



## Chatham County Planning Board Agenda Notes

**Date: April 3, 2012**

**Agenda Item: IX. 1.**

**Attachment: #7**

☐ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☒ **Other: Zoning Ordinance Text Amendment**

<b>Subject:</b>	<p>Request by the Chatham County Board of Commissioners for text amendments to the Zoning Ordinance to modify the following sections as described below:</p> <p><b>Section 3</b>, Revise the bona fide farm exemption</p> <p><b>Section 4</b>, Districts Established – Delete references to districts that will change to conditional zoning districts</p> <p><b>Section 5</b>, Conditional Use Districts – Change section to refer to new requirements for conditional zoning districts</p> <p><b>Section 7</b>, Definitions – Modify definitions</p> <p><b>Section 10</b>, Schedule of District Regulations –Revise to refer to new conditional zoning districts</p> <p><b>Section 11.3</b>, Environmental Impact Assessment - specify that environmental impact assessment is only required for non-residential projects and mixed use districts.</p> <p><b>Section 13</b>, Lighting – allow internally-illuminated signs, delete amortization requirement for vehicular canopy lighting</p> <p><b>Section 15</b>, Regulations Governing Signs – Specify that signs in the right-of-way are regulated by NCDOT</p> <p><b>Section 17</b>, Conditional Use Permits – Revise procedures</p> <p><b>Section 18</b>, Board of Adjustment – delete Table 2</p> <p><b>Section 19</b>, Amendment to Zoning Ordinance – Revise provisions for parties that can apply for a rezoning, specify different procedures for citizen-initiated amendments and county-initiated amendments</p> <p><b>Section 20</b>, Enforcement – delete stop work order, clarify issuance of Notice of Violation</p> <p><b>Section 21</b>, Penalty for Violations – delete stop work order</p> <p><b>Section 23</b>, Effects Upon Outstanding Conditional Use Permits – add procedure for termination of conditional use permits</p> <p><b>Section 29</b>, Index – delete entire section</p>
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<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	Zoning Ordinance with Proposed Amendments in <u>underline</u> / <del>strikethrough</del>

### **Introduction & Background**

In September 2011, the Board of Commissioners requested staff to present options to streamline the Zoning Ordinance and specifically the Conditional Use rezoning process. Staff has proposed amendments changing the multi-step Conditional Use rezoning process that is currently used to a one-step Conditional Zoning process. The Conditional Zoning process consists of one legislative public hearing (instead of two public hearings - legislative *and* quasi-judicial), and results in a specialized district for the use requested that includes conditions on the use and site; or, in other words, combining the Conditional Use Zoning with the Conditional Use Permit. Staff also recommends increasing the number of public hearings from 6 per year to 10 per year (no public hearings held in July or December) for all citizen-initiated items (rezoning, text amendments and Conditional Use Permits), while removing the limit on public hearings for County-initiated amendments (these will only require a 30-day notice). The proposed amendments include a detailed process for applicants to follow for rezoning, Conditional Use Permits and text amendments and detailed application requirements for Conditional Zoning District and Conditional Use Permit requests. The proposed changes to the process for Conditional Zoning Districts and Conditional Use Permits include requirements for a Community Meeting with adjoining property owners and meeting with the County Appearance Commission prior to submittal to the Planning Department. Staff is recommending extending the submittal deadline from 30 days prior to the public hearing to 45 days prior in order to allow staff more time to review the application to ensure it is sufficient and have the application reviewed by the Technical Review Committee. The amendments include the creation of a new Mixed Use Conditional Zoning District, with standards governing the minimum size and types of uses allowed in the District.

Other amendments proposed by Staff include a new expanded definition of bona fide farm from the General Statutes, as well as clarifying that signs in highway rights-of-way are the responsibility of NCDOT. Based on direction by the Board of Commissioners, the amendments include changes in the lighting section of the Zoning Ordinance to remove the amortization clause for vehicular canopies and permit internally-illuminated signs meeting the standards of the Ordinance, further clarification of when an Environmental Impact Assessment will be required, and removal of the language allowing any person residing in the zoned area of the County to submit a map amendment on property they do not own. Staff also included other minor amendments to ensure the Zoning Ordinance complies with State Law.

**Discussion & Analysis**

A public hearing was held on the Zoning Ordinance amendments on March 19<sup>th</sup>. Two members of the public spoke at the hearing. One of the speakers spoke in opposition of the amendments, stating that the sweeping changes will profit the large developers the most. Among the speaker's concerns: changing to conditional zoning districts will allow poorly designed developments to be approved without proper conditions, the new mixed use conditional zoning district will allow large projects to be approved easier without conditions to mitigate the impacts, no expiration of Conditional Zoning Districts, and the ability of property owners to cancel Conditional Use Permits. The second speaker spoke in opposition of removing the language allowing any citizen residing in the zoned area of the county to submit a map amendment request on property they do not own.

Commissioner Kost stated that there should be more standards for internally-illuminated signs and that applicants should be required to notify all property owners within a certain distance.

Staff is also recommending an additional change based on review of the proposed amendments by the Transportation Planner. Staff recommends changing Section 5.3(B)(3)(f) to read "A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation."

**Recommendation**

Planning staff recommend approval of the proposed amendments to the Chatham County Zoning Ordinance including the revised language for Section 5.3(B)(3)(f) recommended by the Transportation Planner.