

## 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 3<sup>rd</sup> agenda materials. The Table is:

<b>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</b>		
<b>Use</b>	<b>Use</b>	<b>Use</b>
Agricultural Processing Facility	Rural Guest Establishment: Bed & Breakfast Inn	Microbrewery, production only
Agricultural Processing Facility, Community	Rural Guest Establishment: Country Inn	Winery, production only
<b>Agricultural Services Uses*</b>	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
<b>Feed Mill*</b>	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 3<sup>rd</sup> 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 3<sup>rd</sup> 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:

<b>Table 2: Uses Proposed to be Added to the RB (Rural Buffer) General Use Zoning District</b>			
<b>Use</b>	<b>Type of Approval*</b>	<b>Use</b>	<b>Type of Approval*</b>
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>

<b>ASE-CZ:</b> Agricultural Support Enterprises (conditional zone)	<b>GC4:</b> General Commercial
<b>MPD-CZ:</b> Master Plan Development (conditional zone)	<b>EC5:</b> Existing Commercial ^
<b>REDA-CZ-1:</b> NC Highway 57 Speedway Area Rural Economic Development Area (conditional zone)	<b>OI:</b> Office / Institutional
<b>AR:</b> Agricultural Residential	<b>AS:</b> Agricultural Service
<b>R1:</b> Rural Residential	<b>I-1:</b> Light Industrial
<b>LC1:</b> Local Commercial	<b>I-2:</b> Medium Industrial
<b>NC2:</b> Neighborhood Commercial	<b>I-3:</b> Heavy industrial
<b>CC3:</b> 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 17<sup>th</sup> 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