



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, September 9, 2014

7:30 PM

Board Chambers - Room 110

A. WORK SESSION

7:30-8:00

1. **14-0262** Discussion on next steps for 110 East Main Street condo over ACME

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider next steps for 110 East Main Street condo located over ACME Restaurant.

8:00-8:30

2. [14-0261](#) Continuation of Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to continue the discussion and consider coming to a decision on proposed 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 - Potential ASECZ Uses in RB - RHO 61314 Revised 90514.docx](#)
[Attachment B - MEMORANDUM to Board on new uses in rural buffer 6-11-14](#)
[Attachment C - Memo from OC Staff 082814](#)
[Attachment D - Memo from OC Staff 060414](#)
[Attachment E - Draft Resolution - ASE changes to JPA documents](#)

8:30-9:00

3. **14-0251** Discussion of Possible Changes to Chapter 10 in Relation to the Keeping of Livestock

PURPOSE: The purpose of this agenda item is to provide an opportunity for the Board of Aldermen to discuss the requirements for

keeping fowl within Town limits.

Attachments:

Attachment A - Chapter 10 Town Code

Attachment B - Chapel Hill Chicken Regs Draft March2009.pdf

Attachment C- Map Showing Distribution of Livstock and Chickens,
2011

- B. MATTERS BY TOWN CLERK**
- C. MATTERS BY TOWN MANAGER**
- D. MATTERS BY TOWN ATTORNEY**
- E. MATTERS BY BOARD MEMBERS**



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Agenda Item Abstract

File Number: 14-0262

Agenda Date: 9/9/2014

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion on next steps for 110 East Main Street condo over ACME

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider next steps for 110 East Main Street condo located over ACME Restaurant.

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette D. Stone, AICP (919) 918-7319

INFORMATION: The Town of Carrboro purchased the condo at 110 East Main Street in September of 2013 as part of an Economic Development Agreement to retain Fleet Feet Corporate Headquarters. Since that time, Fleet Feet has continued to occupy the space and lease back from the Town. The condo is approximately 3,178 square feet and Fleet Feet is currently paying fair market rate of \$17.00 per square or \$4,502 monthly. It is anticipated that Fleet Feet will be vacating the space in November.

The Economic Sustainability Commission discussed the utilization of the space as an Economic Development incentive to encourage new businesses. However, the ESC thought that more study and consideration needed to go into a plan for utilizing the space which included staffing considerations of the space. As an interim step, the ESC recommended the Board direct staff to look for potential tenants and continue to lease the space at market rate.

Since the time of the ESC meeting, the ECD Director had an opportunity to meet Ted Zoller, Director of the Center for Entrepreneurial Studies and Associate Professor of Strategy and Entrepreneurship. Mr. Zoller is also the lead partner from UNC to the Launch project in Chapel Hill. He stated the most pressing need for fledgling entrepreneurs coming out Launch and Venture Lab 1789 is affordable co-working space. This may present some opportunities to partner with Launch and further support the entrepreneurial community in Carrboro

FISCAL & STAFF IMPACT: The Town paid \$537,898 for the condo. Since the time of purchase the Town has put a new roof on the structure which cost \$25,000 which was deducted from the original purchase price. So far, Fleet Feet has paid \$54,024 (12 months at \$4,502) with at least two more months of rent anticipated. Plus the tenants have continued to pay taxes on the property. In comparison, the \$537,898 would have earned the less than 1% in interest or less than \$5,379.

RECOMMENDATION: Staff recommends the Board consider the staff report.



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Agenda Item Abstract

File Number: 14-0261

Agenda Date: 9/9/2014

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Continuation of Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to continue the discussion and consider coming to a decision on proposed 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: At its June 3, 2014 regular meeting, the Board of Aldermen reviewed a proposal from Orange County to adopt text amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement, and subsequently to the County's Unified Development Ordinance (UDO) to allow agricultural support enterprises in the Rural Buffer. County staff presented the amendments to all three parties of the joint planning agreement-Orange County, Chapel Hill and Carrboro--at a joint public hearing on March 27, 2014. As part of its review, the Board of Aldermen referred the item to advisory boards, and it was presented at the May 1, 2014 joint review meeting. Advisory board recommendations and comments were included in the [June 3rd](#) materials as well as supplemental materials prepared by Orange County staff in response to questions from the May meetings (See Item #14-0186).

The culmination of several years of preparation, the ASE agenda materials are extensive and challenging to digest in a single meeting. During the June 3rd meeting, Board members requested additional information in several areas as noted in the chart below. Aldermen Haven-O'Donnell prepared a summary table of the uses for the Rural Buffer (Attachment A) and met with Planning staff during the summer to discuss. Orange County Planner, Perdita Holtz, has prepared a new memorandum (Attachment C) to respond to these concerns and to provide clarity about the overall framework of the ASE program.

Board of Aldermen Comment	Response
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Look into accessory uses as an approach for farmers adding supplemental uses to their agricultural operation.	Memo from Mike Brough, Town Attorney - attached (Attachment B).
Bring back item within next two weeks.	Item was originally scheduled for June 17 and was postponed until after the summer break to provide more time for follow up.
Report on the establishment of a “low intensity” definition for ASE uses that would serve as a parallel for low density.	Perdita Holtz, Orange County Planning, has provided a memo that describes in detail the uses proposed to be allowed in the Rural Buffer (Attachment D).
Consider the demands on groundwater - should uses be limited?	The draft ordinance provisions include performance standards for studying groundwater impacts based on the expected groundwater demand of proposed uses.
Add language that would bind the County to this version of uses in the LUO or to have to come back to the Town if the uses are amended from the list as provided	Final version in preparation draft is attached as Attachment B.
Bring back information on uses, their definitions, and if they are located in other sections of the zoning ordinance. Provide color if there are charts and other material in that are shown in color.	The County provided a detailed breakdown of existing and proposed uses which may provide income to the farming community. See Attachment D.
Include current allowable high intensity uses in Orange County	See attached memo from Orange County staff, Attachment C, for discussion of intensity of uses.
Work on providing agenda packet material in a better hardcopy format	Staff has discussed and will work to respond as requested.

The draft resolution which includes proposed amendments to the Joint Planning Land Use Plan and Joint Planning Agreement has been prepared by Orange County staff is included as Attachment E.

Background Information - Development of Agriculture Support Enterprises (ASE)

Regulatory Framework

The original ASE proposal developed in 2001 was designed to accomplish three main objectives: to clarify which uses qualified as bona fide farm purposes and were thereby exempt from county zoning, to identify new land uses related to agriculture which offered farmers supplemental income and would provide agricultural infrastructure, and to determine appropriate permitting requirements for those new uses based on scale and intensity. In 2011, the North Carolina General Assembly clarified the definition of a bona fide farm with the passage of S.L. 2011-363 (House Bill 168) which outlined five “safe harbor” provisions for determining whether a property is being used for

bona fide farm purposes. Any of the following are considered sufficient evidence:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participate in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.
- e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

The same legislation further expanded the definition of a bona fide farm for farms enrolled as an Enhanced Voluntary Agricultural District (EVAD).

With the definition of bona fide farm purposes clarified through state statute, the focus of the ASE program shifted toward the identification of new land uses which would help existing farms diversify and become more sustainable such as direct marketing (farm stands, CSA, cooperative farmers markets), adding value to raw goods through some level of processing (jams, breads, cheese, ice cream, bottling), and agro-tourism (farm stays, corn mazes, pick-your-own). Some of these uses are exempt from zoning if part of a bona fide farm. Others, due to size and intensity or a location on a non-farm parcel, require a land use permit to ensure that such uses are consistent with the overall land use plan and do not create a nuisance for areas that have transitioned, or are in the process of transitioning from rural/agricultural uses to more suburban residential uses. Other ventures that provide agricultural infrastructure such as tractor supply and repair, feed mills, large animal veterinarian services are beyond the scope of bona fide farm purposes but offer benefit to the local farm community. Ventures designed to promote agricultural tourism or take advantage of the rural landscape such as wineries with wedding and banquet facilities also offer urban residents an opportunity to have a farm connection. These types of businesses serve a niche market created from the growing number of suburban consumers, interested in supporting local farm operations, buying local products and enjoying a rural experience.

The ASE framework dictates permitting requirements based on the size and intensity of the proposed operation along with specific performance standards. For those uses with the greatest potential for negative impacts, and/or inconsistencies within the framework of the county's and joint planning area's land use plans, a conditional zoning mechanism has been suggested. Land use permits are approved using a quasi-judicial decision making approach; applicants that comply with local ordinances are typically approved unless there is a clear risk of negative impact to surrounding property values or the health, wealth and safety of the general public. Rezoning, by contrast are legislative decisions involving broad discretion by the governing board. Conditional district rezoning moreover, offers an opportunity to tailor a particularly proposal to its surroundings-a mechanism that would provide the County and Town with a way to allow uses to occur where they may be an asset to the community but not allow them where they may clearly be incompatible to adjacent properties.

The Joint Planning Agreement allows the Town of Carrboro to have input on ASE proposals in the Rural Buffer. The Board may wish to request an amendment to the joint planning agreement to extend the comment period that the Town has to review development projects in the Rural Buffer from 30 days to 45 days to ensure that sufficient time for input on ASE applications. Other changes that establish a time frame for revisiting these changes and

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assessing the benefits in relation to shared vision for the Rural Buffer, e.g. a sunset clause on the amendments, may also be worthy of consideration.

The Board of County Commissioners has continued its consideration of the UDO text amendments to November. The Chapel Hill Town Council is scheduled to continue consideration of the JPA amendments on October 15th.

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

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached material. Should the Board find that the proposed amendments are ready for action, staff will schedule the item for final action.

Comments submitted by Alderman Haven O'Donnell via email on June 13, 2014. Modifications and notes below added following meeting on August 18. Orange County staff memo dated August 28, 2014 provides responses to the information and question highlighted in underlined text below.

To protect the rural buffer, the JPA should contain language that supports the intention of low density as outlined in the UDO with parallel language of the expectation of low intensity uses for agricultural use and agricultural support uses.

Language recommended to define the ASE-CZ uses applied to the rural buffer

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, LOW INTENSITY agricultural uses, and LOW INTENSITY 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 AGRICULTURAL SUPPORT USES ALLOWABLE IN THE RURAL BUFFER THAT ARE permitted through the ASE-CZ (AGRICULTURAL SUPPORT ENTERPRISES conditional zoning) district. IN THE RURAL BUFFER, ONLY LOW INTENSITY AGRICULTURAL USES AND LOW INTENSITY AGRICULTURAL SUPPORT USES ARE ALLOWED.

Question: What information can be added to this table to show the UDO and MPD allowable/impermissible uses in O.C. that inform thinking for ASE-CZ in the rural buffer?

Proposed ASE-CZ Uses not currently allowed, could be applied in the Rural Buffer		Notes	Recommendation
1	Agricultural Processing Facility	∅ allowed in O. C. CU only	∅
2	Agricultural Processing Community		√
3	Cold Storage Facility		√
4	Community Farmer's Market		√
5	*Composting Operation, no grinding		
6	Cooperative Farm Stand		√
7	Equestrian Center		√
8	Farm Equipment Rental, Sales & Service	∅ allowed in O. C. CU only	∅
9	Farm Supply Store		√
10	Greenhouses w/On Premises Sales		√
11	Meat Processing Facility Community		√
12	Non-Farm Use of Farm Equipment		
13	Rural Guest Establishment: B&B Inn	Capacity	∅ √ Change per 8/18 meeting RHO
14	Rural Guest Establishment: Country Inn	Capacity	∅
15	Country Store		√
16	Garden Center w/ On Premises Sales		√
17	Metal Fabrication Shop		√
18	Microbrewery w/Minor Events	Class B	√
19	Microbrewery w/Major Events	Capacity	∅
20	Microbrewery, production only		√
21	Storage of Goods, Outdoor		
22	Taxidermy		√
23	Winery w/Minor Events		√ Change per 8/18 meeting

	Proposed ASE-CZ Uses not currently allowed, could be applied in the Rural Buffer	Notes	Recommendation
			RHO
24	Winery w/Major Events	Class B	Ø
25	Winery w/Production only		√
26	Veterinary Hospitals		Ø
27	Veterinary Clinic		Ø
28	Veterinary Clinic, mobile		√
29	Guest Ranch	Capacity	Ø Possibly ok if increased to 50 acres?
30	Assembly Facility Greater than 300 Occupants	Capacity	Ø
31	Assembly Facility Less than 300 Occupants		Ø
32	Rural Heritage Museum		√
33	Rural Special Events		√

MEMORANDUM

Memorandum to: Carrboro Mayor and Board of Aldermen

From: Mike Brough

Subject: Agricultural Support Uses in Rural Buffer

Date: June 11, 2014

The Board recently discussed the proposed changes to the Joint Planning Area Land Use Plan and Orange County's UDO that would allow additional uses within the Rural Buffer. A concern was expressed that, while the principal justification for the proposed changes is that they would assist existing farms in remaining financially viable by providing a supplemental source of income, the proposed amendments for the most part do not require any linkage between the operation of a farm and the proposed uses. Because the courts have held that zoning regulates uses, not ownership, it is not legally permissible to require that the proposed new uses are permissible only if owned or operated by someone who is also engaged in farming. However, in my judgment, the County could provide that these "agriculture support enterprises" be located on a tract of land that is also operated as a bona fide farm. The proposed amendments include such a limitation with respect to some of the uses (e.g. Community Agricultural Processing Facility, Taxidermy) and the same limitation could be applied to other uses.

The foregoing suggestion would apply to those uses that are not already permissible in the Rural Buffer. Those uses are listed in Table 3, Attachment H to the June 3, 2014 agenda item on this topic (note that all uses listed in Table 2 are also found in Table 3).

MEMORANDUM

Date: August 28, 2014

To: Carrboro Board of Aldermen

From: Perdita Holtz, AICP, Orange County Planning Department 

Subject: Additional Information about Proposed Amendments to Joint Planning Land Use and Agreement Regarding Agricultural Support Enterprises in the Rural Buffer

At the request of Town planning staff and in response to alderperson comments, additional information is being provided to address comments pertaining to the “intensity” of uses and about certain uses proposed as part of the Agricultural Support Enterprises (ASE) proposal.

Conditional Zoning

As was stated during various meetings and in the June 6, 2014 memorandum to the Board of Aldermen, the potential uses proposed to be added to the County’s Unified Development Ordinance (UDO) that seem to be causing the most concern would be permitted in the Rural Buffer only through the conditional zoning process. This process requires public notifications and a public hearing and allows proposed development to be considered on a case-by-case, site specific basis with public input.

The conditional zoning process is legislative in nature (as opposed to quasi-judicial, which is the process used for Special Use Permits). Legislative decisions allow a local government to have more leeway in approving or denying an application and do not require sworn expert testimony, normally administered by an attorney. While both legislative and quasi-judicial processes have pros and cons (which tend to depend on a person’s perspective), the requirement for expert testimony can be a deterrent to both applicants and persons who want to voice concern or opinions about a proposal because of the cost involved in hiring attorneys and expert witnesses. Additionally, the quasi-judicial process allows little discretion among decision makers because if the standards of the ordinance are met, it is very difficult to legally deny an application.

Use Intensity

The ASE proposal was developed with the intention of using a new conditional zoning district (ASE-CZ) as the review/approval process for most of the ASE uses. This decision was made because there is a general acknowledgement that a hypothetical use in the middle of 50 acres may have no impact on surrounding properties while the same use on the edge of a 5 acre parcel could significantly impact neighboring properties. The ability to consider proposals on a case-by-case, site specific basis through the conditional

zoning process is an important component of the ASE program both within the Rural Buffer and for areas outside of the Rural Buffer.

The relative expected “intensity” of uses is somewhat reflected in the permitting process a specific use must go through. It is helpful to keep in mind that some uses can be permitted in more than one way, depending on the method chosen by the applicant. It is also helpful to keep in mind that the ASE-CZ zoning district must include all uses that can be applied for as part of an ASE-CZ application (some applications may include multiple uses).

Bona Fide Farming Activities	Small Scale Rural Ventures	Medium Scale Rural Ventures & Services/Processing in Commercial Zoning Districts	Larger Scale Rural Ventures and Services/Processing Outside of Commercial Zoning Districts
Exempt from zoning regulations	Permitted Outright (with standards)	Either Permitted Outright (with standards) in Commercial or Industrial districts OR Special Use Permit (Class A or B, depending on use) OR rezoning to conditional use district (ASE-CZ)	Either Permitted Outright (with standards) in Commercial or Industrial districts OR Special Use Permit (Class A or B, depending on use) OR rezoning to conditional use district (ASE-CZ)

The perceived intensity of a use is dependent not only on the actual use occurring but also on factors such as size and scale. This is why some uses have standards pertaining to details such as maximum building size limits, limits on hours of operation, and minimum lot size requirements. For uses that do not have such standards enumerated, the conditional zoning process allows for limits to be placed on operations on a case-by-case basis.

Lastly, other development requirements in the UDO have the effect of limiting or mitigating intensity. For example, impervious surface limits (administered on a watershed basis) affect use intensity in the County’s planning jurisdiction. Buffer (both stream and land use [e.g., perimeter]) and tree protection requirements are also in place to mitigate impacts of development. The Rural Buffer contains portions of two watersheds: University Lake and Jordan Lake (which has “protected” and “unprotected” areas) (see attached watershed map).

The County's UDO allows a maximum impervious surface of 6% in the University Lake watershed (with a sliding scale, based on lot size, in effect for parcels that existed prior to 4/2/90; the sliding scale actually requires less impervious surface for lots larger than 5 acres – a 5% impervious surface ratio applies to lots larger than 6 acres in size if the lot existed prior to 4/2/90). To illustrate, a 6% impervious surface limit on a 5 acre parcel equates to a maximum of 13,068 square feet of allowable impervious surface (building footprints, parking areas, and driveways). The Jordan Lake (protected) watershed has an impervious surface limit of 24%.

In terms of land use buffer requirements, an ASE-CZ district located next to a parcel zoned RB (Rural Buffer) would be required to provide a Type "D" buffer which is a 50-foot buffer along the perimeter of the parcel with four options for tree/vegetation requirements. Some uses require a larger buffer as part of the use-specific standards. A 30-foot vegetated buffer is required along roadways.

The County's stream buffer requirements are based on the slope of the property and the type of groundcover (grass vs. woods). Stream buffers are measured from the edge of floodplain (if one has been delineated) or stream bank (e.g., not the centerline of the stream). Minimum required stream buffer widths range from 65- to 80-feet (on each side of the stream, 130- to 160-feet total), depending on slope calculations. The requirements also contain some nuances in the University Lake watershed that often result in much wider minimum stream buffer widths.

Additional Information on Certain Uses

County staff was asked to provide additional information on certain proposed ASE-CZ uses. Particulars about the request were communicated during a staff meeting and information below pertains only to the additional requested information. It should also be noted that during the decade+ long development of the ASE program, there was sentiment among the rural/farming community that property owners should be able to apply for uses and go through the review process rather than be told certain uses simply are not allowed under any circumstances. Sentiment along these lines is partially due to the idea that there may be areas throughout the county where a use can be appropriately accommodated and there should be a process (conditional zoning) by which a specific site can be evaluated.

Agricultural Processing Facility

An agricultural processing facility could potentially have several activities (see definition of the use). An example of this type of use in Orange County (although within the Town of Hillsborough's planning jurisdiction) is the Piedmont Food & Ag Processing Center (PFAP). The PFAP is a food business incubator that enables entrepreneurs in the food industry – from farmers to restaurateurs – to produce value-added foods and farm products for wholesale and retail markets. The PFAP is a joint project of Alamance, Chatham, Durham, and Orange Counties, with Orange County acting as the fiscal agent

during the establishment phase, as well as the home location of the center. PFAP is in the process of transitioning to a Non-Profit 501(c)(3).

The concern about this use seems to be the potential size and scale. Since this use would be allowed in the Rural Buffer only with an ASE-CZ conditional zoning district, these types of details would be considered during the conditional zoning process. If the desire is for limits to be included in the use-specific standards, standards can be suggested that would be applicable to the Rural Buffer.

Agricultural Service Uses

This has been an existing use category in the UDO for at least 2 decades. It has served as a “catch-all” for the types of uses described in the definition. It is included as a potential use in the ASE-CZ primarily to accommodate any potential applications that may be made for properties that already contain an agricultural service use (e.g., adding additional uses to a property) and to continue to be used as a “catch-all” for uses that fit the definition.

This type of use would be allowed in the Rural Buffer only through the ASE-CZ conditional zoning process where conditions can be applied during the review process if necessary. If there is a desire for use-specific standards that would apply only to ASE-CZ application in the Rural Buffer, such standards can be added.

Cold Storage Facility

The concern regarding this potential use is unclear. A cold storage warehouse is a necessary part of food production and all farms have some method of storing products in a cooler or refrigerator. It is being suggested as a stand-alone use because there may be interest in providing a cold storage facility to farmers in a centralized location. Additionally, it needs to be listed as a potential use in the ASE-CZ to accommodate any projects with multiple uses.

This type of use would be allowed in the Rural Buffer only through the ASE-CZ conditional zoning process where conditions can be applied during the review process if necessary. If there is a desire for use-specific standards that would apply only to ASE-CZ application in the Rural Buffer, such standards can be added.

Farm Equipment Rental, Sales & Service

This type of use has historically been accommodated in rural and semi-rural areas since it directly serves the farming community and minimizes the distance farmers must travel to obtain these types of services.

This use would be allowed in the Rural Buffer only through the ASE-CZ conditional zoning process where conditions can be applied during the review process if necessary. If there is a desire for use-specific standards that would apply only to ASE-CZ application in the Rural Buffer, such standards can be added.

Non-Farm Use of Farm Equipment

There seems to be confusion about what this use is. It is the use of farming equipment for commercial (non-farming) purposes. Examples include operating a grading service or a landscaping service using the farm equipment that is normally used for bona fide farming purposes. The definition's intent is to show that any equipment being used in this manner is normally used on a bona fide farm.

Rural Guest Establishment: Country Inn

It is unclear what the concern about this use is. This use is a bed-and-breakfast type of business that has between 4 and 24 rooms and can also contain a restaurant that has no more than 60 seats. If the concern is the size or scale, other limits can be suggested that would be applicable to the Rural Buffer.

Microbrewery with Major Events & Winery Major Events

The concern about these uses seems to be the potential number of event attendees (more than 150 people). Keeping in mind that events with more than 150 people at one time can occur no more frequently than 12 times per year, that some large weddings can have more guests than this, and that an upper limit can be added as a condition as part of the conditional zoning process, if there is concern that no conclusive upper limit is included in the use-specific standards, a limit can be suggested that would be applicable to the Rural Buffer.

Storage of Goods, Outdoor

Some outdoor storage of goods is normally considered an accessory use to many uses. It is included as a stand-alone category in the ASE-CZ to accommodate any multi-use applications that include a significant amount of outdoor storage (an amount that would exceed the usual and customary amount considered an accessory use). Evaluation and mitigation of any impacts would occur during the conditional zoning review process.

Veterinary Hospitals

In the ASE-CZ zoning district, there is a clear use-specific standard that this use is intended primarily for large animal (e.g., farm animals) facilities. Having a veterinary hospital available for farm animals would appear to be a largely rural activity. If there are concerns about allowing this type of use in the Rural Buffer because the use-specific standards do not address a specific concern, additional standards can be suggested that would be applicable to the Rural Buffer.

Veterinary Clinic

There is a clear use-specific standard that this use is intended primarily for large animal (e.g., farm animals) facilities in most areas of the county. Language can be added that would make a clear that concept also applies to the Rural Buffer. Having a veterinary clinic that serves primarily large animals would appear to be a largely rural activity. If there are concerns about allowing this type of use in the Rural Buffer because the use-specific standards do not address a specific concern, additional standards can be suggested that would be applicable to the Rural Buffer.

Guest Ranch

The concern about guest ranches appears to be related to capacity. One of the current standards requires a minimum lot size of 25 acres and this use can be permitted only through the conditional zoning process. Additional standards can be suggested that would be applicable to the Rural Buffer.

Assembly Facility (both > and < 300 Occupants)

Assembly facility refers to an assembly of people, not a manufacturing facility. This type of use has existed in the County's regulations since the County adopted zoning. There is not a definition of the use but conclusions can be drawn as to what it is not since other assembly-type uses are specifically listed in the UDO. It is not a church, camp/retreat center, or club/lodge (social/fraternal/union). This use type serves as a "catch-all" for facilities that are not defined elsewhere in the UDO. It is included as a potential ASE-CZ use so that it may continue to serve as a "catch-all". It should be noted that churches and clubs/lodges are currently permitted outright in the Rural Buffer while camps/retreat centers are permitted with a Class B special use permit.

Master Planned Development Conditional Zoning District

The MPD-CZ (Master Planned Development) zoning district is not applicable to the Rural Buffer. It is applicable only to "Transition" land use categories and Rural Community Nodes, as defined and shown in the County's Comprehensive Plan.

Limiting ASE Uses Only to Bona Fide Farms

The Town's attorney has suggested that it would be possible to limit ASE uses only to bona fide farms. Taking this tact might be problematic because bona fide farms currently enjoy Present Use Value (PUV) taxation and the addition of an ASE use to a bona fide farm will likely result in PUV taxation being lost for the portion of a farm that contains the use. This is because ASE uses are not considered bona fide farming activities (if they were, they would be exempt from zoning regulations). It is likely that portions of farms

that contain an ASE use will be subdivided from the bona fide farm so that the farmed portion of the property can continue in the PUV taxation program.

If there were a requirement that ASE uses could be located only on bona fide farms, the new parcel that would contain the ASE use would no longer be located on a bona fide farm and so it would be out of compliance with the ordinance (e.g. it would be made a non-conforming use).

Additionally, some of the ASE uses pertain to providing a “rural infrastructure” and a farmer may or may not be the proprietor of the business. Examples of these “rural infrastructure” uses are Farm Equipment Rental, Sales, and Service; Farm Supply Store; Feed Mill; Veterinary Hospitals; and Veterinary Clinics.

To conclude, the conditional zoning process was proposed as the optimal way to review proposed ASE uses because the process allows meaningful public participation and allows proposed projects to be considered on a case-by-case basis with the opportunity to apply mutually agreed-upon conditions that would mitigate concerns/impacts to an approval. The legislative nature of conditional zoning allows for more discretion among decision makers (elected officials) than the quasi-judicial special use permit process. I will attend the Board of Aldermen work session on September 9th to address any questions the Aldermen have.

MEMORANDUM

Date: June 6, 2014

To: Carrboro Board of Aldermen

From: Perdita Holtz, AICP, Orange County Planning Department *Perdita Holtz*

Subject: Proposed Amendments to Joint Planning Land Use and Agreement Regarding Agricultural Support Enterprises in the Rural Buffer

At the conclusion of discussion at the June 3, 2014 Board of Aldermen meeting regarding the item pertaining to agricultural support enterprises, I offered to compile information about each new use that could be applied for in the Rural Buffer. These are the uses listed in Table 3 of the document titled "Land Uses in the Rural Buffer" which was Attachment H in the June 3rd agenda materials. The Table is:

Table 3: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are <u>not</u> 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
Agricultural Services Uses*	Country Store	Veterinary Hospitals
Cold Storage Facility	Garden Center with On Premise Sales	Veterinary Clinic
Community Farmer's Market	Metal Fabrication Shop	Veterinary Clinic, mobile
Composting Operation, no grinding	Microbrewery with Minor Events	Guest Ranch
Cooperative Farm Stand	Microbrewery with Major Events	Assembly Facility Greater than 300 Occupants
Equestrian Center	Storage of Goods, Outdoor	Assembly Facility Less Than 300 Occupants
Farm Equipment Rental, Sales, and Service	Taxidermy	Rural Heritage Museum
Farm Supply Store	Winery with Minor Events	Rural Special Events
Feed Mill*	Winery with Major Events	
Greenhouses with On Premise Sales		
Meat Processing Facility, Community		* = inadvertently omitted from table circulated for June 3 Board of Aldermen meeting
Non-Farm Use of Farm Equipment		

The information on subsequent pages includes the following information from the UDO package that was included as Attachment F in the June 3rd agenda materials:

- The name of each use
- The definition of each use
- The use-specific standard
- The County zoning districts in which the particular use is allowed

[It should be noted that most of these uses were added to the County’s UDO as part of an amendment pertaining to “Agricultural Support Enterprises Outside of the Rural Buffer” and the preferred method of reviewing/approving the uses in most areas of the County (e.g., areas outside of “Nodes” which are areas where non-residential development is more readily allowed) is through the conditional zoning process (ASE-CZ). Therefore, inferences about the intensity of each use cannot necessarily be made merely by analyzing the zoning districts in which a use is allowed. The *general use* zoning districts these uses are allowed in has more to do with the way the County administers land use and zoning in different land use classifications than with the intensity of a particular use (see the Land Use/Zoning Matrix of the Orange County Comprehensive Plan for information on how County land use classifications and zoning districts “marry up”; the matrix is part of Attachment F – the very last page - in the June 3rd meeting materials). In Orange County’s planning jurisdiction outside of the Rural Buffer, the ASE-CZ can be applied for in the vast majority of the county, including the Agricultural Residential and Rural Residential land use classifications, which comprise the majority of lands in the County’s planning jurisdiction.]

It may be helpful to keep in mind that most of these uses require a rezoning to a conditional zoning district (ASE-CZ) and that the conditional zoning process allows local governments to consider applications on a case-by-case, site-specific basis. Conditional zoning also allows the imposition of mutually agreed-upon conditions so that a proposed project can be tailored to a specific site. Because conditions allow this tailoring, the standards listed for each specific use should be viewed as minimums (for instance, setback requirements). Additionally, all development projects in Orange County must comply with all development standards/requirements contained in other portions of the County’s Unified Development Ordinance. Examples of other development standards/requirements are:

- | | |
|---|--|
| • Impervious Surface Limits | • Stream Buffers |
| • Landscaping, Buffers & Tree Protection | • Stormwater Management |
| • Traffic Impact Analysis (for projects expected to generate more than 800 trips per day) | • Soil Erosion and Sedimentation Control |
| • Off-Street Parking | • Signage |
| • Outdoor Lighting | |

Eleven of the uses proposed to be added as an ASE-CZ are also proposed to be added to the RB (Rural Buffer) *general use* zoning district, as was shown on Table 2 of Attachment H in the June 3rd agenda materials:

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

The eleven uses included in both the RB general use zoning district and the ASE-CZ conditional zoning district allow the property owner to have a choice on which review/approval process they would like to follow and allows for review of applications with more than one type of use.

Both the County’s Planning Board and Agricultural Preservation Board were asked by the Board of Commissioners to review the list of ASE-CZ uses to determine if certain uses should not be allowed in the Rural Buffer. As a result of the review, four uses were removed from consideration in the Rural Buffer (Composting Operation with Grinding, Regional Meat Processing Facility, Stockyard/Livestock Market, and Sawmills). Both of the advisory boards believed the remaining uses could be acceptable in certain circumstances in the Rural Buffer and since the conditional zoning process allows for site-specific review of applications, including a public hearing, that people should have the opportunity to apply for ASE-CZ uses and go through the review process, resulting in either an approval or denial of an application.

The following Orange County zoning districts are included in the information following this memo. Article 3 of the UDO contains additional information on all of the zoning districts, including the districts not on this list. Additionally, the Comprehensive Plan Land Use/Zoning Matrix referenced earlier provides salient information on which zoning districts can be applied in which land use classification. Many uses can also be applied for as a CU (Conditional Use) within Orange County’s planning jurisdiction outside of the Rural Buffer and a more limited number of uses can be applied for as a CU within the Rural Buffer. A CU district is slightly different from conditional zoning districts, although they all work similarly. The UDO can be viewed at:

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

ASE-CZ: Agricultural Support Enterprises (conditional zone)	GC4: General Commercial
MPD-CZ: Master Plan Development (conditional zone)	EC5: Existing Commercial ^
REDA-CZ-1: NC Highway 57 Speedway Area Rural Economic Development Area (conditional zone)	OI: Office / Institutional
AR: Agricultural Residential	AS: Agricultural Service
R1: Rural Residential	I-1: Light Industrial
LC1: Local Commercial	I-2: Medium Industrial
NC2: Neighborhood Commercial	I-3: Heavy industrial
CC3: Community Commercial	
^ - The EC5 district was set up when zoning was adopted by the County (circa 1970s) to ensure existing commercial uses did not become non-conforming. Property cannot be rezoned to this district.	

I hope you find the information on the subsequent pages helpful in framing your thoughts about the proposed amendments. Because the Board of Aldermen requested information on where/how in the county (outside of the Rural Buffer) these types of uses can potentially be allowed, the explanation has gotten a bit long because a knowledge of how the County's regulations are set up is necessary to fully understand the situation. I will attend the June 17th Board of Aldermen meeting to address any lingering questions you may have.

Use: Agricultural Processing Facility

Definition: 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.

Use-Specific Standards:

(1) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AS, I-1, I-2, I-3

Use: Agricultural Processing Facility, Community

Definition: 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.

The definition of a Cooperative Farm Partner is: 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.

Use-Specific Standards:

(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. [underlined portion not yet adopted]

(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 groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR, LC1, NC2, AS, I-1

Use: Agricultural Services Uses

[For information: This type of use has existed in the County ordinance for at least two decades and was a “catch-all” for the types of uses described in the definition, rather than having all of the various uses listed in the Table of Permitted Uses. Orange County’s ordinance also has “catch-all” uses categories of “Retail, Class 1, 2 & 3” (three separate use types and definitions), “Offices & Personal Services, Class 1, 2 & 3” (three separate use types and definitions), and “Industrial, Heavy, Light, and Medium” (three separate use types and definitions). This information has been included to give users an idea of how some aspects of the Orange County ordinance works.]

Definition: 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.

Use-Specific Standards: None – pre-existing use type did not have standards added as part of the ASE amendments.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, GC4, AS

Use: Cold Storage Facility

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

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AS (with Class A SUP), I-1, I-2, I-3

Use: Community Farmer's Market

Definition: 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.

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR, LC1, NC2, CC3, GC4, AS

Use: Composting Operation, no grinding

Definition: 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.

Use-Specific Standards:

(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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, AS (with Class A SUP)

Use: Cooperative Farm Stand

Definition: An open-air facility for the retail sale of produce, agricultural products, and/ or plants produced on-site and from not more than 4 other cooperative farm partners.

Use-Specific Standards:

(1) 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 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.

(2) 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR, LC1, NC2, AS

Use: Equestrian Center

Definition: 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.

Use-Specific Standards:

- (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.
- (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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR (with Class A SUP)

Use: Farm Equipment Rental, Sales, and Service

Definition: 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.

Use-Specific Standards:

- (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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, GC4, EC5, AS, I-2, I-3

Use: Farm Supply Store

Definition: 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.

Use-Specific Standards:

- (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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, LC1, NC2, CC3, GC4, AS

Use: Feed Mill

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

Use-Specific Standards:

(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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AS, I-2, I-3

Use: Greenhouses with On Premise Sales

Definition: (This was a pre-existing use in the UDO that does not have a specific definition and none was added as part of the ASE (Agricultural Support Enterprises) amendments)

Use-Specific Standards:

- (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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR, NC2, CC3, GC4, EC5, AS

Use: Meat Processing Facility, Community

Definition: A smaller scale facility 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.

Use-Specific Standards:

(1) The building shall not exceed 10,000 square feet in size.

(2) 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.

(3) 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.

(4) 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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR, LC1, NC2, AS, I-1

Use: Non-Farm Use of Farm Equipment

Definition: Commercial use of the farm equipment for non-farming activities away from a bona fide farm. Examples include grading services and landscaping services.

Use-Specific Standards:

- (1) Equipment shall be screened from view from adjacent properties and road(s).
- (2) Outdoor storage of materials such as gravel, dirt, or plants shall be limited in both area and duration.
- (3) On-site retail sales shall not be permitted.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR, AS

Use: Rural Guest Establishment: Bed & Breakfast Inn

Definition: 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.

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.

Use-Specific Standards:

(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.
- (c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.
- (d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an “existing tree line” is often sufficient for large lots, where the bulk of the property remains wooded.)
- (e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.
- (f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.
- (g) The proposed development schedule for the site.
- (h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.
- (i) Any bed & breakfast inn that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the County. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the County.
- (j) Any application for a bed & breakfast inn operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.

(k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

(a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(d) The site is served by direct access to a State maintained road.

(e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(g) Bed & Breakfast Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, and critical areas.

(h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.

(i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.

(j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.

(k) On-site parking shall be provided in accordance with Sections 6.9 of this Ordinance.

(l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.

(m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

(n) The minimum lot size for a Bed & Breakfast Inn using a private well and septic system shall be no less than five acres. A Bed & Breakfast Inn may be permitted on lots of less than five acres if the tract is currently served by public water and sewer, subject to the review and approval of the appropriate agencies and the Staff Engineer.

(3) Expiration and Re-Approval of SUP

(a) The Class B Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Adjustment after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.

(b) The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.

(c) The Board of Adjustment shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.

(d) If the Board of Adjustment does not renew the permit, the permit shall become null and void upon the expiration of the time limit.

(e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), R1 (with Class B SUP)

Use: Rural Guest Establishment: Country Inn

Definition: 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.

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.

Use-Specific Standards:

(1) Submittal Requirements

(a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:

- (i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.
- (ii) Location and dimensions of all on site signage.
- (iii) Location of well and septic system.
- (iv) Boundaries of the site and distance to nearest residential structures.

(b) Description of the proposed use(s) of the site and the buildings thereon, including the following:

- (i) Amount of area allocated to each use.
- (ii) Number of full and part time employees.
- (iii) Number of clients and/or occupants expected to use the facility.
- (iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.

(c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape

information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an “existing tree line” is often sufficient for large lots, where the bulk of the property remains wooded.)

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) The proposed development schedule for the site.

(h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

(i) Any application for a Country Inn that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.

(j) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

(a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(d) The site is served by direct access to a State maintained road.

(e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(g) Country Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, an critical areas.

(h) Building plans for all building areas intended for public use shall be reviewed and approved by the Health Department, Fire Marshal, and Building Inspections Division prior to issuance of any Certificates of Occupancy.

(i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.

(j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.

(k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance. The Fire Marshal shall review and approve the site plan to ensure EMS and fire truck accessibility.

(l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.

(m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

(n) The minimum lot size for a Country Inn using a private well and septic system shall be no less than ten acres. A Country Inn may be permitted on lots of less than ten acres if the tract is currently served by public water and sewer subject to the review and approval of the appropriate agencies, and the Staff Engineer; or if the tract will receive public services as part of a larger development project such as a planned development or village flexible development.

(3) Expiration and Re-Approval of SUP

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

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class A SUP), R1 (with Class A SUP)

Use: Country Store

Definition: 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.

Use-Specific Standards:

- (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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, LC1, NC2, AS

Use: Garden Center with On Premise Sales

Definition: 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.

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, LC1, NC3, CC3, GC4, AS

Use: Metal Fabrication Shop

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

Use-Specific Standards:

- (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.

County Zoning Districts in which Use is Allowed: ASE-CZ, (this type of use would likely be classified as one of the categories of “Industrial” [Light, Medium, or Heavy] – it was added as an individual use during the Agricultural Support Enterprises amendments in order to allow the use in a limited capacity on bona fide farms)

Use: Microbrewery with Minor Events

Definition: 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.

Use-Specific Standards:

- (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 groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), I-1 (with Class B SUP), I-2 (with Class B SUP), I-3 (with Class B SUP)

Use: Microbrewery with Major Events

Definition: 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.

Use-Specific Standards:

(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 groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ

Use: Storage of Goods, Outdoor

Definition: (This was a pre-existing use in the UDO that does not have a specific definition and none was added as part of the ASE (Agricultural Support Enterprises) amendments)

Use-Specific Standards – The following is the County’s UDO section that regulates this type of activity:

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.

(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.

(2) Ground level mechanical equipment such as air conditioning equipment, satellite dishes, utility meters and boxes, and tower type antennas (15 feet or less in height) must be screened from view through the use of landscaping, walls and/or fencing.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, REDA-CZ-1, EC-5, I-1, I-2, I-3 (it should be noted that this use type means that it's a principal use of property, e.g., not other uses are occurring on the property. Some outdoor storage is allowable as an accessory use to many uses, subject to the standards listed above. It is included in the conditional zoning districts listed because conditional zoning districts allow more than one principal use of property, in the form of a cohesive development plan).

Use: Taxidermy

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

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR (with Class B SUP), LC1, NC2, CC3, GC4, I-1

Use: Winery with Minor Events

Definition: 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.

Use-Specific Standards:

(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 groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), I-1 (with Class B SUP), I-2 (with Class B SUP), I-3 (with Class B SUP)

Use: Winery with Major Events

Definition: 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.

Use-Specific Standards:

(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 groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ

Use: Microbrewery, production only

Definition: 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.

Use-Specific Standards:

(1) If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm. [underlined portion is not yet adopted]

(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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), I-1, I-2, I-3

Use: Winery, production only

Definition: 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.

Use-Specific Standards:

(1) If located in an AR or RB zoning district, the winery must be located on a bona fide farm. [underlined portion is not yet adopted]

- (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 groundwater 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 are expected to be affected by withdrawals made by the proposed use.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), I-1, I-2, I-3

Use: Veterinary Hospitals

Definition: 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.

Use-Specific Standards:

- (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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, CC3, GC4, EC5, OI, AS, I-2, I-3

Use: Veterinary Clinic

Definition: 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.

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), LC1, NC2, CC3, GC4, EC5, OI, AS, I-1, I-2, I-3

Use: Veterinary Clinic, mobile

Definition: 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.

Use-Specific Standards:

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR (with Class B SUP), R1 (with Class B SUP), LC1, NC2, CC3, GC4, EC5, OI, AS, I-1, I-2, I-3

Use: Guest Ranch

Definition: 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.

Use-Specific Standards:

(1) Minimum lot size: 25 acres.

(2) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater 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 are 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.

County Zoning Districts in which Use is Allowed: ASE-CZ

Use: Assembly Facility Greater than 300 Occupants

Definition: (This was a pre-existing use in the UDO that does not have a specific definition and none was added as part of the ASE (Agricultural Support Enterprises) amendments)

Use-Specific Standards: none

County Zoning Districts in which Use is Allowed: ASE-CZ, CC3, GC4,

Use: Assembly Facility Less Than 300 Occupants

Definition: (This was a pre-existing use in the UDO that does not have a specific definition and none was added as part of the ASE (Agricultural Support Enterprises) amendments)

Use-Specific Standards: none

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, REDA-CZ-1, LC1, CC3

Use: Rural Heritage Museum

Definition: 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.

Use-Specific Standards:

(1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.

(2) The maximum building size in an AR zoning district shall be 5,000 square feet.

County Zoning Districts in which Use is Allowed: ASE-CZ, AR (with Class B SUP), LC1 (with Class B SUP), NC2 (with Class B SUP), AS (with Class B SUP)

Use: Rural Special Events

Definition: 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.

Use-Specific Standards:

(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. [underlined portion is not yet adopted]

(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.

County Zoning Districts in which Use is Allowed: ASE-CZ, MPD-CZ, AR, AS

**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 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.

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

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

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

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

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

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.

Page 3 of Joint Planning Agreement

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

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~~, ~~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 exempt from zoning regulations, 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.

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

Red text and green 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.



Town of Carrboro

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

Agenda Item Abstract

File Number: 14-0251

Agenda Date: 9/9/2014

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion of Possible Changes to Chapter 10 in Relation to the Keeping of Livestock

PURPOSE: The purpose of this agenda item is to provide an opportunity for the Board of Aldermen to discuss the requirements for keeping fowl within Town limits.

DEPARTMENT: Police and Planning

CONTACT INFORMATION: Alderman Michelle Johnson and Chief Walter Horton 919-918-7408; Patricia McGuire - 919-918-7327 and pmcguire@townofcarrboro.org

INFORMATION: Recently the Animal Control Board of Appeals received two appeals concerning the keeping of chickens within Town limits. In both cases, the applicants did not meet the 10,000 square foot requirement. The Animal Control Board issued a stay on enforcement to allow time for the Board of Aldermen to discuss the matter, including possible changes to the Ordinance.

Chapter 10 of the Town Code considers chickens as “livestock,” per Section 10-1(15). Livestock are considered to be animals kept primarily for productive purposes, rather than as pets. A permit is required for livestock to be kept on property in Carrboro; the requirements are summarized here:

- 1) Minimum lot size of 10,000 square feet
- 2) Enclosure or coop located not closer than 15 feet from a property line
- 3) Allowed on residential lots only, or common open space in a development
- 4) Animals for use by residents of the lot or neighborhood.
- 5) Animals may not be kept for commercial purposes
- 6) Animal must not pose a substantial danger of harm to person, animal, or property
- 7) Animal must not interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons
- 8) Animal must not otherwise constitute a threat to the public health or safety
- 9) Administrator must notify the applicant and applicant’s immediate neighbors of a date and time when they may be heard on the question of whether a permit should be issued.
- 10) After the hearing, the Administrator shall prepare written reasons for issuance or denial of the permit.
- 11) Any person aggrieved by the issuance or denial may appeal the decision to the Animal Control Board of Appeals, with the burden of proof lying with the appellant.

Relevant sections of the Town Code (<http://www.townofcarrboro.org/DocumentCenter/View/107>) are attached for reference (Attachment A). A copy of the regulations enacted in Chapel Hill are also attached (Attachment B).

Agenda Date: 9/9/2014

File Type:Abstract

In Control: Board of Aldermen

Version: 1

The Animal Control Board of Appeals in considering the appeals, has requested information on the basis for the 10,000 square foot requirement. A specific source for the requirement has not been located; a review of regulations from other local governments reveals a range of methods for establishing dimensional and other standards in association with allowing residents to keep chickens in residential areas for non-commercial purposes and a comparison of the setback metrics in comparison to typical lot sizes in Carrboro is underway. Orange County Animal Control staff are also considering how the lot size and/or other standards establish conditions that are most appropriate for ensuring the welfare of such animals. The Animal Control Board of Appeals has suggested it might be helpful to modify the Town Code provisions, perhaps to establish parameters for granting exceptions to the lot size and requests that the Board of Aldermen specifically consider if and how exceptions might be granted and the basis for doing so.

A map showing permitted livestock and chickens in Town as of September 2011 is attached (Attachment C).

FISCAL & STAFF IMPACT: Fiscal and staff impacts are to be determined based on the Board's actions, if any, in follow-up to discussing this item.

RECOMMENDATION: Staff recommends that the Board of Aldermen discuss this information and advise how to proceed.

CHAPTER 10

ANIMAL CONTROL

(Amend. 9/24/2002)

Article I - Definitions

Section 10-1 Definitions (Amend. 9/13/11)

Article II - Taxation and Tags

Section 10-2 Privilege Tax on Dogs and Cats

Section 10-3 Tax Administration

Section 10-4 Rabies and Identification Tags

Article III - Livestock and Wild Animals

Section 10-5 Permits

Section 10-6 Applicability

Section 10-7 Revocation of Permit

Section 10-7.1 Feeding of Deer Prohibited (Created 11/01/11)

Article IV - Animal Control Program – Organization, Powers, Duties

Section 10-8 Animal Control Program

Section 10-9 Animal Control Officer(s)

Section 10-10 Interference with Administrator

Article V - Regulation and Control

Section 10-11 Confinement

Section 10-12 Animals Creating a Nuisance

Section 10-13 Dangerous Dogs

Section 10-14 Security Dogs

Section 10-15 Location and Maintenance of Animal Pens and Enclosures

Section 10-16 Stray Animals

Section 10-17 Dogs Prohibited Within Farmers Market

Section 10-17.1 Dog Owners Required to Remove Feces Deposited by Dogs

Section 10-17.2 Tethering of Dogs Generally Prohibited (Created 9/13/11)

Section VI - Rabies

Section 10-18 Administrator to Cooperate in Vaccination Programs

Section 10-19 Quarantine of Animals Suspected of Having Rabies

Section 10-20 Disposition of Rabid Animals

Section 10-21 Rabies Tag

Section VII - Impoundment, Release and Destruction

Section 10-22 Impoundment: Notice to Owner

Section 10-23 Release to Owner

Section 10-24 Adoption and Destruction

Section VIII - Care and Protection

Section 10-25 Cruelty to Animals (Amend. 09/13/11)

Section 10-26 Notice in Case of Injury

Article IX - Kennels and Pet Shops

- Section 10-27 Applicability to Veterinarians
- Section 10-28 Class I Kennels
- Section 10-29 Class II Kennels
- Section 10-30 Pet Shops

Article X - Animal Collection

- Section 10-31 License and Permit Required
- Section 10-32 Permit Procedure
- Section 10-33 Minimum Information Required for Permit Application
- Section 10-34 Minimum Requirements for Vehicles, Premises and Care in Transit
- Section 10-35 Records
- Section 10-36 Administration

Article XI - Enforcement, Appeals and Penalties

- Section 10-37 Enforcement Administration
- Section 10-38 Appeals
- Section 10-39 Penalties and Remedies (Amend. 10/04/11)

ARTICLE I

DEFINITIONS

Section 10-1 Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

(1) Administrator: The Animal Control Officer or any other person designated by the manager to perform the responsibilities assigned by this chapter to the administrator.

(2) Adequate Food: The provision in a sanitary manner a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to the extent practicable) at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal.

(3) Adequate Shelter: A shelter or containment area that (i) will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal; (ii) is free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris; and (iii) provides a suitable method of drainage to eliminate accumulating excess water or moisture. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. The shelter shall include four walls, a roof and a solid floor raised up off the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent. As applied to aquatic or semi-aquatic animals the term means a containment area that has an adequate amount of clean water to enable the animal to move about.

(4) Adequate Water: A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing.

(5) Animal: Any live, vertebrate creature specifically including but not limited to dogs, cats, livestock, birds, fish and reptiles.

(6) Animal Shelter: A place provided and operated by Carrboro directly or by contractual agreement, whether jointly with other governmental agencies or independently, for the restraint, care, adoption and disposition of animals.

(7) Competent Person: A person of suitable age who is physically and mentally capable of keeping an animal under sufficient restraint and control in order to prevent harm to the animal, to persons and other animals.

(8) Cruel Treatment: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to, kicking, beating, hanging, submerging under water, suffocating, poisoning, setting on

fire, and depriving of food, water, exercise and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulations of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, and lawful activities for sport.

(9) Display: Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. “Display” shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. “Displayed” means to be the subject thereof.

(10) Domestic Animal: A domesticated or tame animal that is kept principally as a pet, except that livestock (other than rabbits kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.

(11) Educational Purposes: Teaching and instructing with the intent and effect of imparting knowledge to others.

(12) Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

(13) Harbor: An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for seventy-two (72) consecutive hours or more.

(14) Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person, whether or not that person literally “owns” the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this ordinance.

(15) Livestock: Animals raised for the production of meat, milk, eggs, fiber or used for draft or equestrian purposes, including but not limited to horses, mules, cows, pigs, goats, llamas, ostriches, sheep, fowl (such as chickens, ducks, turkeys, etc.), rabbits, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

(16) Leash-free Area: An area of Town owned property within the Town Limits of Carrboro designated by the Board of Aldermen upon which animals may be permitted to go free from physical restraint.

(17) Owner: Any person who owns any animal.

(18) Person: Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

(19) Restraint: An animal is under restraint if its movement is physically controlled by use of a leash, lead, cage, or bridle which restrains and controls the animal, or if it is within a vehicle from which it cannot escape without assistance.

(20) Running at Large: Any animal shall be deemed to be running at large when it is off the real property of its owner or its keeper, and not under the restraint of a competent person. For purposes of this definition, the term “real property of its owner or keeper” shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

(21) Secure Enclosure: An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Control Administrator based on breed, age, height, weight, temperament, and history of the animal.

(21.1) Tether: To restrain a dog outdoors by means of a rope, chain, wire, or other line, one end of which is fastened to the dog and the other end of which is connected to a stationary object or to a cable trolley system. (This definition excludes walking a dog with a handheld leash). (Created 9/13/11)

(22) Suspected of having Rabies: An animal which has bitten a person or another animal.

(23) Wild or Exotic Animal: An animal (other than livestock) that typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason, poses a potential danger to persons, other animals or property, including, without limitation, any of the following, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species:

- (a) Non-human primates and prosimians;
- (b) Felids, except domesticated cats;
- (c) Canids, including wolf hybrids, except domesticated dogs;
- (d) Ursids (bears);
- (e) Elephants;
- (f) Marine mammals (such as whales, seals, sea lions, dolphins and others);
- (g) Crocodylians (such as alligators and crocodiles);
- (h) Marsupials (such as kangaroos and opossums);
- (i) Snakes and reptiles (poisonous, giant and crushing);
- (j) Ungulates (such as hippopotamus, rhinoceros, giraffe, zebra, deer);
- (k) Hyenas;
- (l) Mustelids (such as skunks, weasels, otters and badgers);
- (m) Procyonids (such as raccoons and coatis);

- (n) Endentates (such as anteaters, sloth and armadillos);
- (o) Viverrids (such as mongooses, civets and genets); and
- (p) Camels

ARTICLE II

TAXATION AND TAGS

Section 10-2 Privilege Tax on Dogs and Cats.

(a) The owner of every dog or cat over four (4) months of age that is kept within the town shall annually pay to the town (through Orange County Animal Control) a tax on the privilege of keeping such animal within the town.

(b) The amount of the tax shall be established annually as part of the annual budget ordinance adoption process.

(c) In order to further the goal of controlling animal population, the tax on unspayed or un-neutered dogs and cats shall be higher than that of spayed or neutered animals.

Section 10-3 Tax Administration:

(a) The town shall contract with Orange County to administer the tax provided for in this article.

(b) The owner of every dog and cat over four months of age that is kept within the town shall, within thirty (30) days after such animal is located within the town or reaches the designated age, register such animal with Orange County Animal Control.

(c) The tax year for purposes of the tax levied under this article shall be a twelve (12) month period determined by Orange County.

(d) The tax shall be paid within the period of time specified in the tax notice sent by Orange County.

Section 10-4 Rabies and Identification Tags:

(a) In accordance with 130A-185, the owners and keepers of all dogs and cats over four (4) months of age shall have the animal vaccinated against rabies.

(b) In accordance with G.S. 130A-190 and G.S. 130A-192, the owners and keepers of all dogs shall cause such animals to wear a valid rabies tag. Cats shall not be required to wear the rabies tag.

(c) The owners or keepers of all dogs shall additionally cause such animals to wear an identification tag indicating the owner or keeper's name, current address and telephone number. In addition, microchips are valid for identification purposes.

(d) The owners or keepers of all cats shall cause such animals to wear a collar indicating the owner or keeper's name and telephone number or a collar with an identification tag including, but not limited to, the owner or keeper's name and telephone number, or a valid rabies tag. In addition, microchips are valid for identification purposes.

ARTICLE III

LIVESTOCK AND WILD ANIMALS

Section 10-5 Permits:

(a) No person may keep or display within the town any wild or exotic animal as defined in 10-1(23) of the Town Code. (See Section 10-25(n)). In addition, no person may display snakes or reptiles of any kind.

(b) No person may keep within the town any permissible livestock over four (4) months of age except in accordance with a permit issued pursuant to subsection (c).

(c) Subject to subsections (d) and (e), no permit may be issued for any livestock unless the applicant for the permit demonstrates that the livestock will be kept on a tract of land that satisfies each of the following conditions:

(1) The tract shall consist of at least 40,000 square feet of land under single ownership or control.

(2) There shall be at least 20,000 square feet of land per animal.

(3) No fence, coral, or other similar enclosure shall be erected within 15 feet of any property line.

(4) No barn, stable or similar structure used for the keeping of livestock other than rabbits or fowl shall be erected or maintained within 50 feet of any property line or street-right-of-way.

(5) No barn, cage, pen, or similar structure used for the keeping of rabbits or fowl shall be erected or maintained within 15 feet of any property line or street right-of-way line.

(d) The provisions of subsection (c)(3), (4) and (5) shall not preclude the establishment, with the consent of the affected adjoining property owners, of a commonly owned or used fence, barn or other enclosure, all of which is located along or near a common property line.

(e) The provisions set forth above in (c)(1) and (c)(2) shall not apply to rabbits and fowl. However, no permit may be issued for rabbits or fowl unless the provisions of (c)(3) and (c)(4) are complied with and unless the permit applicant demonstrates compliance with the following conditions:

(1) The tract where such livestock are kept shall consist of at least 10,000 square feet.

(2) Such livestock may be kept only (i) on a lot used for residential purposes and only for the consumption of persons who reside at that lot, or (ii) on a common open space area within a residential development with the written permission of the owner of such common space land accompanied by a copy of association minutes reflecting the approval decision, and only for the

consumption of persons who reside within that residential development. Such livestock may not be kept for commercial purposes. (Amend. 10/6/09)

(e1) The provisions of subsection (c)(1) through (5) shall not apply to “fainting goats.” However, no permit may be issued for a person to keep fainting goats unless the permit applicant demonstrates compliance with the following conditions: (Amend. 8/25/09)

- (1) The tract where such livestock are kept shall consist of at least 25,000 square feet;
- (2) Such livestock may be kept only on a lot used for residential purposes and only for the consumption of persons who reside at that lot; such livestock may not be kept for commercial purposes;
- (3) No more than two (2) fainting goats may be kept on a single tract or lot;
- (4) Any person wishing to keep fainting goats on their property must seek and obtain a permit to do so;
- (5) The Administrator shall issue the permit required by this section unless he finds:
 - (1) The applicant has failed to comply with subsection (e1);
 - (2) The animal(s) for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (3) The animal(s) for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons;
 - (4) The animal(s) for which the license is requested otherwise constitutes a threat to the public health or safety.

(f) After compliance with subsection (g), the administrator shall issue the permit required by this section unless he finds that:

- (1) The applicant has failed to comply with subsection (c);
 - (2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal, or property.
 - (3) The animal for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons.
 - (4) The animal for which the license is requested otherwise constitutes a threat to the public health or safety.
- (g) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant’s immediate neighbors by any convenient means of a date and time when they may be heard on the question of whether a permit should be issued. After the hearing, the Administrator shall set forth in writing his reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person

requesting the same. Any person aggrieved by the issuance or denial of a permit under this section appeal such decision to the Animal Control Board Appeals pursuant to Section 10-38 (except that the burden of demonstrating that the administrator erred shall be on the appellant). (Amend. 8/25/09)

Section 10-6 Applicability:

(a) The provision of this article shall not apply to any livestock present within the town (or present on property that is subsequently annexed) on the effective date of this ordinance, or to replacements for such livestock, or to animals born to such livestock. However, additional livestock may not be added unless all of the provisions of this article are complied with.

(b) The provisions of this article are subject to the provisions of G.S. 106-701.

Section 10-7 Revocation of Permit (Created 11/01/11):

(a) A permit issued in accordance with this section may be revoked by the administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance.

(b) If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner of the animal of his right to appeal such decision in accordance with Section 10-38.

Section 10-7.1 Feeding of Deer Prohibited:

(a) Subject to subsection (f), no person within the corporate limits of the town may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of feeding or attracting deer.

(b) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer at a height of less than five (5) feet off the ground is for the purpose of feeding deer.

(c) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer in a drop feeder, automatic feeder, or similar device regardless of the height of such device is for the purpose of feeding deer.

(d) Each property owner shall remove any materials placed on the owner's property in violation of this section within 48 hours of being notified by the town that such violation exists. Failure to do so shall constitute a separate violation of this section.

(e) Each property owner shall remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove the device or make necessary modifications with 48 hour of notice from the town shall constitute a separate violation of this section.

(f) This section does not apply to:

(1) Naturally growing materials, including but not limited to fruits, grains, seeds, vegetables, or other crops or vegetation.

- (2) Stored crops, provided that such crop materials are not intentionally made available to deer.
- (3) Feeders used to provide food to domestic animals or livestock.

ARTICLE IV

ANIMAL CONTROL PROGRAM – ORGANIZATION, POWERS, DUTIES

Section 10-8 Animal Control Program:

The Carrboro Animal Control Program, as herein described and as otherwise described in other town ordinances related to animals and as otherwise described under the laws of North Carolina, shall be administered by the animal control officer or other persons designated by the manager to perform the responsibilities assigned by this chapter to the administrator. Such person or persons are referred to in this ordinance as the administrator.

Section 10-9 Animal Control Officer(s):

The administrator shall:

- (1) Enforce all laws of North Carolina and all ordinances of the Town of Carrboro pertaining to animals and cooperate with all animal control officers and law enforcement officers within Orange County in fulfilling this duty.
- (2) Cooperate with all agencies within Orange County and the towns therein and assist in the enforcement of the laws of the State with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of vicious animals, and any other state law applicable to animals or animal control.
- (3) Investigate reported or observed animal cruelty or animal abuse.
- (4) Investigate public nuisance complaints involving animals.
- (5) Investigate reports of observed harassment or attacks by dogs or other animals against livestock and assist in locating those persons owning or harboring the attacking animals.
- (6) Investigate all reported animal bites, in order to comply with the provisions of Section 10-12 and Article VI of this chapter.
- (7) Keep, or cause to be kept, accurate and detailed records as determined by the manager.
- (8) Be trained to standards to be established by the manager, which training shall include but not be limited to, training in animal first aid taught by a licensed veterinarian.

Section 10-10 Interference with Administrator:

It shall be unlawful for any person to interfere with, hinder, or molest the administrator or any police officer while in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of the administrator or other agent of the town, except in the manner herein provided.

ARTICLE V

REGULATION AND CONTROL

Section 10-11 Confinement and Running at Large:

(a) Subject to subsections (b) and (c), no owner or keeper of any animal may cause, permit, or allow the animal to stray or in any manner to (i) run at large or (ii) trespass upon the property of another.

(b) The provisions of subsection (a) shall not apply to cats.

(c) The provisions of subsection (a) shall not apply to any area of the town property designated by resolution of the board of aldermen as a “leash-free” area. The administrator shall maintain a current list of approved leash free areas.

Section 10-12 Animals Creating a Nuisance:

(a) Subject to subsection (e), no owner or keeper may have within the town, after receiving the notice of removal prescribed in subsection (c), any animal that:

- (1) Habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, bicycles, other animals being walked on a leash, or vehicles even if the animal never leaves the owner’s property, except that this provision shall not apply if such animal is restrained by a pen, fence, or other secure enclosure. For purposes of this section, an “underground fence” shall only be considered secure if it in fact contains the animal and a small sign or other notification is present to alert others that the animal is restrained.
- (2) Interferes with the reasonable use and enjoyment by neighboring residents of their property because of its odor or excessive noise making. For purposes of this subsection, excessive noise making shall include repeated episodes of barking, howling, whining, crying, crowing, or other noise making that (i) are audible on premises other than the premises where the noise making animal is located (including other dwelling units located on the same tract of land), and (ii) by reason of the time of day or night that they occur, their duration, and/or their frequency, would tend to annoy or disrupt the peace and tranquility of a person of reasonable sensibilities.
- (3) Is a female animal that is not confined while in heat in a building or secure enclosure in such a manner that she will not be in contact with another animal, provided that this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.
- (4) Damages the property of anyone other than its owner or keeper, including but not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees either by digging, repeated defecation or urination, or causing injury to domesticated livestock or pets.
- (5) Without provocation, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.

(b) If the administrator determines that any animal is creating a nuisance as described in subsection (a), he shall in writing inform the animal's owner of the nature of the violation(s) and shall indicate that unless these violations are corrected and/or measures taken to prevent their recurrence within forty-eight (48) hours, the owner shall be required to remove the animal from the town.

(c) If the administrator determines that any animal cited for a violation of subsection (a) has, more than forty-eight (48) hours after service of the notice prescribed in subsection (b), continued to cause a nuisance as described in the subsection, then the administrator shall, in writing, notify the animal's owner that the animal must forthwith be removed from the town. The administrator shall also notify the owner of his right to appeal this determination in accordance with Section 10-38.

(d) The owner of any animal removed pursuant to this section shall, within five (5) days after removal, inform the administrator in writing of the animal's present location, including the name, address and telephone number of the animal's owner or keeper. If the animal has been destroyed, the administrator shall be informed of the name, address, and telephone number of the person who destroyed such animal.

(e) The provisions of subsections (a) through (d) of this section shall not apply to cats. However, cats shall be subject to the following requirements:

- (1) If a cat engages in any of the activity described in this subsection, then the administrator shall in writing inform the cat's owner of the nature of these actions and shall indicate that unless these activities are corrected and/or measures, such as a bell, are taken to prevent their recurrence, the owner shall be required to confine the cat on the owner's premises. A person who fails to abide by the direction of the administrator to confine a cat pursuant to this subsection shall be subject to the civil penalties described in Section 10-39. This process shall apply to any cat, that, off the premises of its owner or keeper:
 - (a) Habitually or repeatedly defecates or urinates in children's sandboxes, gardens, flower beds or other private property without the permission of the property owner;
 - (b) Habitually or repeatedly injures or kills animals or birds, whether domesticated or not;
 - (c) Is a female in heat not confined in a building or secure enclosure in such a manner as to prevent contact with another cat;
 - (d) Habitually or repeatedly, without provocation, chases or attacks pedestrians, bicyclists or other animals being walked on a leash;
 - (e) Seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its howling, whining, crying, or other noise making;

- (f) Without provocation, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
 - (g) Habitually or repeatedly walks or sleeps on or damages vehicles owned by another.
- (2) If a cat engages in any of the activities described in section (1) of this subsection, and the administrator is otherwise unable to determine the identity of the owner or keeper of the cat, the administrator may impound the animal. If the owner or keeper can thereafter be identified, the cat shall be returned to such owner or keeper and the notification procedures of subdivision (1) of this subsection shall be followed. If the owner or keeper cannot after reasonable effort be identified or located, the administrator shall deliver the cat to the animal control shelter.

Section 10-13 Dangerous Dogs:

- (a) The provisions of this section are derived from G.S. 67-4.1 through 67-4.5.
- (b) As used in this section, unless the context clearly requires otherwise and except as modified in subsection (c), the following words shall have the meaning indicated when used in this section.
 - (1) Dangerous Dog: A dog that (i) without provocation has killed or inflicted severe injury on a person; (ii) is determined by the administrator to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subsection (2); or (iii) any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
 - (2) Potentially Dangerous Dog: A dog that the administrator determines to have (i) inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; (ii) killed or inflicted serious injury upon a domestic animal when not on the owner's real property; or (iii) approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
 - (3) Owner's Real Property: Any real property owned or leased by the owner of the dog, but does not include any public right-of-ways or a common area of a condominium, apartment complex, or townhouse development.
 - (4) Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
- (c) The provisions of this section shall not apply to:
 - (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
 - (2) A dog being used in a lawful hunt;

- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(d) The administrator shall be responsible for determining when a dog is a “potentially dangerous dog.” The administrator must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this section. The owner may appeal the determination by filing written objections with the Board of Appeals within three (3) days of notification. The Board of Appeals shall schedule a hearing within 10 days of the filing of the objections. Any appeal from the final decision of the Board of Appeals shall be taken to the superior court by filing a notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Appeals. Appeals from rulings of the Board of Appeals shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in Orange County.

(e) No person may (i) leave a dangerous dog unattended on the owner’s real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to adequately restrain the dog; or (ii) permit a dangerous dog to go beyond the owner’s real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(f) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide a written notice within 5 days of the date of transfer to (i) the administrator, stating the name and address of the new owner or possessor of the dog, and (ii) the person taking ownership or possession of the dog, specifying the dog’s dangerous behavior and the authority’s determination.

(g) In accordance with G.S. 67-4.2, violation of this section is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment for not more than 30 days or both.

(h) In accordance with G.S. 67-4.3, the owner of a dangerous dog that attacks a person and causes physical injuries requiring medial treatment in excess of one hundred dollars (\$100.00) shall be guilty of a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000.00), imprisonment up to two years, or both.

(i) In accordance with G.S. 67-4.4, the owner of a dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or other animal.

Section 10-14 Security Dogs:

(a) For purposes of this section, the term security dog shall mean any dog on the premises of its owner or keeper that (i) is trained or conditioned to attack or otherwise respond aggressively, but only upon command from its owner or keeper (patrol dog), or (ii) is trained or conditioned to attack or otherwise respond aggressively without command (sentry dog).

(b) All persons owning security dogs shall register such animals with the Carrboro Police Department and Orange County Animal Control.

(c) The owner or keeper of any dog that is classified as a security dog under this ordinance shall place signs or placards on his premises noting "Premises Patrolled By Security Dog" or other information noting the presence of a security dog(s). Such signs shall be prominently displayed in points of probable entry to the premises so as to provide reasonable notice of the presence of such security dogs. Signs noting "Beware of Dog" shall not be sufficient notice of a security dog trained to attack or otherwise respond aggressively without command (sentry dogs).

Section 10-15 Location and Maintenance of Animal Pens and Enclosures:

(a) All livestock shall be kept within a pen, coop, fence or other secure enclosure, according to specifications outlined in Section 10-5.

(b) Lots, pens, coops, and other enclosures where animals are kept or fed shall be located at such a distance from dwellings and places of concentrated human activity and at such distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

(c) All such lots, pens, coops, and other enclosures shall be maintained at all times in a sufficiently clean and sanitary manner to protect adjacent properties from offensive odors or other nuisances.

Section 10-16 Stray Animals:

(a) No person may, without the consent of its owner or keeper, knowingly or intentionally harbor, feed or keep in possession by confinement or otherwise, any animal bearing identification tags or otherwise known by the person to belong to a specific individual, other than to restrain the animal pending notification of its owner or the administrator.

(b) Any person coming into the possession of an animal bearing identification or otherwise known to belong to a specific individual shall make reasonable efforts to notify the owner or keeper, the administrator, and/or the animal shelter within twenty-four (24) hours.

(c) Any person who feeds or keeps in his possession any animal whose owner or keeper is unknown to such person is obligated within seventy-two (72) hours from the time such animal comes into his possession to notify the administrator.

Section 10-17 Dogs Prohibited Within Farmers Market

No owner or keeper or other person in possession of any dog may allow such animal to go upon the premises operated by or for the town as a farmers market during any period when the market is in operation.

Section 10-17.1 Dog Owners Required to Remove Feces Deposited by Dogs (Amend. 10/7/08)

(a) Subject to subsection (b), it shall be unlawful for the owner of any dog, or any person walking or otherwise in charge of such dog, to fail or refuse to remove feces deposited by such dog on any street, sidewalk, park, or other publicly owned area, or on any private property.

(b) The provisions of subsection (a) of this section shall not apply to the premises occupied by the owner or keeper of the dog, but shall apply to any common areas in any two-family or multi-family residential development.

Section 10-17.2 Tethering of Dogs Generally Prohibited

(a) The Board finds that:

- (1) Tethered dogs can and do become highly territorial and aggressive, presenting a significant risk of injury to the public through dog bites and attacks; and
- (2) Tethered dogs can and do negatively impact community life through nuisance barking; and
- (3) Tethered dogs are at risk of becoming tangled and prevented from reaching food, water, and shelter; and
- (4) Tethered dogs are at risk of sustaining injury or death from accidental strangulation and are less able to defend themselves from other animals.

(b) Subject to subsections (c) and (d) of this section, no person may tether a dog, and no owner or keeper of a dog may or cause or permit such dog to be tethered.

(c) Provided that the tethering does not extend for more than seven (7) consecutive days and that the tethering device meets the standards set forth in subsection (d), tethering of a dog shall be permissible under the following circumstances:

- (1) Lawful dog activities such as hunting, hunting training, and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors.
- (2) Any activity where the tethered dog is in visual range of its owner or keeper and the owner or keeper is located outside with the dog.
- (3) After taking possession of a dog that appears to be a stray dog, and after so notifying the Animal Control Officer, the dog may be tethered while the person taking possession of the dog searches for its owner.

(d) When tethering is permitted under the circumstances specified in subsection (c), the tethering may take place only in accordance with the following requirements:

- (1) Tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight.
- (2) The tether may be fastened to the dog only by attachment to a buckle type collar or body harness.

The dog must be tethered in such a manner that it has access to food, water, and shelter.

ARTICLE VI

RABIES

Section 10-18 Administrator to Cooperate in Vaccination Programs:

The administrator shall cooperate with and assist the area animal control officers and public health officials in their efforts to see that all animals are vaccinated against rabies in accordance with the provisions of G.S. 130A-184 through 130A-201.

Section 10-19 Quarantine of Biting Animals Suspected of Having Rabies:

(a) In accordance with G.S. 130A-196 and 198, every animal (cat, dog, or ferret) that has bitten any person shall be securely confined for a period of at least ten (10) days from the time of the bite at a place and location chosen by the local health director and/or his designee. The biting animal shall not be released from such quarantine except by written permission of the administrator. Any animal that shows symptoms of rabies shall be immediately and securely confined and notification made to the administrator, Animal Control Officer, or local health director.

(b) The owner or keeper of an animal that has bitten any person or other animal or that shows symptoms of rabies shall report the same immediately to the administrator or the Orange County Health Department. Any person bitten by an animal shall immediately report the incident to the administrator.

(c) In accordance with G.S. 130A-196, a physician who attends a person bitten by an animal known to be a potential rabies vector species shall report within 24 hours to the Orange County Health Director the name, age and sex of that person.

(d) Animals (dogs, cats, or ferrets) quarantined in accordance with this section shall be confined in a veterinary hospital or the animal shelter at the owner's expense, unless the administrator determines that (i) the owner has adequate confinement facilities upon his own premises and, (ii) the animal has a current rabies vaccination, and (iii) only when the animal is confined due to biting any person but does not show any symptoms of rabies. For purposes of this subsection, adequate confinement facilities mean a fenced in area that has no entrances or exits that are not locked, or a similar area providing equivalent security.

(e) When the administrator or local health director reasonably suspects that a dog or cat has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. The dog or cat shall be destroyed immediately in a humane way by its owner, the administrator or a police officer unless the dog or cat has been vaccinated against rabies in accordance with applicable statutes and regulations more than three weeks prior to being exposed, and is given a booster dose of rabies vaccine within three days of the exposure. As an alternative to destruction, the dog or cat may be quarantined at a facility approved by the local health director for a period up to six months, and under conditions imposed by the administrator or local health director.

Section 10-20 Disposition of Rabid Animals:

(a) In accordance with G.S. 130A-199, every rabid animal, after rabies has been diagnosed by a licensed veterinarian, shall be euthanized at once in a humane manner by the

administrator, or at his direction. Notification to the administrator of the animal's euthanization shall occur immediately.

(b) In accordance with G.S. 130A-197, every animal known to have been bitten by another animal that is known or proved to be rabid shall be euthanized by the administrator or at his direction, unless the animal has been properly and currently vaccinated against rabies and revaccinated within 72 hours according to state law, whereupon the provisions of § 10-19(e) shall apply.

Section 10-21 Rabies Tag:

Applicable requirements for the wearing of rabies tags are set forth in subsection 10-4 of this chapter.

ARTICLE VII

IMPOUNDMENT, RELEASE AND DESTRUCTION

Section 10-22 Impoundment: Notice to Owner:

- (a) The administrator may impound any animal that:
 - (1) Is found running at large in violation of Section 10-11; or
 - (2) In accordance with Article VI, has bitten any person or is otherwise suspected of having rabies.
- (b) Whenever an animal is impounded, or whenever an animal otherwise lawfully comes into the possession of the administrator, the administrator shall (except as otherwise provided in Article VI) either return the animal to its owner or keeper or take the animal to the animal shelter, where the animal shall be kept until released or destroyed in accordance with the provisions of this article.
- (c) Whenever an animal is impounded or otherwise comes into the possession of the administrator, the administrator shall make reasonable efforts to identify the owner, notify him or the impoundment, and advise him of the conditions under which the animal may be reclaimed, if any.

Section 10-23 Release to Owner:

- (a) Subject to subsection (b), an owner of an impounded animal may reclaim the animal after it is impounded, upon compliance with the requirements of this section and in accordance with the requirements established by the animal shelter.
- (b) Notwithstanding any other provision of this Chapter, the administrator may refuse to release any animal that: (i) is subject to an order of removal pursuant to subsection 10-12(c); (ii) is the subject of proceedings brought in accordance with Chapter 11, Article V, Part 2 of the Town Code; or (iii) is being held pursuant to G.S. 130A-198 and Article VI of this Chapter.

Section 10-24 Adoption and Destruction:

Whenever the ownership of an animal cannot be determined with reasonable effort, or whenever the owner fails to reclaim the animal as provided in Section 10-23, the animal may be adopted or otherwise disposed of in accordance with the procedures of the animal shelter.

ARTICLE VIII

CARE AND PROTECTION

Section 10-25 Cruelty to Animals:

(a) In accordance with G.S. 14-360 and 14-361, no person may intentionally or maliciously subject any animal to cruel treatment, including but not limited to the following: overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate or kill or deprive any animal of adequate food, water, shelter or veterinary care, or cause or procure the same.

(b) In accordance with G.S. 14-362, 362.1 and 362.2 no person may conduct, promote, attend, or otherwise participate in animal fighting or cock fighting.

(c) No person may possess any paraphernalia for the purposes of dog, cock, or other animal fighting, including but not limited to gaffs, treadmills, spurs, spring poles, wheels, etc.

(d) In accordance with G.S. 14-363.1, no person may sell or offer for sale, barter, or give away within the town, baby chickens, baby ducklings, or other fowl or rabbits under eight (8) weeks of age as pets, toys, premiums, or novelties.

(e) No person may color, dye, stain, or otherwise change the natural color of baby chickens or other fowl or rabbits.

(f) No person may tether any fowl.

(g) No person may keep a dog outdoors within an enclosure such as a fence, kennel, or other devise unless the enclosure contains at least one hundred (100) square feet of unobstructed area per each dog weighing twenty (20) pounds or less and at least two hundred (200) square feet of unobstructed area per each dog weighing more than twenty (20) pounds. (Amend. 09/13/2011)

(h) No person may use for the purpose of trapping animals, any type of steel jaw trap (except commercially available mice and rat traps). A steel jaw trap is defined as any spring-powered device designed to capture or hold an animal by exerting a lateral force with fix-mounted jaws on the leg, paw, or any other part of an animal's body.

(i) No person may entice or lure any animal out of an enclosure or off the property of its owner or keeper, or seize, molest, or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property or its owner or keeper.

(j) In accordance with G.S. 14-363, no person may carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner.

(k) No person may transport without adequate ventilation an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature outside the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit. For purposes of this section, "transport" refers to a vehicle or trailer whether in motion or stationary and "closed compartment" refers to a vehicle or trailer whether or not the windows or other openings are closed, open or partially open, and "adequate ventilation" refers to sufficient circulation of air and/or control of temperature such that the animal's health and safety is not adversely affected.

(l) No person may commit any of those acts made unlawful under the provisions of G.S. 14-362, 14-362.1, 14-362.2, and 14-362.3 or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting.

(m) In accordance with G.S. 14-361.1, no person may abandon or forsake any animal within the town.

(n) No person may display or sponsor a display of wild or exotic animals on any public or private property within the town.

Section 10-26 Notice in Case of Injury:

Any person who, as the operator of a motor vehicle or bicycle, causes injury to any domestic animal or livestock is obliged to stop at once and render such assistance as may be possible and shall immediately notify at least one of the following:

- (1) The owner(s) or keeper(s) of the animal (if known or ascertained with reasonable efforts);
- (2) An animal control officer;
- (3) The police department; or
- (4) The animal shelter.

ARTICLE IX

KENNELS AND PET SHOPS

Section 10-27 Applicability to Veterinarians:

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except for the provisions relating to cruelty to animals and rabies control.

Section 10-28 Class I Kennels:

(a) For purposes of this section, the term Class I Kennels shall mean an establishment where animals (excluding livestock) are kept for the purpose of showing, competition, hunting or sport, and which establishment maintains more than six (6) but less than nineteen (19) animals.

(b) The owners or operators of all Class I Kennels shall, in addition to other requirements of this ordinance, comply with the following minimum standards of this subsection.

- (1) All enclosures housing animals must provide adequate shelter.
- (2) All animals shall be provided adequate food.
- (3) All animals shall be provided adequate water.
- (4) All areas housing animals shall be free of accumulated waste and debris and shall be maintained regularly so as to promote proper health.
- (5) All areas housing animals shall be free of accumulated or standing water.
- (6) All animals housed shall be provided with proper veterinary care to promote good health.

Section 10-29 Class II Kennels:

(a) For the purposes of this section, Class II Kennels shall mean an establishment where (i) animals (excluding livestock) are kept regularly for the purposes of breeding, buying, selling, or boarding or for the training of security dogs; or (ii) 20 or more animals (excluding livestock) each of which is four months of age or older, are regularly kept.

(b) No person may own or operate a Class II Kennel within the town unless and until such person satisfies the requirements of this section and has been issued a privilege license under subchapter I of Chapter 8 of the Carrboro Town Code. A permit issued in accordance with this section may be revoked by the administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance. If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner or operator of his right to appeal such decision in accordance with Section 10-38.

(c) All Class II Kennels shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this subsection. Facilities shall be subject to inspection during reasonable hours by the administrator upon request. No person may operate a Class II

Kennel unless the premises meet the following standards and animals receive the following minimum care:

- (1) Buildings or enclosures must be provided which shall allow adequate protection against extreme weather conditions. Floors of buildings and runs, and walls shall be of a nonporous material or otherwise constructed so as to permit proper cleaning and disinfecting. Temperatures in animal containments shall be maintained at a level that is healthful for every species of animal in the containment.
- (2) Cages, kennels or runs shall have sufficient space for each animal to sit, stand up, lie down, turn around, and stretch out to its full length without touching the sides or tops of the cage, kennel, or run. Cages, kennels and runs are to be of a material and construction that permits cleaning and disinfecting, and shall have an impervious surface. Cages, kennels and run floors of concrete shall have resting board or some type of bedding. Cages, kennels and runs shall provide protection from the weather. All animal quarters are to be kept clean, dry, and in a sanitary condition. Cages, kennels and runs shall be structurally sound and maintained in good repair to protect animals from potential injury, contain the animals, and restrict the entrance to other animals and people.
- (3) Animals shall not be placed in cages, kennels, or runs unless such cages, kennels, or runs are so constructed to prevent animal excreta from entering other cages, kennels or runs.
- (4) Sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
- (5) Each animal shall be given the opportunity for vigorous daily exercise as appropriate.
- (6) Litter boxes shall be provided for cats and kittens.
- (7) All animals shall be provided adequate food.
- (8) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (9) All animals shall be provided adequate water. Water containers shall be of removable type and be mounted or secured so that the animals cannot readily tip it over or defecate or urinate in them.
- (10) All food and water containers shall be cleaned and disinfected daily.
- (11) All animals must be fed and watered, cages and kennels cleaned each day, including Sundays and holidays and disinfected weekly or more frequently if the kennel is exposed to an infectious disease.
- (12) Adequate veterinary care shall be provided as needed for each animal.

- (13) Provisions shall be made for the removal and disposal of animal and food waste, bedding and debris.
- (14) Facilities such as a washroom, sink or basin shall be provided to maintain cleanliness among animal caretakers and of animal food and water containers.
- (15) Facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air, either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.
- (16) Facilities for animals shall have ample light by natural or artificial means or both, of good quality and well distributed and as appropriate for each animal's health and well being. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Enclosure shall be so placed as to protect the animals from excessive illumination.
- (17) Every person maintaining such a facility shall post a notice clearly visible from the ground level at the main entrance to the facility containing the names, addresses, and telephone number of persons responsible for the facility where they may be contacted during any hour of the day or night.

Section 10-30 Pet Shops:

(a) For purposes of this section, the term Pet Shop shall mean an establishment wherein animals bred by others are held for sale or exchange or for the purpose of cleaning and grooming.

(b) No person may own or operate a pet shop within the town unless and until such person satisfies the requirements of this section and has been issued a privilege license pursuant to subchapter I of Chapter 8 of the Carrboro Town Code. A permit issued in accordance with this section may be revoked by the administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance. If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner or operator of his right to appeal such decision in accordance with Section 10-38.

(c) All pet shops, as defined herein, including pet shops run in conjunction with another animal facility, shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for issuance of a citation subjecting the owner to the penalties described herein, and/or the issuance of an abatement order to comply with the provisions of this ordinance. Facilities shall be subject to inspection by an administrator at any time during normal business hours and without prior notice. No person may own or operate a pet shop unless the premises meet the following standards and animals are given the following minimum care:

- (1) Purchase or sale of puppies or kittens under eight weeks of age is prohibited.
- (2) All animals on premises of the pet shop will have received, prior to procurement, all requisite vaccines and standard medical attention.

- (3) There shall be available hot water at a minimum temperature of 140 degrees Fahrenheit for washing cages and disinfecting, and cold water easily accessible to all parts of the shop.
- (4) Adequate water shall be accessible to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and be mounted so the animal cannot turn them over or defecate in them.
- (5) The temperature of the area around the animal enclosure in the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.
- (6) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, and lie down. Floors of the enclosure must be of sufficient strength and design to ensure the animal's limbs or paws cannot pass through the floor material.
- (7) All animals shall be provided adequate food. All animals under three (3) months of age are to be fed at least two (2) times per twenty-four (24) hours. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the removable type.
- (8) Each bird must have a perch and sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages and perches must be cleaned every day and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.
- (9) There shall be sufficient, dry bedding to meet the needs of each individual animal. Provision shall be made for the removal and disposal of animal and food waste, bedding and debris, to assure the enclosure is maintained in a clean and sanitary manner.
- (10) All animals must be fed, watered, and all cages cleaned every day, including Sundays and holidays.

ARTICLE X

ANIMAL COLLECTION

Section 10-31 License and Permit Required:

(a) No person may engage in the collection of dogs and cats for sale unless such person obtains a privilege license pursuant to subchapter I of Chapter 8 of the Carrboro Town Code. A permit must be obtained from the administrator, as provided in this Article, before a license may be issued.

(b) A permit for the collecting of dogs and cats for sale shall be required before any individual may engage in any action in Carrboro in furtherance of any action involving or relating to the collection or procurement of dogs and cats for sale or disposal. A permit allowing such actions will be issued only upon payment of a fee set by the Board of Aldermen and demonstration by the applicant that the requirements of this article shall be met. A permit issued in accordance with this article may be revoked by the administrator after notice and a hearing, for any reasons that would have justified denial of the permit in the first instance. If the administrator denies or revokes a permit in accordance with this article, he shall notify the person affected of his right to appeal such decision in accordance with Section 10-38.

Section 10-32 Permit Procedure:

(a) An application for a collection permit shall be made by each and every individual involved in the collecting of dogs and/or cats in Carrboro for the purpose of sale. Any such application for the above-mentioned purpose shall be made to the administrator on a form prescribed by the administrator.

(b) An investigation may then be conducted by the administrator, which may include inspection of the premises where the animals are to be kept and any vehicles in which they are to be transported.

(c) Upon the determination by the administrator that the requirements of these regulations have been met and are capable of continuing to be met during the duration of the permit, a permit for no more than one (1) year shall be issued, upon payment of applicable fees, to the individual applicant only for the specific individual applicant, premises, and vehicles listed on the application.

(d) Application for a permit renewal is the responsibility of the permit holder and shall be made no later than thirty (30) days prior to the expiration of the current permit. Failure to reapply prior to the 30-day limit may result in a penalty fee.

Section 10-33 Minimum Information Required for Permit Application:

The following information shall be provided on or with the application for a collecting permit and no individual shall be issued a permit without disclosing the following:

- (1) The name, address, and telephone number(s) of the applicant;
- (2) U.S. Department of Agriculture and/or N.C. Department of Agriculture license number under which the applicant operates;

- (3) A basic description of the applicant's background, including but not limited to all licenses he may have had for handling or keeping animals, and all arrests or convictions involving any matter or law in any way pertaining to animals;
- (4) A complete description, including vehicle identification number and vehicle license number of each and every vehicle which will be used to collect and/or transport animals; and
- (5) The address and location where the animals will be kept or maintained for five (5) days after collection.

Section 10-34 Minimum Requirements for Vehicles, Premises and Care In Transit:

(a) No permit shall be issued or remain valid unless the administrator or his designee is satisfied that both the vehicles in which the animals will be collected and transported and the premises where the animals will be housed meet the following requirements:

(b) Premises. All premises shall meet the same standards as set for Class II commercial kennels in Section 10-31 of this ordinance.

(c) Vehicles:

- (1) Vehicles used to transport animals must be mechanically sound and equipped to provide fresh air to all animals without harmful drafts.
- (2) The sections of the vehicles where the animals are placed are to be constructed and maintained so that engine exhaust fumes cannot get to the animals.
- (3) The sections of the vehicles where the animals are to be kept should be cleaned and disinfected after each use and as needed.

(d) Enclosures In or On Vehicles:

- (1) Enclosures (including compartments, cages, cartons, or crates) used to transport animals are to be well constructed, well ventilated, and designed in such a way as to protect the health and insure the safety of the animals.
- (2) These enclosures must be constructed or placed on the vehicles so that:
 - a. Every animal in the vehicle has sufficient fresh air for normal breathing;
 - b. The openings of these enclosures must be easily accessible for emergency removal at all times;
 - c. The animals must be adequately protected from the elements, including heat and cold;
 - d. The animals must be adequately protected from one another.

- (3) Only animals of the same species shall be transported in the same enclosure. Puppies and kittens under six (6) months of age shall not be transported in the same enclosure with adult animals, other than their mother.
 - (4) Each enclosure used to transport animals shall be large enough for each animal to stand erect, sit, turn about freely and lie down in a normal position.
 - (5) Animals shall not be placed in enclosures over other animals while being transported unless each enclosure is so constructed to prevent animal excreta from entering the other enclosures.
 - (6) All enclosures used to transport animals shall be disinfected after each use and as needed.
- (e) Care in Transit:
- (1) The attendant or driver shall be responsible for inspecting the animals frequently enough to assure the health and comfort of the animals and to determine if emergency care is needed and to obtain said emergency care if needed.
 - (2) If any animal is in a vehicle for more than three (3) hours, it shall be provided fresh, drinkable water, and food as appropriate.
 - (3) Each animal in transit shall have a tag affixed to its collar of a type approved by the U.S. Department of Agriculture.

Section 10-35 Records:

(a) Every person who sells, gives, exchanges or otherwise delivers any animal to a collector must receive from the collector a written receipt, a copy of which is to be kept by the collector, signed by both the owner or keeper and the collector, stating the following:

- (1) The number of animals received by the collector;
- (2) The sex, breed, a general description of each animal received and the U.S. Department of Agriculture number assigned to each animal;
- (3) The name, address and telephone number of the location to which the animal will be taken for the following five (5) days;
- (4) The name, address and telephone number of the collector;
- (5) The name, address and telephone number of the person surrendering the animal.

(b) A written report containing the above information shall be delivered by the person collecting the animals to the administrator within twenty-four (24) hours of the surrender of the animal.

(c) A record shall be kept of the disposition of every animal which is collected.

(d) Every collector shall maintain a copy of all receipts and disposition records for one (1) year.

Section 10-36 Administration:

(a) A quality assurance program to ensure adherence to these standards shall be carried out by the administrator.

(b) The administrator shall be responsible for the full and proper application of this policy. Questions concerning the applicability or interpretation of this policy shall be the responsibility of the administrator.

ARTICLE XII

ENFORCEMENT, APPEALS AND PENALTIES

Section 10-37 Enforcement Administration:

Primary responsibility for enforcing the provisions of this chapter may be assigned to one or more individuals by the town manager. The term “administrator” is used in this chapter to refer to the person or persons assigned these responsibilities, including but not limited to the Animal Control Officer.

Section 10-38 Appeals:

(a) The owner of any animal who (i) is required to remove his animal from the town pursuant to Section 10-12, (ii) who has been assessed and has paid a civil penalty, or (iii) whose permit is denied or revoked pursuant to articles III, IX, and X, or (iv) whose animal is declared a “dangerous dog”, may appeal to the Animal Control Board of Appeals. An appeal shall be taken within ten (10) days after receiving the written notice of the determination appealed from except that appeals from a determination that a dog is a dangerous or potentially dangerous dog shall be taken within 3 days of notification. An appeal is taken by filing a written notice of appeal with the administrator and stays all enforcement efforts of the administrator until the appeal is disposed of. An appeal from an order to pay civil penalties (Section 10-38(a)(ii)) shall first be reviewed by the Captain of the Patrol Division who shall have the authority to affirm, revise or modify the order. If the owner is unsatisfied with the first civil penalty review, the owner may then appeal to the Animal Control Board of Appeals within ten (10) days of the Captain’s decision.

(b) The Animal Control Board of Appeals shall consist of three (3) members and one (1) alternate appointed by the board of aldermen. The board of aldermen shall designate one member as chairman. The members shall serve three-year staggered terms. The alternate shall also serve a three-year term and shall be appointed initially for a term of three (3) years.

(c) The board shall meet within twenty (20) days after notice of appeal is filed. A quorum of the board shall consist of three (3) members, and all decisions shall be made by majority vote. The board may uphold, reverse, or modify the determination appealed from, and the administrator shall thereafter continue, modify or cease his enforcement efforts in accordance with the board’s decision.

(d) The burden of justifying the administrator’s determination shall be on the administrator. Strict rules of evidence need not be followed, but the board may consider only what a witness knows of his own knowledge, and no decision may be based upon hearsay alone.

(e) The board shall reach a decision as expeditiously as possible and shall provide the appellant and the administrator with a written decision, stating the reasons therefore.

Section 10-39 Penalties and Remedies:

- (a) A violation of any of the following provisions of this chapter shall constitute a misdemeanor punishable as provided in G.S. 14-4:
10-10, 10-12(a), 10-14(b), 10-17, 10-17.2, 10.25(Amend. 10/4/11)

(b) A violation of any of the provisions cited in subsection (a) [except 10-25(n)] as well as Sections, 10-4(b), 10-4(c), 10-4(d), 10-5(a), 10-5(b), 10-11(a), 10-12(e), 10-15, 10-17.1 10-21, 10-28(b), 10-29(b), 10-29(c), 10-30(c), 10-31(a), 10-34, and 10-35 shall subject the offender to a civil penalty of \$25.00. A violation of Section 10-2 shall subject the offender to a civil penalty of \$50.00. A violation of Section 10-25(n) shall subject the offender to a civil penalty of \$50.00 per animal. A violation of Section 10-4(a), 10-19(a), or 10-19(b) shall subject the offender to a civil penalty of \$100.00. The penalty for a second violation of subsection 10-11(a) shall be \$35.00 and for a third violation and for subsequent violations the penalty shall be \$75.00. The penalty for second and subsequent violations of the same provisions of Section 10-12(a) shall be set forth in the following table:

<u>Violation</u>	
Second	\$ 50.00
Third	\$ 75.00
Fourth	\$100.00
Fifth	\$150.00
Sixth and subsequent	\$200.00

If the offender fails to pay any penalty within fifteen (15) calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. (Amend. 9/20/2005, 10/7/2008)

(c) Each day that any violation continues after a person has been notified that such violation exists and that he is subject to the penalties specified in subsections (a) and (b) shall constitute a separate offense.

(d) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(e) The town may enforce this chapter by any one or any combination of the foregoing remedies.

ATTACHMENT 1

ORDINANCE A

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING THE NON-COMMERCIAL KEEPING OF FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance regarding the non-commercial keeping of female chickens in residential zoning districts and finds that the amendment is warranted in order to achieve the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Table 3.7-1 of the Chapel Hill Land Use Management Ordinance is hereby revised to add a new row to read as follows:

“Table 3.7-1: Use Matrix

USES	Use Group	General Use Zoning District													TC-1, TC-2, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	
		R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C										
<u>Agriculture, Female Chickens</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	=	=	=	=	=	=	=	=	A

Section 2. Appendix A. Definitions of the Chapel Hill Land Use Management Ordinance is hereby revised to add a new definition that reads as follows:

“APPENDIX A - DEFINITIONS

Agriculture, female chicken: The use of land for the keeping of female chickens in accordance with the following regulations:

- (1) No person shall allow his or her female chickens to run at large within the corporate limits of the town.
- (2) It shall be unlawful for any person to keep more than ten (10) female chickens within the corporate limits of the town.
- (3) Female chickens must be kept a minimum of thirty (30) feet from the nearest residence other than that of the owner and may not be kept between the street and the street facing walls of a residence.
- (4) All female chicken houses and lots must be maintained in a clean and sanitary condition at all times.
- (5) It shall be unlawful to raise female chickens for commercial purposes within the corporate limits of the town.”

Section 3. Appendix A. Definitions of the Chapel Hill Land Use Management Ordinance is hereby revised to modify a definition to read as follows:

“Agriculture, livestock: The use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry (excluding female chickens), and also animal specialties such as horses, breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as horses, rabbits, bees, and fish and fur-bearing animals in captivity. “

Section 4. That the amendments shall become effective upon enactment.

This the ___ day of _____, 2009.

ORDINANCE B

AN ORDINANCE AMENDING THE TOWN CODE OF ORDINANCES TO REDUCE THE NUMBER OF CHICKENS ALLOWED TO BE KEPT AND TO ELIMINATE FRONT YARDS FOR THE KEEPING OF CHICKENS

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Town Code of Ordinances regarding the reduction of the number of

chickens allowed to be kept from twenty (20) to ten (10) and to eliminate front yards for the keeping of chickens;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 4-10 (d) of the Town Code of Ordinances is hereby revised to read as follows:

Sec. 4-10. Keeping certain animals in town.

(d) *Chickens.*

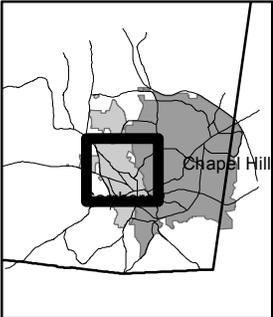
- (1) No person shall allow his or her chickens to run at large within the corporate limits of the town.
- (2) It shall be unlawful for any person to keep more than ~~twenty (20)~~ ten (10) chickens within the corporate limits of the town.
- (3) (3) Chickens must be kept a minimum of thirty (30) feet from the nearest residence other than that of the owner- and may not be kept between the street and the street facing walls of a residence.
- (4) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.
- (5) It shall be unlawful to raise chickens for commercial purposes within the corporate limits of the town.

(Ord. No. 88-10-10/O-1, § 1)

Section 2. That the amendments shall become effective upon enactment.

This the ____ day of _____, 2009.

Animals in Carrboro



Animals in Carrboro

- Animal**
- Chickens
 - Ducks
 - Guinea Fowl
 - Pony

How Many

- HowMany**
- 1
 - 2-6
 - 7-12
 - 13-16
 - 16-25

- Streets
- Properties

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
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TOWN OF CARRBORO
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Carrboro, NC 27510

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