



## Chatham County Planning Board Agenda Notes

**Date: November 3, 2014**

**Agenda Item: VIII. 4**

**Attachment #: 1-2**

**Subdivision**

**Conditional Use Permit**

**Rezoning Request**

**Other:**

<b>Subject:</b>	A request to amend the Chatham County Zoning Ordinance Section 7, Definitions, to include a definition for minor utility and major utility, to modify the accessory dwelling unit definition; Section 10 Schedule of District Regulations, to exempt minor utilities from minimum lot size requirements and to remove existing public utility language and add minor and major utilities to the Zoning Table of Uses; Section 5 Conditional Zoning Districts, to include an additional required finding.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Proposed Text Amendments- Section 18 Board of Adjustment</li> <li>2. Proposed Text Amendments for Remaining Sections of Zoning Ordinance.</li> </ol>

### **Introduction & Background**

Last October, the state legislature passed S.L. 2013-126, which addresses new changes to state statutes governing Board of Adjustment regulations. This new law has necessitated local governments update their zoning ordinances to conform to the new requirements for the Board of Adjustment. Areas impacted by the new law include determinations provided by Zoning Administrators, Hearings, Appeals, Variances and Decisions.

Staff is also requesting several text amendments to promote consistency between the Zoning, Subdivision, Impact Fee and Watershed Ordinances. These amendments address accessory dwelling units, minimum lot size, exemption of utility lots from minimum lot size and other “housekeeping” additions.

The amendments were brought for discussion with the Board of Commissioners April 2014 with a staff follow up August 18<sup>th</sup>. A public hearing on these items was held September 15<sup>th</sup> and no input from the public was received.

The Technical Review Committee also reviewed these amendments with no additional comments October 15<sup>th</sup>.

## **Discussion & Analysis**

The proposed changes to the zoning ordinance triggered by S.L. 2013-126 are limited to Section 18, Board of Adjustment. The proposed rewrite of Section 18 to reflect the state statute changes are provided in draft form in Attachment 1.

Below is a recap of the additional amendments proposed across the Zoning Ordinance. These draft amendments can be found in Attachment 2.

**Utility lots-** Currently, the Zoning Ordinance only defines public utility lots within the Zoning Table of Permitted Uses (Section 10.13). The amendment proposes to define both minor and major utilities and exempt minor utilities from minimum lot size requirements within Section 10. The Zoning Table of Permitted Uses is also modified to reflect the new breakout of minor and major utilities and removes the public utility facility language from the table. The Subdivision Regulations and Watershed Ordinance will be modified to include these definitions and exemption as well.

**Accessory Dwelling Units-** The Zoning Ordinance defines accessory dwelling units with provisions limiting the accessory dwelling unit to 1,000 heated square feet and allowing mobile homes as accessory dwelling units only on lots greater than 80,000 square feet. Following the Board's discussion during the April 21<sup>st</sup> and September 15<sup>th</sup> meetings, maximum size for the accessory dwelling units has been increased to 1,500 heated square feet. The Subdivision Regulations, Watershed Ordinance and Impact Fee Ordinance will also be modified to reflect this change for consistency.

## **Minimum Single Family Lot Size Requirements**

Currently the subdivision regulations minimum lot size is 40,000 square feet with access to county water. Lots with septic and well service must meet a minimum 1.5 acre (65,340 square feet) of useable area. For the zoning districts whose minimum lot size is 40,000 square feet, this provision for larger lot size minimums for those lots without county water be added for consistency across county ordinances. Sections Impacted: Section 10 Schedule of District Regulations.

## **Miscellaneous**

The text amendment also includes the "essential and desirable" finding to Section 5 Conditional Zoning Districts. This addition will require conditional zoning applicants to make a finding that the proposed use is both essential and desirable for public convenience and welfare.

Finally, the definition for Accessory Structure will be modified to remove the provision allowing accessory structures to be built prior to principal structures.

## **Recommendation**

Planning staff recommends approval of the proposed text amendments. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. All proposed text amendments applications must address the following items outlined within the Chatham County Zoning Ordinance, Section 19. These items are addressed below:

**ITEM #1- The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.**

The amendments do not address any alleged error in the ordinance.

**ITEM #2- The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and welfare.**

The proposed amendments address statutory changes regarding the Board of Adjustment. The additional amendments provide for consistency across four ordinances, which is both reasonable and promotes public health, safety and welfare.

**ITEM #3- The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan.**

The amendments meet several goals of the adopted Land Conservation and Development Plan such as the offering a wide variety of housing options and plan policies such as the provision of infrastructure in ways that support the Land Use, Economic Development and Environmental Objectives.

If the Planning Board finds the amendment to be consistent with the Land Conservation and Development Plan, the Board may adopt a consistency statement and recommend approval to the Board of Commissioners. If the Board finds the amendment to not be reasonable and inconsistent with the Land Conservation and Development Plan, the Board must transmit a statement of inconsistency with the adopted plan and a recommendation of disapproval to the Board of Commissioners.

**Staff recommends that the proposed text amendments are consistent with the Chatham County Land Conservation and Development Plan in the following areas:**

- The proposed amendments offer a wide variety of housing options.
- Support the provision of infrastructure in ways that support the Land Use, Economic Development and Environmental Objectives of the Plan.