirement
<b>GOVERNMENTAL USE</b>	
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
<b>MANUFACTURING, ASSEMBLY &amp; PROCESSING</b>	
Industrial, Light	One space per employee on the shift of maximum employment
Industrial, Medium	One space per employee on the shift of maximum employment

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

<b>TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS</b>	
<b>USE</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
Efficiency One bedroom Two bedroom	One and one-half space per dwelling unit Two spaces per dwelling unit
Dwelling, Single Family	One space per dwelling unit
Dwelling, Two Family	One space per dwelling unit
Family Care Facilities	One space per three residents; One space per employee on the shift of maximum employment
Group Care Facilities	One space per two beds; One space per employee on shift of the maximum employment
Membership Lodges (Sororities and fraternities)	One space per lodging resident member
Mobile Homes	One space per unit
Rehabilitative Care Facility	One space per two beds; One space per staff member
Rooming House	One space per lodging unit
<b>TEMPORARY USES</b>	
Buildings; Portable	See appropriate uses
<b>TRANSPORTATION</b>	
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
<b>UTILITIES</b>	
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
<b>WASTE MANAGEMENT</b>	
Landfills (2 acres or more)	no requirement
Waste Management Facility, Hazardous and Toxic	One space per employee on shift of maximum employment
<b>MISCELLANEOUS</b>	
Airport General Aviation	One space per four air vehicles
Assembly Facility Greater than 300	One space per two seats
Assembly Facility Less than 300	One space per two seats
Cemetery	no requirement

<b>TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS</b>	
<b>USE</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
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 Operation<sup>1</sup>**

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

#### **Riding Stable, Commercial**

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

### Proposed Definitions for New Terms:

#### **Agricultural Processing Facility, Community**

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

#### **Agricultural Processing Facility**

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

#### **Agritourism**

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

---

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

### **Cold Storage Facility**

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

### **Community Farmers' Market**

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

### **Composting Operation**

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

### **Cooperative Farm Partner**

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

### **Cooperative Farm Stand**

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

### **Country Store**

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

### **Equestrian Center**

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

### **Farm Equipment, Non-Farm Use of**

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

### **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.

---

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

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

### **Feed Mill**

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

### **Guest Ranch**

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

### **Meat Processing Facility, Community**

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

### **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.

---

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



### **Stockyard / Livestock Market**

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

### **Taxidermy**

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

### **Veterinary Clinic**

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

### **Veterinary Clinic, mobile**

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

### **Veterinary Hospital**

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

### **Winery, production only**

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

### **Winery with Minor Events**

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

### **Winery with Major Events**

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

### **Relevant Existing Terms, no changes proposed:**

#### **Agricultural Services**

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

## Camp

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

## Farming

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

## Farm, Bona Fide

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

## Garden Center

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

## Retreat Center

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

## Rural Guest Establishments

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

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

# 2030 Comprehensive Plan Amendments



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

## *Appendix F: Land Use and Zoning Matrix*

### **Appendix F. Relationships Between Land Use Classifications and Zoning Districts**

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

#### **TRANSITION LAND USE CLASSIFICATIONS**

##### **CHAPEL HILL AND CARRBORO TRANSITION**

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

##### **10-YEAR TRANSITION**

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

##### **20-YEAR TRANSITION**

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

##### **COMMERCIAL TRANSITION ACTIVITY NODE**

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

##### **COMMERCIAL-INDUSTRIAL TRANSITION ACTIVITY NODE**

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



## ***Appendix F: Land Use and Zoning Matrix***

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

### **ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE**

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

## **RURAL LAND USE CLASSIFICATIONS**

### **RURAL BUFFER**

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

### **RURAL RESIDENTIAL**

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

### **AGRICULTURAL RESIDENTIAL**

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

### **RURAL COMMUNITY ACTIVITY NODE**

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

### **RURAL NEIGHBORHOOD ACTIVITY NODE.**

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

### **RURAL INDUSTRIAL ACTIVITY NODE**

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

## **OVERLAYS**

### **PUBLIC INTEREST AREA**

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

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																				◆			

