

Zoning Ordinance Update

Working Draft Remaining Items Discussion

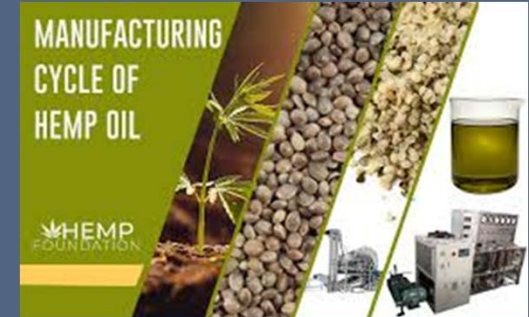
PC / BOS Joint Meeting
November 9, 2021



The land of the life worth living.

Topics

1. Agriculture use definition & potential new use “Limited Agriculture Processing”
2. Procedures for uses requiring a CUP or SE located on a private road
3. Supplemental regulations for home occupations
4. Working Draft Review Update



Agriculture Use Revisions

Proposed per draft ordinance	Districts											
	Conserv	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1 AG-1	RC-2 AG-2	C-2 R-BC	SC-1 R-SC	SF-1 R-SF	MF-1 R-MF	MH-1 R-MH	B-2/RMX VMX	B-1 B-G	B-4 B-R	I-1
Agriculture operation	<u>CUP</u>	P	P	<u>SE</u>	<u>SE</u>							

- Any operation, including associated structures, devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. **This definition includes ~~processing and storage of agricultural products, including grain, fruit, vegetables, meat, or animal products as accessory uses~~ the necessary accessory uses for packing, storing and treating produce, equipment and materials, including primary processing and storage of agricultural goods produced on the premises for distribution to final processing plants and markets; provided, however, that the necessary accessory uses shall be secondary to that of the main agricultural activities. The term does not include limited farm processing, seafood processing plants, or farm livestock markets.**

New Agriculture Use?

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1 AG-1	RC-2 AG-2	C-2 R-BC	SC-1 R-SC	SF-1 R-SF	MF-1 R-MF	MH-1 R-MH	B-2 / RMX VMX	B-1 B-G	B-4 B-R	I-1
<u>Limited Farm Processing</u>		<u>P / SE or CUP?</u>	<u>P / SE or CUP?</u>	<u>SE or CUP?</u>	<u>SE or CUP?</u>							

Definition

- The preparation and/or manufacturing of agricultural products including but not limited to changes in the physical state or form of the agricultural product that is produced at the facility. This definition excludes the processing of agricultural products deemed accessory to on-site production or used to support the primary agricultural operation.

PC/BOS Comments - BOS doesn't think this can be regulated and want staff to work w/ PC to revise. Possible way to regulate: COR data. Also don't like the 50% restriction.

New Agriculture Use?

Proposed per draft ordinance	Districts											
	Conser	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	RC-1 AG-1	RC-2 AG-2	€-2 R-BC	SC-1 R-SC	SF-1 R-SF	MF-1 R-MF	MH-1 R-MH	B-2/RMX VMX	B-1 B-G	B-4 B-R	I-1
<u>Limited Farm Processing</u>		<u>P / SE or CUP?</u>	<u>P / SE or CUP?</u>	<u>SE or CUP?</u>	<u>SE or CUP?</u>							

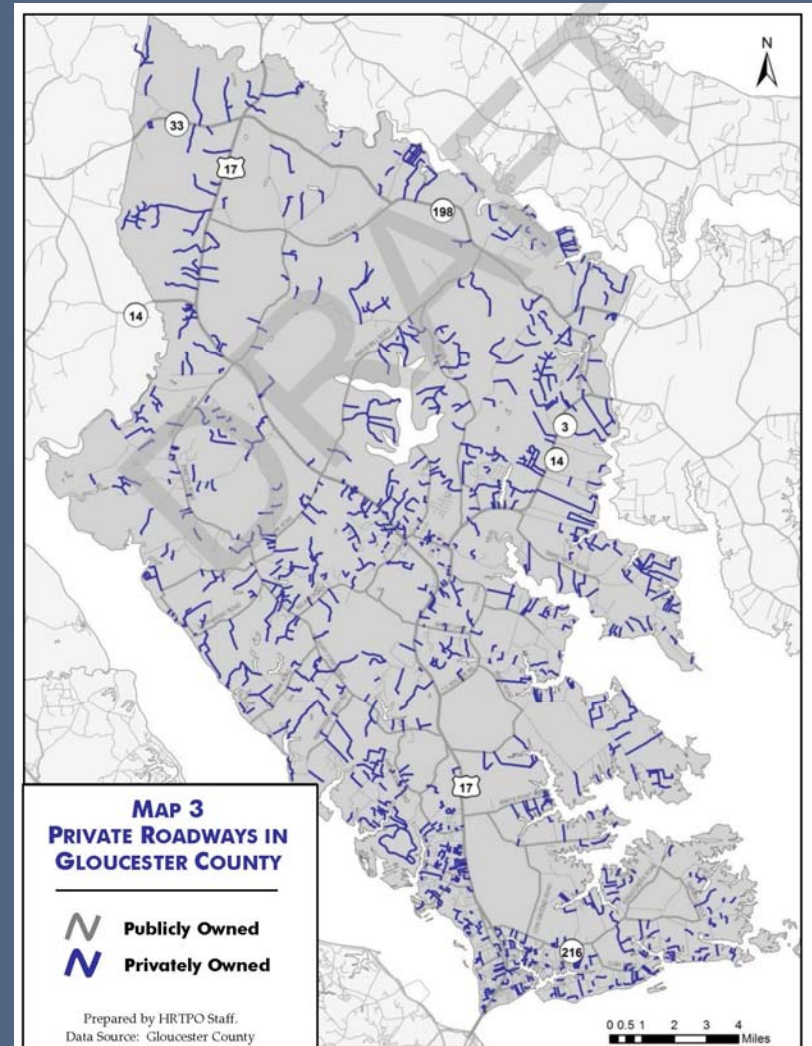
Supplemental Regulations:

- Operations may process and/or manufacture all agricultural products produced at the facility and on land leased by the facility.
- Agricultural products produced by another facility may be processed and/or manufactured provided at least fifty (50) percent of the agricultural products processed and/or manufactured are produced at the facility or on land leased by the facility.
- A SE (CUP?) is required where more than fifty (50) percent of the agricultural products are produced by another facility.

SEs and CUPs on Private Roads

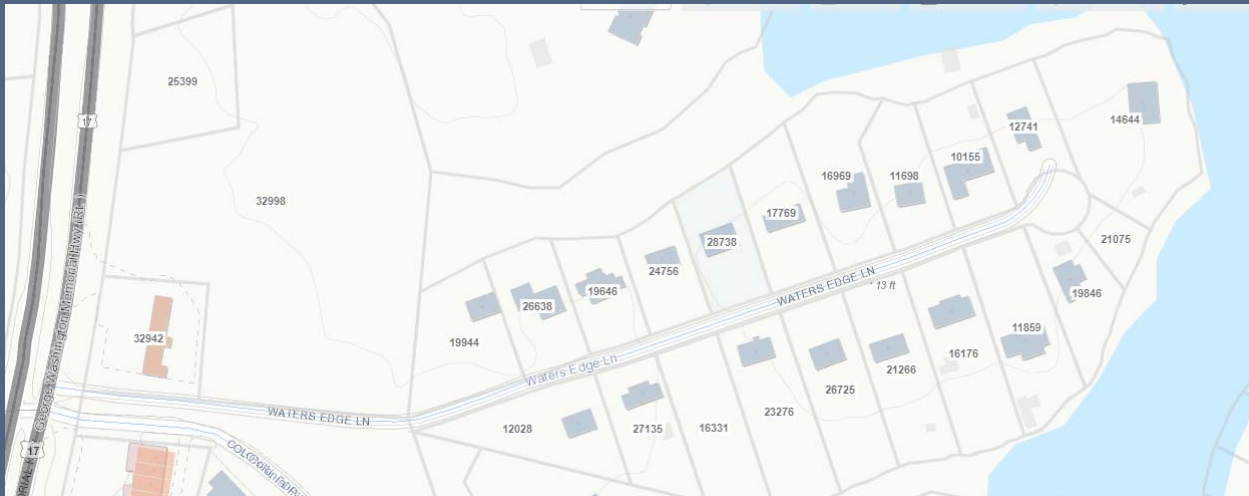
Language to be added to the CUP and SE procedures.

- (1) If the parcel does not have frontage on, or exclusive deeded access to, a state-maintained road, all owners of property **fronting the subject right of way (or spurs off the subject right of way) or whose access to a state road is via the subject right of way** shall be notified of the special exception
 - a. The property owners notified shall be based on the information available in county records at the time of application.
 - b. The applicant is required to provide legal documentation of exclusive deeded access to a state road, if applicable.



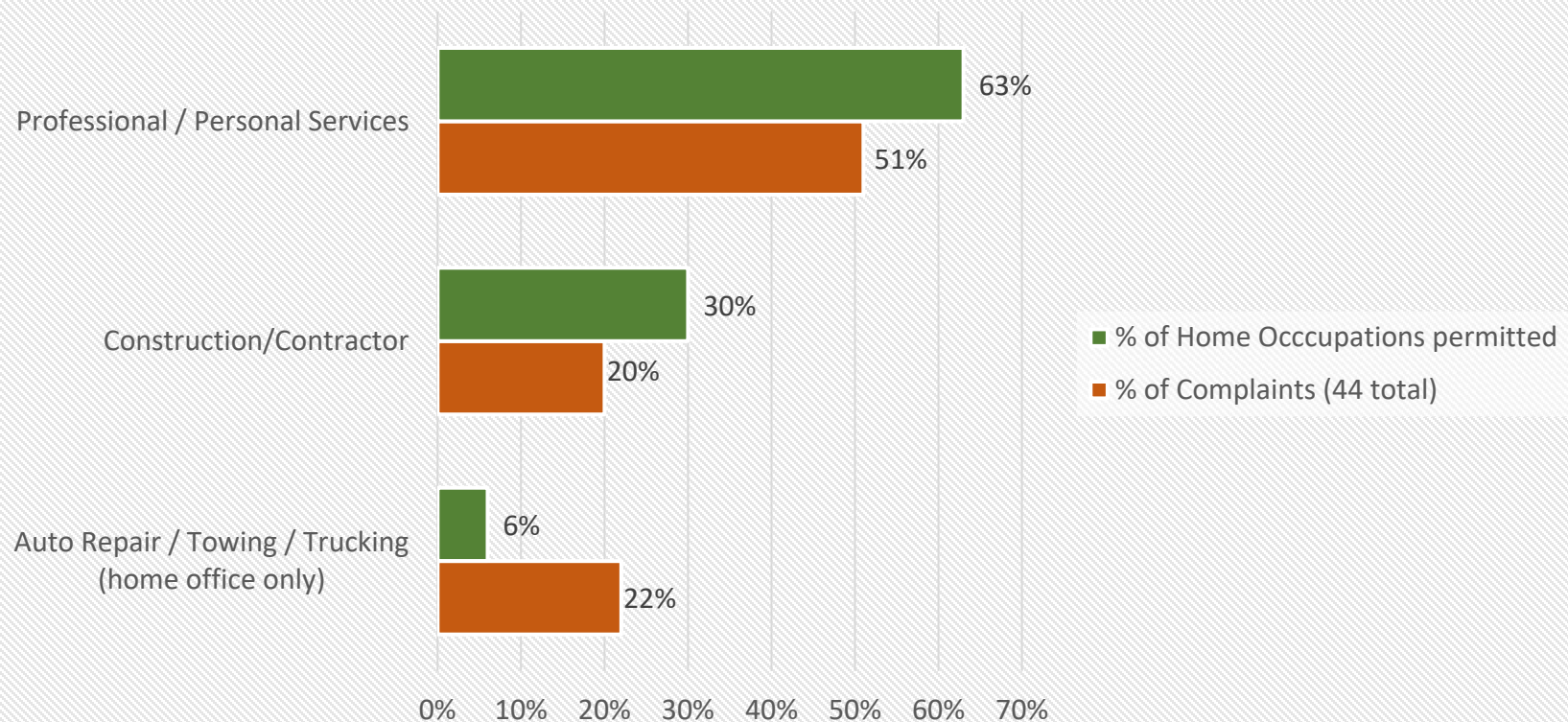
SEs and CUPs on Private Roads

Example:
Waters Edge Ln



Home Occupations – Business Types

Types of Home Occupation Types Permitted between
2013 & 2018
(1,465 total issued HOPs)



Home Occupations

Things to consider when regulating home occupations

- Enforcement: limited resources, inability to prove, complaint driven
- Commercial real estate taxes -vs- residential real estate taxes
 - Commercial use of residential can lower assessed values of adj residential property
 - Less incentive to move to business district

Home Occupations

Existing Regulations Somewhat Restrictive:

- Must be conducted within a structure.
- Home occupations shall be reasonable compatible with the district.
- 25% max floor area of residence used for business.
- The following may be permitted w/ a Special Exception (SE):
 - Employee or customer traffic

Proposed Regulations More Permissive:

- For lots \geq 5 acres in agriculture and rural residential districts outdoor storage and operations permitted not to exceed ½ acre.
- Home occupations shall be reasonable compatible with the district.
- 25% max floor area of residence used for business.
- The following may be permitted w/ a Special Exception (SE):
 - Employee or customer traffic
 - Outside storage / operations greater than ½ acre.
 - More than one commercial vehicle or one greater than 10,000 lbs. GVWR

Home Occupations

Proposed Regulations More Permissive:

- For lots ≥ 5 acres in agriculture and rural residential districts outdoor storage and operations permitted not to exceed $\frac{1}{2}$ acre.
- Home occupations shall be reasonable compatible with the district.
- 25% max floor area of residence used for business.
- The following may be permitted w/ a Special Exception (SE):
 - Employee or customer traffic
 - Outside storage / operations greater than $\frac{1}{2}$ acre.
 - More than one commercial vehicle or one greater than 10,000 lbs. GVWR

County Attorney's recommendation:

- List the home occupations that are permissible, or if not feasible...
- List those that require a SE and those that are not permitted.

Home Occupations

Staff's language for discussion under Type I HOPs (by right):

- ~~Home occupations shall be reasonable compatible with the district.~~
- The following uses shall not be permitted as a Type I Home Occupation and shall require a Special Exception (SE) under the Type II Home Occupation:
 - Animal care facility (kennel)
 - Automobile vehicle service facilities
 - Engine /equipment repair
 - Towing services
 - Medium manufacturing
 - Others?

Or

- A home occupation that involves outdoor storage or operations related to animals, automobiles, machine and/or equipment repairs, construction or manufacturing shall be deemed a Type II and require a SE from the BZA.

Or

- Anything w/ outside operations or storage of equipment and/or materials or more than one commercial vehicle or a vehicle over 10,000 lbs. GVWR.

Home Occupations

Staff's language for discussion under Type II HOPs (by SE):

Revising the statement in the ordinance and allowing the BZA to determine its compatibility based on a case-by-case review.

- Home occupations shall be reasonably compatible with the intent of the district and the character of the immediate neighborhood.

Or

List specific businesses that are not permitted as Home Occupations

- ~~Home occupations shall be reasonably compatible with the district.~~
- The following uses shall not be permitted as a Type II Home Occupation:
 - Adult business
 - Firing range
 - Junkyard or salvage yard
 - Heavy manufacturing
 - Others?

Working Draft Update

Staff “Test Drive”

- As a result, several definitions are being revised/clarified and added
- New uses proposed such as (limited agriculture processing)

Review by 19 stakeholders:

- Comments have been received from 5 individuals to date.

Review by county attorney:

- Many comments addressed, working on others, nothing of major concern
- Formatting items for discussion
 - Definition organization
 - District regulations and Use Table

Working Draft Update -Formatting

Article 2. Definitions - General and Use Types

Current Ordinance	Proposed Ordinance
<ul style="list-style-type: none">• Definitions <p>All listed alphabetically – easy to find a specific definition.</p>	<ul style="list-style-type: none">• General Definitions• Use Type Definitions<ul style="list-style-type: none">• Agriculture, animal, and outdoor• Civic and institutional• Consumer products and services• Industrial and utility• Residential <p>Separates general definitions and use type definitions – easy to compare/contrast similar use types. Organized in the same format as they uses are in the rest of the ordinance.</p>

Working Draft Update -Formatting

Article 5. District Regulations & Section 5-70 Table of Permitted Uses by District

Current Ordinance	Proposed Ordinance
<ul style="list-style-type: none">Table for each district that details:<ul style="list-style-type: none">Uses permitted in the districtLot size, setback, height, and other requirements <p>(very cumbersome and confusing)</p>	<ul style="list-style-type: none">District Regulations that apply to all permitted uses<ul style="list-style-type: none">Includes a use table Best used to determine what can be done in a certain district.Section 5-70 Table of Permitted Uses by District<ul style="list-style-type: none">One table for each category – identifies if/how each use is permitted in the county Best used to determine where a certain use can be established.

Next Steps

- Obtain stakeholder feedback and revise as needed.
- Continue work on Administrative Articles (13-15).
- Prepare for county wide notification and PH's in FY 22

Questions?