

Zoning Options for the Unzoned Parts of the County- October 20th Board of Commissioners Update

Introduction:

Following the discussion at the July 21st, 2014 Commissioner work session regarding options for establishing land use controls in the unzoned parts of the county, the Board had asked for additional research as well as pros and cons for each land use control option presented to the Board. The original memo provided to the Board, as well as the Planning Board subcommittee’s recommendation, are provided as attachments to this document.

Discussion:

The options outlined by staff and discussed by the Planning Board are as follows:

1. Do nothing at this time- This approach proposes no action at this time and no land use controls established for any type of use.
2. Extend zoning with an Open Use District- This option extends zoning, but allows all uses other than those specifically identified to proceed as though there is no zoning controls but requires specific uses to comply with zoning requirements and Board approval in certain cases.
3. Adopt a Heavy Industrial Use Ordinance- By adopting a freestanding Heavy Industrial Use Ordinance; solely the uses that are identified would be regulated. Statutorily required public notice and procedures used for zoning must be used to adopt this ordinance.
4. Extend Traditional Zoning- This option, which would ideally be preceded by an updated Comprehensive Plan would establish county wide zoning, much like the existing zoned portion of the county.

Pros and Cons Analysis for each option

| Do Nothing at This Time | |
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| Pros | Cons |
| Maintains the status quo | Does not adequately address the encroachment of potentially incompatible land uses in the unzoned areas. Also does not address secondary impacts from large developments |
| | Does not protect property investment and provide reasonably predictable land development |

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| | Litigation used to address uses in unzoned areas |
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| Extend Traditional Zoning with an Open Use District | |
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| Pros | Cons |
| Supports long term economic growth by protecting property investment | “Case by case” approach to land development, not a long range vision, does not direct development into desired areas |
| Good option for areas not experiencing significant development | Incremental addition of uses to be regulated over time |
| Minimizes regulatory control outside corridors in the unzoned areas of the county | Minimizes regulatory control outside corridors in the unzoned areas of the county |
| Provides for countywide planning | Reactive, rather than a proactive approach to long term land development |
| Maintains status quo and currently unregulated uses can continue and grow as they currently do | Requires thorough inventory of existing businesses |
| Transitional approach to land use controls, can shift into traditional zoning | |

| Adopt a Heavy Use Ordinance | |
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| Pros | Cons |
| Quick solution to address heavy land uses | Administration of the ordinance would be more difficult to manage than other alternatives |
| Buffers high impact land uses, prohibits certain uses in areas | Congruency issues with existing zoning ordinance. Adds to several standalone ordinances. |
| Site plan oriented and includes performance standards. | Patchwork solution and may be perceived as business-unfriendly |
| | Possible difference in treatment of businesses in unzoned areas versus zoned areas |
| | Requires thorough inventory of existing businesses |

| Extend Traditional Zoning | |
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| Pros | Cons |
| Proactively enhances economic development and supports long term economic growth by protecting property investment | Traditional zoning should be applied after Comprehensive Plan development to adequately assign zoning districts and encourage and direct economic growth while protecting natural resources |
| Proper assignment of zoning districts streamlines development process for applicants, requiring less Board approvals and more administrative review | Perceived as overly regulatory |
| Addresses every aspect of long term land development from commercial development to agricultural protection | Requires thorough inventory of existing businesses |

Comprehensive Plan Considerations

It is staff’s opinion that the development of a Comprehensive Plan is ultimately necessary for Chatham County ideally prior to implementing zoning in currently unzoned areas. However, understanding the significant pace of development in the county, it would be recommended to at least pursue Comprehensive Planning shortly after the initial implementation of zoning in the unzoned areas. Where zoning will regulate uses, a Comprehensive Plan allows the community to develop and ensure a long term vision. Economic development, provision of infrastructure and protection of natural resources are all elements of a Comprehensive Plan that results in policy recommendations that serve as the blue print for community development. They are also a tool to gauge public interest in extending land use regulations in areas that are unregulated or modifying regulations in areas that have land use controls in place. This is because during plan development, an extensive inventory and analysis is conducted on existing infrastructure, population, natural resources and transportation in order to identify optimal areas for certain land uses currently and several years down the road. The final result is a comprehensive plan for the future with reasonable flexibility that promotes a vibrant economy while preserving Chatham’s culture and community priorities.

Staff Recommendation

In reviewing the options for land use regulations with attention paid to the most effective and time sensitive strategies, it is recommended the county pursue extending traditional zoning by establishing

an Open Use District and begin work on a comprehensive plan shortly after adoption. The Open Use District will establish an immediate protection regarding heavy uses and by engaging in a comprehensive plan immediately thereafter, a vision for the long term development of the county can begin.