

**Agenda for
Union County Planning Board
Tuesday, December 1, 2015 at 7:00 p.m.
First Floor, Union County Government Center
Commissioners Formal Board Room**

7:00 p.m.

1. Call to Order
2. Additions and/or Deletions of the Agenda
3. Approval of the Agenda
4. Approval of August 4, 2015 & September 1, 2015 Minutes
5. **Conditional Rezoning Petition #15-04, Winding Creek, LLC, James Allen Lee**, requesting rezoning classification from L-I (Light Industrial) to HC (Conditional) containing 10.848 acres, being Tax Map #04-036-007, located off Highway 601 South, within Buford Township.
6. **PUD Amendment PUD-6 (B-2)**, request to amend the approved PUD to allow the construction of a 106,605 square foot indoor, Self-Storage Facility-Type 1, located at the intersection of Tom Short & Rea Rd, containing 7.05 acres, Tax Map #06-201-007 and being within Sandy Ridge Township.
7. **Text Amendments to the Union County Development Ordinance: (Staff Initiated)** a) Table 5-2 District Lot and Building Regulations, b) Figure 5-1 Residential Lot and Building Regulations, c) Section 35.060 Keeping of Horses, d)Section 30.100 Livestock and Poultry, e) Section 35.010 Accessory Uses and Structures Authorization, f) Section 35.040-E Suburban Home Occupations Outdoor Storage
8. **Text Amendment to the Union County Development Ordinance (Citizen Request)**, requesting Section 35.040 E Suburban Home Occupations – Animal Boarding
9. Planning Staff Report (Work In Progress)
10. Brief Comments
11. Adjournment

Table 5-2: R District Lot and Building Regulations--Conventional Development

Figure 5-1	Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
Minimum Lot Size									
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
Area per dwelling unit (sq. ft.)									
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750 ^[1]	2,000
L2	Width (feet)	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)									
S1	Street	40	40	40	30	30	30	25	20
S2	Side [2]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	25
	Max. Building Height (feet)	35	35	35	35	35	50	50	50

[1] Minimum lot area per unit within the corporate limits of a municipality = 3,350 square feet

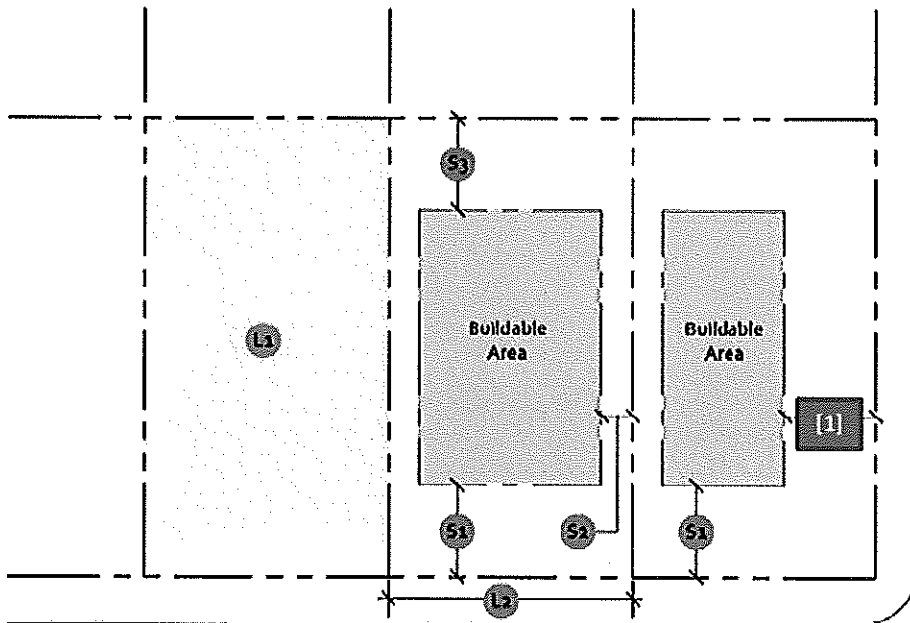
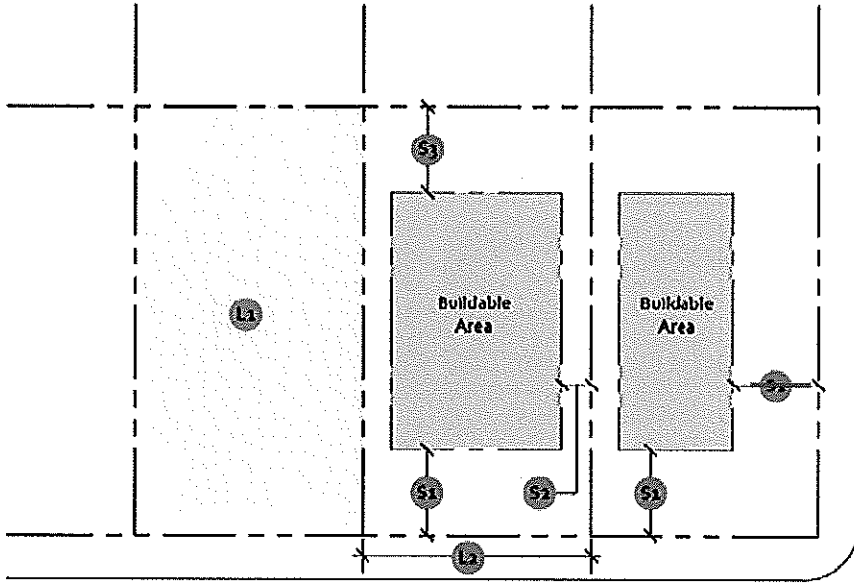
[2] For townhouses, side setbacks apply to end units only.

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	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)									
S1	Street	40	40	40	30	30	30	25	20
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S3	Rear	40	40	40	30	30	30	25	25
	Max. Building Height (feet)	35	35	35	35	35	50	50	50

[1] Lot width does not apply to townhouses

[2] For townhouses, side setbacks apply to end units only



[1] Street side yard shall be $\frac{1}{2}$ of the required front setback

Section 35.060 Keeping of Horses

The keeping of horses is allowed as an accessory use in In RA-200, RA-40, R-40, RA-20, R-20 and R-15 districts only, and only in compliance with the following minimum requirements:

35.060-A No more than one horse over 6 months of age may be kept as an accessory use per one acre of land area;

35.060-B Any barn, stable or other structure occupied by a horse must be set back at least:

1. 50 feet from adjacent property lines;
2. 100 feet from any adjacent residences; and
3. 30 feet from the principal structure on the property.

35.060-C In addition, any structure that houses a horse must be located in the rear yard when accessory to a residential structure on a lot of less than 4 acres in area.

35.060-d The keeping of horses is also allowed as a principal use on lots 4 acres or greater.

Section 30.100 Livestock and Poultry

Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance or under Section 35.010-D (2), all areas where livestock or poultry are housed must be set back at least 150 feet from all lot lines. This setback is not required from lot lines abutting a lot that is under the same ownership as the subject lot.

35.010-D The following activities may not be regarded as accessory to a residential principal use and are prohibited in residential districts:

1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
2. A chicken coop that is larger than 144 sq. ft. with the exception os Section 30.100 Livestock and Poultry

35.010-B Accessory uses and structures include those expressly regulated in this article as well as those that, in the determination of the administrator, satisfy all of the following criteria:

1. Customarily found in conjunction with the subject principal use;
2. Constitutes only an incidental or insubstantial part of the total activity that takes place on the subject lot; and
3. Is integrally related to the principal use.

35.010-C For purposes of interpreting §35.010-B:

1. A use or structure may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
2. To be "commonly associated" with a principal use, it is not necessary for an accessory use or structure to be connected with such principal use more times than not, but only that the association is such that there is common acceptance of their relatedness.

3. The total square footage of all accessory use buildings on any single lot may not exceed the total square footage ~~of the principal building on that same lot.~~ of the size requirements on the same lot as listed below:

- a. Lots less than 2 acres in size for any single lot may not exceed the total square footage of the principal building on that same lot.
- b. Lots 2 acres but less than 4 acres for any single lot may not exceed the 125% of the total square footage of the principal building on that same lot.
- c. Lots 4 acres but less than 7 acres for any single lot may not exceed the 150% of the total square footage of the principal building on that same lot.
- d. Lots 7 acres but less than 10 acres for any single lot may not exceed the 175% of the total square footage of the principal building on that same lot.
- e. Lots 10 acres or greater for any single lot have no size limit.

following language at the end of that Subsection: "unless such business and home occupation otherwise complies with the provisions of Subsections 35.040-E(1)-(12) above and Subsection 35.040-E(14) below."

and

- Add a **new Subsection 35.040-E(14)** as follows: "An animal care or boarding business will be allowed as a home occupation only if such business meets all of the following criteria:
 - (a) Only dogs may be boarded. This prohibition, however, shall not affect equestrian activities allowed under Section 1.050-A of the UDO;
 - (b) The parcel on which the home occupation is situated is zoned R-40 or higher with at least five (5) acres;
 - (c) No outside kennels may be used;
 - (d) No dog shall be allowed to remain outside the parcel's residential structure overnight;
 - (e) No more than 15 guest dogs may be boarded at a time; and
 - (f) The home occupation complies with all other applicable ordinances, including the Union County Animal Control Ordinance.

List of Abutting & Adjoining Property owners: Attached

Name of development (optional): Deerfield Plantation

Respectfully submitted,

Birgit A. Hagerman – Owner/Applicant
CEO, Doggie Nirvana, LLC

(Date)

Michael C. Hagerman – Owner/Applicant
VP & General Counsel, Doggie Nirvana, LLC

(Date)

35.040-E Suburban Home Occupations

Home occupations that comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use.

1. Suburban home occupations must be clearly incidental and subordinate to the subject property's principal residential use.
2. At least one individual engaged in a suburban home occupation must reside in the dwelling unit in which the suburban home occupation is located as their primary place of residence. A maximum of 2 nonresident employees are allowed with a suburban home occupation. The total number of resident and nonresident employees working on-site may not exceed 3.
3. Suburban home occupations may be conducted within the principal dwelling unit or within an accessory building, provided that the area occupied or used for the suburban home occupation may not exceed the lesser of 1,000 square feet or 25% of the gross floor area of the principal residential dwelling.
4. Only vehicles licensed as passenger vehicles may be used in connection with a suburban home occupation.
5. Only one suburban home occupation is allowed per dwelling unit.
6. No goods, stock in trade, or other commodities may be displayed outside a fully en-closed structure.
7. No on-premises retail sales of goods not produced on-site may occur.
8. Suburban home occupations must not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking de-mand, or traffic impacts to that are not typical of a residential neighborhood in Union County. Home occupations must be operated so as not to create or cause a nuisance.
9. Any tools or equipment used as part of a suburban home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
10. External structural alterations or site improvements that change the residential character of the lot upon which a suburban home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
11. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
12. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a suburban home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.

13. The following uses are expressly prohibited as suburban home occupations:
- a. Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
 - b. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - c. Equipment or supply rental businesses;
 - d. Taxi, limo, van or bus services;
 - e. Tow truck services;
 - f. Taxidermists;
 - g. Restaurants;
 - h. Funeral or interment services;
 - i. Animal care, grooming or boarding businesses; and
 - j. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; (see Section 35.050-E, 14 for exceptions)
 - k. Any use that does not comply with the suburban home occupation regulations of this section.

14. The following exceptions apply to suburban home occupations on lots 200,000 square feet or greater in size for R-40 and R-20 zoning districts:

- a. Outside storage of equipment used in the occupation is allowed provided the area does not exceed 1000 square feet or the size of the principal dwelling whichever is less.
- b. Only one outside storage area is permitted.
- c. Parts, products, and materials are prohibited from being stored outside.
- d. The storage area must be screened to an S2 level screening. This can be accomplished through solid fencing or plantings to meet the screening requirement.
- e. The storage area must be setback at least 50 feet from the side and rear property lines. A storage area located in front of the principal dwelling must be setback at least 75 feet from the road right of way or front property line if the lot does not have frontage on a public or private right of way.
- f. Storage areas in front of the principal dwelling must meet an S2 screen at maturity immediately or provide solid fencing to meet the S2 screening requirement.