

All,

At the last AOG meeting it was clear that folks were uncomfortable with proceeding cautiously using a sunset provision when opening more uses within the rural buffer.

Many expressed that alternatively we could further exclude proposed uses that are discomfoting. Below and attached is a list of proposed uses for the rural buffer that I am not comfortable with.

In summary:

- Some proposed uses could be made acceptable with further amendments.
- Others are too vague or open, serving as 'catch all' uses.
- Lastly, beyond what the BOA has already identified at a previous meeting, there are three uses that I do not believe are appropriate for the rural buffer.

--Sammy

#### **Proposed uses that need further use-specific standard additions:**

- Winery with minor events\*
- Microbrewery with minor events\* – B

Allow both of these, when in the rural buffer, if on a bona fide farm (as is specified for “microbrewery, production only” and “winery, production only” ) Microbrewery and winery are considered bona fide farming activities if they are using predominantly crops produced on site. Language could be added to the standards section for these uses that would ensure they are limited to being located only on a bona fide farm if the BOA agrees this should be done.

- Cold Storage Facility add: ‘,cooperative’
- Feed Mill add: ‘,cooperative’

Allow both of these when in the rural buffer, only if they are for local cooperative farm partners similar to definition provided under “agricultural processing facility, community” Language can be added to the standards section that would achieve this result for the Rural Buffer area if the BOA agrees this should be done. Prefer adding language to standards section rather than making two new uses in the Table of Permitted Uses because we could not allow the new uses outside of the Rural Buffer without going through a text amendment and it might be perceived as odd that these two uses are allowed only in the Rural Buffer and not elsewhere in the county.

Veterinary clinic

Veterinary hospital

Include language that makes clear this use allowable in the rural buffer if intended to serve primarily large animals. Language in standards section for Veterinary Clinic can be modified and/or added to make clear this use is intended primarily for large animals in the Rural Buffer. The standard for Veterinary Hospital already is clear that the use is intended primarily for large animal facilities (but may also contain an ancillary small animal component).

**Proposed uses that are too vague or too open, they would need more definition if they are to be considered at all:** It is very common (throughout the country) to not define all uses in zoning ordinances. In fact, the Towns' Land Use Ordinance appears to list "Storage of goods outside fully enclosed building" in the Table of Permissible Uses but does not have a definition for Outdoor Storage of Goods (there is a definition only for Outside Display of Goods for Sale or Rent). In another example, "Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise" is listed in the LUO as a permissible use but the terms are not further defined. This is pointed out not to say the Town's ordinance is deficient in any way but to illustrate that having definitions for every use listed in Tables of Permitted Uses is not typically done. The normal administrative procedure is to use reasonable judgment in what an undefined term means and/or to consult a dictionary.

- Agricultural Services Uses -- vague 'catch all' This use has a definition that pre-dates the ASE discussion. It is: 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.

- Assembly facility less than 300 occupants –no definition and also thought of as a catch all Please see response above regarding the fact all uses are not typically defined in zoning ordinances.

- Guest ranch -- if further defined include a cap when not on a bona fide farm as part of agritourism. A guest ranch is defined and use-specific standards exist. The definition is: 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.

Standards for this use are in Section 5.7.6 of the UDO.

- Storage of goods outdoor – no definition available Please see response above regarding the fact all uses are not typically defined in zoning ordinances.

Alderman Slade's e-mail of Tuesday, January 13, 2015 2:26 AM. Orange County Planning staff's comments/responses are in red text.

**Misc. –**

- Rural special events -- is defined for both conditional use approval and by right, which is it? Use-specific standard describes that it needs to be on a bona fide farm; taking it to the level of conditional permitting may be too extreme. It is potentially allowable through both (either) review/approval mechanisms (as are several other uses). As has been mentioned in the past, a person who wants to apply for more than one ASE use on a property (e.g., a comprehensive master plan type of development) must list all uses for which they are applying and show them on their ASE-CZ rezoning site plan. Therefore, all uses that are potentially allowable in the ASE-CZ zoning district must be listed as a potential use in the Table of Permitted Uses (i.e., a \* must appear next to the use in the ASE-CZ column; if a \* does not appear, the use cannot be applied for in an ASE-CZ rezoning application).

**NOT ALLOW**

Commercial enterprises that, though, can be deemed supportive of agricultural operations are more appropriate for urban settings --especially true for the Rural Buffer which has in it's center an urban core that by fact of being at the center it is in closest proximity to the largest amount of the Rural Buffer.

- Farm equipment rental, sales and service

- Farm Supply Store

- Garden center with on premises sales

The Town can recommend uses to be removed from consideration as an ASE-CZ rezoning application in the Rural Buffer. The Town has already identified the following four uses for removal: Agricultural Processing Facility, Microbrewery with Major Events, Winery with Major Events, and Assembly Facility Greater than 300 Occupants.