



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3382      **Version:** 2

**Type:** Agenda Item      **Status:** In Committee

**File created:** 1/2/2020      **In control:** Planning

**On agenda:** 2/17/2020      **Final action:** 2/17/2020

**Title:** Vote on a legislative request by the Board of Commissioners to consider county-initiated rezoning of thirty two (32) parcels in Gulf Township from R5- Residential to R1- Residential.

**Sponsors:**

**Indexes:** Comp Plan Goal 1: Preserve the rural character and lifestyle of Chatham County, Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers., Comp Plan Goal 5: Conserve natural resources.

**Code sections:**

**Attachments:** 1. More information on the Planning Department website

Date	Ver.	Action By	Action	Result
2/17/2020	2	Board of Commissioners	adopted	Pass
2/17/2020	2	Board of Commissioners	adopted	Pass
1/21/2020	1	Board of Commissioners	referred	

Vote on a legislative request by the Board of Commissioners to consider county-initiated rezoning of thirty two (32) parcels in Gulf Township from R5- Residential to R1- Residential.

**Action Requested:**

Vote on a legislative request by the Board of Commissioners to consider county-initiated rezoning of thirty two (32) parcels in Gulf Township from R5- Residential to R1- Residential.

**Introduction & Background:**

After nearly two years of discussion and study, on August 15<sup>th</sup>, 2016, the Chatham County Board of Commissioners voted to zone the formerly unzoned portions of the county to R-1 and R-5 residential. R-1 Residential is the most common zoning classification throughout the county and is primarily intended for low to moderate density residential development within residential and agricultural areas. R-5 Residential distinctions are reserved for areas along the county’s rivers and streams primarily for very low density development which is compatible with protecting the water quality of the county’s rivers and streams. The R-5 Residential zoning district requires an average lot size of five acres with no lot being smaller than three acres. Upon further inspection of the County Zoning Map last amended on September 16<sup>th</sup> 2019, it appears there is a small section of the map that is zoned R-5, when it is staff opinion should be R-1.

**Discussion & Analysis:**

Planning staff have received some questions regarding a parcel in the Gulf Township that is zoned R-5. The owner of the parcel wishes to subdivide the property, which consists of 3.41 acres. Because the property is zoned R-5, subdividing into a smaller parcel would not meet the standard of the five

acre minimum lot size. This type of issue is common in areas of the county zoned R-5 or R-2, and typically there would be no way around this regulation. However, based on further inspection of the zoning map, watershed maps, USGS Topography, and NCRS Soil Maps, it appears that the R-5 zoning designation may have been an oversight occurring during the 2016 mass zoning of the unzoned areas of the county.

There are thirty three (32) parcels in the affected area covering approximately 42 acres, with many being split zoned between R-1 and R-5 Residential Zoning. Rezoning the parcels to R-1 will remove the current split zoning. It is the request of planning staff that all the affected parcels be rezoned to R-1 Residential. For reference of the parcels involved, please look at the map labeled attachment one.

The legislative Public Hearing was held at the Board of Commissioners meeting on Tuesday January 21<sup>st</sup>. Staff first clarified that the actual number of lots being rezoned is thirty two (32) not thirty three (33). One of the adjoining properties was including in the legal ad and notification. Planning staff presented a power point to explain the reason for the rezoning. Staff explained how the 32 parcels were originally zoned in such a way as to warrant the rezoning, explaining the HWY 421 corridor zoning in 2007 zoned areas adjacent within 1500' of the right-of-way as R-1 and the River Corridor Special Area allows 1 acre lots. The commissioners had a few questions regarding public comment from neighbors, as well as whether the homeowner that originally had the zoning questions would have their problem solved. Planning staff informed the commissioners that rezoning the parcels to R-1 would most likely solve the homeowner's problem. There were no public comments.

The Planning board discussed the rezoning during their February 4<sup>th</sup> meeting. Planning staff gave a brief presentation of the reasons for the rezoning, explaining how the initial R-5 zoning occurred. Some of the planning board members had some questions about the size of the parcels and their proximity to the Deep River. Staff explained that most of the parcels in questions were less than 1.5 acres, and definitely less than the five acres required for R-5 zoning. Overall there were not many objections and the majority of the planning board understood the need for the rezoning. The planning board voted nine (9) to one (1) in favor of recommending the rezoning to the Board of Commissioners.

**How does this relate to the Comprehensive Plan:**

Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

Land Use Policy 5, Strategy 5.1, encouraging contest sensitive development design.

Goal 1: Preserve the rural character and lifestyle of Chatham County.

**Recommendation:**

The planning board voted nine (9) to one (1) in favor of recommending adoption of an Ordinance amending the Zoning Ordinance to rezone all or a portion of 32 parcels in the Gulf Township from R-5

to R-1 as identified in attachment A.

The Planning board also voted nine (9) to one (1) adopting a Resolution adopting the following Consistency Statement:

**The request for the rezoning of the thirty two (32) listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting context sensitive design that preserves rural and small town character. Specifically, this request supports Land Use Policy #5, Strategy 5.1 which encourages support for “residential development types that fit the character of different areas of the county.”**