



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
11-17-08

**PART A**

**Subject:**

Request for text amendments to the Chatham County Zoning Ordinance to provide the following new zoning districts: Neighborhood Business, Community Business, Regional Business, and Agricultural. Amendments also include the creation of a Table of Permitted Uses, revisions to Home Occupations that include reductions in accessory building sizes, environmental standards, and landscaping and buffering requirements for all non-residential developments.

**Action Requested:**

See Recommendations.

**Attachments:**

The following may be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning)

1. Chatham County Zoning Ordinance (redline version showing Planning Board recommendation)
2. Public hearing comments-posted on website

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

**County Attorney**

\_\_\_\_\_  
Date Reviewed

**Finance Officer**

\_\_\_\_\_  
Date Reviewed

**Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

**Re: Zoning Ordinance**

### **Introduction / Background / Previous Board Actions:**

The Planning Board held a forum on the draft ordinance on September 30. Comments from said meeting are posted on the Planning page of the County web site. A joint public hearing of the Board of County Commissioners and Planning Board was held October 20. Written comments that were received are also posted on the County web site.

### **Issues for Further Discussion and Analysis:**

The Planning staff reviewed the various comments received during the forum and public hearing and made revisions to the public hearing draft. The revised draft was presented to the Planning Board and further revisions were made that are incorporated into the attached red line version included as attachment 1. There were several changes made to the draft ordinance and the major changes are detailed below.

Comments were received from the County Agricultural Advisory Committee and Chatham Citizens for Effective Communities concerning the proposed Agricultural District found as Section 10.1. Said district was removed from the staff recommended draft, as well as the Planning Board version. The district is not proposed to be applied to any land in the current draft. The name is misleading to some since by State statute agricultural operations are exempt from zoning. The requirement of participation in the Voluntary Agricultural District program may prove problematic. The 5% or five acres maximum non-agricultural land requirement may prove to be a problem for smaller agricultural operations or not big enough for others. As stated in Charlie Bolton's comments to the Board, including such a district at this time could complicate on-going efforts at developing a Farm Protection Plan. It is recommended that the proposal for such a district be coordinated with the efforts of the Agricultural Advisory Committee.

Section 6.1 addressing the Official Zoning Map has not changed from the version presented at the public hearing, but it does change the official zoning map from a paper format to a digitally maintained geographic information system (gis) format. A copy of the map has been prepared for approval that will serve as the Official Zoning Map and recognizes the gis zoning data as the official map.

Section 7 has been revised to include a definition for Sexually Oriented Businesses and the corresponding use has been added to the Table of Permitted Uses and listed as prohibited. The definition is based on NCGS 14-202.10 and other jurisdictions ordinances that are in use the state. The definition and use were added to clarify that sexually oriented businesses are not permitted in the zoned areas of the county. There have been inquiries about establishing these types of businesses in the zoned areas in the past and although the current ordinance has a provision that uses not listed are specifically prohibited, it was thought this was a more defensible approach.

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**Issues for Further Discussion and Analysis**

Section 10.13 the permitted use table has been revised to make uses more consistent within and in some cases across districts. All light industrial uses are now permitted within the heavy industrial district as they are in our existing ordinance.

Section 11.3 concerning environmental assessments has been changed to omit language that the County Attorney's office has advised is not authorized. According to the attorney the statute that authorizes environmental assessments is an informational statute not a regulatory one. Specific design criteria addressing steep slopes have been incorporated into the Soil Erosion and Sedimentation Control Ordinance to address some of these issues. The conservation subdivision provisions are an attempt to encourage preservation of environmentally unique areas. Similar to the Subdivision Regulations the guidelines for drafting an environmental assessment and the standards for reviewing them have not been completed.

Section 12 regarding landscaping and buffering has been revised to provide consistency between the Appearance Commission guidelines and the Ordinance text. The table has been revised to clarify which buffer type is applicable when more than one is listed. An issue that has not been addressed is the planting rates for each of the buffer types. The attached ordinance has descriptions of the planting types and a graphic taken from another jurisdiction's ordinance to show a visual example of the intent of the buffer; however the planting rate was not used. The ordinance needs to include a planting rate so someone developing a landscaping plan has a clear understanding of the requirements. It is recommended that the planting rates that accompany the graphics used from the other jurisdiction's ordinance be incorporated into the Zoning Ordinance.

Section 16.1.6 has been revised to increase the maximum allowed accessory building for a neighborhood home occupation to conform to the size of the allowed accessory dwelling unit of 1,000 square feet instead of 750. Both are a decrease from the previously allowed 1,500 square foot accessory building for neighborhood home occupation.

Section 17.5 C.6 has been deleted as was previously recommended by Planning Department staff and the zoning committee.

Section 21 has been rearranged but is generally unchanged in substance.

The Planning Board discussed the revisions identified above, as well as others that were brought up during the meeting. The two main items discussed by the Planning Board were the proposed Agricultural zoning district and the square footage limitations for the Neighborhood Commercial and Community Business districts. For the Agricultural district, the Planning Board had concerns about the limitations of the 5% allowance for non-farming activities on smaller farm properties. They also wanted to have more input from the agricultural community and further review of the permitted uses table for the district.

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**Issues for Further Discussion and Analysis**

The discussion on the Neighborhood Commercial and Community Business districts focused on the discrepancies in the square footage limitations between section 4 and section 10. The Planning Board determined that the intent of the districts was to mirror the recommendations in the major corridor overlay district standards for the Neighborhood and Community nodes and the attached draft reflects that change.

**Recommendation:** The Planning Board (by unanimous vote) recommends the ordinance (as modified) be recommended to the Commissioners (with the deletion of the Ag. District as proposed at this time). The Planning Department also recommends adoption of the ordinance to the Commissioners, with the addition of the planting rates to accompany the graphics in Section 12 and addressing the procedures for environmental assessments and adoption of the gis based Official Zoning Map.