



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-21-08

PART A

Subject: Discussion to consider proposed amendments to the Zoning Ordinance, Zoning Map, and Land Conservation and Development Plan to include standards and policies for major corridor overlay districts; adoption of a Land Conservation and Development Plan Map; and establish a land use plan amendment process.

Action Requested: See Recommendation

- Attachments:**
1. Zoning Ordinance text amendment
 2. Proposed Overlay Zoning District Map
 - a. Overall map of overlay districts
 - b. Chatham/Orange County Line – Cole Park Node
 - c. Briar Chapel – Fearington Node
 - d. Moncure-Pittsboro Road US 1 Node
 - e. US 64 – NC 751 Node
 3. Major Corridor Design and Planting Guidelines
 4. Land Conservation and Development Plan text amendments
 5. Land Conservation and Development Plan Map (Economic Nodes only)
 6. Land Use Plan Amendment Process
 7. Major Corridor Task Force Other Recommendations

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

Introduction / Background / Previous Board Actions:

At their meeting on July 8, the Planning Board forwarded a series of recommendations on major corridor overlay districts to the Board of Commissioners to amend the Zoning Ordinance, Zoning Map, and Land Conservation and Development Plan. The recommendations also included adoption of a Land Conservation and Development Map, specifically identifying economic nodes, and a land use plan amendment process.

Issues for Further Discussion and Analysis:

On January 7, 2008 the Major Corridor Task Force (MCTF) presented their recommendations for major corridor overlay districts to the Board of Commissioners after working since March 2007. The Board of Commissioners forwarded the MCTF recommendations to the Planning Board for further review and recommendation. The Planning Board reviewed and made changes to the proposed overlay district text and maps over several months and finalized their recommendation at their meeting on July 8 by a vote of 9 to 1. Their recommendations are included as attachments to the agenda abstract for the Board of Commissioners consideration. An overview of the major items for the Commissioners consideration follows.

Zoning Ordinance Amendments – The Zoning Ordinance amendments (see attachment 1) include a new section with design standards for non-residential developments and major subdivisions and new definitions. The five overlay districts proposed are neighborhood node, community node, regional node, special node, and scenic. The Planning Board deleted a crossroads activity center node that was included as part of the MCTF recommendations. The Planning Board also made numerous revisions throughout the text including placing some of the proposed text in a separate Major Corridor Design and Planting Guidelines document.

Zoning Map Amendments – The Zoning Map amendments include the addition of the following overlay zoning districts: neighborhood node, community node, regional node, special node, and scenic. Attachment 2 is a series of maps indicating the locations of the zoning overlay districts. The MCTF recommended a special node at the intersection of US 421 and NC 902; however the Planning Board removed the node and no other special nodes were recommended. If the overlay zoning districts are adopted the underlying zoning (e.g. RA-40, B-1, etc.) will remain on the zoning map and the associated standards will apply in addition to any new standards imposed by the overlay districts.

Major Corridor Design and Planting Guidelines – The Planning Board removed several sections of the proposed amendments to the Zoning Ordinance and placed them in a set of design guidelines. The Planning Board would prefer that the design guidelines be attached as an appendix to the Zoning Ordinance, but not be subject to the amendment requirements of the Zoning Ordinance.

Land Conservation and Development Plan Amendments – The proposed amendment to the Land Conservation and Development Plan (see attachment 4) would add descriptions of the proposed nodes. The Board may want to consider whether amendments to the existing text are necessary to reconcile any inconsistencies that may occur with the inclusion of the proposed economic nodes.

Land Conservation and Development Plan Map – The Land Conservation and Development Plan does not include a map to identify the location of proposed land uses. The proposed land use map (see attachment 5) only includes the node locations and does not address the areas between the nodes. If the proposed land use map is adopted, gaps will still exist between the nodes that the Commissioners may want to address.

Land Use Plan Amendment Process – The county currently does not have formal process for the public to request a land use plan amendment. The MCTF and Planning Board recommended that the county implement a plan amendment process, which is included as attachment 6. As proposed, amendments to the land use plan could only be submitted twice a year. The Planning Board recommended that the Board of Commissioners set the dates for accepting plan amendment requests.

Major Corridor Task Force Other Recommendations – In addition to the major corridor overlay districts, the MCTF also forwarded a list of other recommendations that is included as attachment 7. The Planning Board did not address the list of other recommendations.

Major Corridor Business Rezonings - On November 19, 2007 the Board of Commissioners approved the initial zoning of approximately 32.3 square miles along the previously unzoned major corridors. As a result of the rezoning, 79 business properties were made non-conforming. The Board of Commissioners directed staff to contact the business owners to gauge their interest to rezone their property to the zoning classification appropriate for the current use. Letters were mailed to business owners in March 2008 with an affidavit to have their property rezoned. A second letter was mailed in April inviting the business property owners to attend a meeting with the Board of Commissioners on May 12, 2008 to discuss each property. A third letter was mailed in May to property owners who had not contacted county staff about their property. Of the 79 business owners, 14 have not contacted county staff, six do not want their property rezoned, 58 want their entire property rezoned, and one owner wanted to split zone their property. The Tax Department has also evaluated the percentage change in tax value that could occur for the properties if they are rezoned and some could increase over 400%

The Board has indicated that it would be preferable to process the corridor overlay district amendments and the major corridor business rezonings simultaneously. If the Board wants to continue on the same schedule, the areas to be rezoned for each business property will need to be defined prior to scheduling a public hearing.

Recommendation: If the Commissioners want to process the major corridor overlay districts and corridor business rezonings simultaneously, scheduling a public hearing date should be postponed until the specific boundaries for the business rezonings are defined. It may also be preferable to postpone setting a public hearing date until the Commissioners have had sufficient time to review the overlay district standards and economic node locations. If the Board wants to move forward with setting a public hearing date for amendments to the Zoning Ordinance, Zoning Map, and Land Conservation and Development Plan to incorporate overlay district standards, as well as adoption of a Land Conservation and Development Map and land use plan amendment process, staff recommends that it is scheduled no sooner than September 15. This will provide sufficient time to process the mailed legal notices and post approximately 500 public hearing signs.