

..TITLE

Vote on a request to approve Chatham County Board of Commissioners to amend Section 10.13, Table of Permitted Uses, of the Zoning Ordinance to revise multiple uses in the Light and Heavy Industrial zoning districts that are currently permitted by right to conditional use permits.

..ABSTRACT

Action Requested:

Request by the Chatham County Board of Commissioners to amend Section 10.13, Table of Permitted Uses, of the Zoning Ordinance to revise multiple uses in the Light and Heavy Industrial zoning districts that are currently permitted by right to conditional use permits.

Introduction & Background:

On **August 15, 2016**, the Chatham County Board of Commissioners discussed revising the uses listed in Section 10.13 Table of Permitted Uses under the industrial district designations. With the growth of the county and promotion of two potential industrial sites in the county, the commissioners thought that a review of all the uses under the industrial designations was warranted. At the conclusion of the discussion the commissioners decided that some uses should be changed from permitted (P) to conditional uses (CU). A public hearing was scheduled and advertised.

The legislative public hearing was held September 19, 2016. Planning staff presented the text amendment and no one provided input on the request. The matter was referred to the Planning Board for review and recommendation.

On **October 4, 2016**, the Planning Board met to review the proposed changes to the Table of Permitted uses that the Board of Commissioners had recommended. During their review and discussions, additional uses were added that Planning Board members thought should also be processed as a Conditional Use Permit in order to address any secondary impacts. **(Please see additional timeline of events, meetings, and discussions under Discussion and Analysis in BOLD)**

The attached table depicts the Commissioner's suggested changes in yellow and the additional 16 proposed changes by the Planning Board in green.

Discussion & Analysis:

The Chatham County Zoning Ordinance was originally adopted in 1968 and applied to two townships. It has subsequently expanded to cover the entire county, outside the municipal land use jurisdictions, based on need and growth pressures. Since zoning was originally adopted there have been many changes in the county resulting from industrial, commercial and residential growth leading to an increased tax base. As growth occurs, regulations and ordinances need to be revisited to ensure there are appropriate measures in place that protect property values and lifestyles, and identify and mitigate any adverse environmental impacts.

With the potential for two new industrial parks proposed in the county, one within the Town of Siler City's zoning jurisdiction and the other in Moncure, the Commissioners thought it was the appropriate time to review the list of industrial uses. They evaluated whether certain uses were more intrusive on surrounding properties and should be required to go through a more comprehensive review before the use was considered for approval.

Attachment 1 is the table of permitted uses and those uses that are suggested to be changed from "P", permitted by right, to "CU", conditional use permit by the Board of Commissioners are highlighted in yellow. There are 139 uses listed in the industrial categories. 20 out of 139 are proposed to be changed to conditional use permits by the BOC. An additional 17 uses (highlighted in green) have been added by the Planning Board making a total of 37 out of 139. These are uses that may have hazardous chemicals, materials, or processes that should be reviewed more closely and required to go through the conditional use permitting process. This process allows the Planning Board and Commissioners to request and receive additional documentation and reports that are otherwise not required through the general standards of the ordinance. The conditional use process also requires the proposed industrial use be subjected to the public hearing process so that citizens are made aware of the type of industry, the process in which they operate, identification of existing or potential environmental concerns in close proximity to the use, and other issues that may arise before they are considered for approval.

The Planning Board is recommending the addition of Paintball Gaming Outdoor, Shooting Range Indoor, and Shooting Range Outdoor. These three (3) uses have traditionally been included within the "grounds and facilities for open air games or sports" use classification, but the Planning Board thought clarification was needed.

During the Planning Board discussions, planning staff commented that Kyle Touchstone with the Economic Development Corporation and the Commissioners have been working with the two proposed industrial mega sites to draw industry to the county. Promotion and marketing has already begun on the CAM site located within the Town of Siler City's planning jurisdiction and representatives for the mega-site in Moncure are considering applying for a rezoning of approximately 2700 acres for industrial use. No supporting documentation has been provided on the recommended changes.

On **November 29, 2016**, five members of the Planning Board, three Planning Department staff, and two Economic Development staff visited two industrial sites. One was Arauco, located in Moncure, which manufactures press board and medium density fiber board. The other site was 3M located south of Pittsboro which processes granules for shingles, as well as crushed stone as part of the Luck Stone mining operation that is also located on the property. The visits allowed everyone to see the operations, ask questions, and become familiar with the various regulations that are required to be met from local, state, and federal agencies from the perspective of the companies' representatives.

A map of industrial zoned properties has also been included as an attachment at the request of the Board during the November meeting.

On December 6, 2016, the Planning Board met for their third meeting. Discussion included findings from the two site visits to industrial properties. During the discussion, some members requested that they revisit the list to offer additional recommendations for changes. They also wanted to discuss each of the six (6) recommendations from Kyle Touchstone with Economic Development to consider whether to leave them as permitted uses.

VOTE NO. 1:

Recommend changing 27 uses from permitted to conditional use permit and the addition of 3 new uses by vote of 9-1. This vote included the 20 uses identified by the Board of Commissioners.

VOTE NO. 2:

By vote of 8-2, it is recommended that the following language, provided by Attorney Nick Robinson, be adopted regarding mining operations:

- **Parcels used in whole or in part for mining operations or as to which mining permits are applicable in whole or in part as of the adoption of this text amendment are exempt from the conditional use permit requirement for mining uses and accessory uses on such parcels.**

The motion also included that the language be reviewed by the county attorney with emphasis placed on what could be included under the accessory use language. The County Attorney has proposed revised language as follows and the revisions are shown in *italic*:

- **“Parcels used in whole or in part for mining operations or as to which mining permits are applicable in whole or in part as of the adoption of this text amendment are exempt from the conditional use permit requirement for mining uses, *as are accessory uses specifically related to mining operations on such parcels.*”**

VOTE NOs. 3 through 9:

These uses were discussed individually for a recommendation from the Planning Board and were approved by unanimous vote 10-0:

- 1. Cement, Lime, Plaster Manufacturer – Require CUP**
- 2. Paper, Cardboard, Building Board Manufacturer – Require CUP**
- 3. Pharmaceutical Products Manufacturer – Require CUP**

4. **Plastics Manufacturer – Require CUP**
5. **Textile Manufacture Including Spinning, Dyeing, Bleaching, and Other Heavy Processes – Require CUP**
6. **Tire Recapping and Re-treading – Leave as Permitted**
7. **Soap, detergent and washing compound manufacture – Require CUP**
8. **Cosmetics and perfume manufacture – Require CUP (Note: items 7 and 8 were included in one motion).**

VOTE NO. 10:

By a vote of 9-1, the Planning Board recommended forwarding the recommendations for the amendments to the Board of Commissioners.

Vote NO. 11

During their January 3, 2017 meeting, the Planning Board voted 9-0-2 (2 abstentions due to 2 new members being on the board) recommended adoption of the following consistency statement:

The text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, specifically the industrial districts classifications, is consistent with The Land Conservation and Development Plan by expanding the list of industrial uses that are subject to a process that aides in the protection of ground and surface waters, wildlife habitats, property values, and economic growth. The Plan includes that the county should “design a process that invites and facilitates the location of businesses in the preferred commercial and industrial sites” and “discourage commercial and industrial development in other settings.”

Recommendation:

The Planning Board recommends to the Board of Commissioners the following:

1. Should your recommendation be for approval of the requested modifications to the Chatham County Zoning Ordinance, the following consistency statement has been included for your consideration and adoption:

The text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, specifically the industrial districts classifications, is consistent with The Land Conservation and Development Plan by expanding the list of industrial uses that are subject to a process that aides in the protection of ground and surface waters, wildlife habitats, property values, and economic growth. The Plan includes that the county should “design a process that invites and facilitates the location of businesses in the preferred commercial and

industrial sites” and “discourage commercial and industrial development in other settings.”

2. Adoption of the amendments to Section 10.13, Table of Permitted Uses, of the Chatham County Zoning Ordinance as described in the Discussion & Analysis section of the notes with clarification on Vote #2 regarding mining operations and as follows:

See attached Table of Permitted Uses for all proposed changes