



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Agenda Board of Aldermen



Tuesday, June 3, 2014

7:30 PM

Board Chambers - Room 110

A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:30-7:35

B. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. **14-0151** Optimist International 2014

Attachments: Optimist International 2014

7:35-7:40

C. CONSENT AGENDA

1. **14-0188** Approval of Previous Meeting Minutes

2. **14-0187** Clean Fuel Advanced Technology Grant Project Ordinance

PURPOSE: The purpose of this item is to request the Board of Aldermen (BOA) accept a grant from the Clean Fuels Advanced Technology Project, administered by the NC Solar Center, for the purpose of an advanced technology solid waste truck.

Attachments: Clean_Fuel_Advanced_Technology_Grant_Project_Ordinance.doc

3. **14-0189** Budget Amendment FY 2013-14

PURPOSE: The Board is requested to approve a budget amendment to the General Fund and Capital Project Fund to recognize and/or appropriate revenues not included in the adopted 2013-14 adopted budget.

Attachments: Budget Ordinance Amendment 6-3-2014

CP Ordinance Amendment - Rogers Road and Condo

4. **14-0182** Request to Set a Public Hearing for Club Nova CUP Major Modification, located at 103 W. Main Street

PURPOSE: Club Nova Community Inc., has submitted an application for a Major Modification to their Conditional Use Permit to authorize construction of a 1629 sf building addition with associated site work. Prior to reaching a decision on this request, the Board of Aldermen must

receive public input.

Attachments: A RESOLUTION CALLING A PUBLIC HEARING ON A MAJOR MODIFICATION TO THE CLUB NOVA

D. OTHER MATTERS

7:40-8:05

1. 14-0184 Review of the Community Home Trust Draft Charter

PURPOSE: The purpose of this item is for the Board of Aldermen to consider a draft charter which has been prepared by the Community Home Trust to establish a set of expectations and responsibilities for Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough in relation to affordable housing functions to be provided by the Community Home Trust to the County and Towns.

Attachments: Attachment A - Resolution
Attachment B - Memo Council and Commissioners May 2014.pdf
Attachment C - Draft Charter (Hillsborough comments)
2014-03-21.docx

8:05-8:30

2. 14-0185 Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments Relating to Density, Cluster Subdivisions and Agricultural Land Uses in the Rural Buffer

PURPOSE: The purpose of this item is to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement to clarify density and minimum lot size requirements within the University Lake watershed, to allow for cluster subdivisions, and to ensure that agricultural activities are allowed throughout the joint planning area.

Attachments: Attachment A - Resolution
Attachment B - JPA Public Hearing Agenda Materials on Density, Cluster, Agriculture.pdf
Attachment C - Minutes JPA Public Hearing 3-27-14
Attachment D - Map and Overview of JPA Processes
Attachment E - Planning Board, EAB, and TAB Recommendations
Attachment F - ESC Recommendation

8:30-9:00

3. 14-0186 Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to consider amendments to the

Joint Planning Area Land Use Plan and Joint Planning Agreement which will make agricultural support enterprises allowable within the Rural Buffer portion of the Joint Planning Area. These changes are necessary in order for Orange County to approve proposed text amendments to its Unified Development Ordinance that will allow the new uses to occur within the Rural Buffer.

Attachments:

Attachment A - Resolution for ASE.pdf

Attachment B - Map of Joint Planning Area

Attachment C - Overview of JPA Amendment Processes.pdf

Attachment D - JPA ASE agenda materials.pdf

Attachment E - Minutes of March 27, 2014 Joint Public Hearing

Attachment F - Orange County UDO/Comp Plan Amendments

Attachment G - Map showing Present-Use Value Properties in Joint Planning Area

Attachment H - Currently Allowable and Proposed New Land Uses in the Rural Buffer and ASE-CZ Districts

Attachment I - Rural Buffer Memo-Agric Support Enterprise

Attachment J - Planning Board JPA Recommendation ASE

Attachment K - ESC Recommendation JPA ASE 2014

E. MATTERS BY TOWN CLERK

F. MATTERS BY TOWN MANAGER

G. MATTERS BY TOWN ATTORNEY

H. MATTERS BY BOARD MEMBERS

PROCLAMATION
“Optimist International Childhood Cancer Awareness Month”

WHEREAS, cancer takes the lives of more children than any other disease today; and

WHEREAS, tens of thousands of children and teenagers worldwide will be diagnosed with cancer each year; and

WHEREAS, childhood cancer spares no one, affecting kids from every socioeconomic background; and

WHEREAS, Optimist International prides itself on “Bringing Out the Best in Kids” and is firmly dedicated to ridding the world of childhood cancer through the Childhood Cancer Campaign.

NOW, THEREFORE BE IT RESOLVED that I, Lydia E. Lavelle, Mayor of the Town of Carrboro, North Carolina, do hereby proclaim the **month of June** as **Optimist International Childhood Cancer Awareness Month**, as Optimist Clubs around the globe will unite in their efforts to rid the world of childhood cancer.

This the 3rd day of June 2014

Lydia E. Lavelle, Mayor



Agenda Item Abstract

File Number: 14-0187

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6/3/2014

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TITLE:

Clean Fuel Advanced Technology Grant Project Ordinance

PURPOSE: The purpose of this item is to request the Board of Aldermen (BOA) accept a grant from the Clean Fuels Advanced Technology Project, administered by the NC Solar Center, for the purchase of an advanced technology solid waste truck.

DEPARTMENT: Public Works, Management Services

CONTACT INFORMATION: George Seiz, 919-918-7427; Arche McAdoo, 919-918-7439

INFORMATION: In October of 2013 the Board of Aldermen (BOA) authorized the Town Staff to submit a grant proposal to the Clean Fuels Advanced Technology Project (CFAT) for the purchase of an advanced technology solid waste truck. The purchase of this truck was identified as an appropriate action during the development of the Town’s Energy & Climate Protection Plan. Town staff submitted a grant proposal in March of 2014 for the purchase of an AutoCar E3 Refuse truck with Parker Hannifin Hybrid Drive technology with the understanding that the grant may pay up to 80% of the up-fit cost from a conventional truck to this type of hybrid (basically up to 80% of the cost difference between the two trucks). Staff was notified on May 1, 2014 that the grant proposal was approved for 75% of the up-fit cost.

Town staff who were active in either researching the truck and/or working on the grant application included: Cathy Wilson, Town Clerk; Woody Daniel, Fleet Maintenance Supervisor; Randy Dodd, Environmental Planner; and Matt Efird, Assistant to the Town Manager.

FISCAL & STAFF IMPACT: The up-fit cost difference is calculated below.

Hybrid truck -	\$395,000
Conventional truck -	<u>\$265,270</u>
Up-fit cost -	\$129,730 (75% of \$129,730 = \$97,297 Grant Amount)

North Carolina Solar Center - \$ 97,297.00

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Town General Fund -	<u>\$297,703.00</u>
Total -	\$395,000.00

In essence, the \$32,433 additional cost to the town will provide for a hybrid truck that will save about \$5,500 in fuel annually (current prices). This translates to about \$44,000 over the 8 year life of the truck. A reduction of about 14 metric tons of carbon dioxide equivalents (MTCDE) per year is also anticipated.

The grant stipulates that the Town monitor and record fuel usage for one year and provide quarterly reports. This will take minimal staff time with the automated fuel tracking system already in place. Some public awareness and education is also required and includes such things as truck signage/decals highlighting the technology, media releases and a public ribbon cutting. It is estimated that the public awareness and education will take about 24 staff hours.

RECOMMENDATION: It is recommended the BOA approve the attached project ordinance.

CLEAN FUEL ADVANCED TECHNOLOGY GRANT PROJECT ORDINANCE

WHEREAS, the Town of Carrboro (Town) has been awarded a Clean Fuel Advanced Technology Grant in the amount of \$97,297.00 by the North Carolina Solar Center at North Carolina State University; and,

WHEREAS, the grant funds are to be used to purchase an Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology; and,

WHEREAS, the Board of Aldermen has authorized the financing of vehicles and equipment up to \$745,176 for FY 2013-14; and,

WHEREAS, the purchase of the Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology is within the authorized financing for vehicles and equipment; and,

WHEREAS, this grant award will aid the Town in development and implementation of a Town Energy and Climate Protection Plan; and,

WHEREAS the Board of Aldermen for the Town deems this activity to be a worthy and desirable undertaking;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

1. This grant is authorized for the purchase of an Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology and is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

North Carolina Solar Center	\$ 97,297.00
Town General Fund	<u>\$297,703.00</u>
Total	\$395,000.00

3. The following amount is appropriated for this project to be expended in the following manner:

AutoCar E3 Refuse Truck with Parker Hannifin Hybrid Drive Technology	<u>\$395,000.00</u>
Total Appropriation	\$395,000.00

4. The Town Manager is authorized to execute a grant contract and any other necessary documents for this award with the North Carolina Solar Center at North Carolina State University.
5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.



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Agenda Item Abstract

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TITLE:

Budget Amendment FY 2013-14

PURPOSE: The Board is requested to approve a budget amendment to the General Fund and Capital Project Fund to recognize and/or appropriate revenues not included in the adopted 2013-14 adopted budget.

DEPARTMENT: Management Services

CONTACT INFORMATION: Arche McAdoo, 918-7439

INFORMATION: Throughout the year the Town may receive revenues that have not been anticipated and included in the adopted budget. To utilize these additional revenues the Board is required to recognize and appropriate them for expenditure. Since the start of the current fiscal year 2013-14 the Town is expected to receive an additional \$93,564 in general fund revenue from the following:

- Stocking Fee - estimated revenues of \$7,000
- Community School for People Under 6, Rental Income- estimated revenues of \$1,000
- Fleet Feet, Rental Income - estimated revenues of \$49,524
- Community Solar, Rental Income - estimated revenues \$40
- Supplemental PEG Grant - estimated revenues \$36,000

After the start of the fiscal year, the Town received notification that The People's Channel and been recertified as PEG Channel. The Town initially budgeted \$36,000 of revenues for one PEG Channel, but now needs to revise revenues for Supplemental PEG Channel from \$36,000 to \$72,000 to reflect two certified PEG Channels.

Except for the Supplemental PEG Channel revenues, these additional revenues are not proposed for expenditure. They reside in the general fund balance and are recommended for Non -Departmental budget to maintain a balanced general fund budget. Because PEG Channel revenues must be passed through to the certified PEG Channel, the additional revenues must be appropriated for The People's Channel in Governance Support.

CAPITAL PROJECT FUND

There are two amendments proposed for the Capital Project Fund. One is to complete the funding for Rogers Road remediation; and the other is for roof replacement of the Town's office condo.

On September 8, 2012 the Board of Aldermen approved the contribution of up \$900,000 for the Historic

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Rogers Road Neighborhood remediation efforts. This remediation effort will be jointly carried out by Orange County, Chapel Hill, and Carrboro. Discussions have been had on the cost sharing for construction of the community center and sewer projects. In FY 2012-13 the Board appropriated \$450,000 for this project. To complete funding for this project, \$450,000 of unassigned general fund balance is proposed for transfer to the Capital Project Fund. This will provide a total appropriation of \$900,000 for Rogers Road remediation.

On June 30, 2013 the Board appropriated \$568,000 for the purchase of an office condominium at 110 East Main Street (Ordinance No. 25/12-13). This office condo is currently leased to Fleet Feet. During the closing process, it was discovered that the roof needed to be repaired and the purchase price was adjusted to accommodate such repair. However, a recent engineering study of the roof concluded it needs to be replaced. The project has a budget balance of \$20,721, but needs an additional \$4,000 to cover the cost of replacing the roof. An additional \$4,000 is proposed for transfer from unassigned general fund balance to this capital project for a total appropriation of \$572,000.

FISCAL & STAFF IMPACT: The total adopted budget for the General Fund will increase from \$20,735,636 to \$20,829,220. The budget for acquisition of the office condominium will increase from \$568,000 to \$572,000.

RECOMMENDATION: The staff recommends that the Board of Aldermen adopt the attached amendment to the FY 2013-14 annual budget ordinance, and the amendment to the capital project ordinance authorizing the use of fund balance for designated projects.

AMENDMENT TO FY 2013-14 ANNUAL BUDGET ORDINANCE

WHEREAS, the Town Board of the Town of Carrboro on June 18, 2013 adopted annual budget ordinance number 20/2012-13 for the fiscal year beginning July 1, 2013 and ending June 30, 2014; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
ORG	OBJECT	PROJ				
1447	433721		SUPPLEMENTAL PEG CHANNEL	\$ 36,000.00	\$ 36,000.00	\$ 72,000.00
5420	435905		STOCKING FEE	\$ -	\$ 7,000.00	\$ 7,000.00
1470	433300	14701	CSFP UNDER 6 - RENTAL INCOME	\$ -	\$ 1,000.00	\$ 1,000.00
1470	433300	14702	FLEET FEET - RENTAL INCOME	\$ -	\$ 49,524.00	\$ 49,524.00
1470	433300	14703	COMMUNITY SOLAR - RENTAL INCOME	\$ -	\$ 40.00	\$ 40.00
			TOTAL REVENUES	\$ 36,000.00	\$ 93,564.00	\$ 129,564.00
418	504531		THE PEOPLE'S CHANNEL	\$ -	\$ 36,000.00	\$ 36,000.00
660			NON-DEPARTMENTAL		\$ 57,564.00	\$ 57,564.00
			TOTAL EXPENSES		\$ 93,564.00	\$ 93,564.00

REASON: To recognize and appropriate for use revenues not included in the adopted 2013-14 budget.

ATTACHMENT B

**AMENDMENT TO CAPITAL PROJECT ORDINANCE AUTHORIZING THE USE OF
FUND BALANCE FOR DESIGNATED CAPITAL PROJECTS**

WHEREAS, the Board of Aldermen for the Town of Carrboro has adopted a Fund Balance Policy; and,

WHEREAS, the adopted Fund Balance Policy provides that when the unassigned fund balance exceeds 35% the Town Manager may set aside an amount in assigned fund balance for transfer to the Capital Projects Fund for future projects; and,

WHEREAS, the adopted Fund Balance Policy requires formal action by the Board of Aldermen to commit the use of fund balance for projects or purposes in any current year or future year's budget; and,

WHEREAS, the Town's annual audit at June 30, 2013 confirmed that the fund balance exceeds 35% and the amount above 35% may be committed for capital projects;

NOW THEREFORE, BE IT ORDAINED THE BORD OF ALDERMEN OF THE TOWN OF CARRBORO:

1. The following project budgets are amended as follows and the project authorized to be undertaken until all project activity is completed:

ACCOUNT CODE		ACCOUNT NAME	CURRENT	INCREASE	REVISED
ORG	PROJ		BUDGET	(DECREASE)	BUDGET
66999	33006	ROGERS ROAD REMEDIATION	\$ 450,000.00	\$ 450,000.00	\$ 900,000.00
66999	20135	FLEET FEET OFFICE CONDO	\$ 568,000.00	\$ 4,000.00	\$ 572,000.00

2. Funds are appropriated from fund balance in the General Fund to the Capital Projects Fund for design, engineering, and/or construction expenses to carry out the projects identified in Section 1.
3. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of _____ 2013.



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Agenda Item Abstract

File Number: 14-0182

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TITLE:

Request to Set a Public Hearing for Club Nova CUP Major Modification, located at 103 W. Main Street

PURPOSE: Club Nova Community Inc., has submitted an application for a Major Modification to their Conditional Use Permit to authorize construction of a 1629 sf building addition with associated site work. Prior to reaching a decision on this request, the Board of Aldermen must receive public input.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland, 918-7332

INFORMATION: The Major Modification is for a 1629 sf addition to the Annex (Club Nova Thrift Shop) that will add to the functionality of services provided at Club Nova. The property is zoned B-1(g) and is identified by Orange County PIN 9778862027.

FISCAL & STAFF IMPACT: Fees for CUP modification review. Staff time.

RECOMMENDATION: Town staff requests that the Board consider the attached resolution, which if adopted would set a public hearing date of June 24th, 2014.

A RESOLUTION CALLING A PUBLIC HEARING ON A MAJOR MODIFICATION TO THE CLUB NOVA (103 W. MAIN ST) CONDITIONAL USE PERMIT

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on the major modification to the planned unit development conditional use permit; and

WHEREAS, an application has been received for a Major Modification to the Conditional Use Permit for the property known as 103 W. Main St (OC PIN 9778862027).

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 24th, 2014 to discuss the proposed Major Modification to the Club Nova Conditional Use Permit.



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Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0184

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TITLE:

Review of the Community Home Trust Draft Charter

PURPOSE: The purpose of this item is for the Board of Aldermen to consider a draft charter which has been prepared by the Community Home Trust to establish a set of expectations and responsibilities for Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough in relation to affordable housing functions to be provided by the Community Home Trust to the County and Towns.

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - 919-918-7327 - pmcguire@townofcarrboro.org

INFORMATION: Founded in 1991, Community Home Trust (CHT and formerly Orange Community Housing and Land Trust) is a nonprofit organization that sells and preserves affordable homes for lower income families who live or work in Orange County, NC. The Home Trust sold the first Home Trust home in June 2000. Today, there are about 200 permanently affordable homes in Chapel Hill and Carrboro.

In 2013, the Board of Directors of the CHT determined that the organization needed a strategic plan to guide its work in the years ahead. The strategic plan was also expected to inform the development of a proposed Charter, or interlocal agreement, among the local governments and the Home Trust. The Board held a planning retreat in December 2013 and a follow-up retreat in early March. A draft of the charter was completed at that time and requests were made for consideration by elected boards and council in which the Home Trust operates. See Attachments B - C for a copy of the draft charter and other information pertaining to its preparation and scope. The agreement is proposed as one that would be renewed annually.

Robert Dowling, Executive Director of CHT, will be in attendance at this meeting and will provide an update on CHT's program and background information related to the proposed charter.

- A. FISCAL & STAFF IMPACT:** The draft charter states that “the County and Towns agree that their annual funding of CHT will gradually grow and annually be adjusted, starting in fiscal 2015-16, from their fiscal 2014-15 levels (Orange County \$149,000, Town of Chapel Hill \$200,000, Town of Carrboro \$35,000 and Town of Hillsborough \$2,500) to allow CHT to maintain a minimum operating cash balance. CHT's

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minimum required operating cash balance will be the sum of the industry-standard six months of operating expenses (\$350,000 as of July 1, 2014) plus special project reserves necessary for CHT to safeguard its portfolio of homes (\$550,000 as of July 1, 2014). Each year, CHT will re-determine these amounts and include them in its budget proposal.

The County and Towns agree that increases in operating funding are warranted to enable CHT to remain a financially sound and viable entity. County and Towns further agree that the CHT budget will include CHT staff compensation based upon compensation paid by County and Towns.”

RECOMMENDATION: The Administration recommends that the Board of Aldermen review and discuss the draft charter and provide policy feedback on the proposed terms. A resolution that provides an opportunity for the Board to specify comments and other actions, has been provided in Attachment A.

A RESOLUTION SPECIFYING COMMENTS AND FOLLOW-UP ACTIONS RELATED TO
REVIEW OF THE DRAFT CHARTER OF THE COMMUNITY HOME TRUST

WHEREAS, the Town has had a longstanding interest in the maintenance and establishment of a diverse housing stock; and

WHEREAS, the Board of Aldermen has had a strong interest in and commitment to the provision of housing that is affordable to residents, particularly those with incomes equal to or less than 80 percent of the area median; and

WHEREAS, the Board of Aldermen has supported the efforts of the Community Home Trust and its predecessor organizations, since their inception; and

WHEREAS, the Community Home Trust has prepared a draft charter that would establish a set of expectations and responsibilities for Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough in relation to affordable housing functions to be provided by the Community Home Trust to the County and Towns.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro provides the following comments on the draft charter:

This the 3rd day of June in the year 2014.



Date: May 22, 2014

To: Chapel Hill Town Council and Orange County Commissioners and the Orange County HOME consortium

Copy: Roger Stancil, Michael Talbert and CHT board of directors

From: Robert Dowling, Community Home Trust

Re: Challenges that require action

In 2007, I addressed the Assembly of Governments about two challenges that jeopardized the success of inclusionary housing. Those challenges were (i) long term affordability of our homes, and (ii) long term maintenance.

Since 2007, we have been chipping away at the maintenance issue and have made great progress. However, the affordability problem is worse today than it was in 2007 due primarily to two factors:

1. HUD income limits for purchasers are lower today than they were in 2007
2. The costs of owning one of our homes increases every year due to higher home prices and higher HOA dues, property taxes and stewardship fees.

I have discussed these issues at both Town Council and County Commissioner meetings in recent years. However, I am compelled to write this memo because external circumstances continue to present risks to the long term success of inclusionary housing. I believe it is my responsibility to alert you to these risks and to offer mitigating solutions.

Specifically, the risks that jeopardize the programs are two:

1. Home Trust home buyers have limited access to first mortgage financing
2. Reduced federal subsidies, in conjunction with continued stagnant income limits, make it increasingly difficult to resell some of our homes.

Mortgage financing for our buyers has been difficult in recent years, but the NC Housing Finance Agency provided \$5 million specifically for our buyers. This funding has enabled us to sell most of the 38 homes we have sold this fiscal year. However those funds will be exhausted in 2015 and we need to identify alternative sources of mortgage funding.

Our ability to attract other lenders, such as SECU and Self Help, requires that we allow these lenders to obtain the fee simple interest in the property in the event of foreclosure. *If we provide the fee simple interest as collateral, and we allow a home to be foreclosed upon, we would lose it from our inventory entirely.*

We recognize the risks of making this change, but the Home Trust board has weighed those risks and approved the change in order to accommodate the

BOARD OF
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Executive Director
Robert Dowling

needs of our home buyers. As you all know, we have never had a foreclosure and we hope never to allow a home to be foreclosed upon. However, the Home Trust cannot unilaterally agree to provide the fee simple interest without approval from both **the Town Council** and the **Board of County Commissioners**.

By way of this memo, we are asking for your approval of this change. We are more than happy to work out the details with your attorneys and staff.

On the matter of reduced federal subsidies, the Town Council, the County Commissioners and the HOME Consortium could help us to better utilize CDBG funds, HOME funds and local funds that are already invested in our homes by allowing us to sell to higher income households. Currently, we are prohibited from doing so because both the Town and the County impose 99 year affordability restrictions that limit buyers to 80% of AMI.

If the Town, County and HOME Consortium will allow us to sell to households up to 115% of AMI when permissible by HUD, you will assist us in two important ways:

1. Our window of eligible buyers will be widened (which will increase diversity in some of our neighborhoods)
2. We will require less subsidy in the future to continue to make all of our homes affordable to households at 80% AMI

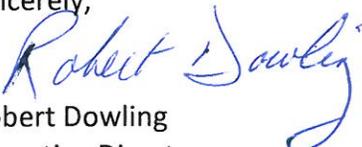
Again, by way of this memo, I am requesting approval from the Town Council, the County Commissioners and the HOME consortium to allow us to sell homes to higher income households when permitted by HUD.

Both of these challenges, if left unaddressed, have the potential to truly disrupt the success of our inclusionary housing programs. We had hoped that the Charter would address these issues, but it does not appear that the Charter will be executed prior to the summer break.

You all have been instrumental to our success over the years. Thanks to your support, there are 227 affordable homes integrated into market rate neighborhoods in Chapel Hill and Carrboro. We estimate the market value of these community assets to be more than \$40 million.

We very much appreciate your support. We are more than happy to answer any questions you might have. Thank you for your consideration.

Sincerely,


Robert Dowling
Executive Director

NORTH CAROLINA
ORANGE COUNTY

Draft Community Home Trust Charter

- Section I. Definitions
- Section II. Purpose
- Section III. Agreement
 - A. Term of Agreement
 - B. Board Representation by County and Towns
 - C. CHT Responsibilities
 - D. CHT Funding
 - E. Portfolio Management
 - F. CHT Accountability

THIS AGREEMENT made and entered into by and among the County of Orange (hereinafter “County”), the Town of Carrboro, the Town of Chapel Hill, the Town of Hillsborough (hereinafter “Towns”), each being a general local governmental unit of the State of North Carolina and Community Home Trust (hereinafter CHT), a North Carolina 501(c)(3) Corporation whose stated purpose is to provide affordable housing for present and future residents of Orange County, North Carolina and surrounding communities.

WHEREAS, County and Towns agree that it is desirable and in the interests of their citizens to provide affordable housing to low and moderate income individuals and families, to ensure that such housing remains affordable in perpetuity and to have much of that housing administered and managed by a non-governmental entity;

WHEREAS, County and Towns were responsible for the creation of the predecessor organization to CHT in 1990;

WHEREAS, CHT revised its organizational structure and model for providing affordable housing in 1999 at the behest of County and the Towns;

And WHEREAS County and the Towns have provided financial operating support to CHT for many years;

NOW, THEREFORE, the County, the Towns and CHT agree as follows:

Section I. Definitions

- A. Low Income means households that earn 80% or less of the Area Median Income (AMI) in the Metropolitan Statistical Area (MSA) in which Orange County resides, as published by HUD.
- B. Moderate Income means households that earn more than 80% AMI but not more than 115% of the Area Median Income in the Metropolitan Statistical Area (MSA) in which Orange County resides, as published by HUD.

- C. HUD means the United States Department of Housing and Urban Development.
- D. Inclusionary housing refers to local policies and ordinances of Towns and County that require or incentivize the inclusion of housing that is deemed affordable for purchase by low and moderate income households within market-rate housing developments.

Section II. Purpose of Charter

Since all of CHT's homes are in Orange County, and since virtually all of CHT's work is driven by inclusionary housing policies that are supported by County and Towns, this Charter is intended to establish a shared set of expectations as to what affordable housing functions CHT will provide to County and Towns. The Charter also establishes expectations of County and Towns. County and Towns recognize that a shared and agreed upon set of expectations and responsibilities will reduce uncertainties and allow County and Towns to best utilize the expertise and experience of CHT.

Section III. Agreement

- A. **Term of Agreement** - The term of this Agreement begins on July 1, 2014 and is renewable annually.
- B. **CHT Board Representation by County and Towns** - County and Towns are entitled to appoint a representative to the board of directors of CHT. According to the CHT bylaws, one-third of the board of directors will be CHT homeowners, one-third will be appointed persons (by County, Towns and the University of North Carolina at Chapel Hill (hereinafter UNC), and one-third of the directors will be members of the community who support the work of CHT. County and Towns' appointees to the board of directors enable County and Towns to remain informed of the work of CHT and in fact, to exert influence over that work.

[Note: It has been suggested that UNC Health Care should also have an appointed person on the board. This would require that we increase the homeowner board members and community board members by one additional person in order to maintain the balance of our tri-partite board. This is not a Charter issue but a board composition matter.]

- C. **CHT Responsibilities** - Since 2003, CHT's work load has been dominated by the implementation of inclusionary housing programs, particularly in the Towns of Chapel Hill and Carrboro. In the future, CHT is expected to develop and manage inclusionary housing in the Town of Hillsborough. CHT can also serve in this same role for the County. As a result of inclusionary housing, CHT's inventory of affordable homes has increased from one home in 2000 to more than 220 homes in early 2014. It is agreed that CHT's responsibilities include the following:

1. Create and maintain homes that are affordable for purchase by low and moderate income households;
2. The CHT Board of Directors is responsible for the financial health and well-being of the organization to ensure the organization is well managed and able to meet the expectations of County and Towns;
3. The CHT Board of Directors will hire, periodically evaluate and, as necessary, replace the organization's Executive Director;
4. Sell homes using the community land trust (CLT) model, wherein homes are conveyed to buyers using a 99-year ground lease. The CLT model enables homes to remain affordable to future generations of low and moderate income households. CHT will be expected to continually revise its model to meet changing circumstances and to reflect best practices.
5. Advocate for affordable housing policies at the local, state and national levels.
6. Create affordable housing opportunities, whether through purchase and rehab, or otherwise, that is outside the inclusionary housing realm.
7. Implement and manage inclusionary housing programs as requested by Towns and County. This requires a wide variety of tasks and responsibilities, typically including, but not exclusively, or limited to, those tasks listed in Attachment A, CHT Inclusionary Housing Responsibilities.

D. CHT Funding - In order to successfully perform its roles and responsibilities, CHT requires financial operating support from County and Towns. The County and Towns agree that their annual funding of CHT will gradually grow and annually be adjusted, starting in fiscal 2015-16, from their fiscal 2014-15 levels (Orange County \$149,000, Town of Chapel Hill \$200,000, Town of Carrboro \$35,000 and Town of Hillsborough \$2,500) to allow CHT to maintain a minimum required operating cash balance. CHT's minimum required operating cash balance will be the sum of the industry-standard six months of operating expenses (\$350,000 as of July 1, 2014) plus special project reserves necessary for CHT to safeguard its portfolio of homes (\$550,000 as of July 1, 2014). Each year, CHT will re-determine these amounts and include them in its budget proposal.

The County and Towns agree that increases in operating funding are warranted to enable CHT to remain a financially sound and viable entity. County and Towns further agree that the CHT budget will include CHT staff compensation based upon compensation paid by County and Towns.

County and Towns further agree that CHT provides expertise and experience that is of value to the inclusionary housing efforts within County and Towns. County and Towns each commit to providing \$2,500 per year in base funding to CHT to support CHT's work, which in turn supports the inclusionary efforts of County and Towns. The specific work expected of CHT is detailed in Attachment A, CHT Inclusionary Housing Responsibilities. This base level of support will be subtracted from the funding formula amount arrived at in the funding formula detailed later in this paragraph.

Although it is recognized that each local government will vote independently to approve this Charter, it is expected that each jurisdiction will approve the same funding formula. Furthermore it is agreed that funding will be determined as follows:

1. CHT agrees to generate a portion of its own funding each year. The principal sources of this revenue are fees from sales of new homes added to the portfolio, resales of homes already in the portfolio, ground lease fees and fundraising efforts.
2. Following submission of CHT's proposed budget, County and Towns will agree to fully fund the budget, less the portion provided by CHT.
3. The sharing of the County and Towns portion of the annual funding will be determined by a two tier formula. First, the County will provide 33% of the total and the Towns will provide 67% of the total. Second, the Towns will share their 67% portion based on the ratio of CHT homes within each town to the total number of CHT homes. The number of homes will be determined as of January 1 prior to each fiscal year.
4. For example, if CHT's budget is \$800,000 and the number of homes in the CHT portfolio on the prior January 1st is 250, with 200 of those homes in Chapel Hill, 50 of those homes in Carrboro and none of those homes in Hillsborough, and CHT budgets providing \$200,000 of revenue itself, Orange County will be required to pay 33% of \$600,000 (\$800,000 less \$200,000), or \$198,000, Chapel Hill will be required to pay 67% of \$600,000 multiplied by 200/250, or \$321,600; Carrboro will be required to pay 67% of \$600,000 multiplied by 50/250, or \$80,400 and Hillsborough will be required to pay 67% of \$600,000 multiplied by 0/250, or \$0.

Funding payments from County and Towns to CHT will be made quarterly in equal amounts on or about July 1, October 1, January 1 and April 1.

E. Portfolio Management –

1. CHT can be most effective if allowed flexibility to manage its portfolio of affordable homes without constantly seeking permission from County and Towns. Therefore, operating guidelines will be developed for the following circumstances;
 - a. Selling homes to households above 80% of AMI
 - b. Selling homes out of the affordable housing inventory
 - c. Selling homes to households that do not meet locally imposed requirements, such as first-time homebuyer requirements, live/work requirements, etc.
 - d. Repaying subsidies embedded into homes that are sold out of the affordable housing inventory or sold to moderate income households.

2. When new development applications are expected to include affordable housing units that could become part of CHT's portfolio, the applicable local government will seek input from CHT as to how and whether the proposed homes are best incorporated into the affordable housing stock. CHT staff will also provide input on any affordable housing proposals or options if requested by County or Towns.
3. If CHT is expected to implement a change in a particular housing policy for County or Towns, the applicable local government will consult with CHT to obtain input prior to initiating a new policy or requirement that will impact CHT's work.
4. County and Towns will promote their affordable home ownership and inclusionary housing policies to their own employees and support CHT's efforts to sell homes to local government employees.

E. Accountability to County and Towns

1. CHT will provide required documentation for every sale and resale of a property that includes subsidies provided by the local governments;
2. CHT will provide a quarterly report to County and Towns with information about sales, subsidies, challenges and other requested data;
3. CHT will provide an annual audit to the County and Towns;
4. CHT will provide interim financial statements as requested;
5. CHT will provide data on home sales, subsidy use and other indicators as requested;
6. CHT will provide an annual operating budget, including a minimum cash reserve amount, an accounting of homes added to the portfolio and a calculation of the additional funding requirements.

TOWN OF CARRBORO

Town Manager

ATTEST:

Approved draft March 8, 2014

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that _____ is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Carrboro, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Board of Alderman of the Town of Carrboro and that said instrument is the act and deed of said corporation.

Witness my hand and notariral seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

TOWN OF CHAPEL HILL

Town Manager

ATTEST:

Approved draft March 8, 2014

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that _____ is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Chapel Hill, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Town Council of the Town of Chapel Hill and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

TOWN OF HILLSBOROUGH

Town Manager

ATTEST:

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that Eric Peterson is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Hillsborough, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Town Board of the Town of Hillsborough and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

ORANGE COUNTY

County Manager

ATTEST:

Approved draft March 8, 2014

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me Donna Baker, with whom I am personally acquainted, and being by me duly sworn, says that _____. is the County Manager, and that she the said Donna Baker, is the Clerk to the Board of Commissioners of the County of Orange, the body politic and corporate named within and which executed the foregoing instrument; that she knows the common seal of said County; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said County Manager and that the said County Manager and said Donna Baker subscribed their names hereto and said common seal was affixed, all by order of the Board of County Commissioners of Orange County and that said instrument is the act and deed of Orange County.

Witness my hand and notarial seal, this the ____ day of _____, 20_____.

Notary Public

My Commission expires: _____

Community Home Trust Charter
Attachment A
CHT Inclusionary Housing Responsibilities

A. Working with private sector developers

1. CHT staff works with Town staffs and developers on pricing, siting and other aspects of affordable housing within proposed developments that include ownership housing
2. CHT does not purchase inclusionary homes from developers until an income-eligible buyer is able to secure financing and close on the property;
3. CHT typically purchases a fee simple interest in real estate from developers and simultaneously conveys a leasehold interest to income-eligible buyers;
4. CHT is responsible for obtaining and understanding legal documents that will impact our homeowners. This typically includes advice from our attorney;
5. CHT assists buyers with property inspections and necessary pre-purchase repairs.

B. Managing the initial sale of inclusionary homes

1. CHT is responsible for educating prospective home buyers and offering financial counseling to both buyers and current homeowners;
2. CHT engages in outreach activities necessary to create awareness of home-buying opportunities. These activities include advertising, visiting with employers, electronic distribution of marketing materials, social media and more.
3. CHT collects income and other pertinent data from applicants to determine their eligibility for our program;
4. CHT works with buyers and lenders willing to make loans to those buyers to secure mortgage financing;
5. CHT is responsible for securing necessary subsidies to enable income-eligible buyers to afford our homes. This requires working with the Orange County and the Towns of Chapel Hill, Carrboro and Hillsborough and agencies that provide subsidy to our homebuyers;

6. CHT executes purchase contracts with both developers and home buyers once a buyer is able to obtain financing;
7. If necessary, CHT pays a referral fee to Realtors who provide an income-eligible buyer who closes on a CHT property;

C. Serving as a property manager

1. In 2007, CHT informed County and Towns that the organization faced challenges regarding long-term affordability and long-term maintenance of its housing inventory;
2. Since 2007 CHT has worked to ensure the long-term maintenance of its affordable homes by collecting monthly stewardship fees from its homeowners. Stewardship funds, which are segregated from operating funds, are designed to pay for big-ticket maintenance items such as new roofs and HVAC replacement;
 - a. CHT administers the stewardship program, wherein homeowners seek access to stewardship funds.
 - b. Since more than 100 CHT homes were sold prior to the start of the stewardship program, these homes did not have stewardship funds available until they resold. Some of those homes have still not resold and are still not participating in the stewardship program. As of early 2014, approximately 66 of CHT's homes still are not in the stewardship program; [Note: it has been suggested that CHT should entice some of these homeowners into the stewardship program with a generous incentive.]
 - c. As the pre-stewardship homes resell, CHT is obliged to seed the stewardship accounts for the new buyers. These funds typically are provided as subsidy when homes resell.
3. As of early 2014, CHT manages three homeowner associations in which all the homes are within the affordable housing inventory. These associations are Legion Road Townhomes, Rosemary Place Townhomes and Greenway Condominiums;
4. It is expected that CHT will also serve as a property manager of the Waterstone townhomes in Hillsborough when they are built;

5. CHT works with homeowner associations and management companies that manage inclusionary neighborhoods in which the affordable homes represent only a small portion of all the homes in the association. These are neighborhoods such as Larkspur, Vineyard Square, Claremont, etc. CHT seeks to ensure assessments are paid and that regulations are evenly enforced;
6. CHT works with homeowners, lenders and legal counsel when owners are in default to prevent foreclosure;
7. CHT strives to prevent foreclosures by paying off bank loans, terminating ground leases, and reacquiring properties. Paying off bank loans requires that CHT maintain substantial liquid reserves;
8. CHT occasionally is required to take legal action against owners who are in breach of their ground lease;

D. Manage all resales of our inventory

1. CHT is responsible for all resales of homes within its affordable housing inventory. As of early 2014, homeowners of these homes do not pay a commission to CHT;
2. CHT oversees repairs to homes before reselling them to low and moderate income buyers;
3. As with initial sales, CHT is responsible for outreach, marketing and advertising activities necessary to obtain a buyer;
4. CHT is responsible for the same activities at resale as at the initial sale;
5. CHT is responsible for financial management of its portfolio;
6. CHT collects data on sales, subsidy use, and buyer demographics in order to better understand demand for specific homes; analysis of this data allows us to better manage future sales activity;
7. CHT will earn/raise a portion of its operating revenues through earned income on home sales, property management fees, ground lease fees, fundraising and other means permissible by the IRS.



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0185

Agenda Date: Version: 1
6/3/2014

n Control:
Board of Ald

Status:
Agenda
Ready
nFile Type:
Abstra

TITLE:

Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments Relating to Density, Cluster Subdivisions and Agricultural Land Uses in the Rural Buffer

PURPOSE: The purpose of this item is to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement to clarify density and minimum lot size requirements within the University Lake watershed, to allow for cluster subdivisions, and to ensure that agricultural activities are allowed throughout the joint planning area.

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - 919-918-7327; pmcguire@townofcarrboro.org
<<mailto:pmcguire@townofcarrboro.org>>; Michael Harvey - 919-245-2597; mharvey@orangecountync.gov

INFORMATION: On March 27, 2014, the three parties to the Joint Orange County Planning Agreement (Agreement) held a public hearing on amendments to the Agreement and the Joint Planning Area Land Use Plan (Plan). Orange County staff identified the proposed amendments during a recent assessment of the Plan and County development regulations.

The Town of Carrboro has been a party, with the Town of Chapel Hill and Orange County, to a Joint Planning Agreement since 1987. The agreement was established to create a method for coordinated and comprehensive planning in the southeastern portion of Orange County, described for this purpose as the Orange County-Chapel Hill-Carrboro Joint Planning Area. A Joint Planning Area Land Use Plan (Plan) was prepared and adopted; the Joint Planning Agreement (Agreement) specifies the method for implementing and revising the plan. Definitions, effective dates, and linkages with other adopted plans are spelled out in the Agreement. Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. The Plan and Agreement can be found at <http://www.townofcarrboro.org/PZl/commplanning.htm>.

A full description of the proposed amendments to the Plan and Agreement is provided in the agenda materials from the public hearing (Attachment B). Proposed changes are summarized here:

Document/Section	Page Number	Description of Change
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Agenda Date: Version: 1
6/3/2014

Status:
Agenda
Ready
nFile Type:
Abstra

n Control:
Board of Ald

Plan/Operating Principles and Future Land Use Plan	57, 60a, 60b, 61, 81, 82, 83	Changes to remove, move, or modify presence of Agricultural uses by combining with Rural Residential in Rural Buffer and University Lake Watershed Area in relation to exemptions from County regulations.
Plan/Operating Principles	60a, 60b, 83	Changes to density and minimum lot size
Agreement/Article I	3	Changes to Agricultural reference. Addition of reference to cluster subdivision

Minutes from the Joint Public Hearing on March 27th are included with these agenda materials (Attachment C). Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. A map depicting the Joint Planning Area and an overview of the Plan and Agreement amendment processes are attached for reference (Attachment D). At the conclusion of the hearing, the Board of Aldermen referred the proposed amendments to Town advisory boards. Recommendations and comments from advisory boards are also attached (Attachments E and F).

FISCAL & STAFF IMPACT: None identified with approval of the Plan and Agreement amendments.

RECOMMENDATION: The Administration recommends that the Board of Aldermen adopt the resolution (Attachment A) that approves the proposed Joint Orange County Land Use Plan and Joint Planning Agreement amendments pertaining to density, cluster subdivisions and agricultural land uses in the Rural Buffer.

**A RESOLUTION AMENDING
THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT
MODIFYING LANGUAGE TO ENSURE AGRICULTURAL ACTIVITIES ARE ALLOWED
THROUGHOUT THE RURAL BUFFER; CLARIFY DENSITY AND REQUIRED MINIMUM
LOT SIZE(S); AND ALLOW FOR CLUSTER SUBDIVISIONS THROUGHOUT THE RURAL
BUFFER**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time, and

WHEREAS, the administration of this Joint Planning Land Use Plan is laid out within the Joint Planning Agreement (hereafter 'Agreement'), originally adopted on September 22, 1987, and amended from time to time, and

WHEREAS, Orange County initiated amendments to the Plan and Agreement seeking to ensure agricultural activities are allowed throughout the area, clarify density and minimum lot size requirements, and ensure the viability of cluster subdivisions in the area covered by the Plan and Agreement, and

WHEREAS, these amendments to the Plan and Agreement are necessary to ensure consistency with the County's existing land use management program, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Board of Commissioners of Orange County hereby resolves that the Joint Planning Land Use Plan and Agreement be amended shown on the attached pages.

BE IT FURTHER RESOLVED THAT the amendments to the Joint Planning Land Use Plan and Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

*** ORANGE COUNTY LAND USE PLAN CATEGORIES**

*Amended
2/3/92 (effective 2/24/92)

<u>Basic Category</u>	<u>Land Use Plan Category</u>
DEVELOPED	Urban Existing Urban Activity Node Proposed Activity Node
TRANSITION	Ten-Year Transition Twenty-Year Transition Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
COMMUNITY	Rural Community Activity Node
RURAL	Rural Buffer Rural Residential Agricultural-Residential Rural Neighborhood Activity Node Rural Industrial Activity Node
CONSERVATION	Public Interest District Water Supply Watershed Water Quality Critical Area New Hope Creek Corridor Open Space

***JOINT PLANNING AREA LAND USE PLAN CATEGORIES**

*Amended
4/2/90
2/3/92 (effective 2/24/92)

Major Class	Subclass	Land Use Plan Category
TRANSITION	Transition	Resource Protection
	Transition I	Public-Private Open Space
	Transition II	New Hope Creek Corridor Open Space
		Suburban Residential
		Urban Residential
		Office-Industrial
		Future UNC Development
		Retail Trade
		Light Industrial
		Disposal Use
RURAL	Rural Buffer	University Lake Watershed
CONSERVATION		Resource Protection
		Public-Private Open Space
		New Hope Creek Corridor Open Space
		Agricultural Rural Residential and Agricultural ¹

¹ Staff is recommending combining the terms together and creating a new land use category.

		Retail Trade
		Extractive Use

***Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

*Amended 2/1/93

Urban Residential Areas are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

Office-Institutional Areas is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

Future UNC Development is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

Retail Trade Areas are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

Light Industrial Areas are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

Disposal Use Areas consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

***Rural Buffer and Conservation**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses as well as agricultural uses~~ **The Rural Buffer and** consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural; Agricultural;~~² Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~³ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~⁴

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

² County governments do not have the authority to restrict the location of agricultural activities while municipalities can regulate farms located within their corporate limits. Agricultural activities, as defined within State law, are allowed in all areas subject to the Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

³ Cluster subdivisions are allowed throughout the County, including the University Lake Watershed Area, with the exception of the Rural Residential area of the Rural Buffer. We are modifying existing language to allow cluster subdivisions in the Rural Buffer, outside of the University Lake Watershed Area, so long as a density limit of 1 dwelling unit per 2 acres is maintained. This proposed amendment does not impact existing density limits in the University Lake Watershed Area, which only allows 1 dwelling unit for every 5 acres of land area. Staff has incorporated comments received by the County Attorney's office as well as Chapel Hill and Carrboro Planning staff.

⁴ This information has been captured within the renamed 'Rural Residential and Agricultural Areas' land use category.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

***University Lake Watershed Area**

*Amended

4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development. ⁵Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989. ⁶ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

⁵ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences are allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres to ensure consistency with the Joint Planning Agreement.

⁶ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance. This date is consistent with the existing requirements of Orange County's Unified Development Ordinance (UDO) specifically Section 4.2.4.

LOCATION STANDARDS

The principal task in formulating a land use plan is determining where specific land uses will be located. The primary elements feeding into this step include the operating principles outlined previously and a defined set of location standards.

The location standards proposed for the preparation of the Joint Planning Area Land Use Plan are based upon previously enumerated background elements – natural environment and compatibility with existing land use patterns. On the accompanying page, these elements are listed on the horizontal axis of the Location Standards Matrix. Included in the matrix, but not previously defined are various street classifications listed under Transportation Accessibility. These classifications are defined as follows:

STREET CLASSIFICATIONS

STREET TYPE	FUNCTION	SPEED	ROW	DAILY VOLUME	TRIP LENGTH	ACCESS	TRAVEL LANES
INTERSTATE	Movement	55 mph	200-300'	>40K	>3 mi.	Limited	4
ARTERIAL	Movement	45 mph	120-150'	10K-25K	>1 mi.	Unlimited	4
COLLECTOR	Movement/Access	35 mph	60-70'	800-3K	<1 mi.	Unlimited	2
LOCAL	Access	25 mph	50'	75-200	<1/2 mi.	Unlimited	2

Listed on the vertical axis are the general land use planning categories. By locating the desired land use plan category on the vertical axis, it is possible to read from left to right and identify by the "X" symbol desired locations for each land use type.

CONCEPTS AND STRATEGIES

Following the November Public Information Meeting, four alternative strategy maps were prepared with illustrated various development scenarios for the Joint Planning Area. The four maps sought to identify those areas which would be classified as urban, transition, and rural buffer without identifying specific 10 and 20 year growth areas. The four maps are reproduced in sketch form on the following pages. The basis premises governing each alternative are listed below.

LOCATION STANDARDS MATRIX

<u>LAND USE CLASSIFICATION</u>	SLOPE			SOIL STABILITY			VEGETATION			RESIDENTIAL			COMMER			OPEN AREA			ACCESSIBILITY					
	0 - 7 ½%	7½ - 15%	15% +	SLIGHT	MODERATE	SEVERE	CLEAR	FOREST	WETLAND	RURAL	SUBURBAN	URBAN	HIGH URBAN	OFFICE	RETAIL	PUBLIC/QUASI-PUBLIC	INDUSTRIAL	RECREATIONAL	AGRICULTURAL	FORESTRY	INTERSTATE	ARTERIAL	COLLECTOR	LOCAL
RESIDENTIAL																								
<u>Rural and Agricultural</u>	x	x	x	x	x		x	x		x	x				x		x	x	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	x
Suburban	x	x		x	x		x	x		x	x	x			x		x						x	x
Urban	x			x			x			x	x	x	x	x	x		x				x	x	x	
COMMERCIAL																								
Office	x	x		x			x				x	x	x	x	x		x				x	x	x	
Retail	x	x		x	x		x				x	x	x	x	x						x	x	x	
INDUSTRIAL	x			x			x									x					x	x	x	
RESOURCE-CONSERVATION																								
Recreational	x	x	x	x	x		x	x		x	x	x	x		x		x	x	x				x	x
<u>Agricultural</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>		<u>x</u>			<u>x</u>					<u>x</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Forestry	x	x	x	x	x	x		x	x								x	x	x	x	x	x	x	x

STAFF NOTE: We are recommending deleting existing references to the 'Agricultural' category and combining them with the existing 'Residential' category. Staff has denoted those locations where 'x' has been added in red underlined text to preserve the locational criteria for agricultural uses within the 'Residential' category.

***THE RURAL BUFFER**

*Amended
4/2/90
2/3/92 (effective 2/24/92)

Eight Seven categories of Rural Buffer land use have been depicted on the Land Use Plan. These categories include Resource

Protection Areas, Public-Private Open Space Areas, Agricultural Areas¹, Rural Residential and Agricultural Areas, Retail Trade Areas, Extractive Uses, and the overlay category designated University Lake Watershed Area.

Resource Protection Areas

As was the case with Transition Areas, Resource Protection Areas have been designated on the Land Use Plan to include flood plains, and wetlands along drainage tributaries and steep slope areas (15% or greater). These areas form the basis for a comprehensive parks and open space system which provides the framework within which other land use categories are to function. Parks have been generally located throughout the Joint Planning Area using a neighborhood park one-half mile service radius. The parks, as well as portions of Duke Forest, are linked together by a system of greenways extending along drainageways, and pedestrian routes (sidewalks) along thoroughfares.

Public/Private Open Space Areas

Major land areas owned or controlled by both public and private interests in the Joint Planning Area have been designated on the Land Use Plan. These areas include the following:

1. Duke Forest;
2. University of North Carolina lands (excluding Horace Williams Airport and adjacent properties);
3. U.S. Government lands associated with conservation areas around the Jordan Lake Reservoir;
4. Orange Water and Sewer Authority lands associated with conservation areas around University Lake and raw water storage in the former quarry site on NC Highway 54: and
5. Camp New Hope conference and recreational center.

A Public/Private Open Space Area has also been designated along Interstate 40 to recognize the Major Transportation Corridor (MTC) district established to provide a 100-foot buffer along that route. The Plan recommends utilization of portions of the buffer to link proposed park and greenway areas together.

While the status of such holdings as Duke Forest, UNC lands and Camp New Hope is uncertain in the future, their continued existence appears likely during the planning period. This is due to the research, educational, forest management and recreational functions related to such areas. If decisions are made to change the use of such large tracts of land, negotiations should be initiated to secure the use of all or portions of the tracts for recreation and/or open space purposes. Such areas contribute greatly to the natural setting of the Joint Planning Area and every effort should be made to retain such features.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private

¹ As previously indicated, County governments do not have the authority to restrict the location of agricultural activities. Agricultural activities, as defined within State law, are allowed in all areas that are subject to this Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

Open Space Areas which are designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value. The New Hope Corridor Open Space Master Plan describes these areas in detail and makes specific recommendations as to how they should be protected or utilized for environmental, educational, and/or recreational purposes.

Agricultural Areas²

~~During the compilation of background information, a land use survey was conducted of the Joint Planning Area. The survey indicated those land areas currently in use for agricultural purposes. This information was further verified through the Orange County Tax Office to determine those farms which were qualified and listed for use value taxation purposes.~~

~~The Land Use Plan designated those farms and agricultural uses which are anticipated to continue in the same status during the planning period. Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low density nature and will generally consist of farm dwelling and outbuildings.~~

***University Lake Watershed Area**

*Amended
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. ~~Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres.~~ Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development.~~³ Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed ~~so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.~~⁴ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.⁵

² Some of this information has been relocated to the renamed Rural Residential and Agricultural section of the Plan and is denoted in **green underlined bold text** on the next page.

³ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment Staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres.

⁴ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance.

⁵ Staff has ensured the language describing the University Lake Watershed Area is consistent throughout the Plan.

***Rural Residential and Agricultural**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in size or greater.~~ Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained⁶. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses and agricultural uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

⁶ As previously indicated we are modifying existing language to ensure required minimum lot sizes and density limits are observed. As previously indicated staff has incorporated comments from the County Attorney's office and the Towns of Carrboro and Chapel Hill into this section.

September 22, 1987
Amended April 2, 1990
Amended September 30, 1998
Amended February 2, 1999
Amended August 20, 2002
Amended June 24, 2003

JOINT PLANNING AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of November, 1987, by and between the COUNTY OF ORANGE, a political subdivision of the State of North Carolina, the TOWN OF CHAPEL HILL, and the TOWN OF CARRBORO, municipal corporations duly created and existing under the laws of North Carolina.

WITNESSETH:

In consideration of the public benefits expected to flow from the cooperative efforts of the parties in establishing a coordinated and comprehensive system of planning within their respective areas of public concern, the parties to this Agreement hereby mutually agree as follows:

ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE

Section 1.1 Purpose of the Agreement

The purpose of this Agreement is to establish a method of coordinated and comprehensive planning in the Orange County-Chapel Hill-Carrboro Joint Planning Area, as defined herein.

Section 1.2 Definitions

A. Joint Planning Area. The area within the Rural Buffer and Transition Areas designated on the Joint Planning Area Land Use Map lying outside the extraterritorial planning jurisdiction of Chapel Hill and Carrboro.

- B. Joint Planning Area Land Use Plan. The Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan dated April, 1986, adopted by Orange County August 19, 1986 (revised October 13, 1986), amended May 4, 1987 and as it may be amended from time to time.
- C. Joint Planning Area Land Use Map. The Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map, adopted August 19, 1986 (revised October 13, 1986) and as it may be amended from time to time.
- D. Carrboro Joint Development Review Area (CJDA). The area lying generally west of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.
- E. Chapel Hill Joint Development Review Area (CHJDA). The area lying generally east of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

- F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.
- G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Agricultural¹, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.² The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses and not require urban services (public utilities and other town services).
- H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in transition from rural to urban or already urban in density. Urban services (public utilities and other town services) are now provided to this area or are projected to be provided to this area. The portion of the Transition Area located in the CJDA shall be

¹ We are combining the existing 'Agricultural' land use category with the 'Rural Residential' category as part of amendments to the Plan. The agreement is being updated accordingly.

**ORANGE COUNTY BOARD OF COMMISSIONERS
TOWN OF CHAPEL HILL COUNCIL
TOWN OF CARRBORO BOARD OF ALDERMEN
JOINT PLANNING AREA (JPA) JOINT PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT**

Meeting Date: March 27, 2014

**Action Agenda
Item No.** C.1

SUBJECT: Text Amendments to the Joint Planning Land Use Plan and Agreement - Revise Existing Language to Ensure Agricultural Activities are Allowed Throughout the Rural Buffer, Clarify Density and Allow Cluster Subdivisions Outside of the University Lake Watershed Area, and Clarify the Minimum Required Lot Size Within the University Lake Watershed Area.

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

INFORMATION CONTACT: (919)

Pages of Joint Planning Land Use Plan and Agreement Proposed for Amendment (includes Agreement in its entirety for reference)

Michael Harvey, Orange County Planning, (919) 245-2597
Craig Benedict, Orange County Planning, (919) 245-2592
J.B. Culpepper, Town of Chapel Hill Planning, (919) 968-2728
Trish McGuire, Town of Carrboro Planning, (919) 918-7324

PURPOSE: To receive public comment on a proposal to amend the Joint Planning Land Use Plan and Joint Planning Agreement modifying language to ensure agricultural activities are allowed throughout the Rural Buffer and clarify required densities and minimum lot sizes within, and outside of, the University Lake Watershed Area.

BACKGROUND: In October 1986 Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan (hereafter 'the Plan') outlining acceptable levels of development within what became the County's Rural Buffer general use zoning district. In 1987 the participating entities adopted a Joint Planning Agreement (hereafter 'JPA') establishing parameters for the review and approval of development projects within the area.

The Plan envisions two (2) distinct types of development areas, namely:

- **Transition Areas:** Areas of future urban growth administered by the Towns of Chapel Hill and Carrboro under their individual land use and zoning regulations in accordance with the Plan. The County's role in the Transition Areas is to review and comment on development proposals, as well as text and atlas amendments, as detailed within the JPA.
- **Rural Buffer:** Areas outside of the aforementioned Transition Areas under County regulatory control intended to remain rural in character where annexation is prohibited

and urban services (i.e. water and sanitary sewer) are not a necessary component to support development. As previously indicated, this area corresponds to the Rural Buffer Land Use Classification as detailed within the adopted 2030 Orange County Comprehensive Plan and the Rural Buffer (RB) general use zoning district as defined within Section 3.3 of the Orange County Unified Development Ordinance (UDO).

The Town's also review development proposals and text/atlas amendments occurring within this area in accordance with the JPA.

These are broad categories of land uses composed of additional sub-categories of defined development areas allowing for varying intensities of development and land uses. The Rural Buffer area is currently broken down into eight separate land use categories, specifically:

- a. Resource Protection Areas,
- b. Public/Private Open Space Areas,
- c. New Hope Creek Corridor Open Space Areas,
- d. Agricultural Areas,
- e. University Lake Watershed Area,
- f. Rural Residential,
- g. Retail Trade Areas, and
- h. Extractive Use.

ISSUE(S): In completing a recent assessment of the Plan and JPA, County Planning staff noted the following concern(s):

1. The Agricultural Areas land use category is not depicted on the various maps contained within the Plan and, to staff's knowledge, no properties were ever designated as being within this category.

While staff is unsure why no properties were delineated, recent changes in State regulations as well as planning practice no longer lend credence to the notion that agricultural activities can somehow be limited or restricted with respect to their location in the areas covered by the Plan.

2. The Rural Residential land use category does not specify a density limit. While it does require a minimum lot size of 2 acres, there is no mention of a maximum permissible density within the category.

It should be noted staff has always interpreted there is a 1 dwelling unit for every 2 acres of land area density for parcels located within the category.

3. The clustering of lots, through the County's subdivision process, is not viable in the Rural Residential land use category.

The existing process allows for the reduction of required lot sizes, not below 1 acre in area, so long as 33% of a parcel is preserved in open space and established density limits are observed. The technique is utilized throughout the county, including the University Lake Watershed Area, but is not feasible within the Rural Residential land use category due to existing language within the Plan and JPA.

While clustering of lots may be allowed within the category, the minimum lot size shall be 2 acres. There little incentive to convince a developer to go through the process of preserving 33% of the property in perpetual open space. Developers will therefore choose to go through the conventional subdivision process where the preservation of

open space, exclusive of what is captured within the proposed individual lots, is not a requirement.

4. Language within the Plan indicates the minimum lot size for parcels within the University Lake Watershed Area is 5 acres. The minimum lot size for parcels within the area, as detailed within the JPA and County regulations, is 2 acres with a density limit of 1 dwelling unit for every 5 acres of property. This contradiction needs to be corrected.

For those familiar with the Town of Carrboro's regulations, the Town requires a 5 acre minimum lot size for properties located within its Extraterritorial Jurisdictional boundary (ETJ) for parcels located within its University Lake Watershed district. As indicated above, the County's regulations require a 2 acre minimum lot size, consistent with language in the JPA, within its jurisdictional portion of the University Lake watershed.

Staff is proposing to address these issues as follows:

- i. Combine the existing Rural Residential and Agricultural Areas land use categories into 1 category and add language indicating agricultural activities are permitted throughout the area covered by the Plan.
- ii. Add language establishing a density of 1 dwelling unit for every 2 acres for property located within the Rural Residential land use category.
- iii. Allow for cluster subdivisions within the Rural Residential category so long as proposed density requirements (i.e. 1 unit for every 2 acres) are adhered to.
- iv. Change language within the Plan denoting the required minimum lot size for parcels in the University Lake Watershed Area is **2 acres** consistent with the adopted JPA and existing County regulations.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from FY 2013-14 funds budgeted for this purpose. Necessary work has been accomplished using existing staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and Agreement.
2. Close the public hearing.
3. Refer the matter to the local governments for decision in accordance with the following schedule:
 - a. Orange County
Orange County Planning Board for recommendation – May 7, 2014
Board of County Commissioners for possible action – June 3, 2014
 - b. Chapel Hill
Chapel Hill Planning Board for recommendation – May 6, 2014
Town Council for possible action – June 9, 2014
 - c. Carrboro
Carrboro Planning Board for recommendation – May 1, 2014
Board of Aldermen for possible action – June 3, 2014

*** ORANGE COUNTY LAND USE PLAN CATEGORIES**

*Amended
2/3/92 (effective 2/24/92)

<u>Basic Category</u>	<u>Land Use Plan Category</u>
DEVELOPED	Urban Existing Urban Activity Node Proposed Activity Node
TRANSITION	Ten-Year Transition Twenty-Year Transition Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
COMMUNITY	Rural Community Activity Node
RURAL	Rural Buffer Rural Residential Agricultural-Residential Rural Neighborhood Activity Node Rural Industrial Activity Node
CONSERVATION	Public Interest District Water Supply Watershed Water Quality Critical Area New Hope Creek Corridor Open Space

***JOINT PLANNING AREA LAND USE PLAN CATEGORIES**

*Amended
4/2/90
2/3/92 (effective 2/24/92)

Major Class	Subclass	Land Use Plan Category
TRANSITION	Transition	Resource Protection
	Transition I	Public-Private Open Space
	Transition II	New Hope Creek Corridor Open Space
		Suburban Residential
		Urban Residential
		Office-Industrial
		Future UNC Development
		Retail Trade
		Light Industrial
		Disposal Use
RURAL	Rural Buffer	University Lake Watershed
CONSERVATION		Resource Protection
		Public-Private Open Space
		New Hope Creek Corridor Open Space
		Agricultural Rural Residential and Agricultural ¹

¹ Staff is recommending combining the terms together and creating a new land use category.

		Retail Trade
		Extractive Use

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***Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

*Amended 2/1/93

Urban Residential Areas are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

Office-Institutional Areas is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

Future UNC Development is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

Retail Trade Areas are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

Light Industrial Areas are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

Disposal Use Areas consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

***Rural Buffer and Conservation**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses as well as agricultural uses~~ The Rural Buffer and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; ~~Agricultural;~~² Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~³ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~⁴

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

² County governments do not have the authority to restrict the location of agricultural activities while municipalities can regulate farms located within their corporate limits. Agricultural activities, as defined within State law, are allowed in all areas subject to the Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

³ Cluster subdivisions are allowed throughout the County, including the University Lake Watershed Area, with the exception of the Rural Residential area of the Rural Buffer. We are modifying existing language to allow cluster subdivisions in the Rural Buffer, outside of the University Lake Watershed Area, so long as a density limit of 1 dwelling unit per 2 acres is maintained. This proposed amendment does not impact existing density limits in the University Lake Watershed Area, which only allows 1 dwelling unit for every 5 acres of land area. Staff has incorporated comments received by the County Attorney's office as well as Chapel Hill and Carrboro Planning staff.

⁴ This information has been captured within the renamed 'Rural Residential and Agricultural Areas' land use category.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

PAGE 60-b – JPA LAND USE PLAN

***University Lake Watershed Area**

*Amended

4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development. ⁵Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989. ⁶ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

⁵ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences are allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres to ensure consistency with the Joint Planning Agreement.

⁶ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance. This date is consistent with the existing requirements of Orange County's Unified Development Ordinance (UDO) specifically Section 4.2.4.

LOCATION STANDARDS

The principal task in formulating a land use plan is determining where specific land uses will be located. The primary elements feeding into this step include the operating principles outlined previously and a defined set of location standards.

The location standards proposed for the preparation of the Joint Planning Area Land Use Plan are based upon previously enumerated background elements – natural environment and compatibility with existing land use patterns. On the accompanying page, these elements are listed on the horizontal axis of the Location Standards Matrix. Included in the matrix, but not previously defined are various street classifications listed under Transportation Accessibility. These classifications are defined as follows:

STREET CLASSIFICATIONS

STREET TYPE	FUNCTION	SPEED	ROW	DAILY VOLUME	TRIP LENGTH	ACCESS	TRAVEL LANES
INTERSTATE	Movement	55 mph	200-300'	>40K	>3 mi.	Limited	4
ARTERIAL	Movement	45 mph	120-150'	10K-25K	>1 mi.	Unlimited	4
COLLECTOR	Movement/Access	35 mph	60-70'	800-3K	<1 mi.	Unlimited	2
LOCAL	Access	25 mph	50'	75-200	<1/2 mi.	Unlimited	2

Listed on the vertical axis are the general land use planning categories. By locating the desired land use category on the vertical axis, it is possible to read from left to right and identify by the "X" symbol desired locations for each land use type.

CONCEPTS AND STRATEGIES

Following the November Public Information Meeting, four alternative strategy maps were prepared with illustrated various development scenarios for the Joint Planning Area. The four maps sought to identify those areas which would be classified as urban, transition, and rural buffer without identifying specific 10 and 20 year growth areas. The four maps are reproduced in sketch form on the following pages. The basis premises governing each alternative are listed below.

***THE RURAL BUFFER**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

Eight Seven categories of Rural Buffer land use have been depicted on the Land Use Plan. These categories include Resource

Protection Areas, Public-Private Open Space Areas, Agricultural Areas¹, Rural Residential and Agricultural Areas, Retail Trade Areas, Extractive Uses, and the overlay category designated University Lake Watershed Area.

Resource Protection Areas

As was the case with Transition Areas, Resource Protection Areas have been designated on the Land Use Plan to include flood plains, and wetlands along drainage tributaries and steep slope areas (15% or greater). These areas form the basis for a comprehensive parks and open space system which provides the framework within which other land use categories are to function. Parks have been generally located throughout the Joint Planning Area using a neighborhood park one-half mile service radius. The parks, as well as portions of Duke Forest, are linked together by a system of greenways extending along drainageways, and pedestrian routes (sidewalks) along thoroughfares.

Public/Private Open Space Areas

Major land areas owned or controlled by both public and private interests in the Joint Planning Area have been designated on the Land Use Plan. These areas include the following:

1. Duke Forest;
2. University of North Carolina lands (excluding Horace Williams Airport and adjacent properties);
3. U.S. Government lands associated with conservation areas around the Jordan Lake Reservoir;
4. Orange Water and Sewer Authority lands associated with conservation areas around University Lake and raw water storage in the former quarry site on NC Highway 54; and
5. Camp New Hope conference and recreational center.

A Public/Private Open Space Area has also been designated along Interstate 40 to recognize the Major Transportation Corridor (MTC) district established to provide a 100-foot buffer along that route. The Plan recommends utilization of portions of the buffer to link proposed park and greenway areas together.

While the status of such holdings as Duke Forest, UNC lands and Camp New Hope is uncertain in the future, their continued existence appears likely during the planning period. This is due to the research, educational, forest management and recreational functions related to such areas. If decisions are made to change the use of such large tracts of land, negotiations should be initiated to secure the use of all or portions of the tracts for recreation and/or open space purposes. Such areas contribute greatly to the natural setting of the Joint Planning Area and every effort should be made to retain such features.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private

¹ As previously indicated, County governments do not have the authority to restrict the location of agricultural activities. Agricultural activities, as defined within State law, are allowed in all areas that are subject to this Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

Open Space Areas which are designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value. The New Hope Corridor Open Space Master Plan describes these areas in detail and makes specific recommendations as to how they should be protected or utilized for environmental, educational, and/or recreational purposes.

Agricultural Areas²

~~During the compilation of background information, a land use survey was conducted of the Joint Planning Area. The survey indicated those land areas currently in use for agricultural purposes. This information was further verified through the Orange County Tax Office to determine those farms which were qualified and listed for use value taxation purposes.~~

~~The Land Use Plan designated those farms and agricultural uses which are anticipated to continue in the same status during the planning period. Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low density nature and will generally consist of farm dwelling and outbuildings.~~

*University Lake Watershed Area

*Amended
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. ~~Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres.~~ Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development.~~³ Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed ~~so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.~~⁴ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.⁵

² Some of this information has been relocated to the renamed Rural Residential and Agricultural section of the Plan and is denoted in **green underlined bold text** on the next page.

³ The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment Staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres.

⁴ Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance.

⁵ Staff has ensured the language describing the University Lake Watershed Area is consistent throughout the Plan.

***Rural Residential and Agricultural**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in size or greater.~~ Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained⁶. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses and agricultural uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

⁶ As previously indicated we are modifying existing language to ensure required minimum lot sizes and density limits are observed. As previously indicated staff has incorporated comments from the County Attorney's office and the Towns of Carrboro and Chapel Hill into this section.

September 22, 1987
Amended April 2, 1990
Amended September 30, 1998
Amended February 2, 1999
Amended August 20, 2002
Amended June 24, 2003

JOINT PLANNING AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of November, 1987, by and between the COUNTY OF ORANGE, a political subdivision of the State of North Carolina, the TOWN OF CHAPEL HILL, and the TOWN OF CARRBORO, municipal corporations duly created and existing under the laws of North Carolina.

WITNESSETH:

In consideration of the public benefits expected to flow from the cooperative efforts of the parties in establishing a coordinated and comprehensive system of planning within their respective areas of public concern, the parties to this Agreement hereby mutually agree as follows:

ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE

Section 1.1 Purpose of the Agreement

The purpose of this Agreement is to establish a method of coordinated and comprehensive planning in the Orange County-Chapel Hill-Carrboro Joint Planning Area, as defined herein.

Section 1.2 Definitions

A. Joint Planning Area. The area within the Rural Buffer and Transition Areas designated on the Joint Planning Area Land Use Map lying outside the extraterritorial planning jurisdiction of Chapel Hill and Carrboro.

- B. Joint Planning Area Land Use Plan. The Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan dated April, 1986, adopted by Orange County August 19, 1986 (revised October 13, 1986), amended May 4, 1987 and as it may be amended from time to time.
- C. Joint Planning Area Land Use Map. The Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map, adopted August 19, 1986 (revised October 13, 1986) and as it may be amended from time to time.
- D. Carrboro Joint Development Review Area (CJDA). The area lying generally west of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.
- E. Chapel Hill Joint Development Review Area (CHJDA). The area lying generally east of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

- F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.
- G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Agricultural¹, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.² The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses and not require urban services (public utilities and other town services).
- H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in transition from rural to urban or already urban in density. Urban services (public utilities and other town services) are now provided to this area or are projected to be provided to this area. The portion of the Transition Area located in the CJDA shall be

¹ We are combining the existing 'Agricultural' land use category with the 'Rural Residential' category as part of amendments to the Plan. The agreement is being updated accordingly.

further divided into Transition Area I and Transition Area II on the Joint Planning Area Land Use Map. The Joint Planning Area Land Use Plan shall provide that, within Transition Area II, no tract may, after the effective date of this Agreement, be approved for development at a density that exceeds one (1) housing unit per gross acre until at least 75% of the gross land area of Transition Area I consists of any combination of:

1. lots containing one acre or less;
2. residential developments approved for development at a density of at least one unit per acre;
3. streets, roads and utility easements located outside of lots containing one acre or less;
4. lots or tracts that are used for commercial, industrial, institutional or governmental purposes;
5. tracts that are owned by the University of North Carolina or other non-profit entities and that are not available for development.

This density limitation does not apply to Village Mixed Use districts or Office/Assembly districts as provided for in the Facilitated Small Area Plan for Carrboro's Northern Study Area.

- I. Development Permit. Major subdivision preliminary plat approval and any discretionary permit (whether called conditional or special use permit or some other term) issued by the Orange County Board of Commissioners, the Chapel Hill Town Council, or the Carrboro Board of Aldermen.

² Incorporating modifications within the Plan into the Agreement

- J. Involuntary Annexation. Annexation authorized or undertaken pursuant to G.S. 160A-31, Article 4A, Part 3.
- K. Voluntary Annexation. Annexation authorized or undertaken pursuant to G.S. Chapter 160A-31 or G.S. Chapter 160A, Article 4A, Part 4.

Section 1.3 Effective Date and Duration

- A. This Agreement, except as provided below, shall become effective on the effective date of an Orange County ordinance (1) adopting this Agreement (after it has been approved by Chapel Hill and Carrboro); (2) amending Orange County's Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations as prescribed in Section 2.1 of this Agreement; (3) amending the Joint Planning Area Land Use Plan to reflect the existence of Transition Area I and Transition Area II; and (4) amending the Joint Planning Area Land Use Map to show the location of Transition Area I and Transition Area II as indicated on Exhibit A. Any previously adopted Agreements shall become null and void upon this date. The Appendix to this Agreement shall become effective upon the execution of this Agreement.
- B. This Agreement, including any Appendix hereto, shall remain in effect until terminated by mutual agreement or by withdrawal of any party. Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for not more than 20 years and may thereafter be renewed. A party may not withdraw until it holds a public hearing on the proposed withdrawal followed by written notices to the other parties within thirty (30) days of the public hearing. The withdrawal shall be effective

one (1) year following receipt by the other party of the written notice. Withdrawal of one party shall not invalidate the Agreement with respect to remaining parties.

- C. Upon execution of this Agreement, the parties agree that each will take, in a timely manner and without unnecessary delay, all steps (including but not limited to preparation and adoption of Zoning maps, appointment of Transition Area representatives to Planning Boards and Boards of Adjustment, and all required land use ordinance amendments) required to cause this Agreement to become effective, and will notify the other parties when those steps have been taken. Orange County will notify the Towns by resolution when this Agreement becomes effective. This Agreement may become effective as to two parties pending completion of steps necessary to make effective a 3-party Agreement.

Section 1.4 Linkage with the Water and Sewer Management, Planning and Boundary Agreement

The Water and Sewer Management, Planning and Boundary Agreement (hereinafter WSMPBA) is incorporated into this agreement by reference. A copy of the WSMPBA is Exhibit B to this agreement. Termination of the WSMPBA does not terminate this agreement. The withdrawal by a party from the WSMPBA does not constitute withdrawal from this agreement. Termination of this agreement or withdrawal from this agreement can only be accomplished as provided in this agreement.

ARTICLE 2. ADOPTION, ADMINISTRATION AND AMENDMENT OF STANDARDS

Section 2.1 Standards Within the Transition Area

- A. Chapel Hill shall prepare a Zoning Map for that portion of the Transition area that lies within the CHJDA and shall recommend its adoption by Orange County which, upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond to the text of the Chapel Hill Land Development Ordinance and which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CHJDA.
- B. Carrboro shall prepare a Zoning Map for that portion of the Transition area that lies within the CJDA and shall recommend its adoption by Orange County, which upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CJDA. Transition Area II shall have density limited pursuant to Section 1.2H.
- C. Upon completion of the Zoning Maps referred to in Section 2.1A and B above, Orange County shall amend its Zoning Atlas in accordance with said Maps. Orange County shall also adopt by reference (i) the Chapel Hill Land Development Ordinance and make its provisions applicable to that portion of the Transition area located within the CHJDA, and (ii) the Carrboro Land Use Ordinance and makes its provisions applicable to that portion of the Transition area located within the CJDA.

Section 2.2 Standards Within the Rural Buffer

Within the Rural Buffer, the Orange County Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations that are in effect on the effective date of this Agreement shall remain in effect unless amended in accordance with Section 2.6 of this Agreement.

Section 2.3 Permit Administration Within the Transition Area

A. Except as otherwise provided in Sections 2.5 and 2.6, the Town of Chapel Hill and the Town of Carrboro, respectively, shall perform all functions related to the administration of the ordinances referenced in Section 2.1C. Subject to the remainder of this Section, Chapel Hill and Carrboro shall administer the referenced ordinances just as if the land were located within the respective Towns' planning jurisdictions. Administration shall include, but not be limited to, the following:

1. Receipt and processing of applications;
2. Issuance of any required permits and certifications;
3. Review and approval of required site/construction plans;
4. Conducting necessary site/building inspections;
5. Enforcement of all standards;
6. Any other acts or things necessary to administer the Ordinances;

and shall be carried out in a manner so as to insure that a developer complies with all applicable ordinance requirements and the terms and conditions of any permit issued by the respective towns. The towns may also charge fees for processing applications, conducting site/construction plan reviews, and carrying out site/building inspections in accordance with fee schedules applicable within their respective planning jurisdictions.

- B. Whenever Chapel Hill or Carrboro receives an application for a development permit as defined in this Agreement relating to land within their respective portions of the Transition area, it shall forward copies of the application to Orange County for review. The towns shall establish timetables to insure that Orange County has an opportunity to make recommendations regarding such applications within the framework of the County's regularly scheduled meeting dates. To the extent possible, the timetables of the County and the towns shall provide for simultaneous review to expedite application processing; provided, however, the towns may not vote to issue or deny a permit until they have received the recommendations of Orange County or until the expiration of forty-five (45) days after orange County has received the application, whichever comes first.
- C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Town of Chapel Hill or the Town of Carrboro. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, the Town of Carrboro or the Town of Chapel Hill may propose the adoption of a development moratorium pending consideration of the ordinance amendment. With respect to the CJDA, any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro. With respect to the CHJDA, any proposed moratorium shall not be effective until adopted by the Town of Chapel Hill and approved by Orange County

following a public hearing conducted by the Town of Chapel Hill. Any such adopted and approved moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.4 Permit Administration in the Rural Buffer

- A. Except as otherwise provided in Section 2.6 and the remaining provisions of this Section, Orange County shall perform all functions related to the administration of the ordinances referenced in Section 2 .2 in the same manner as if the land were located outside the Joint Planning Area.
- B. Whenever Orange County receives an application for a development permit relating to land located within the CHJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Chapel Hill for review. Similarly, whenever Orange County receives an application for a development permit relating to land located within the CJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Carrboro for review. The County shall establish timetables to insure that the towns have an opportunity to make recommendations regarding such applications within the framework of their respective regularly scheduled meeting dates. To the extent possible, the timetables of the respective towns and the County shall provide for simultaneous review to expedite application processing; provided, however, Orange County may not vote to issue or deny a permit until it has received the recommendations of the respective Towns or until the expiration of forty-five (45) days after the respective towns have received the application, whichever occurs first.

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of Orange County. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, Orange County may propose the adoption of a development moratorium pending consideration of the ordinance amendment. Any proposed moratorium shall not be effective until adopted by Orange County following a public hearing conducted by Orange County. Any such adopted moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.5 Enforcement Remedies.

- A. Permit revocation, if necessary and authorized by ordinance, shall be handled by the same individual or board authorized to issue the original permit.
- B. Within those portions of the Joint Planning Area where the ordinances specified in Section 2.1C are administered by the respective towns, enforcement efforts through the use of civil penalties, criminal penalties or injunctive relief shall be initiated by the respective towns. The towns shall have the duty to defend at their own expense and shall indemnify and hold harmless, to the extent they can legally do so, Orange County, its Board of Commissioners, its advisory boards, its staff and all members of its boards and staffs, in their official and individual capacities, from any and all claims, actions, proceedings,

expenses, damages or liabilities, including attorneys' fees and courts costs, resulting from the towns' administration of the ordinances specified in Sections 2.1(C).

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County Zoning and Subdivision Ordinances that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its portion of the Transition area the same standards that it enforces within its own planning jurisdiction. In the event of objection by Orange County as provided herein, no such amendment shall be effective within the Joint Planning Area until it is adopted by Orange County.
- D. Orange County may not unilaterally amend the text of its zoning or subdivision ordinances applicable to the Transition areas (i.e., those ordinances adopted by reference pursuant to Section 2.1C). Amendments to the ordinances referenced in Section 2.1C by Orange

County may be accomplished only pursuant to subsection C above (including adoption by Orange County following a request to do so by the applicable town). Any petitions or request to amend these ordinances received by the County or initiated by the County shall be referred to the respective Towns.

- E. With respect to property that is located within the CHJDA Transition area, changes in zoning classifications may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Chapel Hill following a joint public hearing by the two governing bodies. With respect to property that is located within the CJDA Transition area, changes in zoning classifications, including the creation of or changes to the ‘floating’ conditional use districts designed to implement the recommendations of the ‘Facilitated Small Area Plan for Carrboro’s Northern Study Area’ (Village Mixed Use conditional use districts or Office/Assembly conditional use districts) may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Requests for rezonings within the Transition areas that are filed with the County shall be referred to the respective towns to initiate the amendment process.
- F. Proposed amendments to the text of this Agreement shall not become effective until approved by the towns and an Orange County ordinance adopting the amendment is adopted by Orange County.

Section 2.7 Representation of Transition Area Residents

Chapel Hill shall revise its Land Development Ordinance and Carrboro shall revise its Land Use Ordinance to provide that at least one resident of each town's respective Transition area shall be appointed to each town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in each Town's ordinance.

ARTICLE 3. LIMITATIONS ON ANNEXATIONS

Section 3.1 No Annexation Into Rural Buffer

Except pursuant to the written consent of all parties to this Agreement, neither Chapel Hill nor Carrboro may annex into the Rural Buffer (whether by voluntary or involuntary annexation or any other method authorized by law) nor shall any party seek special legislation accomplishing such annexation.

Section 3.2 No Annexation by One Town Into Another Town's Transition Area

Except pursuant to the written consent of the other town, neither Chapel Hill nor Carrboro may annex into the other's Transition area (whether voluntary or involuntary annexation) or any other method authorized by law, nor shall either Town seek special legislation accomplishing such annexation.

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APPROVED 5/20/2014

**ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
CARRBORO BOARD OF ALDERMEN
JOINT PLANNING PUBLIC HEARING
March 27, 2014
7:00 P.M.**

The Orange County Board of Commissioners met with the Towns of Chapel Hill and Carrboro for a Joint Planning Public Hearing on Thursday, March 27, 2014 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price, and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Manager Cheryl Young, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT: Mayor Mark Kleinschmidt, Donna Bell, Sally Greene, Ed Harrison, Lee Storrow, Jim Ward, Maria Palmer, George Cianciolo, and Town Manager Roger Stancil

CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT: Matt Czajkowski

CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT/STAFF: Mayor Lydia Lavelle, Aldermen Damien Seils, Jacquelyn Gist, Randee Haven O'Donnell, and Sammy Slade

CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT: Michelle Johnson

CARRBORO STAFF ABSENT: Town Manager David Andrews

Chair Jacobs called the meeting to order at 7:06 pm.

A. OPENING REMARKS FROM THE CHAIR AND MAYORS

Mayor Lavelle welcomed everyone and said that Michelle Johnson will be late.

Chair Jacobs said that Mayor Kleinschmidt will be arriving around 7:30pm.

Chair Jacobs referred to the following items at their places.

- PowerPoint Sheets for - Item c-1 and Item c-2 – Text Amendments to the Joint Planning land Use Plan and Agreement
- Blue Sheet – Letter regarding Community Development Block Grant Funding

Commissioner Rich suggested that all the Mayors and Managers get on the NACo listserv.

B. PUBLIC CHARGE

C. PUBLIC HEARING ITEMS

1. Text Amendments to the Joint Planning Land Use Plan and Agreement –

Michael Harvey said this is a public hearing to review proposed amendments to existing language to ensure agricultural activities are recognized as being allowed throughout the Rural Buffer, require a minimum 2 acre density, allow for the clustering of subdivision lots in those portions of the Rural Buffer outside of the University Lake Watershed Area, and clarify text associated with the minimum lot size within the University Lake Watershed Area.

Michael Harvey presented the following PowerPoint slides:

- **MARCH 27, 2014**
AGENDA ITEM: C-1
JOINT PLANNING PUBLIC HEARING
ORANGE COUNTY, TOWN OF CHAPEL HILL, TOWN OF CARRBORO
JOINT PLANNING IN ORANGE COUNTY:
 - Began in 1984 with a call for the development of a land use plan.
 - Participants adopted a Joint Planning Land Use Plan October 13, 1986 outlining acceptable levels of development in identified areas outside of existing extraterritorial jurisdictional (ETJ) areas.
 - Management of area(s) formalized on September 22, 1987 with adoption of Joint Planning Agreement by all involved parties.
 - Agreement established: '*a method of coordinated and comprehensive planning*' in identified areas.

- **JOINT PLANNING IN ORANGE COUNTY:**
 - Plan envisions 2 primary development areas:
 - Transition Areas: Administered by the Towns under their individual land use and zoning regulations in accordance with the Plan. Areas characterized as transitioning from rural to urban development.
 - County has review authority for projects, text, and map changes in identified Transition Areas.
 - Rural Buffer: Areas outside Transition Areas under County regulatory control intended to remain rural in character where annexation is prohibited and urban services (i.e. public water and sanitary sewer) are not a necessary component to support development.
 - Town(s) has review authority for projects, text, and map changes in Rural Buffer area.
 - Joint Planning Land Use Plan – Land Use Category Map

- **ISSUES/CONCERNS:**
 - Agricultural Areas land use category is not depicted on maps contained within the Plan. No properties appear to be designated within this category.
 - NOTE: Current language could be misconstrued as establishing limits with respect to allowable locations for agricultural operations, which is inconsistent with State Law. This needs to be corrected.
 - Rural Residential land use category does not specify a density limit (minimum lot size only).
 - NOTE: County staff has interpreted there to be a 'defacto' density limit in the areas of the Plan not located within the University Lake Watershed Area of 1 dwelling unit for every 2 acres.
 - Clustering of lots is not viable within Rural Residential land use category as the Plan is currently written.
 - NOTE(s): There is a minimum required lot size for properties within this land use category of 2 acres.
 - Under County regulations, Cluster Subdivisions allows for the reduction of required lot sizes, not below 1 acre in area, so long as 33% of a parcel is preserved in open space and established density limits are observed.
 - Technique is utilized throughout the county, including the University Lake Watershed Area.

- There is no language within the Plan indicating the clustering of subdivision lots, below the 2 acre minimum lot size, is permitted in the Rural Residential land use category.
-
- **CLUSTER SUBDIVISION ISSUE:**
Conventional subdivision layout:
 - Open space is private and part of individual lots. As a result it can be disturbed,
 - Subdivision spread out over entire parcel,
 - More impervious surface area and more land clearing/grading required (i.e. longer roads and driveways),
 - Greater impact to existing foliage and more acres ‘developed’ under conventional subdivision design.

Cluster subdivision layout

- Smaller lots with open space being separate and less likely to be disturbed,
- Open space is now ‘shared common area’ for local residents,
- Subdivision is condensed requiring less land clearing and grading,
- Less impervious surface area required,
- Greater protection for existing foliage and less overall ‘development’ on property.

ISSUES/CONCERNS (continued):

- Plan indicates minimum required lot size within the University Lake Watershed Area is **5 acres**.
- This is inconsistent with language within Joint Planning Agreement and County regulations indicating minimum lot size is 2 acres.
 - NOTE(s): The Plan indicates there is a density limit for property within this area of 1 dwelling unit for every 5 acres.
 - County regulations also establish a density limit for property within the University Lake Watershed Area of 1 dwelling unit for every 5 acres of property. Minimum required lot size, however, is 2 acres. As previously indicated this is consistent with language contained within the Joint Planning Agreement.

PROPOSAL:

- County staff is proposing the following:
 - Combine Rural Residential and Agricultural Areas land use categories into 1 and add language indicating agricultural activities are permitted throughout area covered by the Plan.
 - Add language establishing density of 1 dwelling unit for every 2 acres for property within Rural Residential land use category.
 - NOTE(s): This is consistent with County planning staff’s interpretation of the allowable density in Rural Residential land use category. Plan is being modified to include this interpretation.
 - This amendment will not impact established density limits within the University Lake Watershed Area, which will remain at *1 dwelling unit for every 5 acres of property*.
 - Allow cluster subdivisions within the Rural Residential category so long as proposed density requirements (i.e. 1 unit for every 2 acres) are adhered to. Lots could be reduced to 1 acre in area while density limits are maintained.

Proposal (continued) Chart Visual

What proposed changes will mean in Rural Residential Land Use Category?

Proposal (continued)

- Change language denoting required minimum lot size for parcels in the University Lake Watershed Area from 5 acres, as detailed within the current Plan, to **2 acres** consistent with existing County regulations and the Joint Planning Agreement.
 - NOTE: This will not impact existing density requirements of **1 dwelling unit for every 5 acres** of property for parcels located within the University Lake Watershed Area.
 - Minimum required lot size will be 2 acres, which is what County staff has enforced since the adoption of the Agreement.
 - Please note: Cluster Subdivisions are allowed within the University Lake Watershed Area. Lots can be reduced to 1 acre in size so long as established density requirements (i.e. 1 dwelling unit for every 5 acres of property) are observed.

Proposal (continued) Chart Visual

What proposed changes will mean in University Lake Watershed Area?

REVIEW PROCESS:

- Step One: Joint Public Hearing with all participants
- Step Two: Review of proposal by all parties consistent with schedule outlined in abstract.
 - NOTE: each entity shall process request consistent with their applicable meeting schedules for advisory boards and elected officials.
 - Amendment(s) shall not become effective until approved by the parties.
- Step Three: Elected bodies take action.
- Step Four: If approved, staff will modify the language of the Plan.

COUNTY STAFF RECOMMENDATION:

1. Receive the request,
2. Conduct the Public Hearing and accept public and elected official(s) comments,
3. Refer the matter to the various advisory boards for recommendation and elected officials for final decision consistent with local meeting dates.

Council Member Palmer asked how a 2 acre lot can be purchased to build a house, but the density is one unit per 5 acres.

Michael Harvey referred to the example of a 100 acre parcel that can be split by a developer into a maximum of 20 lots. He said 19 of those lots can be 2 acre parcels, which is the minimum lot size, and one lot will be significantly larger. He said the minimum lot size will be maintained, but only 10 lots will get developed. He said it is up to the developer to decide how large the lot sizes will be, respecting the 2 acre minimum.

Council Member Palmer said she understands how this can work if you have a developer, but she questions the situation when there is an individual owner.

Michael Harvey said there are 1, 2 and 3 acre lots in this area. He said any of these that were created prior to 1990 are grandfathered in and can be developed; any new lot created after 1990 has to comply with the density standards.

Commissioner Dorosin referred to the example on the slide regarding shared open space in the cluster model. He asked if this means the developer has to create a Home Owners Association (HOA) to manage and maintain that shared space.

Michael Harvey said there are several ways to get this done. He said one way is to establish an HOA, and another way is to work with developers to have common areas donated and dedicated to local conservancy groups.

Commissioner Dorosin questioned how density would be measured if, for example, he owned a 5 acre stand-alone lot and he wanted to sub-divide it and sell part of it.

Michael Harvey said it would depend on when the lot was created. He said a subdivision would not be possible if the lot was created in 2000, as the density threshold has been reached for the area in question.

Mayor Kleinschmidt arrived at 7:16 PM

Commissioner Dorosin questioned whether subdivided lots from a parcel created earlier would still be grandfathered.

Michael Harvey said it would be a lot created under provisions referenced in the plan, as well as in County zoning regulations. He said there is a density bonus that the plan recognizes. He said this allows for up to 5 lots at a 2 acre density; but once this is exhausted, every dwelling would have to meet the one dwelling unit per 5 acre density.

Alderman Slade said this looks like a more attractive alternative for developers, and it may allow them to pursue the clustered subdivision as a way to save money. He questioned whether there might be ways to incentivize developers to make any existing nature corridors or County corridors publicly accessible space in exchange for the opportunity to do a cluster subdivision.

Michael Harvey said the current County standards do not incentivize the cluster subdivision process. He said this plan merely provides the developer an opportunity to reduce cost and preserve open space. He said the only incentive in their regulations is to potentially allow for additional density, subject to the provision of lots for affordable housing. He said the County has had developers that have dedicated open space and allowed for public access corridors consistent with the Greenway Master Plan, which is monitored by the Department of Environment, Agriculture, Parks & Recreation (DEAPR). He said DEAPR is involved in the review process and makes recommendations on the reservation of such areas.

Commissioner Price asked if staff can provide the statistics for which developers have used conventional plans versus clustering or conservation over the years.

Michael Harvey said he can do this, but he would remind the Board that there are 4 types of major sub-division regulations in the County, most of which are conservation/clustering style subdivisions. He said the County has only had 2 major subdivisions in the past 3 years.

Commissioner Price said there have been some in the past and she would like to have some idea of how this has gone. She said there were efforts in the 1990's to do this type of conservation, and a lot of the developers were choosing the conventional plan.

Michael Harvey said he can provide this information. He said there is nothing in this plan other than that it encourages and allows clustered subdivisions. He said it is the County's subdivision regulations that spell out the subdivision processes.

Council Member Harrison said it was with the Dunhill subdivision off Mount Sinai Road that he first learned about the lack of cluster. He asked if this neighborhood had any other option besides conventional that would have given them more buffer against the Johnston Mill Preserve.

Michael Harvey said the developer could have done a cluster sub-division, but this would have limited them to 2 acre lot sizes; therefore the conventional option was chosen. He said this amendment would have given the developer the option to cluster down to one acre with 33 percent open space.

Council Member Harrison questioned whether this option would have reduced the number of lots.

Michael Harvey said this is correct, but it would have been 2 acre minimum lot sizes.

Council Member Harrison said it could have increased the amount of open space against neighboring properties.

Michael Harvey said this is correct, but the County cannot require that the developer go through this process, because it was a special use permit.

Council Member Ward asked if this proposal is going to create any situations where people will lose development opportunities.

Michael Harvey said he does not think so, because County planning staff already interprets a de-facto one dwelling unit for every 2 acre density in the rural residential area. He said this will simply allow people to reduce the lot size, cluster, get more open space, and reduce the cost for development. He said the County gets the benefit of more open space.

Council Member Ward asked if there are there boilerplate restrictions related to the open space that is created within these subdivisions.

Michael Harvey said yes. He said the Orange County subdivision regulations spell out uses allowed within open space, and this is primarily for local residents, access and some recreational activities.

Council Member Ward asked if the space can be timbered.

Michael Harvey said no.

Council Member Ward asked about the nature of the enforcement.

Michael Harvey said he tries his best.

Council Member Ward noted that one of the proposals is to overlay what already is by state law agricultural uses throughout the County.

Michael Harvey said staff is proposing the combination of existing agricultural land use area with the rural residential category, adding language that stipulates agricultural activities are permitted consistent with state law.

Council Member Ward asked if this is going to do anything in the watershed that would be counterproductive to the interest in keeping it healthy.

Michael Harvey said not in his professional opinion, because state law says the County cannot stop farms from developing in that area anyway.

Council Member Ward asked if there are other ways to deal with agricultural activities to make sure these activities and farming practices are done as wisely as possible.

Michael Harvey said even though farms are exempt from the majority of zoning regulations, they are still required to comply with development regulations, specifically erosion control and storm water management. He said the County planning department does enforce impervious surface limits on farms and does work in concert with the Health Department to insure adequate septic. He said there are mechanisms in place to address some potential concerns, but the tools at the County's disposal are limited because of state law.

Commissioner McKee said there are regulations associated with the Jordan Lake rules that define record keeping, as well as best farming practices.

Commissioner Gordon asked if there is any other way to handle this concern about farming not being allowed. She said it seems that farming cannot be restrained, and she thinks there are already farms in this watershed and other areas of the rural buffer. She questioned whether there is any other way to phrase this that would bring the definition up to date instead of combining these two uses. She said this makes it sound much like the Agricultural Residential land use category, which is much different. She asked if there is a way to add a statement about compliance with state statutes.

Michael Harvey said the original proposal was to delete agricultural areas as a land use category altogether, and add the language being proposed on page 8 of the abstract. He said it was determined that the language of the agriculture areas land use category should be maintained. He said since there are no properties placed in the category to begin with it seemed reasonable to combine the two and add the language. He said the problem is that

agriculture activities can occur in all land use categories, so it was more prudent to combine the two categories.

Commissioner Price said she was referring to flexible development earlier.

Michael Harvey said the state requires a minimum stream buffer to be preserved around streams on farm properties, and the County buffers don't apply. He said the erosion control division of Orange County handles this.

Michael Harvey said he cannot enforce watershed buffers on a farm. He said he cannot enforce the 100 foot as currently detailed, since the watershed buffers are graduated from a 50 foot minimum to 250 feet, according to slope. He said the state will enforce the minimum stream buffer.

PUBLIC COMMENT:

Bolton Anthony said he runs a small non-profit called Second Journey, which is interested in new models for community in later life. He said his organization has been partnering with the Department on Aging on workshops regarding aging in the communities. He said there have been discussions on shared housing and clustered neighborhoods.

He said his non-profit was considering an elder-co-housing community 7 or 8 years ago, in which the houses are clustered and open onto a green space, and automobiles are kept at a distance. He said the affordability issue in Carrboro and Chapel Hill made this project very difficult, so the agricultural buffer was considered. He said there was a 15 acre tract on Old Hillsborough that would have worked beautifully, and the 2 acre requirement is what frustrated the ability to develop this. He urged the Board to give this a favorable hearing and not frustrate future attempts.

Council Member Palmer referred to page 15 of the materials and noted that there are approximately 9,260 acres of land designated rural/residential and agricultural. She said that could mean about 10,231 people according to the plan. She said if the County continues subdividing land into big lots, there will end up being mansions for 10,000 people. She does not want to County to look like this, and she does not want this to be the future of the outskirts of the Chapel Hill and Carrboro area. She would like to think of ways that this land can serve the community better than just subdividing it into lots. She suggested development of a soccer complex that would bring in people for recreational purposes and would bring economic development to our area. She said a park and ride lot could be placed next to it so that weekend users could utilize it to preserve parking in the towns. She said some of this land should be preserved for trails and campgrounds.

Council Member Palmer asked about use for affordable housing or educational farms for young people to learn about agriculture. She asked if these activities could be encouraged. She said she is comfortable making these changes to bring things up to date, but she hopes that the Board can come back and talk about new things that can be done with the rural buffer.

Council Member Storrow arrived at 7:42 PM

Council Member Ward asked how the land perkability affects these rules.

Michael Harvey said the reality is if that it is sometimes difficult to find perk sites. He said if developers don't do the due diligence before going through the process then there could be a lot of money spent for nothing. He said the County does require applicant to go through a fairly arduous process to avoid this.

Council Member Ward asked if the County requires a back up perk site.

Michael Harvey said yes.

Council Member Ward asked if the County is being asked about above ground perks and other alternatives with regard to land that does not perk

Michael Harvey said all of these are possible with state permits and state engineered systems. He said a project in the rural buffer is prohibited from having water or sewer extended to it.

Council Member Ward asked if developers can use the alternative strategies.

Michael Harvey said yes.

Commissioner Gordon said part of the reason for the rural buffer is to have a hard edge around the urban areas so that the urban areas can be developed in a more effective way. She said it is important to remember that whatever goes in the rural buffer needs to be able to survive on groundwater systems.

She said there are possibilities to have soccer areas in other parts of the County, such as Millhouse Road Park and the Twin Creeks Park.

Chair Jacobs referred to the clustering option and thanked the staff for bringing it forward. He said this is a gracious form of sprawl. He said the County loses the capacity to have significant connected open space and smaller yards. He said he has been asking for this for a long time. He said there has been frustration by this, and there has been hesitation to open the discussion about the rural buffer, but he trusts the wisdom of his colleagues. He thinks the County can do a better job, and he thinks this is a step in the right direction. He hopes this goes forward.

Alderman Haven O'Donnell referred to the comments by Bolton Anthony. She said there are people in Carrboro that have been there a long time and are discussing an elder co-housing concept. She said this is not possible in Carrboro, as the lots are not large enough. She asked, if this was to go forward, if there would be flexibility for these kinds of special uses.

Michael Harvey said his opinion is no, because there would still be a one acre minimum lot size with clustering.

Alderman Haven O'Donnell said the County is rapidly approaching a time, with baby boomers retiring, when a wise use of land makes sense. She questioned whether the County is missing an opportunity to purposefully create an environment where transitional and affordable housing would work.

Michael Harvey said it would require the efforts of the elected boards to put that type of flexibility in the proposed document.

Chair Jacobs noted that the County's minimum lot size is .92 acres.

Michael Harvey said there are areas in Orange County where water and sewer are available, and high density projects are encouraged and promoted. He said some of the projects Alderman Haven O'Donnell is suggesting could be developed through established processes; however this cannot be done in the current rural buffer.

Commissioner McKee said he supports the plan overall, but his only concern is the one dwelling for every 5 acres in the University Lake Watershed. He said he is concerned about the issue of affordability. He said with this limitation and the land prices in that area, there is no talk of affordable houses – only mansions.

Council Member Ward asked for an explanation of why the County could not create the ability to have smaller lot sizes.

Michael Harvey said the reason for the lot size requirements is the availability of active repair septic and wells that require a 50 foot setback from structures and septic systems. He said the lot sizes can vary dramatically in areas that have water and sewer.

Council Member Palmer said she understands the need for the septic system to support the population. She questioned having the land and clustering the people. She referenced the example of co-housing for the elderly. She said the homes in this setting are more like little apartments that open into common areas. She asked if this would be permitted, as you still have the density.

Michael Harvey said there are areas in the County where that concept would work, but this would not work in the rural buffer unless this elected body wants to change this plan.

Council Member Palmer asked if this means changing the plan to allow clustering to have lots of half an acre as long as the density is maintained.

Michael Harvey said that is one thing that would have to change, but there are many more changes that would have to occur, and he is not prepared to discuss that this evening.

Council Member Palmer asked if it is possible in much of the rest of the County.

Michael Harvey said yes. He said there are existing subdivision categories that give people the option to go through a process to create exactly what Council Member Palmer is talking about. He said most of these are in areas where water and sewer are available.

Alderman Seils said he has concern about any reduction of lot sizes. He said these discussions are describing an urban area, and the purpose of the rural buffer is to not be an urban area. He said he is not interested in changing the rural buffer to an urban area.

Commissioner Gordon agreed with Alderman Seils comments. She said the proposed concepts that Town Council Member Palmer mentioned require public water and sewer. She said there are good reasons why the requirements are in place for lots with septic and well.

Commissioner Price said she is in favor of the proposal, but she has looked at the clustering option in the past. She said she some of these developments have community wells in other areas, and it requires creative planning and a consideration of the carrying capacity of the land.

a. Orange County

A motion was made by Commissioner Price, seconded by Commissioner Rich to refer this item to the:

Orange County Planning Board for recommendation – May 7, 2014

Board of County Commissioners for possible action – June 3, 2014

VOTE: UNANIMOUS

b. Chapel Hill

A motion was made by Council Member Palmer, seconded by Council Member Storrow to refer this item to the :

Chapel Hill Planning Board for recommendation – May 6, 2014

Town Council for possible action – June 9, 2014

VOTE: UNANIMOUS

c. Carrboro

A motion was made by Alderman Gist, seconded by Alderman Seils to refer this item to the:

Carrboro Planning Board for recommendation – May 1, 2014

Board of Aldermen for possible action – June 3, 2014

VOTE: UNANIMOUS

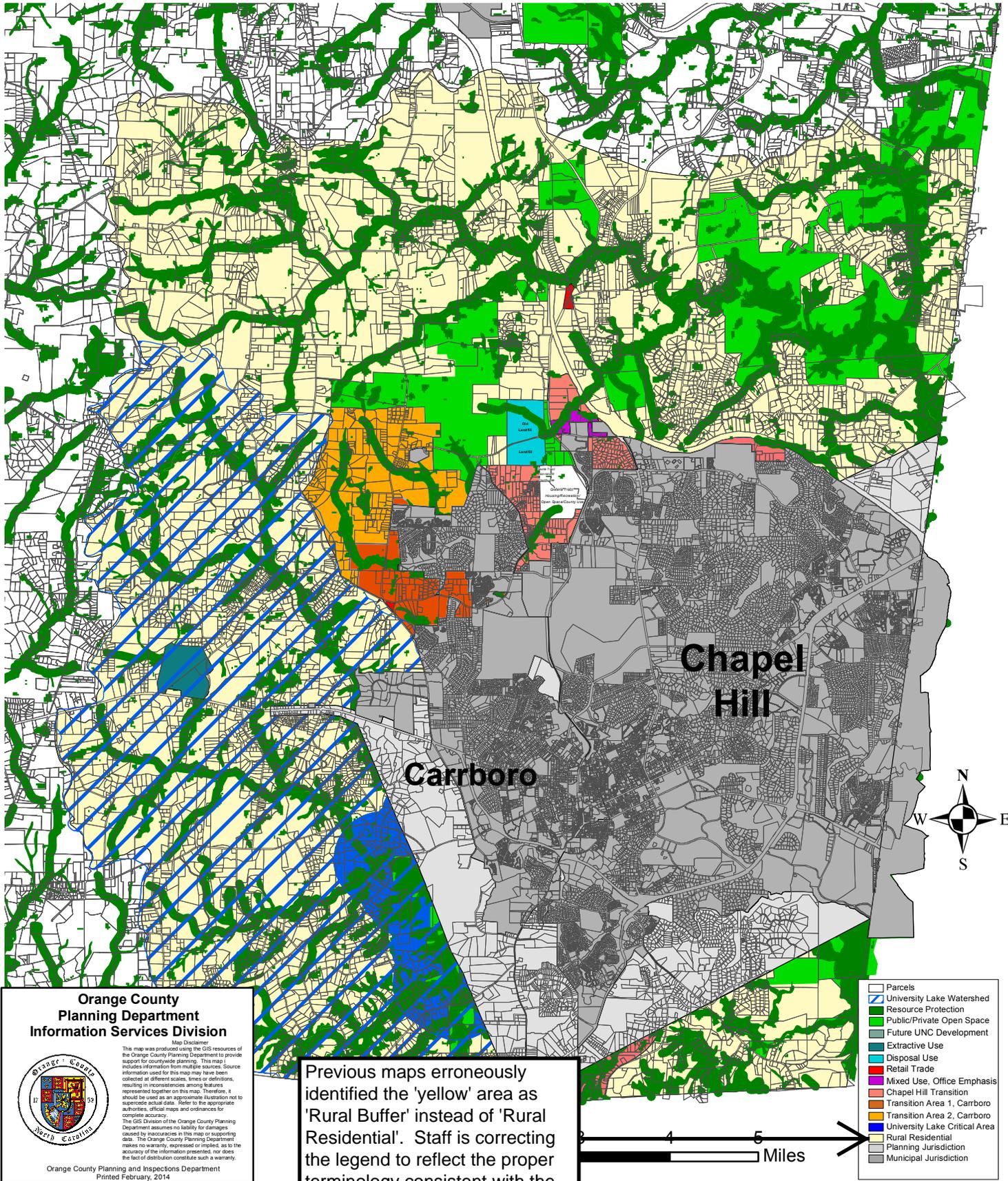
2. Text Amendments to the Joint Planning Land Use Plan and Agreement

Revise existing language to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Text Amendments to the Joint Planning Land Use Plan and Agreement to Allow for the Possibility of Locating Appropriate Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

Orange County - Chapel Hill - Carrboro JOINT PLANNING AREA - LAND USE PLAN



**Orange County
Planning Department
Information Services Division**

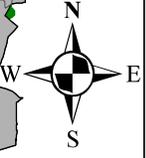
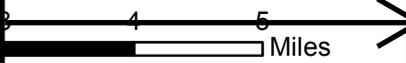
Map Disclaimer:
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Orange County Planning and Inspections Department
Printed February, 2014

Previous maps erroneously identified the 'yellow' area as 'Rural Buffer' instead of 'Rural Residential'. Staff is correcting the legend to reflect the proper terminology consistent with the Plan.

- Parcels
- University Lake Watershed
- Resource Protection
- Public/Private Open Space
- Future UNC Development
- Extractive Use
- Disposal Use
- Retail Trade
- Mixed Use, Office Emphasis
- Chapel Hill Transition
- Transition Area 1, Carrboro
- Transition Area 2, Carrboro
- University Lake Critical Area
- Rural Residential
- Planning Jurisdiction
- Municipal Jurisdiction



Joint Planning Actions : Review and Approval

Action	Review	Joint Hearing	Joint Adoption	Final Approval
<i>JPLUP Amendment</i>	All three parties	Yes	Yes	OC (usually last to vote)
<i>Zoning Map Amendment</i>				
a) <i>Transition Areas</i>	Town/OC	Yes	Yes	“ “
b) <i>Rural Buffer</i>	Town/OC	No	Courtesy Review for Towns	OC
<i>Text Amendment – LUO, UDO, LUMO</i>	OC/Towns	No	No	Adopted if no objection
<i>JPA Amendment</i>	All three parties	Yes	Yes	See JPLUP Amendment



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

C O M M E N T S

THURSDAY, MAY 13, 2014

AMENDMENTS TO THE JOINT PLANNING LAND USE PLAN TO ALLOW FOR THE POSSIBILITY OF LOCATING AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER

Motion was made by **R. Baptista** and seconded by **H. Hunt** that the Planning Board recommends that the Board of Aldermen **approve** the draft ordinance.

VOTE:

AYES:

Baptista, Chaney, Davis, Foushee, Hunt

ABSENT/EXCUSED:

Adamson, Clinton, Cohen, Poulton

NOES:

N/A

ABSTENTIONS:

N/A

Bethany Chaney, Chair

May 13, 2014



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

COMMENTS

THURSDAY, MAY 1, 2014

AMENDMENTS TO THE JOINT PLANNING AREA LAND USE PLAN AND AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER

Motion was made by Sheila Reddy and seconded by Bruce Sinclair that the Environmental Advisory Board recommends that the Board of Aldermen consider the following comments in their review of the proposed amendments to the Joint Planning Area Land Use Plan and Agreement to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer.

The EAB is concerned that:

- 1) Orange County permitting may not be as environmentally stringent as that of the Town of Carrboro
- 2) the amendments may have unintended economic and environmental consequences, both in the Rural Buffer and the Town of Carrboro
 - a. eroding the authority of the Town of Carrboro to regulate environmental and economic activity in the rural buffer
 - b. resulting in environmental degradation of University Lake

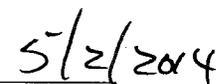
VOTE:

AYES: Arnsberger, Sinclair, Rivin, Reddy

ABSENT/EXCUSED: Crook, Holder

NOES:

ABSTENTIONS:

for  (Chair)  (Date)



TOWN OF CARRBORO
TRANSPORTATION ADVISORY BOARD
RECOMMENDATION
May 15, 2014

SUBJECT: Joint Planning Land Use Plan Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

MOTION: After much discussion, the TAB recommends to the Board of Aldermen that it seriously consider the traffic impact, the amount of impervious surface, and the lack of public transportation, cycling and walking facilities, in considering the proposed amendments to the Joint Land Use Plan and Agreement and the new uses and possibly more intense development the amendments would allow.

Moved: LaJeunesse

Second: Štolka

VOTE: Ayes (7): Štolka, Haac, LaJeunesse, Nicopoulos, Barclay, McDuffee, Boone. Nays (0). Abstain (0). Absent (0).

A handwritten signature in black ink, appearing to read "Kurt Štolka", written over a horizontal line.

Kurt Štolka

TAB Chair

5 / 28 /14

DATE



TOWN OF CARRBORO

Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

COMMENTS

THURSDAY, MAY 14, 2014

AMENDMENTS TO THE JOINT PLANNING LAND USE PLAN AND AGREEMENT RELATING TO DENSITY, CLUSTER SUBDIVISIONS AND AGRICULTURAL LAND USES IN THE RURAL BUFFER

Motion was made by Bob Saunders and seconded by Art Menius that the Economic Sustainability Commission recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

AYES: 7

ABSENT/EXCUSED: 3

NOES:

ABSTENTIONS:

Leri Turner 5/15/2014
(Chair) (Date)



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number: 14-0186

Agenda Date: Version: 1
6/3/2014
In Control:
Board of Al

Status: Other
Matters
enFile Type:
Abstr

TITLE:

Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement which will make agricultural support enterprises allowable within the Rural Buffer portion of the Joint Planning Area. These changes are necessary in order for Orange County to approve proposed text amendments to its Unified Development Ordinance that will allow the new uses to occur within the Rural Buffer.

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - 919-918-7327; pmcguire@townofcarrboro.org <<mailto:pmcguire@townofcarrboro.org>>; Christina Moon - 919-918-7325 - cmoon@townofcarrboro.org <<mailto:cmoon@townofcarrboro.org>>; Perdita Holtz - 919-245-2578 - pholtz@orangecountync.gov

INFORMATION: On March 27, 2014, the three parties to the Joint Orange County Planning Agreement (Agreement) held a public hearing on amendments to the Agreement and the Joint Planning Area Land Use Plan (Plan) that would apply within the Rural Buffer. These amendments follow from the County's efforts to support farmers and farming, and have been in the works for some time.

The Town of Carrboro has been a party, with the Town of Chapel Hill and Orange County, to a Joint Planning Agreement since 1987. The agreement was established to create a method for coordinated and comprehensive planning in the southeastern portion of Orange County, described for this purpose as the Orange County-Chapel Hill-Carrboro Joint Planning Area (see map Attachment B). A Joint Planning Area Land Use Plan (Plan) was prepared and adopted; the Joint Planning Agreement (Agreement) specifies the method for implementing and revising the plan. Definitions, effective dates, and linkages with other adopted plans are spelled out in the Agreement. Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. The Plan and Agreement can be found at <<http://www.townofcarrboro.org/PZI/commplanning.htm>>. An overview of the actions and approvals, and the associated roles of each party to the Agreement is included as Attachment C.

A description of the changes to the Joint Plan and Agreement is provided in the agenda materials from the public hearing (Attachment D). An overview of the changes to Orange County's Comprehensive Plan and Unified Development Ordinance is included with the agenda materials under the title of "Basic Zoning

Agenda Date: Version: 1
6/3/2014
In Control:
Board of AI

Status: Other
Matters
enFile Type:
Abstr

Program.” Minutes from the public hearing are provided as Attachment E. The full text of proposed amendments to the Unified Development Ordinance (UDO) and Comprehensive Plan is included as Attachment F. These changes apply within the Rural Buffer portion of the Joint Planning Area only - there are no changes proposed to uses allowed within the Transition Areas.

At the conclusion of the hearing, the Board of Aldermen referred the proposed Plan and Agreement amendments to Town advisory boards. At the suggestion of County Commissioner Alice Gordon, the Board of Aldermen also referred the proposed text amendments to the UDO and Comprehensive Plan to Carrboro advisory boards for review. These materials have been included as reference information for this agenda item as well. Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. Amendments to Orange County’s UDO and Comprehensive Plan do not require formal action by Chapel Hill and Carrboro, but the opportunity for comment is provided prior to a public hearing.

Members of the Board of Aldermen requested information on the locations of farms in the Rural Buffer, a chart illustrating existing allowable uses in comparison to the uses that would be allowable with the proposed changes, and clarification of whether the intent is for Agricultural Support Enterprises to be operated by farmers/property owners or others. Board members have also expressed concerns that the proposal includes some uses which, though related to agriculture, may have a more commercial or industrial character than what is usually considered as farming/agriculture.

A map depicting parcels in the Present-Use value taxation program is provided (Attachment G) in response to the question of farm locations. Present-use value is a voluntary program enacted by the General Assembly in 1974 and administered by counties that allows certain lands in agricultural, horticultural, and forest uses to be assessed property taxes based on these uses. The assessed value is lower than would result if the land were assessed otherwise. The map highlights the 345 parcels, comprising approximately 27 percent of the land in the Rural Buffer, that are in the use value.

Orange County staff prepared Attachment H in response to the question regarding newly proposed and existing land uses that was posed at the May 15th meeting of the Planning Board. Attachment H includes four tables that list the allowable uses as follows: 1) currently allowed in the Rural Buffer, 2) proposed to be allowed in the Rural Buffer, 3) proposed to be allowed in ASE- Conditional Zoning (ASE-CZ) Districts, and 4) currently allowed in the Rural Buffer and to be allowed in the ASE-CZ districts.

As envisioned, the ASE program has sought to clarify the definition of agriculture (a goal that was largely addressed by changes to the General Statutes in 2011), add new farm-related uses to the County’s zoning ordinance and provide farmers with opportunities to make supplemental income on their farms within the framework of the Land Use Plan, and allow for uses that would establish farm-related infrastructure in the farming community that was otherwise zoned for residential development. Permitting requirements and performance standards based on size and intensity of the new uses rounded out the proposal. Conditional use zoning, included in updates to the County’s development regulations with the 2011 Unified Development Ordinance, was included as a tool in this effort in recognition that some of the agriculture support enterprises were more intensive than others and would likely be viewed as appropriate in some areas but not in others.

Agenda Date: Version: 1
6/3/2014
In Control:
Board of AI

Status: Other
Matters
enFile Type:
Abstr

The changing face of agriculture nationwide, has been an ongoing topic for many years. The most noted factors have been that farmers are aging and commodity prices are dropping. Programs like that established by the Fair and Equitable Tobacco Reform Act of 2004 have accelerated the trend in Orange County, particularly in northern parts of the County. More information on local agricultural trends may be found in the 2009 Agricultural Development and Farmland Protection Plan <http://www.co.orange.nc.us/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>. New farms tend to contain smaller acreage and are often more innovative-including some sort of direct marketing (e.g. farm stands), processing to add value to a raw product or other (e.g. pick-your-own). Statistical information relating to the ownership of individual farms, maintained by the Farm Services Agency, is not available to the public. Pressure for agricultural land to shift to other uses continues to be a significant factor.

However, today's farmers, particularly those owning or tending to smaller acreage are a diverse group. A glance at the recent uptick in the County's voluntary agricultural district program (with eight under consideration at the BOCC's June 3, 2014 meeting, see <http://www.co.orange.nc.us/occlerks/140603.pdf>) document the commitment of local farmers with large and small landholdings to stay in farming. One of the main benefits of the VAD program is identification.

A 2007 memo from then-County Manager to Carrboro and Chapel Hill Town Managers provides helpful context and background on the ASE initiative (Attachment I). Other agenda materials associated with the Joint Planning meeting referenced in the memo may be found at <http://www.co.orange.nc.us/OCCLERKS/040329.htm>.

Town staff have reviewed the proposed amendments to the Plan and Agreement, UDO and Comprehensive Plan and note that the Board of Aldermen may wish to consider forwarding the following comments:

- that the Agricultural Preservation Board, the County's appointed agricultural advisory board comment on rezoning and land use permits relating to ASE in the Rural Buffer.
- that the reuse of existing farm buildings, especially those 50 years or older, into new agricultural enterprises be encouraged by the offer to waive the 100 setback provisions for the use of those building in the new enterprise.

Recommendations and comments from advisory boards are attached (Attachment J and K).

FISCAL & STAFF IMPACT: None identified in association with approval of the changes to Plan and Agreement.

RECOMMENDATION: The Administration recommends that the Board of Aldermen consider adoption of the resolution (Attachment A) that approves the proposed Joint Orange County Land Use Plan and Joint Planning Agreement amendments to allow for the possibility of locating agricultural support enterprises in the Rural Buffer, and offers comments related to the Unified Development Ordinance amendments and review

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Abstr

process as noted above.

**A RESOLUTION AMENDING
THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO
ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE
AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended shown on the attached pages.

BE IT FURTHER RESOLVED THAT the amendments to the Joint Planning Land Use Plan and Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses, as well as agricultural uses, and agricultural support uses¹.~~ ~~The Rural Buffer and~~ consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural;~~ ~~Agricultural;~~ Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ Red text is related to a separate amendment that is proposing to amend the same paragraph. The amendment necessary for Agricultural Support uses is shown in blue text.

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in~~

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PAGE 84 – JPA LAND USE PLAN

~~size or greater. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained.~~ The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses, and agricultural uses, and agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

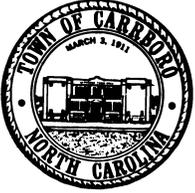
A. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

B. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential ~~and Agricultural, Agricultural~~, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, ~~and agricultural uses~~, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

C. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

C O M M E N T S

THURSDAY, MAY 13, 2014

AMENDMENTS TO THE JOINT PLANNING LAND USE PLAN AND AGREEMENT RELATING TO DENSITY, CLUSTER SUBDIVISIONS AND AGRICULTURAL LAND USES IN THE RURAL BUFFER

Motion was made by **B. Foushee** and seconded by **H. Hunt** that the Planning Board recommends that the Board of Aldermen **approve** the draft ordinance.

VOTE:

AYES:

Baptista, Chaney, Davis, Foushee, Hunt

ABSENT/EXCUSED:

Adamson, Clinton, Cohen, Poulton

NOES:

N/A

ABSTENTIONS:

N/A

Bethany Chaney, Chair

May 13, 2014



TOWN OF CARRBORO

Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

COMMENTS

THURSDAY, MAY 14, 2014

AMENDMENTS TO THE JOINT PLANNING LAND USE PLAN TO ALLOW FOR THE POSSIBILITY OF LOCATING AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER

Motion was made by Art Menius and seconded by Bob Saunders that the Economic Sustainability Commission recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

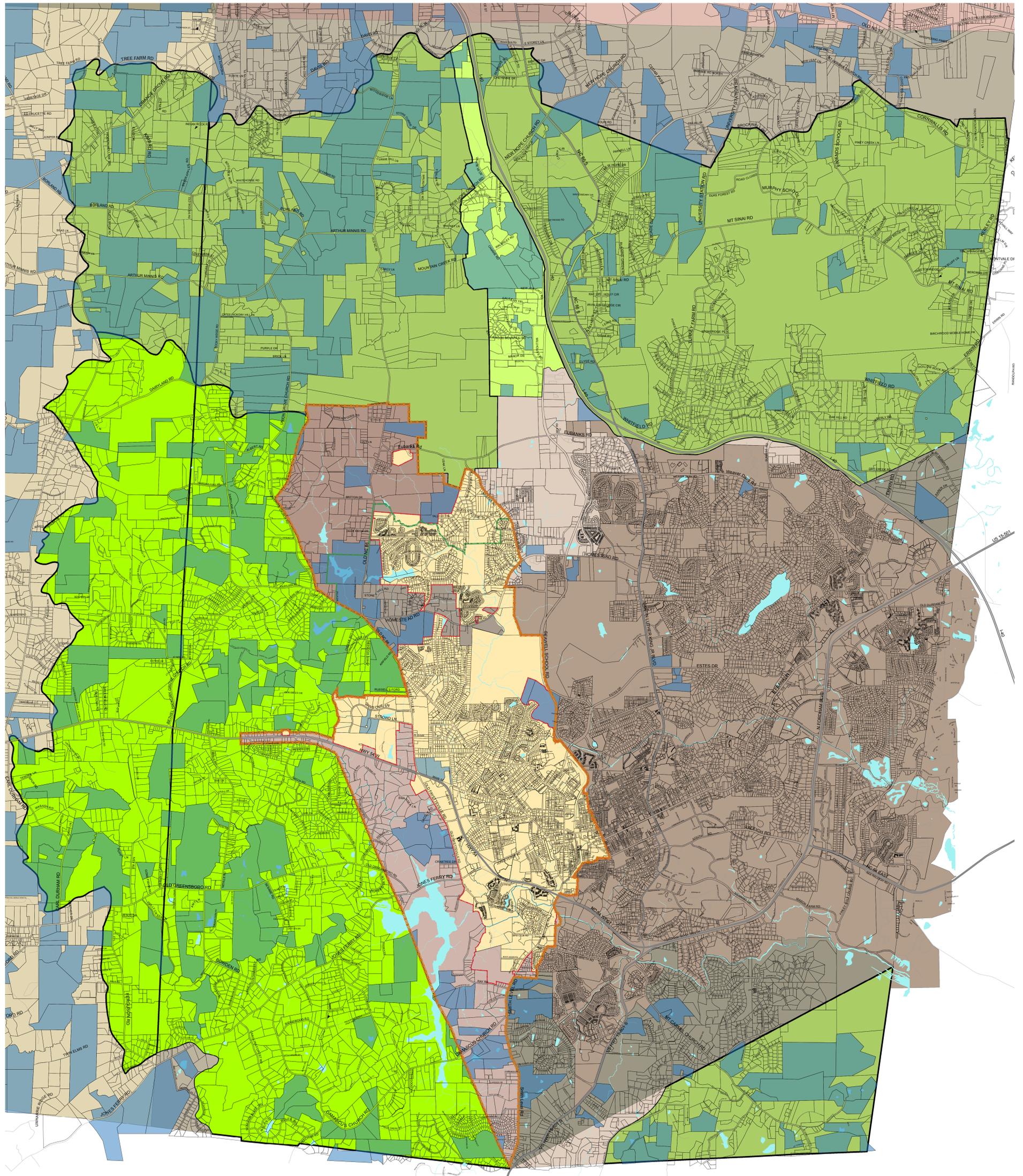
AYES: 7

ABSENT/EXCUSED: 3

NOES:

ABSTENTIONS:

Terri Turner 5/15/2014
(Chair) (Date)



Joint Planning Areas: Properties in Farm Use



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510
Printed April 24, 2014

--- City Limits
■ Properties in Farm Use

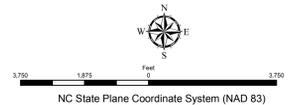
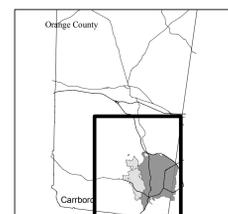
Area

■ Bingham Township, Orange County
■ Carrboro
■ Carrboro Extra-Territorial Jurisdiction

■ Chapel Hill
■ Chapel Hill ETJ
■ Chapel Hill Planning Jurisdiction
■ Chapel Hill Township, Orange County

■ Cheeks Township, Orange County
■ Eno Township, Orange County
■ Hillsborough Township, Orange County
■ Joint Courtesy Review

■ Rural Buffer
■ Rural Buffer, University Lake Watershed
■ Transition Area 1, Carrboro
■ Transition Area 2, Carrboro



THIS MAP IS NOT A CERTIFIED SURVEY, AND NO RELIANCE MAY BE PLACED IN ITS ACCURACY
The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.

Joint Planning Actions : Review and Approval

Action	Review	Joint Hearing	Joint Adoption	Final Approval
<i>JPLUP Amendment</i>	All three parties	Yes	Yes	OC (usually last to vote)
<i>Zoning Map Amendment</i>				
a) <i>Transition Areas</i>	Town/OC	Yes	Yes	“ “
b) <i>Rural Buffer</i>	Town/OC	No	Courtesy Review for Towns	OC
<i>Text Amendment – LUO, UDO, LUMO</i>	OC/Towns	No	No	Adopted if no objection
<i>JPA Amendment</i>	All three parties	Yes	Yes	See JPLUP Amendment

**ORANGE COUNTY BOARD OF COMMISSIONERS
TOWN OF CHAPEL HILL COUNCIL
TOWN OF CARRBORO BOARD OF ALDERMEN
JOINT PLANNING AREA (JPA) JOINT PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT**

Meeting Date: March 27, 2014

**Action Agenda
Item No.** C.2

SUBJECT: Text Amendments to the Joint Planning Land Use Plan and Agreement –
Revise Existing Language to Allow for the Possibility of Locating Appropriate Agricultural
Support Enterprises in the Rural Buffer Land Use Classification.

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Pages of Joint Planning Land Use Plan and
Agreement Proposed for Amendment

INFORMATION CONTACT: (919)

Perdita Holtz, Orange County Planning, 245-
2578
Craig Benedict, Orange County Planning, 245-
2592
J.B. Culpepper, Town of Chapel Hill Planning,
968-2728
Trish McGuire, Town of Carrboro Planning,
918-7324

PURPOSE: To receive public comment on a proposal to amend the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

Please note: The Orange County Unified Development Ordinance (UDO) text amendments that would implement the concept of allowing appropriate agricultural support enterprises in the Rural Buffer are not the focus of this public hearing. The UDO text amendments were heard at the County's February 24, 2014 quarterly public hearing and the process prescribed in the Joint Planning Agreement for UDO text amendments affecting the Rural Buffer was followed. The UDO amendments cannot be adopted by Orange County unless the Joint Planning Land Use Plan and Agreement are amended to allow these types of uses in the Rural Buffer. The draft UDO text amendments are part of the quarterly public hearing materials available at: <http://orangecountync.gov/occlerks/140224.pdf>.

BACKGROUND: In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan and accompanying Agreement that provided land use planning for the area of the county commonly referred to as the Rural Buffer. Other geographic areas, such as Transition Areas, are also covered in the plan. The full plan and agreement is available at: <http://orangecountync.gov/planning/Documents.asp>.

Orange County has been working on a zoning program known as “Agricultural Support Enterprises” (ASE) intermittently since 2001. The concept and necessary UDO text amendments were discussed at the November 21, 2013 Assembly of Governments (AOG) meeting (agenda materials are at: <http://orangecountync.gov/occlerks/131121.pdf>) and, as a result of discussion at the AOG meeting, a determination was made that text changes to the Joint Planning Land Use Plan and Agreement would be necessary in order for the County to adopt Unified Development Ordinance text changes that would allow appropriate agricultural support uses in the Rural Buffer.

The purpose of the ASE program is to augment allowable agricultural-related uses farmers throughout Orange County’s planning jurisdiction, which includes the Rural Buffer, can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas. The program seeks to minimize any adverse impacts on adjoining property by applying special standards for specific uses and the development standards in the County’s UDO required for all projects. One of the main ideas behind the program is that 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 conversion to residential uses may be lessened.

Completion of the ASE project is identified in the County’s adopted Agricultural Development and Farmland Protection Plan (available at: <http://orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>) as an important step in continuing the economic viability of farming in Orange County.

As noted above, the actual UDO text amendments that would allow appropriate agricultural support uses in the Rural Buffer are not the topic of this public hearing. However, it is pertinent to note that the UDO text amendments propose very few additional uses as “permitted outright” in the Rural Buffer and these uses are of a small scale, low impact nature and must conform to use-specific standards in addition to the development standards Orange County requires for all development projects. Larger ASE uses or those with a greater possibility of adverse impacts would be permitted only through a Special Use Permit or Conditional Zoning process. These processes allow consideration of uses on a site-specific, case-by-case basis after a public hearing conducted by the County with the Board of County Commissioners making the final approval or denial decision. These County processes are similar to the conditional use permit processes the Towns of Chapel Hill and Carrboro use when reviewing development applications. As per the Joint Planning Agreement, all projects within the Rural Buffer are sent to Town planning staffs for review and comment. The Rural Buffer is divided into either Carrboro or Chapel Hill review areas with a small geographic area being reviewed by the staffs of both Towns (see map at: <http://orangecountync.gov/planning/documents/JPAReviewAreas.pdf>).

The pages in the attachment contain the necessary amendments to the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate ASE uses in the Rural Buffer. **The ASE-related changes are shown in blue text.** In instances where there is overlap between the ASE-related changes and the changes proposed in a separate item on the Joint Public Hearing agenda, the changes proposed in the separate item are shown in **red text**. This differentiation was done in order to be clearer in sentences of the plan/agreement where overlap occurs.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from FY 2013-14 funds budgeted for this purpose. Necessary work has been accomplished using existing staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and Agreement.
2. Close the public hearing.
3. Refer the matter to the local governments for decision in accordance with the following schedule:
 - a. Orange County
Orange County Planning Board for recommendation – May 7, 2014
Board of County Commissioners for possible action – June 3, 2014
 - b. Chapel Hill
Chapel Hill Planning Board for recommendation – May 6, 2014
Town Council for possible action – June 9, 2014
 - c. Carrboro
Carrboro Planning Board for recommendation – May 1, 2014
Board of Aldermen for possible action – June 3, 2014

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***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in~~

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B. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential ~~and Agricultural, Agricultural~~, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, ~~and agricultural uses~~, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

C. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

Agricultural Support Enterprises

Basic Zoning Program

(highlighting added on 4/22/14 for JPA Information Item)

Notes:

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

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility	AS, I1, I2, I3	ASE-CZ, MPD-CZ	5.13.2

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

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

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

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

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility, Community	RB, AR, LC1, NC2, AS, I1	ASE-CZ, CUD	5.13.3
Agricultural Services Uses*	AS	ASE-CZ, MPD-CZ, CUD	None
Botanical Gardens/Arboretum*	All districts except EC5 and EI	ASE-CZ	None
Cold Storage Facility	AS (w/ SUP-A), I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.13.4
Community Farmers' Market	RB, AR, LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.5
Composting Operation, no grinding	AS (w/ SUP-A)	ASE-CZ, CUD	5.13.6
Composting Operation, with grinding	AS (w/ SUP-A)	ASE-CZ	5.13.6
Cooperative Farm Stand	RB, AR, LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.13.7
Country Store	LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.6.15
Equestrian Center	AR (w/ SUP-A)	ASE-CZ, CUD	5.13.8
Farm Equipment Rental, Sales and Service [^]	GC4, EC5, AS, I2, I3	ASE-CZ	5.13.9
Farm Supply Store	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.10
Feed Mill [^]	AS, I2, I3	ASE-CZ, MPD-CZ	5.13.11
Garden Center*	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.6.3
Greenhouses with On Premises Sales [^]	AR, NC2, CC3, GC4, EC5, AS	ASE-CZ, MPD-CZ, CUD	5.13.12
Guest Ranch	none	ASE-CZ	5.7.6
Kennels, Class I*	RB, AR, R1, CC3, GC4, AS	ASE-CZ	None
Kennels, Class II*	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ	5.6.5
Meat Processing Facility, Community	RB, AR	ASE-CZ, CUD	5.13.13
Meat Processing Facility, Regional	AS (w/ SUP-A)	ASE-CZ	5.13.14
Metal Fabrication Shop	Not explicit (would fall under one of the Industrial classifications)	ASE-CZ	5.14.1
Microbrewery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.2
Microbrewery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.10

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Microbrewery with Major Events	none	ASE-CZ, MPD-CZ	5.6.11
Non-Farm Use of Farm Equipment	RB, AR, AS	ASE-CZ, CUD	5.13.15
Rural Guest Establishment: Bed & Breakfast*	RB, AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.7
Rural Guest Establishment: Bed & Breakfast Inn*	w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.8
Rural Guest Establishment: Country Inn*	w/ SUP-A only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.9
Rural Heritage Museum	w/ SUP-B only: RB, AR, LC1, NC2, AS	ASE-CZ, CUD	5.17.7
Rural Special Events	RB, AR, AS	ASE-CZ, MPD-CZ, CUD	5.17.8
Sawmill^	AS	ASE-CZ	5.14.3
Stables, Commercial^	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ, MPD-CZ	5.13.16
Stockyards / Livestock Markets^	AS	ASE-CZ	5.13.17
Studio (Art)*	LC1, NC2, CC3, GC4, OI, I1, I2, I3	MPD-CZ, REDA-CZ-1, CUD	None
Taxidermy	LC1, NC2, CC3, GC4, I1 w/ SUP-B only: AR	ASE-CZ, CUD	5.6.12
Veterinary Clinic	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR	ASE-CZ, MPD-CZ, CUD	5.16.1
Veterinary Clinic, mobile	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.16.2
Veterinary Hospitals^	CC3, GC4, EC5, OI, AS, I2, I3	ASE-CZ, MPD-CZ, CUD	5.16.3
Winery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.4
Winery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.13
Winery with Major Events	none	ASE-CZ, MPD-CZ	5.6.14

Bona Fide Farming Activities

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

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

APPROVED 5/20/2014

**ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
CARRBORO BOARD OF ALDERMEN
JOINT PLANNING PUBLIC HEARING
March 27, 2014
7:00 P.M.**

The Orange County Board of Commissioners met with the Towns of Chapel Hill and Carrboro for a Joint Planning Public Hearing on Thursday, March 27, 2014 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price, and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Manager Cheryl Young, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT: Mayor Mark Kleinschmidt, Donna Bell, Sally Greene, Ed Harrison, Lee Storrow, Jim Ward, Maria Palmer, George Cianciolo, and Town Manager Roger Stancil

CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT: Matt Czajkowski

CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT/STAFF: Mayor Lydia Lavelle, Aldermen Damien Seils, Jacquelyn Gist, Randee Haven O'Donnell, and Sammy Slade

CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT: Michelle Johnson

CARRBORO STAFF ABSENT: Town Manager David Andrews

Chair Jacobs called the meeting to order at 7:06 pm.

A. OPENING REMARKS FROM THE CHAIR AND MAYORS

Mayor Lavelle welcomed everyone and said that Michelle Johnson will be late.

Chair Jacobs said that Mayor Kleinschmidt will be arriving around 7:30pm.

Chair Jacobs referred to the following items at their places.

- PowerPoint Sheets for - Item c-1 and Item c-2 – Text Amendments to the Joint Planning Land Use Plan and Agreement
- Blue Sheet – Letter regarding Community Development Block Grant Funding

Commissioner Rich suggested that all the Mayors and Managers get on the NACo listserve.

B. PUBLIC CHARGE

C. PUBLIC HEARING ITEMS

1. Text Amendments to the Joint Planning Land Use Plan and Agreement –

Michael Harvey said this is a public hearing to review proposed amendments to existing language to ensure agricultural activities are recognized as being allowed throughout the Rural Buffer, require a minimum 2 acre density, allow for the clustering of subdivision lots in those portions of the Rural Buffer outside of the University Lake Watershed Area, and clarify text associated with the minimum lot size within the University Lake Watershed Area.

Michael Harvey presented the following PowerPoint slides:

- **MARCH 27, 2014**
AGENDA ITEM: C-1
JOINT PLANNING PUBLIC HEARING
ORANGE COUNTY, TOWN OF CHAPEL HILL, TOWN OF CARRBORO
JOINT PLANNING IN ORANGE COUNTY:
- Began in 1984 with a call for the development of a land use plan.
- Participants adopted a Joint Planning Land Use Plan October 13, 1986 outlining acceptable levels of development in identified areas outside of existing extraterritorial jurisdictional (ETJ) areas.
- Management of area(s) formalized on September 22, 1987 with adoption of Joint Planning Agreement by all involved parties.
- Agreement established: *'a method of coordinated and comprehensive planning'* in identified areas.

JOINT PLANNING IN ORANGE COUNTY:

- Plan envisions 2 primary development areas:
 - Transition Areas: Administered by the Towns under their individual land use and zoning regulations in accordance with the Plan. Areas characterized as transitioning from rural to urban development.
 - County has review authority for projects, text, and map changes in identified Transition Areas.
 - Rural Buffer: Areas outside Transition Areas under County regulatory control intended to remain rural in character where annexation is prohibited and urban services (i.e. public water and sanitary sewer) are not a necessary component to support development.
 - Town(s) has review authority for projects, text, and map changes in Rural Buffer area.
- Joint Planning Land Use Plan – Land Use Category Map

ISSUES/CONCERNS:

- Agricultural Areas land use category is not depicted on maps contained within the Plan. No properties appear to be designated within this category.
 - NOTE: Current language could be misconstrued as establishing limits with respect to allowable locations for agricultural operations, which is inconsistent with State Law. This needs to be corrected.
- Rural Residential land use category does not specify a density limit (minimum lot size only).
 - NOTE: County staff has interpreted there to be a 'defacto' density limit in the areas of the Plan not located within the University Lake Watershed Area of 1 dwelling unit for every 2 acres.
- Clustering of lots is not viable within Rural Residential land use category as the Plan is currently written.
 - NOTE(s): There is a minimum required lot size for properties within this land use category of 2 acres.
 - Under County regulations, Cluster Subdivisions allows for the reduction of required lot sizes, not below 1 acre in area, so long as 33% of a parcel is preserved in open space and established density limits are observed.
 - Technique is utilized throughout the county, including the University Lake Watershed Area.

- There is no language within the Plan indicating the clustering of subdivision lots, below the 2 acre minimum lot size, is permitted in the Rural Residential land use category.

- **CLUSTER SUBDIVISION ISSUE:**

- **Conventional subdivision layout:**

- Open space is private and part of individual lots. As a result it can be disturbed,
- Subdivision spread out over entire parcel,
- More impervious surface area and more land clearing/grading required (i.e. longer roads and driveways),
- Greater impact to existing foliage and more acres ‘developed’ under conventional subdivision design.

- **Cluster subdivision layout**

- Smaller lots with open space being separate and less likely to be disturbed,
- Open space is now ‘shared common area’ for local residents,
- Subdivision is condensed requiring less land clearing and grading,
- Less impervious surface area required,
- Greater protection for existing foliage and less overall ‘development’ on property.

- **ISSUES/CONCERNS (continued):**

- Plan indicates minimum required lot size within the University Lake Watershed Area is **5 acres**.
- This is inconsistent with language within Joint Planning Agreement and County regulations indicating minimum lot size is 2 acres.
 - NOTE(s): The Plan indicates there is a density limit for property within this area of 1 dwelling unit for every 5 acres.
 - County regulations also establish a density limit for property within the University Lake Watershed Area of 1 dwelling unit for every 5 acres of property. Minimum required lot size, however, is 2 acres. As previously indicated this is consistent with language contained within the Joint Planning Agreement.

- **PROPOSAL:**

- County staff is proposing the following:
 - Combine Rural Residential and Agricultural Areas land use categories into 1 and add language indicating agricultural activities are permitted throughout area covered by the Plan.
 - Add language establishing density of 1 dwelling unit for every 2 acres for property within Rural Residential land use category.
 - NOTE(s): This is consistent with County planning staff’s interpretation of the allowable density in Rural Residential land use category. Plan is being modified to include this interpretation.
 - This amendment will not impact established density limits within the University Lake Watershed Area, which will remain at *1 dwelling unit for every 5 acres of property*.
 - Allow cluster subdivisions within the Rural Residential category so long as proposed density requirements (i.e. 1 unit for every 2 acres) are adhered to. Lots could be reduced to 1 acre in area while density limits are maintained.

- **Proposal (continued) Chart Visual**

What proposed changes will mean in Rural Residential Land Use Category?

Proposal (continued)

- Change language denoting required minimum lot size for parcels in the University Lake Watershed Area from 5 acres, as detailed within the current Plan, to **2 acres** consistent with existing County regulations and the Joint Planning Agreement.
 - NOTE: This will not impact existing density requirements of **1 dwelling unit for every 5 acres** of property for parcels located within the University Lake Watershed Area.
 - Minimum required lot size will be 2 acres, which is what County staff has enforced since the adoption of the Agreement.
 - Please note: Cluster Subdivisions are allowed within the University Lake Watershed Area. Lots can be reduced to 1 acre in size so long as established density requirements (i.e. 1 dwelling unit for every 5 acres of property) are observed.

Proposal (continued) Chart Visual

What proposed changes will mean in University Lake Watershed Area?

REVIEW PROCESS:

- Step One: Joint Public Hearing with all participants
- Step Two: Review of proposal by all parties consistent with schedule outlined in abstract.
 - NOTE: each entity shall process request consistent with their applicable meeting schedules for advisory boards and elected officials.
 - Amendment(s) shall not become effective until approved by the parties.
- Step Three: Elected bodies take action.
- Step Four: If approved, staff will modify the language of the Plan.

COUNTY STAFF RECOMMENDATION:

1. Receive the request,
2. Conduct the Public Hearing and accept public and elected official(s) comments,
3. Refer the matter to the various advisory boards for recommendation and elected officials for final decision consistent with local meeting dates.

Council Member Palmer asked how a 2 acre lot can be purchased to build a house, but the density is one unit per 5 acres.

Michael Harvey referred to the example of a 100 acre parcel that can be split by a developer into a maximum of 20 lots. He said 19 of those lots can be 2 acre parcels, which is the minimum lot size, and one lot will be significantly larger. He said the minimum lot size will be maintained, but only 10 lots will get developed. He said it is up to the developer to decide how large the lot sizes will be, respecting the 2 acre minimum.

Council Member Palmer said she understands how this can work if you have a developer, but she questions the situation when there is an individual owner.

Michael Harvey said there are 1, 2 and 3 acre lots in this area. He said any of these that were created prior to 1990 are grandfathered in and can be developed; any new lot created after 1990 has to comply with the density standards.

Commissioner Dorosin referred to the example on the slide regarding shared open space in the cluster model. He asked if this means the developer has to create a Home Owners Association (HOA) to manage and maintain that shared space.

Michael Harvey said there are several ways to get this done. He said one way is to establish an HOA, and another way is to work with developers to have common areas donated and dedicated to local conservancy groups.

Commissioner Dorosin questioned how density would be measured if, for example, he owned a 5 acre stand-alone lot and he wanted to sub-divide it and sell part of it.

Michael Harvey said it would depend on when the lot was created. He said a subdivision would not be possible if the lot was created in 2000, as the density threshold has been reached for the area in question.

Mayor Kleinschmidt arrived at 7:16 PM

Commissioner Dorosin questioned whether subdivided lots from a parcel created earlier would still be grandfathered.

Michael Harvey said it would be a lot created under provisions referenced in the plan, as well as in County zoning regulations. He said there is a density bonus that the plan recognizes. He said this allows for up to 5 lots at a 2 acre density; but once this is exhausted, every dwelling would have to meet the one dwelling unit per 5 acre density.

Alderman Slade said this looks like a more attractive alternative for developers, and it may allow them to pursue the clustered subdivision as a way to save money. He questioned whether there might be ways to incentivize developers to make any existing nature corridors or County corridors publicly accessible space in exchange for the opportunity to do a cluster subdivision.

Michael Harvey said the current County standards do not incentivize the cluster subdivision process. He said this plan merely provides the developer an opportunity to reduce cost and preserve open space. He said the only incentive in their regulations is to potentially allow for additional density, subject to the provision of lots for affordable housing. He said the County has had developers that have dedicated open space and allowed for public access corridors consistent with the Greenway Master Plan, which is monitored by the Department of Environment, Agriculture, Parks & Recreation (DEAPR). He said DEAPR is involved in the review process and makes recommendations on the reservation of such areas.

Commissioner Price asked if staff can provide the statistics for which developers have used conventional plans versus clustering or conservation over the years.

Michael Harvey said he can do this, but he would remind the Board that there are 4 types of major sub-division regulations in the County, most of which are conservation/clustering style subdivisions. He said the County has only had 2 major subdivisions in the past 3 years.

Commissioner Price said there have been some in the past and she would like to have some idea of how this has gone. She said there were efforts in the 1990's to do this type of conservation, and a lot of the developers were choosing the conventional plan.

Michael Harvey said he can provide this information. He said there is nothing in this plan other than that it encourages and allows clustered subdivisions. He said it is the County's subdivision regulations that spell out the subdivision processes.

Council Member Harrison said it was with the Dunhill subdivision off Mount Sinai Road that he first learned about the lack of cluster. He asked if this neighborhood had any other option besides conventional that would have given them more buffer against the Johnston Mill Preserve.

Michael Harvey said the developer could have done a cluster sub-division, but this would have limited them to 2 acre lot sizes; therefore the conventional option was chosen. He said this amendment would have given the developer the option to cluster down to one acre with 33 percent open space.

Council Member Harrison questioned whether this option would have reduced the number of lots.

Michael Harvey said this is correct, but it would have been 2 acre minimum lot sizes.

Council Member Harrison said it could have increased the amount of open space against neighboring properties.

Michael Harvey said this is correct, but the County cannot require that the developer go through this process, because it was a special use permit.

Council Member Ward asked if this proposal is going to create any situations where people will lose development opportunities.

Michael Harvey said he does not think so, because County planning staff already interprets a de-facto one dwelling unit for every 2 acre density in the rural residential area. He said this will simply allow people to reduce the lot size, cluster, get more open space, and reduce the cost for development. He said the County gets the benefit of more open space.

Council Member Ward asked if there are there boilerplate restrictions related to the open space that is created within these subdivisions.

Michael Harvey said yes. He said the Orange County subdivision regulations spell out uses allowed within open space, and this is primarily for local residents, access and some recreational activities.

Council Member Ward asked if the space can be timbered.

Michael Harvey said no.

Council Member Ward asked about the nature of the enforcement.

Michael Harvey said he tries his best.

Council Member Ward noted that one of the proposals is to overlay what already is by state law agricultural uses throughout the County.

Michael Harvey said staff is proposing the combination of existing agricultural land use area with the rural residential category, adding language that stipulates agricultural activities are permitted consistent with state law.

Council Member Ward asked if this is going to do anything in the watershed that would be counterproductive to the interest in keeping it healthy.

Michael Harvey said not in his professional opinion, because state law says the County cannot stop farms from developing in that area anyway.

Council Member Ward asked if there are other ways to deal with agricultural activities to make sure these activities and farming practices are done as wisely as possible.

Michael Harvey said even though farms are exempt from the majority of zoning regulations, they are still required to comply with development regulations, specifically erosion control and storm water management. He said the County planning department does enforce impervious surface limits on farms and does work in concert with the Health Department to insure adequate septic. He said there are mechanisms in place to address some potential concerns, but the tools at the County's disposal are limited because of state law.

Commissioner McKee said there are regulations associated with the Jordan Lake rules that define record keeping, as well as best farming practices.

Commissioner Gordon asked if there is any other way to handle this concern about farming not being allowed. She said it seems that farming cannot be restrained, and she thinks there are already farms in this watershed and other areas of the rural buffer. She questioned whether there is any other way to phrase this that would bring the definition up to date instead of combining these two uses. She said this makes it sound much like the Agricultural Residential land use category, which is much different. She asked if there is a way to add a statement about compliance with state statutes.

Michael Harvey said the original proposal was to delete agricultural areas as a land use category altogether, and add the language being proposed on page 8 of the abstract. He said it was determined that the language of the agriculture areas land use category should be maintained. He said since there are no properties placed in the category to begin with it seemed reasonable to combine the two and add the language. He said the problem is that

agriculture activities can occur in all land use categories, so it was more prudent to combine the two categories.

Commissioner Price said she was referring to flexible development earlier.

Michael Harvey said the state requires a minimum stream buffer to be preserved around streams on farm properties, and the County buffers don't apply. He said the erosion control division of Orange County handles this.

Michael Harvey said he cannot enforce watershed buffers on a farm. He said he cannot enforce the 100 foot as currently detailed, since the watershed buffers are graduated from a 50 foot minimum to 250 feet, according to slope. He said the state will enforce the minimum stream buffer.

PUBLIC COMMENT:

Bolton Anthony said he runs a small non-profit called Second Journey, which is interested in new models for community in later life. He said his organization has been partnering with the Department on Aging on workshops regarding aging in the communities. He said there have been discussions on shared housing and clustered neighborhoods.

He said his non-profit was considering an elder-co-housing community 7 or 8 years ago, in which the houses are clustered and open onto a green space, and automobiles are kept at a distance. He said the affordability issue in Carrboro and Chapel Hill made this project very difficult, so the agricultural buffer was considered. He said there was a 15 acre tract on Old Hillsborough that would have worked beautifully, and the 2 acre requirement is what frustrated the ability to develop this. He urged the Board to give this a favorable hearing and not frustrate future attempts.

Council Member Palmer referred to page 15 of the materials and noted that there are approximately 9,260 acres of land designated rural/residential and agricultural. She said that could mean about 10,231 people according to the plan. She said if the County continues subdividing land into big lots, there will end up being mansions for 10,000 people. She does not want the County to look like this, and she does not want this to be the future of the outskirts of the Chapel Hill and Carrboro area. She would like to think of ways that this land can serve the community better than just subdividing it into lots. She suggested development of a soccer complex that would bring in people for recreational purposes and would bring economic development to our area. She said a park and ride lot could be placed next to it so that weekend users could utilize it to preserve parking in the towns. She said some of this land should be preserved for trails and campgrounds.

Council Member Palmer asked about use for affordable housing or educational farms for young people to learn about agriculture. She asked if these activities could be encouraged. She said she is comfortable making these changes to bring things up to date, but she hopes that the Board can come back and talk about new things that can be done with the rural buffer.

Council Member Storrow arrived at 7:42 PM

Council Member Ward asked how the land perkability affects these rules.

Michael Harvey said the reality is if that it is sometimes difficult to find perk sites. He said if developers don't do the due diligence before going through the process then there could be a lot of money spent for nothing. He said the County does require applicant to go through a fairly arduous process to avoid this.

Council Member Ward asked if the County requires a back up perk site.

Michael Harvey said yes.

Council Member Ward asked if the County is being asked about above ground perks and other alternatives with regard to land that does not perk

Michael Harvey said all of these are possible with state permits and state engineered systems. He said a project in the rural buffer is prohibited from having water or sewer extended to it.

Council Member Ward asked if developers can use the alternative strategies.

Michael Harvey said yes.

Commissioner Gordon said part of the reason for the rural buffer is to have a hard edge around the urban areas so that the urban areas can be developed in a more effective way. She said it is important to remember that whatever goes in the rural buffer needs to be able to survive on groundwater systems.

She said there are possibilities to have soccer areas in other parts of the County, such as Millhouse Road Park and the Twin Creeks Park.

Chair Jacobs referred to the clustering option and thanked the staff for bringing it forward. He said this is a gracious form of sprawl. He said the County loses the capacity to have significant connected open space and smaller yards. He said he has been asking for this for a long time. He said there has been frustration by this, and there has been hesitation to open the discussion about the rural buffer, but he trusts the wisdom of his colleagues. He thinks the County can do a better job, and he thinks this is a step in the right direction. He hopes this goes forward.

Alderman Haven O'Donnell referred to the comments by Bolton Anthony. She said there are people in Carrboro that have been there a long time and are discussing an elder co-housing concept. She said this is not possible in Carrboro, as the lots are not large enough. She asked, if this was to go forward, if there would be flexibility for these kinds of special uses.

Michael Harvey said his opinion is no, because there would still be a one acre minimum lot size with clustering.

Alderman Haven O'Donnell said the County is rapidly approaching a time, with baby boomers retiring, when a wise use of land makes sense. She questioned whether the County is missing an opportunity to purposefully create an environment where transitional and affordable housing would work.

Michael Harvey said it would require the efforts of the elected boards to put that type of flexibility in the proposed document.

Chair Jacobs noted that the County's minimum lot size is .92 acres.

Michael Harvey said there are areas in Orange County where water and sewer are available, and high density projects are encouraged and promoted. He said some of the projects Alderman Haven O'Donnell is suggesting could be developed through established processes; however this cannot be done in the current rural buffer.

Commissioner McKee said he supports the plan overall, but his only concern is the one dwelling for every 5 acres in the University Lake Watershed. He said he is concerned about the issue of affordability. He said with this limitation and the land prices in that area, there is no talk of affordable houses – only mansions.

Council Member Ward asked for an explanation of why the County could not create the ability to have smaller lot sizes.

Michael Harvey said the reason for the lot size requirements is the availability of active repair septic and wells that require a 50 foot setback from structures and septic systems. He said the lot sizes can vary dramatically in areas that have water and sewer.

Council Member Palmer said she understands the need for the septic system to support the population. She questioned having the land and clustering the people. She referenced the example of co-housing for the elderly. She said the homes in this setting are more like little apartments that open into common areas. She asked if this would be permitted, as you still have the density.

Michael Harvey said there are areas in the County where that concept would work, but this would not work in the rural buffer unless this elected body wants to change this plan.

Council Member Palmer asked if this means changing the plan to allow clustering to have lots of half an acre as long as the density is maintained.

Michael Harvey said that is one thing that would have to change, but there are many more changes that would have to occur, and he is not prepared to discuss that this evening.

Council Member Palmer asked if it is possible in much of the rest of the County.

Michael Harvey said yes. He said there are existing subdivision categories that give people the option to go through a process to create exactly what Council Member Palmer is talking about. He said most of these are in areas where water and sewer are available.

Alderman Seils said he has concern about any reduction of lot sizes. He said these discussions are describing an urban area, and the purpose of the rural buffer is to not be an urban area. He said he is not interested in changing the rural buffer to an urban area.

Commissioner Gordon agreed with Alderman Seils comments. She said the proposed concepts that Town Council Member Palmer mentioned require public water and sewer. She said there are good reasons why the requirements are in place for lots with septic and well.

Commissioner Price said she is in favor of the proposal, but she has looked at the clustering option in the past. She said she some of these developments have community wells in other areas, and it requires creative planning and a consideration of the carrying capacity of the land.

a. Orange County

A motion was made by Commissioner Price, seconded by Commissioner Rich to refer this item to the:

Orange County Planning Board for recommendation – May 7, 2014

Board of County Commissioners for possible action – June 3, 2014

VOTE: UNANIMOUS

b. Chapel Hill

A motion was made by Council Member Palmer, seconded by Council Member Storrow to refer this item to the :

Chapel Hill Planning Board for recommendation – May 6, 2014

Town Council for possible action – June 9, 2014

VOTE: UNANIMOUS

c. Carrboro

A motion was made by Alderman Gist, seconded by Alderman Seils to refer this item to the:

Carrboro Planning Board for recommendation – May 1, 2014

Board of Aldermen for possible action – June 3, 2014

VOTE: UNANIMOUS

2. Text Amendments to the Joint Planning Land Use Plan and Agreement

Revise existing language to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Text Amendments to the Joint Planning Land Use Plan and Agreement to Allow for the Possibility of Locating Appropriate Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

Purpose of Amendment

- Amend Joint Planning Land Use Plan and Agreement to allow for the potential of locating appropriate agricultural support enterprises within the Rural Buffer land use classification

Proposed Amendment

- Add text to two pages of Joint Planning Land Use Plan and to one page of Agreement
- Added text is shown in blue in the agenda materials

What are Appropriate Agricultural Support Enterprises?

- Agricultural support-related uses to be added to County's Unified Development Ordinance (UDO) as permissible in the Rural Buffer zoning district and/or part of a new conditional zoning district that could be applied in the Rural Buffer
- UDO amendments pertaining to the Rural Buffer can be adopted only if the three governing boards amend the Joint Planning Land Use Plan and Agreement

Unified Development Ordinance Amendment

- The specifics of the UDO amendment are not the subject of tonight's public hearing but some information will be presented for context
- The Joint Planning Agreement has a prescribed process for amendments to County and Town development regulations
- Proposed amendments sent to Town planning staffs on January 17 for review/comment, in accordance with the Joint Planning Agreement
- Proposed UDO amendments were heard at the County's February 24 quarterly public hearing
- Adjourned to September 4, 2014 BOCC meeting for decision
- Discussed at the November 21, 2013 Assembly of Governments meeting
- Resulted in some changes to the amendments that went forward to public hearing

Purpose of Agricultural Support Enterprises Concept

- Augment the allowable uses farmers can pursue in order to generate additional farm-related income while minimizing any adverse impacts on adjoining property
 - Intent is to better enable farmers to keep farming which will help preserve the rural heritage of Orange County and lessen pressure to sell farmland for conversion to residential uses
 - Consistent with the County's adopted Agricultural Development and Farmland Protection Plan
 - County's Agricultural Preservation Board is supportive of moving forward with the amendments

Project Review/Approval Process

(if all amendments are enacted)

- All projects within the Rural Buffer are sent to JPA partners for review and comment, in accordance with the Joint Planning Agreement
- Three basic processes:
 - Staff review/approval
 - Only for small scale, less intensive uses
 - Special Use Permit
 - Public Hearing
 - Decided on a case-by-case basis with public input ("evidence")
 - Rezoning to new conditional district (ASE-CZ)

Conditional Zoning Districts

- Allow projects to be considered on a case-by-case, site-specific basis
- Rezoning (legislative process) with public hearing
- Acknowledges that there are places where a specific type of use may be appropriate whereas it would not be in a different site-specific situation
- BOCC has final decision on whether a proposed use(s) is compatible with surrounding uses
- Mutually agreed upon conditions can be imposed as part of the approval process
- Allows tailoring of project to a specific site

Use-Specific Standards

- Proposed uses to be added have use-specific standards that must be met
- Address issues such as:
 - Additional setback requirements
 - Access to a major road
 - Hours of operation or of special events
 - Groundwater usage
 - Minimum lot size
 - Screening of outdoor storage areas
 - Location of parking areas
 -

Tonight's Amendment Topic

- Joint Planning Land Use Plan and Agreement
 - Ultimately, the decision to be made is whether the governing bodies would like to allow for the possibility of agricultural support uses in the Rural Buffer or whether any development in the Rural Buffer should continue to be primarily for only exempt agricultural uses and residential development on large lots

Recommendation for Tonight

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and Agreement.
2. Close the public hearing.
3. Refer the matter to the local governments for decision in accordance with the following schedule:
 - a. Orange County
 - Orange County Planning Board for recommendation – May 7, 2014
 - Board of County Commissioners for possible action – June 3, 2014
 - b. Chapel Hill
 - Chapel Hill Planning Board for recommendation – May 6, 2014
 - Town Council for possible action – June 9, 2014
 - c. Carrboro
 - Carrboro Planning Board for recommendation – May 1, 2014
 - Board of Aldermen for possible action – June 3, 2014

Perdita Holtz noted that the rural buffer does encompass over 30,000 acres in total. She said some examples of agricultural uses include a community farmers market, a cooperative farm stand, a microbrewery or winery, or an equestrian center, to name a few. Council Member Palmer asked for clarification on the location of the blue, amended text.

Perdita Holtz said this is located on page 35-38 of the handout. She said Commissioner Gordon passed out the actual UDO amendments this evening.

Council Member Harrison asked if the listed uses are now allowed in a lot of other districts.

Perdita Holtz said most of the uses are new. She said the microbreweries might be allowed under a broader land use classification. She said Orange County's non-residential uses are broad, so in some cases a use is not currently designated, and now it is being specifically addressed in the regulations.

Council Member Harrison asked if the request is countywide or only in the rural buffer.

Perdita Holtz said there is an amendment going forward for areas outside the buffer as well as an amendment that is specific to the rural buffer.

Commissioner Gordon said the first amendment package being considered tonight has to do with things the staff felt needed to be done that are not specifically related to allowing agricultural enterprises in the rural buffer.

She said this part of the meeting has to do with agricultural enterprises in the rural buffer, and that is why she passed out the document with additional information on the amendment package. She said the boards are being asked to make amendments to the joint planning land use plan and the actual joint planning agreement, and her handout provides context. She said the first pages of her handout give an overview of what is being proposed. ("Agricultural Support Enterprises Basic Zoning Program") and then the rest of the document gives the UDO and Comprehensive Plan Amendments for the Area Within the Rural Buffer ("Amendment Package for Agricultural Support Enterprises Within the Rural Buffer"). She is hoping that the boards would look at her hand out and provide comments. She said the Board of County Commissioners will not consider these amendments until September. She said that certain proposed amendments, such as a community meat processing facility, winery with events, community farmers market, and others really do allow a lot more uses in the Rural Buffer than the current standards. She said in the interest of transparency she wanted the boards to have this information.

Commissioner McKee said no one is being asked to make a decision tonight. He asked Perdita Holtz to clarify that nothing is allowed by right, without review.

Perdita Holtz said very few uses are allowed, and there are five new ones.

Commissioner McKee said some the major things mentioned by Commissioner Gordon are not staff decisions, but require multiple levels of review. He said this does allow a lot more activity to happen, but his point is that there are multiple levels of review. He said the farmers in this rural buffer area need the opportunities to generate additional revenues in order to remain in farming. He said he seriously doubts there will be any meat processing facilities in Orange County, much less the rural buffer, as it is a major undertaking. He said farm stands may pop up, as this requires customers, so it fits in the area. He said he hoped people would not get hung up on some of the proposed uses but will look at this holistically from a view of what it can do for the agricultural community.

Alderman Slade said he would like to see a map of how many farms are in the rural buffer area. He would like to find ways to support local farmers, and this proposal makes sense to him. He said Carrboro is looking to allow light manufacturing in their town through a process of zoning. He encouraged the Board of County Commissioners to use the ¼ cents sales tax in support of agricultural enterprises. He would like to see how the money is being spent, and he would like to see breakdown of the sales tax numbers throughout the County.

Chair Jacobs said parts of the monies are dedicated to agricultural economic development activities. He said the County is in the process of hiring a new agricultural economic development person who will be dedicated just to that portion of the economy. He said the Board has been working on this since Maple View Farms ice cream store came into existence. He said the County had to figure out a suitable process for engaging the flexibility to

review different uses without granting them by right or having a blanket ban. He said the conditional use zoning has finally gotten them to this place.

Commissioner Rich said when Commissioner Gordon shares information, she does it because she has a passion, and she wants to make sure everyone has all of the information in order to make an educated decision.

Commissioner Gordon said agricultural uses were originally created for the existing farms. She referred to page 80 on the back of her handout and said the uses that are allowed are not the most intensive uses. She said the intensive uses are the ones that are only allowed as Agricultural Support Enterprises conditional zoning (ASE-CZ). She said there is some recognition in the advisory boards that some of these uses should not be allowed in the rural buffer. She listed some of these possible exclusions.

Commissioner Gordon referred to the end of page 38 and read the following: "The rural buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's UDO ordinance as allowable in the RB (rural buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district."

Commissioner Gordon suggested that the board members look through all of the uses and review or tweak them before signing off on this.

a. Orange County

A motion was made by Commissioner Gordon, seconded by Commissioner Price to include Commissioner Gordon's hand out information as well as the farm information requested by Alderman Slade and refer the item to the:

- Orange County Planning Board for recommendation – May 7, 2014
- Board of County Commissioners for possible action – June 3, 2014

VOTE: UNANIMOUS

b. Chapel Hill

A motion was made by Council Member Ward, seconded by Council Member Greene to include Commissioner Gordon's hand out information as well as the farm information requested by Alderman Slade and refer the item to the to:

- Chapel Hill Planning Board for recommendation – May 6, 2014
- Town Council for possible action – June 9, 2014

VOTE: UNANIMOUS

c. Carrboro

A motion was made by Alderman Gist, seconded by Alderman Seils to include Commissioner Gordon's hand out as well as the farm information requested by Alderman Slade and refer this item to the:

- Carrboro Planning Board for recommendation – May 1, 2014
- Board of Aldermen for possible action – June 3, 2014

VOTE: UNANIMOUS

Council Member Ward said the last time this was discussed there was concern regarding the water consumption for many of these uses.

Perdita Holtz said that was the major change that occurred as a result of the Assembly of Governments meeting. She said many of the uses would be required to submit a groundwater study if they exceed the number of gallons per day utilized by an average single family residence.

Council Member Ward asked what is in place to inform the public in the affected area of these proposed changes.

Perdita Holtz said there was a public information meeting on this entire program; the items were on the Board of County Commissioners QPH agenda; and this public hearing tonight was in a legal advertisement. She said press releases are done, and if this was to be adopted, and projects come forward, owners within 500 feet of a proposed property would be notified.

D. ADJOURNMENT OF JOINT PUBLIC HEARING

A motion was made by Commissioner Rich, seconded by Commissioner Pelissier to adjourn the meeting at 8:25 p.m.

VOTE: UNANIMOUS

Barry Jacobs, Chair

Donna Baker
Clerk to the Board

APPROVED 5/20/2014

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
JOINT MEETING
March 27, 2014**

The Orange County Board of Commissioners met with the Town of Chapel Hill for a Joint Meeting on Thursday, March 27, 2014 at the Southern Human Services Center in Chapel Hill, N.C. (following the Joint Planning Meeting at 7:00pm)

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: Annette Moore

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS PRESENT: Mayor Mark Kleinschmidt, Donna Bell, George Cianciolo, Sally Greene, Ed Harrison, Maria Palmer, Lee Storrow and Jim Ward

CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT: Matt Czajkowski

CHAPEL HILL STAFF PRESENT: Town Manager Roger Stancil

Welcome and Opening Remarks (Mayor Mark Kleinschmidt and Chair Barry Jacobs)

Mayor Kleinschmidt said many items are on tonight's agenda to help bring the Board of County Commissioners up to date on some development, review and planning processes within the Town of Chapel Hill.

1. Ephesus Road Development Project

Roger Stancil said the town would like to brief everyone on the design to re-develop and transform this challenged suburban commercial area into a vibrant urban walkable area. He said this area has been plagued with traffic congestion issues and storm water problems. He said the town would like to share this plan and then to invite the County's investment in this tax increment financing project. He said the request will be for the County to contribute a portion of the tax revenue gained from this project to help support the public improvements in the area.

He reviewed a series of PowerPoint slides of maps and drawings of the Ephesus Fordham area.

Roger Stancil said the idea of the project is based on a re-zoning that would foster the re-development of this commercial area, and that re-development would produce the tax revenue to fund the public improvements that the community has been struggling to fund. He said this plan is based on the three tenets of the Chapel Hill 2020 plan, which are connections, choices, and community. He said the community survey showed that the two biggest issues of concern are the congestion on 15-501 and the lack of available shopping in the area. He said this is intended to create a walkable, connected district.

Dwight Bassett, Economic Development Officer gave a general outline of the project using PowerPoint maps and drawings. He said the town council adopted a goal in February

2010 of completing a small area plan for this district in hopes of realizing some economic development opportunities. He said this was followed by a 7 month planning process. He reviewed the map of the area. He said the plan was adopted in June of 2011, and staff has been working on implementation. He said an economist on the planning board analyzed this plan and came out with a potential market for this district of about 250,000 square feet of retail, 280,000 square feet of hotel, 360,000 of office, and about 1,000 residential units. He said these numbers were the backbone of the transportation impact analysis to determine how to make traffic, bike and pedestrian improvements to help the district function.

Dwight Basset the past few years have included functional engineering on traffic and future potential transit improvements, as well as consideration of storm water engineering solutions. He said the council adopted a goal of 30 percent of the housing units being affordable housing. He said the idea is to pull as much traffic as possible back from Ephesus Church and Fordham Boulevard and distribute it better.

He said the town is looking at a total of \$10 million in public cost just to fix all of the broken systems in the development and allow future development to proceed.

Eric Feld reviewed several PowerPoint maps and charts. He said the framework approved by the council in 2011 was reinforced in the Chapel Hill 2020 comprehensive plan. He said this project was listed as an immediate priority, and there was also an action to consider form based coding as a regulating tool for this area. He said form based coding is a system of regulations intended to focus on the form of an area by focusing on the public realm from one building to the next. He said through this predictability the town hopes to harness an environment that will encourage re-development, which will allow for self financing of improvements. He said the town is going through a public process with the form based coding to refine the regulations.

He reviewed a map of the 190 acre planning area, as well as proposed design drawings.

Kenneth C. Pennoyer reviewed the following PowerPoint slides:

Redevelopment will enable self-financing of public improvements by using a "Synthetic" Tax Increment Financing.

The Town is planning an installment financing to pay for \$10 million of Ephesus Fordham public improvements by combining financing with the Town Hall Renovation Project

Synthetic Tax Increment Financing

Funds for repayment of the debt will come from the additional (incremental) taxes generated from the redeveloped properties

Total Annual Payments would be about \$800,000 (20 years)

Expected Development (Bar Graph)

2.2 Million Sq. Ft. & \$260 Million Value

20 Year Cost Benefit Comparison (Graph)

Cumulative Debt Service & Town Property Tax Increment

Major Revenues Schools & County (chart)

Proposed County Participation

Lesser of 50% of the actual tax increment or 50% of the actual Debt Service on the \$10 million of public Improvements

Maximum Annual Payment would be about \$400,000

Projected County Tax Increment (bar graph)

Kenneth C. Pennoyer, said one of the challenges of this project was finding a way to finance the \$10 million of public improvements to the traffic and storm water, which are a precursor to the development of the area. He said the town does not have authority sufficient to borrow those funds, nor does it have a method of using the assets created in the project to do an installment financing. He said an alternative structure was considered through a synthetic tax increment financing. He said this would use the incremental tax revenues generated from the re-development of the properties in the area to help pay for the debt service for the public improvements. He said in order to make this financing plan work, the town needed to have an asset to use as collateral in order to do an installment financing.

He said a renovation project for the town hall is being done at the same time, as a result of the flooding last summer. He said the town saw an opportunity to combine these two projects and use the excess collateral in the town hall building as an asset to help finance the entire project. He said the town will be doing installment financing, while adding in a small amount of 2/3 general obligation bonds of \$1.7 million. He said this will defray the cost of the town hall portion of the project.

Kenneth Pennoyer said the synthetic tax incrementing financing relies on the expected increase in the property values in the area in order to pay the debt service on the improvements. He said it is anticipated that the \$10 million of debt will cost about \$800,000 in annual debt service payments.

He reviewed the graph of expected development phases. He said years 0-4 will primarily be multi-family residential, with some commercial. He said these are additive figures and the term of the analysis has been stretched to 20 years to match the length of the debt service.

Kenneth Pennoyer referred to the *20 Year Cost Benefit Comparison* slide and said this is the cumulative debt service based on borrowing for \$10 million, compared to the town's expected additional tax revenues. He said this shows the relationship between what is being borrowed and what can be afforded. He said the gap represents a shortfall of the town's tax increment using conservative assumptions on tax values, and this exists until 2030.

He reviewed the *Major Revenues Schools and County* slide, and said the numbers under each phase represent the annual tax increment expected by the County under the development scenario at the current tax rate. He said the impact on schools is based on the number of multi-family housing units being built, and it is anticipated to equal \$1.9 million in additional fees. He said the school property tax at the current tax rate is anticipated to be \$549,000 after complete build out.

Kenneth Pennoyer said the proposed County participation is to contribute a portion of the tax increment, or additional taxes generated from the development, not to exceed \$400,000. He noted that the tax increment will be smaller in the early years. He said the town is looking to use its debt service fund in the interim to pay the differences between the increment available and the actual debt. He reviewed the *Projected County Tax Increment* graph and said the full tax increment over the 20 years would be about \$7.3 million, and the net tax increment after paying the debt service, would be \$24 million.

Kenneth Pennoyer said the final *20 Year Cost Benefit Comparison* slide shows how the County increment provides the opportunity to match debt service with tax increment 10 years

earlier, in 2020. He said a partnership between the town and County will create a stronger debt payment structure and a bond package that is easier to market.

Chair Jacobs said staff would want to do a fiscal analysis of this before there is any comment on participation.

Chair Jacobs asked, given the planned 1,000 residential units, how this plan incorporates school sites per the Schools Adequate Public Facilities Act (SAPFO).

Roger Stancil said staff has been talking with Todd Lofriese from Chapel Hill Carrboro School System (CHCCS), and he will be at the April 9th work session to assist them.

Chair Jacobs asked if there will be a certain threshold for this or if a site will be determined.

Mayor Kleinschmidt said no site has been identified for a school within this district. He said there are school sites that have been identified nearby, such as Legion Hall.

Council Member Harrison said the American Legion area asked them to take the school off, and the likely land usage for this is actually athletic fields or a park.

Chair Jacobs said the town may want to invite Craig Benedict to attend their next meeting, as he is familiar with student generation rates. He said if no site is identified, it will have to be acquired, and it is much easier to identify it.

Mayor Kleinschmidt asked why a school would be required within this district.

Chair Jacobs said it doesn't have to be within the district, but in the past developers have been required to set aside a site for a school.

Town Council Member Palmer said this is not a new development; it is a re-development. She said the town has Ephesus Elementary within this area. She said this area is expected to grow gradually over the next 20 years and the demographics are going to change. She said the first thing to be re-developed will be the apartments, which will then be more upscale, and this will likely mean fewer children.

Commissioner Pelissier said an important point for her is that the first 10 years appear to have mostly multi-family home development. She said the County has to look at how much of the tax revenue is coming from residential versus commercial. She said when the County foregoes revenue, this affects the school funding, and she questioned whether the entire County might be paying for these additional school children in one district.

Commissioner Gordon asked what the transportation improvements are going for, and how transit will figure into this area along 15-501.

Roger Stancil said the transit improvements are included in the development regulations and will be part of the regular development process. He said the transit director has been involved in this conversation. He said the numbers shown do not reflect the pennies that the town dedicates to transit service. He said the town is doing a sustainability study of the transit system and how to plan for this future. He said that study will complement this plan.

Commissioner Gordon referred to the form based code information and she asked if the school system has to issue a certificate of adequate public facilities when a residential element comes in.

Mayor Kleinschmidt said the form based would not be exempt from other existing laws, like SAPFO.

Commissioner Gordon asked if form based code means that what can go in is set and predictable and can be approved at the staff level.

Mayor Kleinschmidt said to imagine if the town behaved like most other communities and laid out zones, and then most development occurred by right. He said developers in many towns look at zones to determine what can be built and then decide what they want to build. He said these developers can usually just go through staff as long as they comply with the zones and permitted uses. He said the form based code idea is to create a zone that defines the appropriate frontage, number of stories, transitions in intensity, street appearance, and

transit planning. He said that is how this would work. He said it gets ahead by looking at what the town wants the new development to look like and then allowing the developers to move forward as long as they comply.

Mayor Kleinschmidt said their community design commission will have an important role in this project by reviewing any proposed project for its esthetic value, architecture, form and materials.

Commissioner Gordon said the predictability could be a good thing, and it is the flip side of conditional zoning. She said people like predictability. She said there is an overall ratio of 85 percent residential development versus 15 percent retail development. She said residential development usually doesn't pay for itself unless the residential units are expensive.

Mayor Kleinschmidt said this will be multi-family homes, and no single family homes will be allowed.

Commissioner Gordon asked why more commercial development is not being encouraged early on.

Mayor Kleinschmidt said the zones will be mixed use zones, except for two that overlay the park area right now. He said these are the only areas with purely residential projects, and these are multi-family. He said the residential area has had projects come through before. He said there are property owners who want this, and it is going to happen. He said everywhere else is mixed use.

Commissioner Gordon said she will have to look at the figures.

Mayor Kleinschmidt said there are 190 acres. He said there will be 1000 new residential unit, which is 10 times more than Greenbridge, which sits on less than an acre. He said this property is not overrun with residential if you think about it that way.

Commissioner Rich said this process started when she was on the council in 2009, so the idea that it has been rushed is false. She said the Board of County Commissioners is just now hearing about the proposed funding of this project, and the models and numbers will have to be examined. She said the County needs to support economic development. She said she was concerned about the schools, and she will look at that information. She said it would be nice to see some affordable housing units here, and she noted that the affordable housing units there now are run down and need re-development. She said she is excited about helping to support the economic development portion of this.

Council Member Harrison referred to the questions about the transportation improvements. He said 15-501 has the biggest foot print of any road in Orange County, and any developer that came up with expansions ran into walls with the DOT due to required, high price tag improvements. He said pooling the money and having a comprehensive plan and town owned streets is a more productive approach. He does not agree with every link in the grid, and some of this needs to be discussed. He said the transit system has proved itself to be increasingly adept at adjusting routes, and he feels it is better to do this in the towns rather than with outside consultants.

Commissioner Dorosin referred to the point about the County's contribution up to \$400,000 or the lesser of 50 percent of the increment. He asked how the town would make up the difference between the tax increment and the debt, if necessary.

Kenneth C. Penoyer said the town has a debt management fund that is used to fund major capital projects, and there is a sufficient balance to make up this amount if needed. He said if these funds are used it would delay other projects, but it is there as a backstop if needed.

Commissioner Dorosin asked if this project could still work if the County decided not to participate.

Kenneth C. Pennoyer said the ability to do it would be more marginal, and it would be much tighter. He feels the town would likely push ahead to try and make it work. He said the County's participation creates a partnership that makes a strong, marketable debt structure.

Commissioner Dorosin asked for clarification that the borrowing is not like the tax increment bonds that were subject to the constitutional amendment from several years ago.

Kenneth C. Pennoyer said this is considered a synthetic tax increment financing (TIF). He said the project development financing through the state has only been used by two projects. He said the reason is that there are easier and less expensive alternatives, such as the synthetic TIF. He said it looks like regular installment financing to a creditor, as they see an asset backing the debt, whereas the statutory model is backed by the hope of development.

Council Member Palmer said the town is letting the County in on a really good thing. She said the cost of not doing it right needs to be considered. She said development is moving to Durham and Chatham, and the town is trying really hard to revitalize Chapel Hill. She said the town is going to do this, because there is no other option. She said the town needs to bring in businesses and people.

Commissioner Price questioned what will happen if this is like Greenbridge. She asked if this is possible.

Mayor Kleinschmidt said as soon as Greenbridge was built it started paying taxes. He said there are many projects that are ready to go, and many people have come to their meetings that want re-development.

Commissioner McKee asked if all of the tax revenues are going to go to debt service because of the build-out.

Kenneth C. Pennoyer said the town would look to make up the difference in any tax revenue gaps in the early years. He said the town does have extra tax increment that can be used to offset other costs or supplement the general fund.

Commissioner McKee said the town has generated a lot of conversation, and he has received telephone calls and email from district 2. He said some of the comments in the calls were not on target, and he encouraged the town to carefully control their message.

Council Member Lee Storrow said he has been vocal in his support for this project. He said there are some unanswered questions and work to be done, but it is getting close to an outcome everyone can be proud of. He encouraged everyone not to be so risk adverse that they miss out on this opportunity. He said he wants to know that when his kids are going through the public school system in the future there will be a more solvent economic base and support system. He said this is a good opportunity to get on board with something exciting.

Council Member Cianciolo questioned what the financial risk is to the County, other than the potential cost of schools.

Kenneth C. Pennoyer said the worst thing that could happen is that the project does not see the expected development, or it takes longer to develop. He said in this case the County is fairly well protected, due to the limited contribution of 50 percent of their actual increment. He said another way to look at this is to consider the cost benefit tradeoff based on the development that is happening and what the County will be expected to deliver in terms of services. He said this presentation was done conservatively, and there is no mention of the additional revenues that may be generated by the retail outlets in the development or by additional automobile tax. He said the concentration was put on the most dependable source, which is the property tax.

Council Member Bell said the towns and the County are intimately connected, and she knows Orange County would not let this economic development opportunity go by the wayside. She said, while this will benefit the town, the actual economic impacts will be minimal compared to what will happen for the County. In reference to schools, she thinks there needs

to be a new way of thinking about schools that considers urban schools, school revitalization and making schools work in a different way. She said land is running out, and it is expensive. She said Chapel Hill will keep growing, and the town has determined that it needs to grow up. She said she is not worried about having enough schools for the next 10 years; she is worried about having enough schools for the next 5 decades.

Michael Talbert said if the town continues to go up, it will increase the density. He said if 1000 residential units are built out, that would bring about .3 children under the current rules of the Schools Adequate Public Facilities Act (SAPFO). He said this would cost around \$1 million per year in operating cost. He said the County funds just under \$3,200 per pupil now. He said this could also put pressure on the building capacity and may move future schools up in the schedule. He said the revenue side of this was laid out, but the expenditures were not mentioned. He said other County services would be impacted, and staff needs time and energy to review this; but the biggest impact would be the schools.

Michael Talbert questioned whether there would be a catch up proposal at the end if the County gives 50 percent of the increase in the tax value in the early years, and then development didn't happen for 3 years. He asked if the town would fund it immediately and then the County would fund through the remainder of the debt service.

Mayor Kleinschmidt said there is no catch up proposal.

Michael Talbert said the County is required to do revaluation every 8 years, and the next one is in 2017. He said these revaluations may have an impact on the values.

Mayor Kleinschmidt said this is a very conservative look at this project, and it assumes today's tax rates and property values at lower than current market rate.

Michael Talbert said the school population issues need to be felt out in the meeting with Todd Lofriese.

Chair Jacobs said the County has already changed their school standards, and there are no more large acreage standards. He said Northside Elementary School is a model of a school that was brought into the city, as opposed to being at the edge. He said this movement inward is the new model, and the County has looked at doing things differently. He said the County needs time to do its due diligence. He asked about the town's expected time frame.

Council Member Ward said it is imperative that the Chapel Hill staff is available to answer any questions the County has about this project. He said it makes a difference to him where the County lies in this decision, and it is not an A plus project without them.

Roger Stancil said town staff is available to the County. He said the finance staff will share a timeline with Michael Talbert.

Chair Jacobs said the Board would need to add this to a work session, and there would also need to be public comment as part of the decision making process.

Council Member Harrison thanked Commissioner McKee for his comments regarding staying on message. He said he has heard from a Durham City Council member, and the conversation is pretty broad.

Council Member Ward said he would like feedback from the Orange County economic development director as well.

Mayor Kleinschmidt said this feedback would be welcome.

Commissioner Rich asked Mayor Kleinschmidt about the time frame.

Mayor Kleinschmidt said he would like it done this fiscal year. He said, depending on the County's participation, this could be going out for a bond sometime after the potential mid-April zoning approval. He said a well paced timeline would have the zones activated in July to go ahead and begin new construction on roads, as well as work on storm water facilities.

Roger Stancil said the April time frame is the re-zoning date, which is the major date. He said the town would like to move forward with the financing right after that. He said the town would ideally be looking at an April/May time frame for the County.

Chair Jacobs said the optimum for the County would be this fiscal year.

2. Transit and Chapel Hill North-South Corridor Study

a) Transit

Craig Benedict said Orange County and the municipalities adopted a bus plan in 2012 and proceeded with a referendum in November 2012, which was passed. He said this is now in the implementation phase and includes all facets of transit. He said light rail has been accepted into project development with the federal transit administration. He said the Amtrak Train Station in Hillsborough is proceeding.

He said monies are becoming available by the half cent sales tax and the County tag fee to provide for a 4 or 5 year program to bring additional bus hours to Triangle Transit, Chapel Hill Transit and Orange Public Transportation (OPT). He said this will start with the addition of around 8,000 hours and will reach 34,000 hours in a 4 year period. He said this is being done jointly with the other bus systems to insure coordinated connections. He said the first presentation of the 5 year OPT bus program will be done for the Commissioners in April.

Council Member Bell left at 9:55pm.

b) Chapel Hill North South Corridor Study

Chapel Hill Transit Director Brian Litchfield said the North South Corridor Study is related to the Orange County Bus and Rail investment plan, but it is not being funded by the plan. He said improvements that come from the study could be funded by the investment plan. He reviewed the following PowerPoint Slides:

The North-South Corridor Study

Chapel Hill Transit Overview

Organizational Structure

While a department of the Town of Chapel Hill, CHT is advised by the Chapel Hill Transit Partners Committee, which provides policy and financial guidance:

- Jim Ward, Chair, Town of Chapel Hill – Council Member
- Ed Harrison, Town of Chapel Hill – Council Member

- Matt Czajkowski, Town of Chapel Hill – Council Member
- Damon Seils, Town of Carrboro – Alderman
- Vacant, Town of Carrboro – Alderman
- David Andrews, Town of Carrboro – Town Manager

- Vacant, University of North Carolina at Chapel Hill
- Jeff McCracken, University of North Carolina at Chapel Hill – Director of Public Safety
- Cheryl Stout, University of North Carolina at Chapel Hill - Assistant Director for Parking Services

What is the North-South Corridor Study?

The NSC Study is a detailed study of all **reasonable transportation alternatives** along the Martin Luther King Jr. Boulevard and 15-501 South corridors from the Eubanks Road Park & Ride lot to the Southern Village Park & Ride lot.

Its purpose is to identify and evaluate improved accessibility, capacity, convenience and travel-time for riders.

It's about Community Goals

Community Survey

- 80% satisfied with quality of CHT
- Congestion is #1 citizen complaint
- Transit services was one of top 5 priorities

Customer Survey

- 91% rated service as excellent or good

Chapel Hill 2020

- Citizens want transportation options
- Transit identified as key initiative
 - Community Prosperity & Engagement
 - Getting Around
 - Good Places, New Spaces
- Carrboro Vision 2020
- UNC Development Plans
- Orange County Bus and Rail Investment Plan

North South Corridor Study Area Study Funding

- The study is being funded in part by the Federal Transit Administration (FTA)
- 80% federal (FTA)
- 20% local (CHT Partners)
- It is the first step in the federal process that will allow Chapel Hill Transit to compete for federal funds for the project in the future.

Scope

- *Public Participation (in progress)*
- *Purpose and Need Statement (in progress)*
- Scoping
- Evaluation of Corridor and Initial Alternatives
- Transit Supportive Development
- Alternatives Conceptual Design
- Operational Plans
- Ridership Estimates and Transportation Impact Assessment
- Capital, Operating, and Life-Cycle Cost Estimates
- Social, Economic, and Environmental Impact Evaluation
- Evaluation and Recommendation of a Locally Preferred Alternative (LPA)
- LPA Preliminary Design (10%)
- Conceptual Implementation Plan
- Final Study Report

Process and Schedule

- Estimated study timeline is 18-24 months.
- Target completion date – Fall 2015.

Goals of the Study

- Improve service for customers
- Increase travel capacity and mobility options.

- Provide rapid and reliable transit throughout the corridor.
- Create positive opportunities for economic development around stations.
- Produce a Locally Preferred Alternative as a step to securing Federal funding to support transit improvements in this corridor.
- Support community and Partner goals.

Decision Making Process

The public input is the foundation of the process.

The public outreach is comprehensive and strategic.

Public Involvement

- **Public Open House 03/26/2014**

The first of many opportunities for the public to comment on the project.

Five Stations:

1. Live, Work, Go
2. Corridor Characteristics
3. Purpose & Needs
4. Transit Technologies
5. Mobile MindMixer

Study Committees

The Policy Committee - responsible for the overall direction of the study. Comprised of elected, government and organizational officials. Provides policy guidance throughout the study process.

Study Committees

The Technical Committee - responsible for advising on technical issues during the study. A cross-section of transportation, planning and development professionals.

Additional Project Information

www.nscstudy.org

Sign up for email updates

Follow social media

Review study materials

OC Bus and Rail Investment Plan FY2014

- The adopted FY13-14 Chapel Hill Transit budget accounted for the use of \$306,000 in Bus and Rail plan funds to help cover the increased cost of existing services not covered by the partners increased contributions.
- Also accounted for the use of \$166,000 in new vehicle registration funds to implement service improvements that would provide improved access to jobs with non-traditional work hours and expand access to retail, medical, recreational and education destinations in Chapel Hill and Carrboro for lower-income and transit dependent residents. For FY13-14 these service improvements included and were implemented in August 2013:

- Weekday: CM, CW, D, F and J (later evening service will operate year around on these routes and additional trips were added to the F)
- Later evening service on the CM, CW, D and J are not new trips, prior to August these trips were provided ~9 months out of the year when UNC was in-session. They are now available year around. The weekday NU and weekend U and NU are not included in the year around service.
- Weekend: CM, CW and JN (CM and CW will operate as separate routes and an additional AM trip was added to the JN).

OC Bus and Rail Investment Plan FY2015

- The Chapel Hill Transit Partners agreed to utilize Orange County Bus and Rail Investment funds in FY15 to:
 - implement service improvements, such as evening/nighttime and weekend service, that would provide improved access to jobs with nontraditional work hours
 - expand access to retail, medical, recreational and education destinations in Chapel Hill and Carrboro for lower-income and transit dependent residents
 - Identified areas of interest include better serving the Rogers Road community and other lower-income populations.
 - meet peak-hour service demands (e.g. overcrowding, lack of service, etc.)
 - cover cost of existing services
- Staff suggestions include:
 - Peak Hour Service: A, RU, U, NS, J, and CW
 - Evening: CM and CW
 - Weekend: Extend Service on Existing Routes to 6:30 pm

Brian Litchfield referred to the *Goals of the Study* slide and said there are buses that are serving stops every 4 minutes and exceeding capacity. He said there need to be ways to accommodate more passengers. He said any delay can cause the buses to stack up.

Commissioner McKee said Brian Litchfield mentioned the need for additional bus services, and he asked if any additional money from the sales tax is coming to Chapel Hill Transit for new or existing service.

Brian Litchfield said most of the sales tax is going to Triangle Transit for the rail project.

Commissioner McKee said there are additional monies coming in that are above what was anticipated. He asked if anyone is getting any of this money for additional bus services.

Brian said Chapel Hill Transit expects to receive \$1.1 million from Triangle Transit this year. He said he would have to ask them where this is coming from.

Commissioner McKee said the light rail should have gone up 15-501 where there were more opportunities for Orange County to develop and re-develop.

Council Member Harrison said there is almost no transit on 15-501 and it does not work as well as MLK for bus transit. He said it has to work for bus transit before it can work for light rail.

Commissioner Pelissier referred to Commissioner McKee's earlier question and said nothing has been allocated from the additional revenues yet. She said new services cannot be started until reserves are built up and there is a stable revenue source. She said when a

certain amount of reserves are built up it will call for a revision of the plan, and this has to be agreed to by all parties.

3. Central West Small Area Plan Update

J.B. Culpepper said she is here to give a brief overview of this plan, which was adopted last year by Chapel Hill. She showed four PowerPoint image slides and reviewed the following information:

- **Central West: A community process built upon the Chapel Hill 2020 comprehensive plan**
- **The Chapel Hill Town Council adopted the Central West Small Area Plan on November 26, 2013**
Includes:
 - Principles and Objectives
 - Concept Plan (shown here)
 - Transportation Recommendations
 - Traffic Mitigation Measures
 - Bicycle and Pedestrian Amenities
 - Environmental Conservation Recommendations
 - Streetscape Vision
 - Implementation/Next Steps

J.B. Culpepper said the comprehensive plan identified future focus areas where change is likely in the future. She said one of these areas is along Martin Luther King Boulevard. She reviewed the map of this area. She said the area was split into sections, and one of these areas was identified for form and use. She said the town council appointed a steering committee to develop a small area plan. She said the steering committee met for about a year, beginning in December of 2012 and developed a small area plan with help from staff and community members.

Commissioner Rich asked if any developers have come forward with proposed projects now that the plan has been adopted.

J.B. Culpepper said there are no active applications yet. She said there is a pre-application step in the process, and the town council and the public will be alerted when there is a concept plan.

Commissioner Rich said this was spurred by the corner property that had a concept plan.

Council Member Ward said this was put on hold because UNC is not doing Carolina North, and the Airport is still active.

Council Member Storrow said this plan was passed unanimously by the Town Council and had a lot of public participation. He said the council and the development community wants to be thoughtful about all of the development conversations happening around town.

Mayor Kleinschmidt said this is a not a form based zone. He said this is just a vision for how development might occur in the coming years.

Chair Jacobs asked if this started out with a concept plan.

J.B. Culpepper said the steering committee worked together to develop the land use recommendations and transportation improvement recommendations.

Chair Jacobs asked much direction was involved.

J.B. Culpepper said there were plans and scenarios that were provided for reaction following community input.

Council Member Ward said basically it was a blank slate.

Commissioner Gordon said this area fits into the town's traditional development process. She asked how the town decides on the different development processes such as form based code or development agreement.

Mayor Kleinschmidt said different areas have different pressures and different characteristics that make use of different tools if they are more appropriate. He said the Central West area is pretty raw and needs a more intense vision.

Town Council Member Palmer said media coverage was overwhelmingly negative on this at its height. She said this is not right, and it is overwhelmingly one point of view.

4. Next Steps for Solid Waste Management/Recycling

Inter-local Agreement:

Michael Talbert said staffs have been working together on an inter-local agreement for solid waste, and this is moving along on schedule, with a goal of adoption by July 1, 2014.

Rural Curbside Recycling:

Michael Talbert said this item is regarding the possible creation of a solid waste district for rural curbside recycling. He said the Board held one public hearing on March 18, and a second public hearing is scheduled for April 1st. He said this is to assess the potential of keeping the current rural curbside recycling program for about 13,700 units and possibly expanding this in the future.

He said the Board of County Commissioners will consider the establishment of a solid waste service district on April 15, 2014. If adopted, it is estimated that the district tax rate would be about 1.5 cents per \$100 dollars of assessed value of the property.

Urban Curbside Recycling:

Michael Talbert said on November 19, 2013 the Board of County Commissioners authorized the County Manager to award a bid for Urban Curbside Recycling roll carts. He said the roll carts have been ordered and will be delivered and in service by July 1, 2014. He said on February 18, 2014 the Board of County Commissioners approved an agreement with Waste Industries, LLC to provide weekly urban curbside recycling services, and the cost of service is \$3.29/household/month or \$39.48 annually.

He said he recommends an annual Urban Curbside Recycling Fee for fiscal year 2014-15 of \$59 versus previously paid \$52 in 2012. He said the interim funding has come from County reserves, and no fee was levied last year.

He noted that the Town of Chapel Hill has requested a five year guaranteed rate, and the County is proposing a rate of \$62. He said the primary variables in projecting a set annual fee over five years include: an increase of households, increase in roll carts needed in the last two years, incremental cost increases in direct and indirect costs and the vendor contractual CPI provision based upon the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers - US City Average, Expenditure category Garbage and Trash, effective July 1 of each year.

He reviewed additional details provided in the attached March 19, 2014 Urban Curbside Fee Recommendation Memorandum from Gayle Wilson, as follows:

Attachment 4-a – Memorandum

The Town of Chapel Hill has requested information regarding the County's recommended annual household fee that is intended to fund the Weekly Urban Curbside Recycling Program in the three municipalities. Based on the County's fee recommendation, this fee would be authorized by each Town through its individual budget process, which the County would collect and administer to provide revenues to fund the program. A single uniform fee that would be applied to each single family house or duplex would be required. The Multi-family fee would follow the same fee approval process. Additionally, the Town has requested information that delineates the various cost components of the proposed fee, including indirect costs. The information provided below has not yet been presented to, nor approved by the Board of County Commissioners. It is anticipated that the fee establishment and approval process will be incorporated into the pending Inter-local Agreement for Solid Waste and Recycling.

Projected FY 2014/15 Urban Recycling Fee - \$59/Year/Unit

<u>EXPENSES</u>		<i>Percentage of</i>
<i>Budget</i>		
Recycling Division Expenditure - Urban Program	\$1,131,250	
Urban Contract (18,271 units at \$3.29/month)	\$721,339	64%
Solid Waste Recycling Direct Expense ¹	\$139,036	12%
Solid Waste Indirect Costs ²	\$178,095	16%
New Roll Cart Amortized Cost (over 10 Years)	\$92,780	8%
<u>REVENUES</u>		
Recycling Division Revenue – Urban Program	\$1,131,907	
Material Revenue ³	\$86,250	8%
Household Fee at 97% Collection ⁴	\$1,045,649	92%

The proposed annual Urban Curbside Fee for FY 14/15 is projected at \$59 versus previously paid \$52. If a five year guaranteed rate is required by the Towns the County would propose an annual fee of \$62 for the five year period. The primary variables in projecting a set annual fee over five years includes an increase of households, increase in roll carts needed in the last two years, incremental cost increases in direct and indirect costs and the vendor contractual CIP provision (Services Agreement with Contractor-Section 5.a.), based upon the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers: US City Average, Expenditure category Garbage and Trash, effective July 1 of each year. This CPI is applied only to the contract cost for collection and over the past 5 years the previous contract average CPI increase is about 2.5% annually. Other inflation factors are projections based on experience and historical data.

- 1) These expenditures include a portion of the expenses of the materials processing and transfer pad, material quality control, and loading/hauling of dumped materials to the materials recovery facility. All recycling programs share expenses of processing pad and hauling operations.

- 2) These expenses are Urban Curbside's share of the Recycling Division portion of Environmental Support Division (ES) expenses (net of revenue). Landfill Division and Sanitation Division also fund share of ES. Basic/Multi-family/Rural programs are also assigned a portion of Recycling Division's ES funding responsibility. Urban Curbside's share represents about 20% of the Recycling Division share of ES.

Environmental Support Division consists of various operating division support, utility, enforcement, education, planning and administrative functions and generates minimal revenue. It has been determined by county management/finance that these expenses should be fairly allocated to each of the operating divisions as a revenue requirement rather than funding through the general fund. This expense represents 15% of total urban recycling program costs. Included within ES are the following functions:

- *Department administrative, clerical payroll, billing/receipts, account management, purchasing, personnel data entry, and reception and complaint management*
 - *12 positions salary & benefits: 4 mechanics/operators (incl. supervisor), 2 enforcement/safety/development review/licensing/permitting, etc., 2 planning/educators/outreach/workshops/event recycling, 1 director, 3 administrative/clerical/reception/payroll/purchasing/billing&receipts*
 - *Retiree health for employees who retired under Town of Chapel Hill*
 - *Departmental safety management and training*
 - *Environmental enforcement*
 - *Development review, licensing and permitting*
 - *Department telephone, electricity, janitorial services, postage*
 - *Building repair/maintenance including security*
 - *Education and outreach functions including printing, advertising, professional design and Spanish interpretation, dues and subscription*
 - *Various divisional supplies including compost bin, kitchen pails, security and enforcement cameras, maintenance supplies, office supplies, copier*
 - *Departmental equipment maintenance labor and facility maintenance (parts, fuel, etc. are budgeted in divisional budgets)*
 - *Vehicles for ES staff*
 - *Departmental Insurance & Workers Comp*
 - *Emergency Management Planning*
 - *Research, Planning, Reporting and Analysis*
 - *Contribution to vehicle replacement reserves*
 - *Debt Service on Administrative Building*
 - *Charges by the General Fund (indirect costs paid by the Department to the County General Fund annually for manager, Board, attorney, human resources, Finance, Asset Management, Information Technologies, County Clerk, etc. support (\$401,361 for FY 13/14)*
- 3) *Material revenue estimates are somewhat unpredictable as market prices for materials vary. Staff has assumed \$25/ton based on recent past history and some projections from the Materials Recovery Facility buying the County's single stream material.*
- 4) *Units billed changes (usually increases) occur throughout the year and from year to year based on new development, etc. Periodic route audits are required to maintain accurate service and monthly contractor and annual Urban 3-R Fee billing data. This revenue assumes 97% collection of total eligible units, at a proposed \$59/unit, to fund total expenditures net material revenue.*

Chair Jacobs said presumably there will be a 5 year agreement for the fees and for working together on solid waste issue and where the future lies collectively.

Council Member Ward referred to the \$62 fee proposed to the towns for 5 years. He asked why there could not be a partnership to build an escrow account to pay from as needed. He said this would allow the County to be reimbursed for their costs and the town to pay for what they get.

Michael Talbert said that would likely be agreeable to the County, but he heard from the town that they wanted a guaranteed rate.

Commissioner Rich said she encourages the relationship with solid waste to continue with all entities. She said it would be of great benefit to have a solid waste plan for the long term.

Chair Jacobs said the County has met with Waste Zero, Greenstream and other entities about alternative options and the Board is happy to share this information.

Town Council Member Palmer said there needs to be better enforcement of the recycling guidelines.

5. Joint Parks and Recreational Opportunities

Dave Stancil said, as noted in abstract, there is a long history of working together on parks and open space projects, such as the newest – Cedar Falls Complex. He said there are opportunities on the horizon, and one of these is Millhouse Park. He said this is literally on the rural buffer line, and it is a good possibility for a joint county town project. He said the Hollow Rock project is another joint project, as well as the Jordan Lake Macro site and others.

Council Member Harrison suggested there be work on pedestrian bicycle lanes as a joint opportunity by the Millhouse property.

Council Member Cianciolo said he lives near Cedar Falls Park, and that artificial turf field is getting a lot of use. He said this artificial turf should be considered for future projects.

Chair Jacobs referenced an information item regarding a possible bond referendum. He said part of this could involve anticipatory planning for park development with the municipalities. He said Millhouse Road and Twin Creeks would be the two places in this part of the County for joint visions. He said soccer fields are major components on both of these. He said greenway extensions are possibility for discussion.

Commissioner Gordon referred to the memorandum regarding the bond referendum on page 13. She noted that this gives an idea of the schedule, but the Board has not decided on a referendum date.

Chair Jacobs said the Board discussed this with the school boards today and will likely look beyond 2015.

Town Council Member Palmer said it is important that the boards think about schools differently, and joint programs need to be considered to address the specialized needs of the 21st century.

Commissioner Price requested electronic copies of the PowerPoints be posted.

6. INFORMATION ITEM (No Specific Presentation or Discussion)

Eubanks Road Solid Waste Convenience Center Renovation

The Boards agreed by consensus to adjourn the meeting at 10:45 pm.

Barry Jacobs, Chair

Donna Baker
Clerk to the Board

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 surface¹,
 - (4) The location of the proposed structure(s) and distances from all property lines,
 - (5) The location of the proposed driveway,
 - (6) The location of the proposed septic system and proposed drain lines on the property,
 - (7) The location of the proposed well, and
 - (8) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc)-, and
 - (9) The location and dimensions of proposed parking areas.

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

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

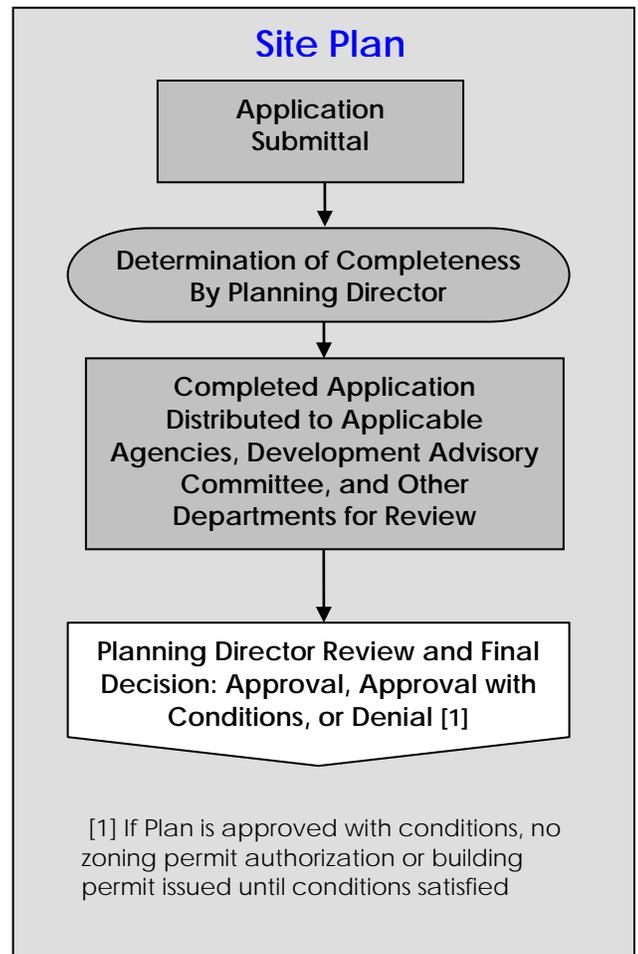
SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

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

2.5.2 Application Requirements

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



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

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

3.8.3 Districts Established

(A) Conditional Zoning Districts

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

(B) Conditional Use Districts

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

3.8.4 Where Permitted

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

<h1 style="margin: 0;">ASE-CZ</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>	DIMENSIONAL AND RATIO STANDARDS ³	
		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. ⁴ This district shall not be applied in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.⁵	Floor Area Ratio, max	No requirement [4]
	Required Open Space Ratio, min.	No requirement [4]
	Required Livability Space Ratio, min.	No requirement [4]
	Required Recreation Space Ratio, min.	No requirement [4]
DIMENSIONAL STANDARDS NOTES:⁶ [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.	Required Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS⁷		
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	

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

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

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

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

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

- 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 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
AGRICULTURAL USES																						
Agricultural Processing Facility ~																*		*	*	*		
Agricultural Processing Facility, Community ^	*	*								*	*					*		*				
Agricultural Services Uses													Δ			*						
Cold Storage Facility																A		*	*	*		
Commercial Feeder Operation ⁹		Δ														Δ		Δ				
Community Farmers' Market ^	*	*								*	*	*	*			*						
Composting Operation, no grinding																A						
Composting Operation, with grinding ~																A						
Cooperative Farm Stand ^	*	*								*	*					*						
Equestrian Center		A																				
Farm Equipment Rental, & Sales and Service ~													*	*		*			*	*		
Farm Supply Store										*	*	*	*			*						
Feed, Seed, Storage & Processing Mill ~																*			*	*		
Greenhouses with (On Premises Sales) ^ ¹⁰		*									*	*	*	*		*						

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

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

¹⁰ Moved from “Commercial Uses” section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																				
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS										
USE TYPE	GENERAL USE ZONING DISTRICTS																			
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																				
Meat Processing Facility, Community ^	*	*									*	*				*		*		
Meat Processing Facility, Regional ~																A				
Non-Farm Use of Farm Equipment ^	*	*														*				
Riding-Stables, Commercial ~	B	B	B									B	B			B				
Stockyards / Livestock Markets ~																*				
CHILD CARE & EDUCATIONAL FACILITIES																				
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*					
Libraries										*	*	*	*		*					
Non-Profit Educational Cooperative		A																		
Schools: Dance, Art & Music										*	*	*	*	*	*					
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A					
Schools: Vocational												*	*		*			*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*					
COMMERCIAL USES																				
Banks & Financial Institutions										*	*	*	*	*						
Beauty & Barber Shops										*	*	*	*	*						
Rural Guest Establishment: Bed & Breakfast ¹¹	*	*	*																	
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																	
Rural Guest Establishment: Country Inn ^		A	A																	
Country Store										*	*					*				
Drive In Theaters ~													*							

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

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Funeral Homes ~												*	*								
Garden Center (On Premises Sales)										*	*	*	*			*					
Greenhouses (No On Premises Sales) ¹²	*	*	*								*	*	*	*		*					
Greenhouses (On Premises Sales) ¹³		*									*	*	*	*		*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B			B					
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								

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

¹³ Moved to “Agricultural Uses” section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Storage of Goods, Outdoor ~														*				*	*	*	
Storage of or Warehousing: Inside Building ¹⁴													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^	B	B																*	*	*	

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

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Printing & Lithography													*	*	*				*	*	*
Sawmills ~																*					
Winery, production only ^	B	B																*	*	*	
MEDICAL USES																					
Animal-Veterinary Hospitals; Veterinarians ¹⁵													*	*	*	*	*			*	*
Health Services: Over 10,000 Sq. Ft. ~													*								
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public & Non-Profit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B	
Recreational Facilities (Profit)												*	*					*			
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
RESIDENTIAL USES																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

¹⁵ Will be moved to alphabetical order within this section

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~								A	A	A			A	A							
Rooming House						*	*	*	*						*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																					
Buildings, Portable	B	B	B	B	B	B	B	B	B			B	B	B	B	B					
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B							B					
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
AUTOMOTIVE / TRANSPORTATION																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			*	*	*
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Motor Vehicle Sales / Rental (New & Used)											Δ ¹		*	*			*	*	*	*	
Motor Vehicle Services Stations										*	*	*	*	*							
Parking As Principle Principal Use, Surface or Structure ¹⁶											*	*	*								
Petroleum Products: Storage & Distribution ~																		*	*	*	
Postal & Parcel Delivery Services												*	*		*						
UTILITIES																					
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B		B	B	B		B		B	B	B	
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B	
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A
WASTE MANAGEMENT																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~													A						A	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								

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

¹ See Section 5.14.1 5.15.1 for special standards

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE					Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1 ⁸	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
Assembly Facility Less Than 300										*			*									
Cemetery	B	*	B	B	B	B	B	B	B													
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*							
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*							
Crematoria ~																		*	*	*		
Historic Sites Non-Residential/Mixed Use	A	A	A																			
Kennels, Class I	*	*	*									*	*			*						
Research Facility ~											*	*	*		*			*	*	*		
Research Lands & Installations, Non-profit																						*
Rural Heritage Museum	B	B								B	B											
Rural Special Events ^	*	*														*						
Special Events (Less than 150)												*	*						*			

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
AGRICULTURAL USES				
Agricultural Processing Facility	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Commercial Feeder Operation ¹⁷				
Community Farmers' Market	*	*		
Composting Operation, no grinding	*			
Composting Operation, with grinding ^	*			
Cooperative Farm Stand	*	*		
Equestrian Center	*			
Farm Equipment Rental, & Sales and Service	*			
Farm Supply Store	*	*		
Feed, Seed, Storage & Processing Mill	*	*		
Greenhouses with (On Premises Sales) ¹⁸	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional ^	*			
Non-Farm Use of Farm Equipment	*			
Riding Stables, Commercial	*	*		

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

¹⁸ Moved from “Commercial Uses” section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: 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 ^	*			
CHILD CARE & EDUCATIONAL FACILITIES				
Center in a Residence for 3 to 12 Children				
Child Care Facilities		*		
Libraries		*		*
Non-Profit Educational Cooperative				
Schools: Dance, Art & Music		*		
Schools: Elementary, Middle & Secondary		*		
Schools: Vocational		*		
Universities, Colleges & Institutes		*		
COMMERCIAL USES				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Rural Guest Establishment: Bed & Breakfast ¹⁹	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Rural Guest Establishment: Country Inn	*	*		
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with {On Premises Sales}	*	*		

¹⁹ 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) ²⁰		*		
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		*		

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

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: 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	*	*		
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Army)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		

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	*	*		
MEDICAL USES				
Animal Veterinary Hospitals; Veterinarians ²¹	*	*		
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
RECREATIONAL USES				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public & Non-Profit	*	*		

²¹ Will be moved to alphabetical order within this section.

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: 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				*
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternalities, Sororities, and Dormitories)				
Rooming House				
TELECOMMUNICATIONS				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		
TEMPORARY USES				
Buildings, Portable	*			
Temporary Mobile Home (Custodial Care)	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*			
TRANSPORTATION				

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 Principle Principal Use, Surface or Structure ²²		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
UTILITIES				
Elevated Water Storage Tanks	*	*		
Public Utility Stations & Sub-Station, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*		
Electric, Gas, and Liquid Fuel Transmission Lines	*	*		
Water & Sanitary Sewer Pumping	*	*		
Solar Array – Large Facility	*	*		
Solar Array – Public Utility	*	*		
WASTE MANAGEMENT				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				

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

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
MISCELLANEOUS				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

Section number update →

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

5.3.2 Special Uses

(A) General Standards

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

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

(B) Specific Standards

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

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

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

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

(1) General Provisions

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

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

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

(2) Standards of Evaluation –

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

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

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

5.6.2 Massage Business

(A) General Standards for Evaluation

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

5.6.3 Garden Center

(A) General Standards for Evaluation

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

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

5.6.4 Junkyards

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements –

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

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

(2) Standards for Evaluation -

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

5.6.5 Kennels (Class II)

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements –

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

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

(2) Standards of Evaluation –

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

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

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

5.6.6 Riding Stables²⁴

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

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

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

(2) Standards of Evaluation

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

²⁴ Moved to Section 5.13.16.

5.6.7 Rural Guest Establishment: Bed & Breakfast**(A) General Standards****(1) Submittal Requirements**

- (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:²⁵
 - (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use will be expected to be affected by withdrawals made by the proposed use.
- (2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

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

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

5.6.11 Microbrewery with Major Events

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

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

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

5.6.12 Taxidermy

(A) Standards for Class B Special Use Permit

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

5.6.13 Winery with Minor Events

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

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

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

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

5.6.14 Winery with Major Events

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

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

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

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

5.6.15 Country Store

(A) General Standards for Evaluation

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

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

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Facilities

(A) General Standards of Evaluation

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

(B) Standards for Class B Special Use Permit

(1) Submittal Requirements

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

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

5.7.6 Guest Ranch

(A) Standards for ASE-CZ Zoning District

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

SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES

5.8.1 Daycare Center in a Residence

(A) Submittal Requirements

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

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

5.8.4 Schools: Elementary, Middle and Secondary

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

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

- (a) 26 copies of the site plan prepared in accordance with Section 2.7.3 of this Ordinance and with the following additional information shown on the plan:
 - (i) Total student capacity of school as designed;
 - (ii) Total number of employees at time of greatest shift;
 - (iii) Number and dimensions of designated parking spaces for school buses;
 - (iv) Number of designated parking spaces for employees;
 - (v) Number of visitor parking spaces;
 - (vi) Number of student parking spaces;
 - (vii) Location of student drop off points with stacking spaces identified;
 - (viii) Location of all proposed and future athletic fields and structures, including:
 - a. Total number of seats for spectators, and
 - b. Location of concession stands, if any anticipated;
 - (ix) Proposed public roadway improvements; and
 - (x) Existing and proposed infrastructure improvements (water and sewer).
- (b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.
- (c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.
- (d) Estimated water usage for structures, landscaping and athletic fields.
- (e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.
- (f) A Biological Inventory, prepared in accordance with Section 5.45~~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 Operation²⁶

(A) General Standards

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

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

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

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

5.13.2 Agricultural Processing Facility

(A) General Standards for Evaluation

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

5.13.3 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

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

5.13.8 Equestrian Center

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

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

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

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

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

5.13.9 Farm Equipment Rental, Sales and Service

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

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

5.13.10 Farm Supply Store

(A) General Standards for Evaluation

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

5.13.11 Feed Mill

(A) General Standards for Evaluation

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

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

5.13.12 Greenhouses with On Premise Sales

(A) General Standards for Evaluation

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

5.13.13 Meat Processing Facility, Community

(A) General Standards for Evaluation

- ~~(1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners.²⁹~~
- ³⁰ (2) The building shall not exceed 10,000 square feet in size.
- (3) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 100 feet from the property line.
- (4) Outdoor storage of products shall be permitted in 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.

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

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

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

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

5.13.14 Meat Processing Facility, Regional

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

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

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

5.13.15 Non-Farm Use of Farm Equipment

(A) General Standards for Evaluation

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

5.13.16 ~~Riding Stables~~, Commercial³³

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

(1) Submittal Requirements –

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

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

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

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

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

(2) Standards of Evaluation –

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

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

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

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

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING³⁴

5.14.1 Metal Fabrication Shop

(A) Standards for ASE-CZ Zoning District

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

5.14.2 Microbrewery, production only

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

- (1) If located in an AR 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);

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

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

5.14.3 Sawmills

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

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

5.14.4 Winery, production only

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

- (1) If located in an AR 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 carriages
- (d) No interments shall take place within 30 feet of any lot line.

5.17.4 Historic Sites Non Residential Reuse/Mixed Use

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

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

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

(2) Standards of Evaluation

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

Section reference update →

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

(3) Standards of Evaluation

- (a) The project meets all applicable design standards and other requirements of this Ordinance.
- (b) The project meets all service provision criteria as set forth below:
 - (i) Fire – identifies the primary and secondary responders and the source(s) of water.
 - (ii) Police – identifies the primary and secondary responders.
 - (iii) Rescue services – identifies the primary and secondary responders.
 - (iv) Water Supply – source and capacity of water supply.
 - (v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.
- (c) Habitats shall be identified and evaluated in the biological inventory required by Section 5.17.6(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.

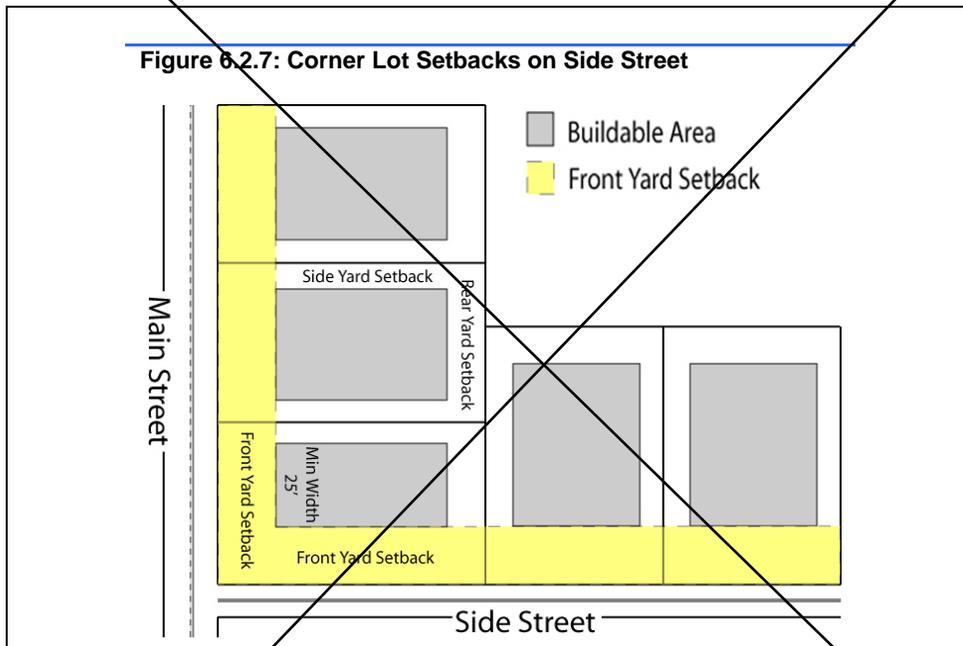
(B) Non-Residential

(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.²⁹

(B) Additional Standards in Economic Development Districts

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

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

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

6.8.6 Land Use Buffers

(A) Purpose

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

(B) Applicability

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

(C) Location

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

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

(D) Land Use Buffer Table

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

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

(E) Natural Buffers

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

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

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

(F) Constructed Buffers

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

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

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

6.8.7 Planting Requirements

(A) Street Trees

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

(B) Between Lot Plantings

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

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

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

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

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

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

6.9.8 Determination For Unlisted Uses

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

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

6.9.9 Fractional Results

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

6.9.10 Off-Street Parking Design Standards

(A) Standard Parking Spaces

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

DEFINITIONS

Related to Agricultural Support Enterprises

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

Revised Definitions of Existing Terms:

Commercial Feeder Operation¹

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

Riding Stable, Commercial

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

Proposed Definitions for New Terms:

Agricultural Processing Facility, Community

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

Agricultural Processing Facility

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

Agritourism

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

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

Cold Storage Facility

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

Community Farmers' Market

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

Composting Operation

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

Cooperative Farm Partner

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

Cooperative Farm Stand

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

Country Store

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

Equestrian Center

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

Farm Equipment, Non-Farm Use of

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

Farm Equipment Rental, Sales and Service

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

Farm Supply Store

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

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

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

Feed Mill

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

Guest Ranch

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

Meat Processing Facility, Community

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

Meat Processing Facility, Regional

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

Metal Fabrication Shop

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

Microbrewery, production only

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

Microbrewery with Minor Events

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

Microbrewery with Major Events

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

Rural Heritage Museum

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

Rural Special Event

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

Saw Mill

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

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

Stockyard / Livestock Market

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

Taxidermy

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

Veterinary Clinic

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

Veterinary Clinic, mobile

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

Veterinary Hospital

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

Winery, production only

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

Winery with Minor Events

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

Winery with Major Events

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

Relevant Existing Terms, no changes proposed:

Agricultural Services

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

Camp

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

Farming

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

Farm, Bona Fide

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

Garden Center

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

Retreat Center

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

Rural Guest Establishments

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

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

2030 Comprehensive Plan Amendments



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

Appendix F: Land Use and Zoning Matrix

Appendix F. Relationships Between Land Use Classifications and Zoning Districts

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

TRANSITION LAND USE CLASSIFICATIONS

CHAPEL HILL AND CARRBORO TRANSITION

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

10-YEAR TRANSITION

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

20-YEAR TRANSITION

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

COMMERCIAL TRANSITION ACTIVITY NODE

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

COMMERCIAL-INDUSTRIAL TRANSITION ACTIVITY NODE

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



Appendix F: Land Use and Zoning Matrix

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

ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE

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

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER

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

RURAL RESIDENTIAL

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

AGRICULTURAL RESIDENTIAL

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

RURAL COMMUNITY ACTIVITY NODE

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

RURAL NEIGHBORHOOD ACTIVITY NODE.

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

RURAL INDUSTRIAL ACTIVITY NODE

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

OVERLAYS

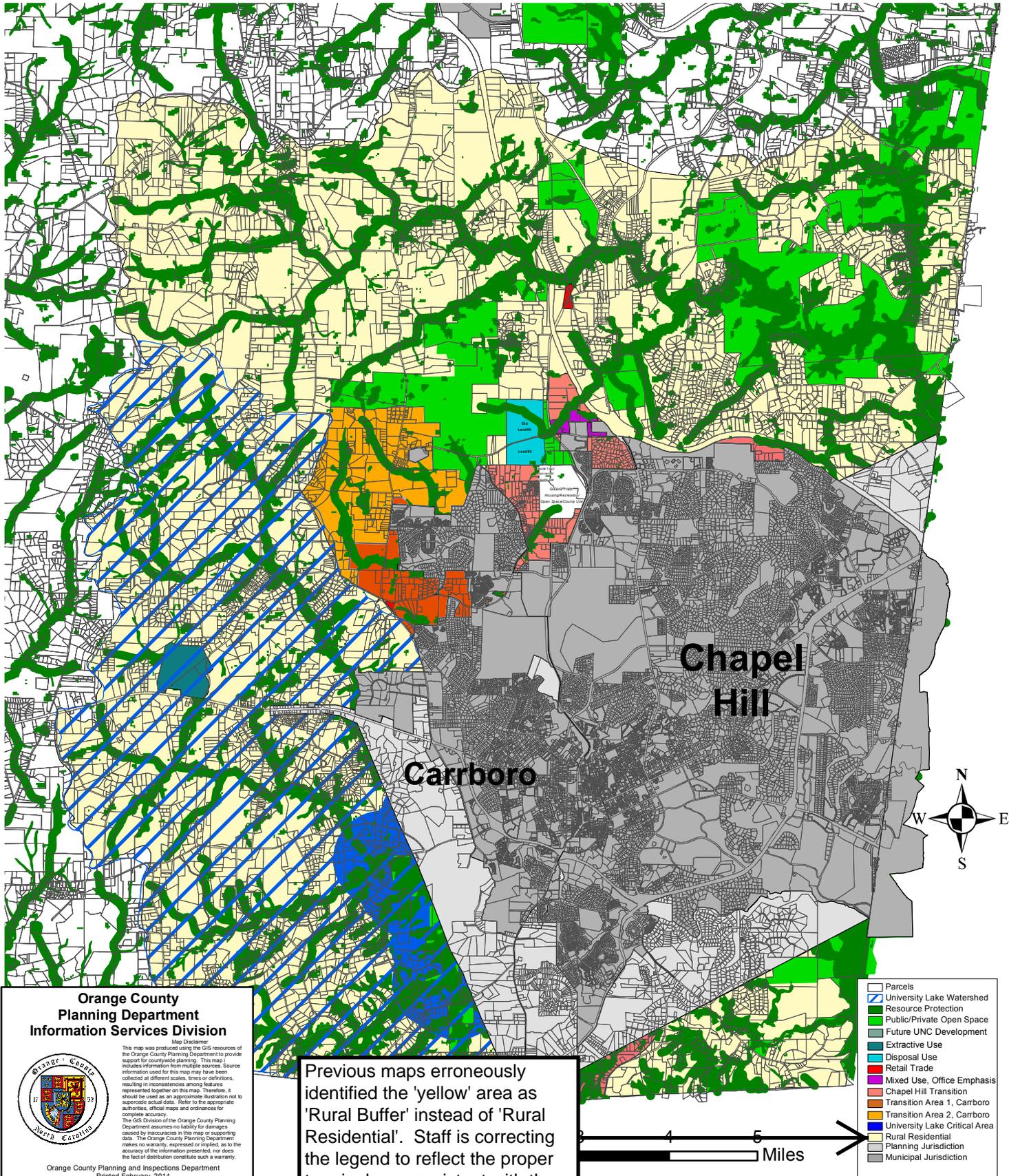
PUBLIC INTEREST AREA

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

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																				◆			



Orange County - Chapel Hill - Carrboro JOINT PLANNING AREA - LAND USE PLAN



**Orange County
Planning Department
Information Services Division**

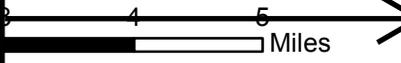
Map Disclaimer:
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Orange County Planning and Inspections Department
Printed February, 2014

Previous maps erroneously identified the 'yellow' area as 'Rural Buffer' instead of 'Rural Residential'. Staff is correcting the legend to reflect the proper terminology consistent with the Plan.

- Parcels
- University Lake Watershed
- Resource Protection
- Public/Private Open Space
- Future UNC Development
- Extractive Use
- Disposal Use
- Retail Trade
- Mixed Use, Office Emphasis
- Chapel Hill Transition
- Transition Area 1, Carrboro
- Transition Area 2, Carrboro
- University Lake Critical Area
- Rural Residential
- Planning Jurisdiction
- Municipal Jurisdiction



Land Uses in the Rural Buffer

This information has been compiled to help people see which land uses are currently allowed in the Rural Buffer and which are proposed to be added as part of the ASE (Agricultural Support Enterprises) proposal. The purpose of this information is to help users see the exact types of uses that are already allowed in the Rural Buffer and to be more clear about which uses are being added.

Table 1: Uses Currently Allowed in the RB (Rural Buffer) General Use Zoning District (not proposed for change, included here for educational/informational purposes)			
Use [^]	Type of Approval*	Use [^]	Type of Approval*
Riding Stables	SUP-B	Buildings, Portable	SUP-B
Center in a Residence for 3 to 12 Children	By Right	Temporary Mobile Home (Custodial Care)	SUP-B
Child Care Facilities	SUP-B	Temporary Mobile Home (use during construction of permanent residence)	By Right
Schools: Elementary, Middle & Secondary	SUP-A	Bus Passenger Shelter	By Right
Universities, Colleges & Institutes	By Right	Elevated Water Storage Tanks	SUP-B
Bed & Breakfast	By Right	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	SUP-A
Greenhouses (No On Premise Sales)	By Right	Electric, Gas, and Liquid Fuel Transmission Lines	SUP-B
Kennels, Class II	SUP-B	Water & Sanitary Sewer Pumping	By Right
Governmental Facilities & Office Buildings	By Right	Solar Array – Large Facility	SUP-B
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	By Right	Solar Array – Public Utility	SUP-A
Botanical Gardens & Arboretums	By Right	Landfills (2 Acres or More)	SUP-A
Camp/Retreat Center	SUP-B	Landfills (Less Than 2 Acres)	SUP-B
Parks, Public & Non-Profit	By Right	Accessory Uses	By Right
Recreational Facilities (Non-Profit)	SUP-B	Airports, General Aviation, Heliports, S.T.O.L.	SUP-A
Golf Course	SUP-A	Cemetery	SUP-B
Dwelling: Mobile Home	By Right	Church	By Right
Dwelling: Single Family	By Right	Clubs or Lodges; Social, Fraternal or Union Clubhouses	By Right
Dwelling: Two-Family	By Right	Community Center	SUP-B
Family Care Home	By Right	Historic Sites Non-Residential/Mixed Use	SUP-A
Group Care Facility	SUP-B	Kennels, Class I	By Right
Telecommunication Tower – Stealth (75 feet or shorter)	By Right		
Telecommunication Towers (Over 75 feet and under 200 feet)	SUP-B		
Telecommunication Towers (200 feet and higher)	SUP-A		

[^]: Ordered as they appear in the Table of Permitted Uses (Section 5.2.1 of the Unified Development Ordinance)
^{*}: SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit

Table 2: Uses Proposed to be Added to the RB (Rural Buffer) General Use Zoning District

Use	Type of Approval*	Use	Type of Approval*
Agricultural Processing Facility, Community	By Right	Winery with Minor Events	SUP-B
Community Farmers Market	By Right	Microbrewery, production only	SUP-B
Cooperative Farm Stand	By Right	Winery, production only	SUP-B
Meat Processing Facility, Community	By Right	Rural Heritage Museum	SUP-B
Non-Farm Use of Farm Equipment	By Right	Rural Special Events	By Right
Microbrewery with Minor Events	SUP-B		

*: SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit

Table 3: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are not currently allowed in the Rural Buffer

Use	Use	Use
Agricultural Processing Facility	Rural Guest Establishment: Bed & Breakfast Inn	Microbrewery, production only
Agricultural Processing Facility, Community	Rural Guest Establishment: Country Inn	Winery, production only
Cold Storage Facility	Country Store	Veterinary Hospitals
Community Farmer's Market	Garden Center with On Premise Sales	Veterinary Clinic
Composting Operation, no grinding	Metal Fabrication Shop	Veterinary Clinic, mobile
Cooperative Farm Stand	Microbrewery with Minor Events	Guest Ranch
Equestrian Center	Microbrewery with Major Events	Assembly Facility Greater than 300 Occupants
Farm Equipment Rental, Sales, and Service	Storage of Goods, Outdoor	Assembly Facility Less Than 300 Occupants
Farm Supply Store	Taxidermy	Rural Heritage Museum
Greenhouses with On Premise Sales	Winery with Minor Events	Rural Special Events
Meat Processing Facility, Community	Winery with Major Events	
Non-Farm Use of Farm Equipment		

Table 4: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are currently allowed in the Rural Buffer

Use	Use	Use
Stables, Commercial	Telecommunication Tower – Stealth (75 feet or shorter)	Water & Sanitary Sewer Pumping
Rural Guest Establishment: Bed & Breakfast	Telecommunication Towers (Over 75 feet and under 200 feet)	Solar Array – Large Facility
Kennels, Class I	Telecommunication Towers (200 feet and higher)	Solar Array – Public Utility
Kennels, Class II	Buildings, Portable	Accessory Uses
Botanical Gardens & Arboretums	Temporary Mobile Home (Custodial Care)	Church
Camp/Retreat Center	Temporary Mobile Home (use during construction of permanent residence)	Clubs or Lodges; Social, Fraternal or Union Clubhouses
Parks, Public & Non-Profit	Elevated Water Storage Tanks	Community Center
Dwelling, Mobile Home	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	Historic Sites Non-Residential/Mixed Use
Dwelling, Single Family	Electric, Gas, and Liquid Fuel Transmission Lines	

ORANGE COUNTY

HILLSBOROUGH
NORTH CAROLINA

Manager's Office

Established 1752

Memorandum

To: Steve Stewart, Manager, Town of Carrboro
Roger Stancil, Manager, Town of Chapel Hill

Cc: Willie Best, Assistant County Manager/Interim EDC Director
Craig Benedict, Planning Director
David Stancil, Environment and Resource Conservation Director
Orange County Board of County Commissioners

From: Laura Blackmon, County Manager *LAB*

Date: August 13, 2007

Subject: Agricultural Support Enterprises

Background

At a March 2004 Joint Planning Area Planning Public Hearing, Orange County Planning Staff presented information on an on-going initiative hosted by the Economic Development, Planning, and Environment and Resource Conservation departments to provide more business opportunities for local farmers in the rural parts of the county. The project continues to be part of the County's effort to preserve farmland and farming as a viable economic pursuit. The purpose of this memorandum is to provide our Joint Planning Area (JPA) partners with an update of this project and to begin a dialogue on the future of farming in the Rural Buffer.

Agricultural Support Enterprises (ASE)

Agricultural support enterprises are becoming increasingly important to the survival of our local farms. The focus of the agricultural support enterprises project is to add new farm-related uses to our zoning ordinance that would provide farmers with opportunities to gain more revenue from their farms. These new uses would be logical extensions to existing farm operations, such as corn mazes (agritourism), roadside stands (direct marketing) and small-scale processing facilities to make sauces (value-added), as well as services related to farming such as feed stores and large animal veterinary services.

Process

Farmers would be required to go through a standard process and obtain a permit like any other development project. (Bona fide farm purposes, which are exempt from zoning per the North Carolina General Statutes, would remain exempt.) Staff is reviewing the existing permit process, as part of this initiative, and is considering ways to streamline at least making the process more user-friendly. While most of the potential changes to our zoning ordinance would only affect the rural parts of the county, it is possible some changes may have implications within the Rural Buffer. With that in

mind, County staff wanted to provide our JPA partners with an update on the project prior to any formal consideration of amendments.

Rural Buffer Intent

The second component to this memorandum is to revisit the original intent of the Rural Buffer and begin a dialogue with our JPA partners to determine if this intent is still valid/appropriate as it pertains to agriculture and related agricultural enterprises. When the Joint Planning Land Use Plan was adopted in 1986, the state of local farming was very different from what it is today. It was assumed that the area within the Rural Buffer would gradually phase out of traditional farming and develop into low-density residential uses. The actual pattern of development is subject area for later discussion. The amount of land in the Rural Buffer enrolled in the present use value program for agriculture, forestry and horticulture, today, is approximately 28 percent.

Two things have changed during the last twenty years. One is the emergence of organic farming as a popular alternative to traditional farming. Organic farming typically requires less land than traditional farming and can occur as a compatible neighbor to residential uses. Second is the trend of connecting urban residents to local farms, which is linked to food sustainability issues, supporting local growers, and buying locally produced goods.

Agricultural Sustainability

The agricultural support enterprises proposal is designed to keep farmers farming by making agriculture profitable. Should this program extend into the Rural Buffer, it would likely encourage the continuation of the existing active farms. It could encourage new smaller-scale and organic farmers to consider starting operations in the Rural Buffer. It could also encourage new farm businesses to develop, such as farm stands and “pick-your-own” operations.

Promoting new agricultural operations and agricultural support operations may be seen as inconsistent with the intent of the original Joint Planning Area Land Use Plan. But as residential development continues to occur in Orange County and its municipalities, many town residents are seeking a farm connection (as evidenced by the recent Piedmont Farm Tour when approximately 6,500 individuals visited farms in Orange County on two afternoons in late April.) Residents in Chapel Hill and Carrboro seem to enjoy not only the rural character of places like Dairyland Road but also the potential link to the farming community. Operations such as Maple View Farm illustrate the potential for successful relationships between urban residents and local farmers; one that provides the farmer with supplemental income and one that provides residents with a rural experience and a locally grown product.

ASE Consistency with County Land Use Plan

The agricultural support enterprises proposal is designed to allow selected farm uses to occur in a way that is consistent with our overall land use plan. The proposal provides more opportunities for advisory board input and public comment during the approval process. In addition, Staff’s recommendation to develop a conditional district process for rezoning property to Agricultural Services for specific agricultural support enterprises provides a mechanism for the Board of County Commissioners (BOCC) to limit the extent and intensity of an enterprise as part of the approval. Unlike general rezoning, property

subject to the conditional district rezoning process may only be used for a specific land use(s) based on a site-specific development plan. Since applications are site specific, the BOCC can consider the suitability of the proposed use based on its location within the county. In other words, the BOCC could approve a rezoning for a certain use in a rural area in northern Orange County and deny a rezoning request for the same use in the Rural Buffer. The location factor will become increasingly important as sections of the county transition from active farming to low-density residential.

Rezoning JPA Process

Rezoning is a legislative decision reviewed by governing boards in accordance with existing joint planning agreement procedures. Any rezoning application would be considered through a public hearing process, neighbors would receive notice and members of the general public would have an opportunity to comment. If the tract in question were located in a joint planning area, the appropriate governing board(s) would have an opportunity to provide input on the request as well. The proposed process to rezone to the Agricultural Services District includes opportunities for the town governing boards to comment on any agricultural support enterprise project early in the process.

Summary

In summary, the agricultural support enterprises proposal is an agricultural economic development program. Staff's proposal to allow farmers more value-added options places no long-term obligations on their land. It is designed to keep farming an economically viable business by permitting farmers to explore more innovative farm operations.

Planning, Economic Development, and Environment and Resource Conservation staff would like to begin a dialogue with town staff before it is further discussed by elected officials, possibly at the fall JPA.

Please share this memorandum with your governing boards and staffs as you deem appropriate. Thank you.