

Options for regulating business uses in unzoned areas of the county

Background:

Based on conversations with Commissioners there is an interest in reviewing options for regulating industrial uses in the unzoned areas of the county. Some of the uses discussed include landfills, rock quarries and hydraulic fracturing.

Chatham County is approximately 707 square miles, with 116 total square miles within the municipalities’ planning jurisdictions (see attachment A). There are currently 12,559 parcels that are in unzoned areas of the county covering approximately 387.7 square miles. The following table details the land use authority by jurisdiction within the county.

Jurisdiction	Square Miles (approximate)*
County (zoned)	210.2
County (unzoned)	387.7
Siler City	67.4
Pittsboro	46.1
Cary	1.64
Goldston	0.8
*Chatham County is approximately 707 square miles and the total square miles listed above is 713.84. The discrepancy between square miles is due to mapping issues.	

Options:

Extend zoning with an open use district: A new zoning district can be created to extend across the currently unzoned portion of the county with a limited set of uses requiring a conditional use permit with all other uses listed as permitted by right pursuant to GS 153A-340 (zoning statute). Buncombe County, NC adopted an open use district in 2009 and it corresponds with areas that will not be served by water or sewer. They also amended their land use plan before and after this process. A list of the regulated uses is included in attachment B.

Henderson County, NC adopted an open use district in the 90’s in response to an asphalt plant that was unregulated and generated a citizen response requesting land use controls of such uses. In 2007 Henderson County expanded from an open use district format to full zoning based on citizen reaction to the increasing development that was occurring prior to the economic downturn.

Creating an open use district will require an amendment to Zoning Ordinance to establish the district and initially zoning the unzoned areas of the county (see attachment A for a copy of the current Zoning Map).

Adopt stand alone heavy industrial use ordinance: Another approach to address concerns about specific uses is adoption of a standalone Heavy Industrial Development Ordinance. Alamance County, NC adopted an ordinance in 2011 that provides requirements for a specific list of uses that are reviewed and approved by staff (see attachment B for list of regulated uses). This ordinance was adopted pursuant to several NC General Statutes including GS 153A-340 (zoning statute). Other counties with similar ordinances are Alleghany, Ashe, Avery, Jackson, Macon, Rutherford, Watagua and Wilkes.

Comparison to 2007 rezoning: In 2007 the Board of Commissioners initially zoned several areas of the county adjacent to major corridors that were previously unzoned. There were 2,884 parcels included in the initial zoning covering 32.2 square miles. The following is a list of activities and a timeline leading to the adoption of zoning.

Activity	Timeframe/Data	
Discussions/Recommendations from Major Corridor Ordinance Committee and Planning Board	April – May 2007	8 months
BOC discussions	June – August 2007	
BOC public hearing	September 2007	
BOC adopts zoning	November 2007	
<i>Business Rezoning</i> – Staff directed to identify business uses	February 2008	16 months
BOC discussions and meetings with business owners	March 2008 – May 2009	
BOC public hearing	April 2009	
BOC adopts business rezonings	May 2009	

Notification requirements for either option: Regardless of the option chosen for establishing regulations, the notification requirements for GS 153A-343 (zoning notice procedures) must be followed. The statute requires posting property in the affected area, legal ads in a local newspaper and mailed notice to individual property owners. An alternative to the mailed notice would be ½ page ads in a local newspaper; however property owners living outside the county shall receive a mailed notice.

Approaches for community input: Prior to drafting land use regulations for the unzoned areas of the county it would be beneficial to receive community input. There are different methods to receive input

depending on the preference of the board. First, Commissioners could receive feedback as part of a town hall meeting format.

Second, staff could prepare community drop-in sessions at different locations in the county. For drop-in sessions staff would provide some background information, have maps for reference and a questionnaire for participants to provide feedback. The drop-in sessions were used in the Chatham-Cary Joint Land Use Plan development process and a good amount of information was received from residents. The drawback is this is time consuming to prepare for the meetings and then compile the information.

Third, staff and Commissioners could hold public forums where a presentation is provided at the start of the meeting followed by a question and answer session. This method was used for the corridor overlay districts and did not produce as much meaningful feedback as the drop-in sessions for the joint plan.

Fourth, the board could proceed directly to a public hearing without any community input. This method was used for the 2007 corridor zoning and the county received some feedback that it would have been beneficial to allow public participation prior to initiating the zoning process.

In speaking with Buncombe County, they used the drop-in sessions/open house format and thought that was a useful method to receive citizen input. They also scheduled public meetings as part of the Planning Board meeting and had an open comment period prior to starting the public hearing process. Alamance County presented their regulations to several groups, but did not hold community meetings or forums.

Inventory existing business uses/grandfathering: Staff will need to inventory the existing businesses in the unzoned areas of the county prior scheduling a hearing on a land use regulation to establish uses that will become non-conforming. This was also done after the 2007 corridor zoning in preparation for the rezoning of property with existing businesses to make them conforming. The inventorying took approximately 1.5 months in the areas covered by the 2007 and would take even longer in the currently unzoned areas due to the size of the area involved and staffing reductions that have occurred since 2012.

Staffing considerations: When the 2007 corridor zoning was processed there were seven (7) planning staff and there are currently five (5). Since the latter part of 2013 the department work load has increased with new non-residential projects and subdivisions. There will be implications for current planning activities if the Board moves forward with one of the options and work tasks will need to be reprioritized. Additional staff from other departments may be needed to supplement planning staff if this moves forward and/or filling an existing unfilled position in the department. The following table provides a comparison of the 2007 corridor zoning and the area currently under consideration for land use regulations.

	Number of parcels	Area in square miles
2007 Corridor Zoning	2,884	32.2
Currently Unzoned Area	12,559	387.7
Percentage difference	335.5%	1,104%

Costs: There will be additional expenses regardless of the type of land use regulation involved. The following cover the most significant expenses anticipated.

Additional signs – an additional 1,000 may be needed and would cost approximately \$7,000 (estimate based on the cost of 500 signs purchased in 2007).

Postage – approximately \$5,115 for one mailing based on a quote from Professional Mail Services.

Fuel – Additional fuel charges were not included in the FY 15 continuation budget and would be needed. No estimate provided at this point.

Direction: If the Commissioners are interested in extending zoning to the unzoned areas of the county or adopting a standalone industrial ordinance staff will need additional direction on the following items.

1. Should a new open use district be established or draft a standalone ordinance?
2. Do you want to extend regulations to the entire unzoned area at one time or target specific areas?
3. What type of community participation/outreach should be used, if any?
4. What level of participation do you want from the Planning Board and at what time in the process?
5. What type of notification process should be used for the ordinance adoption?

Based on the direction provided, staff will need to establish a tentative schedule, cost estimate and staff resources needed to accomplish the task.

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MEMO

TO: Planning Board

FROM: Hillary Pace, Planner II

CC: Jason Sullivan, AICP, Planning Director
Angela Birchett, CZO, Zoning Administrator

DATE: June 24th, 2014

RE: Planning Board Subcommittee on Unzoned Portions of the County

The Planning Board Subcommittee on the Unzoned Portions of the County met Tuesday June 24th to discuss the various options for land use controls in the unzoned areas Chatham county. Attached is the memo staff created to guide the subcommittee discussion. Members of the subcommittee include: BJ Copeland, Planning Board Chair, Gene Galin, Jim Crawford and Bill Arthur. The subcommittee has produced the following recommendation for Planning Board's discussion during July 1st, 2014 meeting:

The Planning Board Subcommittee unanimously recommends the Planning Board consider the four options regarding land use regulation, with an emphasis on public input, outlined in the memo titled, "Planning Board Subcommittee on Unzoned Areas of the County."

Attachment