



Chatham County, NC

Legislation Text

File #: 20-3381, **Version:** 3

Vote on a request to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions; Section 8.1 Relationship of Building to Lot; Section 10.12 CD- MU Mixed Use Districts; Section 10.13 Table of Permitted Uses; Section 17.1 Procedure; and Section 17.2 Plans.

Action Requested:

Vote on a request to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions; Section 8.1 Relationship of Building to Lot; Section 10.12 CD- MU Mixed Use Districts; Section 10.13 Table of Permitted Uses; Section 17.1 Procedure; and Section 17.2 Plans.

Introduction & Background:

Periodically the Chatham County Zoning Ordinance is amended to reflect the ever evolving needs of Chatham County. The Zoning Ordinance was last updated on September 16th 2019. Over the last year there has been an increase in concern for and the requested use of Recreational Vehicles as temporary or permanent residences within the county, along with other concerns related to storage and any occupation of RV's. With such issues becoming more prevalent, Chatham County planning staff set out to develop a set of definitions and regulations relating to the use of RV's in the county. Staff reached out to neighboring jurisdictions, as well as those with recent updates to their Recreational Vehicle regulations in order to formulate a set of best practices to implement in the zoning ordinance.

Additional changes to the Table of Permitted Uses are related to continued marketability of the Moncure Mega-site. In order to differentiate Moncure from the other mega sites in North Carolina the zoning ordinance needs to enable the development of life science projects. Edits to Section 17 are needed based on the continuing implementation of special study requirements and previous approved amendments to the Zoning Ordinance. The other proposed amendments to the zoning ordinance are minor revisions that largely deal with improving process facilitation and language clarification. The main impacts of proposed changes are listed in the attached table "Table Attachment #1- Zoning Ordinance Text Amendments". In April of 2017 the Board of Commissioners modified 37 of 139 Industrial uses to require a conditional use permit. Subsequently, in January of 2019 the Board of Commissioners approved the special study requirements to 18 industrial uses. The special study requirements added 12 new uses and updated 6 from the previous list requiring a conditional use permit.

Discussion & Analysis:

Section 7.2 Definitions of the Chatham County Zoning Ordinance requires amendments to reflect the addition of definitions for Recreational Vehicles (RV's), Park Model RV's, and Structure. Based on an increase in concerns from county residents and staff regarding the use and storage of RV's within the county, and the nature to which RV's are related to other structures and buildings, planning staff developed new definitions and standards for the regulation of Recreational Vehicles. The update to the definition of structure is related to the new RV definitions as well as the previous changes to the ordinance in September 2019. The height regulation changes included in the ordinance text amendment in September necessitated the need for an updated definition for structure.

Sections 8.1 is being amended to include the new regulations for recreational vehicles. The regulations for RV's is added as number 4 of the 4 requirements of the Relationship of Buildings to Lot. Storage of RV's will be permitted on residential lots within the county. Recreational vehicles are not designed nor intended for permanent habitation, therefore an RV cannot be considered as a primary residence. Permanent habitation is not permitted. In order to provide for the health, safety, and welfare, the use of a recreational vehicle for permanent habitation shall be deemed unlawful.

Section 10.13 is being amended to add twelve (12) new uses and edit the wording of several others. A new use is being added for Government buildings and offices which will be permitted in all districts. Eleven (11) of the additional uses are specifically added to enhance the viability of the Moncure Megasite.

The Board of Commissioners scheduled the public hearing during their December 16, 2019 meeting. The redline draft and table of the proposed amendments to the zoning ordinance were included in the December 3rd planning board packet to enable the board to have ample time to review the material. Based on the amount and complexity of the amendments, planning staff felt it appropriate for the planning board to have as much time as possible consider the information.

The legislative public hearing was held at the Board of Commissioners meeting on Tuesday January 21st. Planning staff presented the redline changes to the board and explained the reasoning behind the questions. There were several questions from the board of commissioners regarding the table of permitted uses, specifically the CU designation with the footnote for municipal water and sewer. Planning staff explained to the board that if municipal water and sewer facilities were available in an I-H district then the use would be allowed by right. It was understood by the board that this footnote was specifically intended for the Moncure mega site. Alyssa Byrd from the EDC was the only public comment for the public hearing. She spoke in support of the amendments to Section 10.13 Table of Permitted uses. She also offered clarity regarding the locations of the heavy industrial centers in the county.

The planning board discussed this item at the February 4th 2020 meetings. Planning staff gave a presentation that summarized the proposed changes to the ordinance, including the changes to the redline document that were suggested by the Board of Commissioners. The planning board had several questions and concerns for each section of the proposed changes. For Section 7.2 definitions, one member was concerned about the definitions for structure, and wanted to have more discussion about the 60 foot height, as one of the proposed changes was to add structure to the maximum building height of 60 feet. He was also concerned that monuments, towers, or flagpoles could be 60 feet. Planning staff agreed to research height limit questions and present their findings at the April Planning board meeting.

Discussion on Section 8.1 was concerned with time limits on RV usage, and the planning board discussed adding a two week limit on temporary RV usage. Staff informed them that most surrounding jurisdictions did not have a maximum time, as such a regulation is typically hard to enforce. In the end, the planning board recommended approval of the language as written. There was much more discussion related to the added uses in Section 10.13. The changes to section 10.13 were split into two redline tables, and the planning board addressed the two tables separately. The first table discusses was the new uses proposed.

There were some inconsistencies between the redline document and the table of changes that were provided by staff. Planning staff went through the changes with the board and explained why some of the uses were proposed in both industrial classifications and some were proposed in only heavy industrial. The planning board was concerned with allowing perceived heavy industrial uses in light industrial areas so the CU³ designation was removed from the IL uses. The planning board also wanted to remove the P from the R1, R2, and R5 zoning districts for the Government Offices and facilities use that was proposed to the Table of Permitted uses. The motion to approve the proposed uses passed unanimously.

The Planning board was concerned about the CU and CU³ designations in the IL and IH districts. Planning staff made the changes to the redline while the planning board was discussing it. The motion on the changes to the table of uses passed 8 to 2. The planning board was concerned over the footnote regarding municipal sewer and water availability. The board wanted it reworded to clarify that the sewer would be from the town of Sanford. Chair Lucier felt that this clarification would prohibit Heavy industrial uses designed for the Megasite from locating in other places in the county where sewer may be available. Planning staff informed the board that they would need to discuss the changes with the County Attorney. The planning board suggested the footnote should read: "When Chatham County Water and Town of Sanford Sewer Infrastructure is utilized the use is allowed by right." The County Attorney said he was satisfied with that language.

There was limited discussion regarding the second table of changes to 10.13. Overall the planning board was satisfied with the edits to the table of uses. The discussion focused on the need to have CU for light industrial uses such as perfume manufacture, and CU³ for all heavy industrial uses such as pharmaceutical manufacturing. The planning board had a few questions but no objections or concerns for the proposed edits to sections 15.12, 17.1 and 17.2.

During the February 4, 2020 meeting the Planning Board did not vote to recommend a consistency statement due to an oversight, but action was taken during the March 3, 2020 meeting. The Planning Board voted 7-0 with 1 abstention (Ms. Moose did not attend the February 4, 2020 meeting) to recommend adoption of a resolution approving the following consistency:

The request for amending the text of the Zoning Ordinance is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the second bullet point of Strategy 5.1 of the Economic Development plan element that reads - "Promote appropriate targeted industries and commercial uses at Megasites and Employment Centers. To increase job opportunities and tax base throughout the County, suitable industry targets should be matched with the most appropriate locations and sites. Industry targets should reflect the

priorities of Chatham EDC, Research Triangle Regional Partnership, Piedmont Triad Partnership, and the Economic Development Partnership of North Carolina:”. Additional support is provided in Land Use Policy #5, Strategy 5.1 encouraging “context sensitive development design.”

How does this relate to the Comprehensive Plan:

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

Land Use Policy #5, Strategy 5.1 Encourage context-sensitive development design.

ED Policy #5, Strategy 5.1 Promote appropriate targeted industries and commercial uses at Megasites and Employment Centers.

Recommendation:

The Planning Board split the item into sections and voted to recommend approval of an Ordinance amending the Zoning Ordinance as follows:

- Motion made by Mr. Frazier to approve amendment to section 7.2 Definitions amendment; second by Mr. Arthur. Motion passed, 10-0, unanimous. (note: staff has removed the definition for “Structure” based on additional discussion by the Planning Board that will continue during their April meeting)
- Motion made by Ms. Hager for Section 8.1 Relationship of Building to Lot, to approve the amendment with the following conditions: 1) modify subsection c to include a provision that the 180 day temporary occupancy can be extended and staff draft appropriate language prior to Board of Commissioner action of this item and 2) the County Attorney review and approve the updated language. Second by Vice-Chair Siverson. Motion passed, 10-0, unanimously.
- Motion made by Ms. Hager to approve Section 10.12 Dimensional and Off-Street Parking Requirements amendment; second by Mr. Spoon. Motion passed, 10-0, unanimously.
- Motion to approve Section 10.13 Table 1: Zoning Table of Permitted Uses contingent upon 1) the County Attorney approving a revision to the footnote to require the uses to connect to the Chatham County water system and the Town of Sanford sanitary sewer system, 2) change CU³ to CU for battery manufacturing and 3) remove CU³ from all of the uses that are proposed in the Light Industrial district, 4) remove “P” from the R1, R2 and R5 zoning districts for “Government offices and facilities”. Motion passed 10-0, unanimously.
- Motion made by Mr. Galin to approve the amendment 10.13 Table 1: Zoning Table of Permitted Uses: Edits to Current Uses with the following revisions: 1) change CU³ to CU in the Light Industrial district for “Laboratories for research and testing” and “Pharmaceutical products manufacture” and 2) add “P” in the B-1 district for “General, professional, and medical offices. Second by Mr. Arthur. Motion passed 8-2, opposed by Ms. Weakley and abstained by Mr. Frazier. “One no vote was an abstention as per Robert’s Rules of Order.”
- Motion made by Mr. Spoon to approve amendment Section 15 Regulations Governing Signs 15.12 Permit Required; second by Mr. Flores. Motion passed 10-0, unanimously.
- Motion made by Ms. Weakley to approve the amendment to Section 17 Conditional Use Permits, 17.1 Procedure and 17.2 Plans; second by Vice-Chair Siverson. Motion passed 10-0,

unanimously

Motion made by Mr. Frazier to recommend adoption of a resolution approving the following consistency; second by Ms. Siverson. Motion passed 7-0 with 1 abstention (Ms. Moose did not attend the February 4, 2020 meeting):

The request for amending the text of the Zoning Ordinance is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the second bullet point of Strategy 5.1 of the Economic Development plan element that reads - “Promote appropriate targeted industries and commercial uses at Megasites and Employment Centers. To increase job opportunities and tax base throughout the County, suitable industry targets should be matched with the most appropriate locations and sites. Industry targets should reflect the priorities of Chatham EDC, Research Triangle Regional Partnership, Piedmont Triad Partnership, and the Economic Development Partnership of North Carolina:”. Additional support is provided in Land Use Policy #5, Strategy 5.1 encouraging “context sensitive development design.”