

## **..TITLE**

A request by the Planning Department to schedule a legislative public hearing for November 19, 2018 to consider County-initiated rezonings of businesses in the formerly unzoned portion of Chatham County.

## **..ABSTRACT**

### **Action Requested:**

A request by the Planning Department to schedule a legislative public hearing for November 19, 2018 to consider County-initiated rezonings of businesses in the formerly unzoned portion of Chatham County.

### **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. The Comprehensive Land Use Plan specifically supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.” (Land Use Policy #7, Strategy 7.2). Consequently, prior to the adoption of county-wide zoning, the Chatham County Planning Department sent a business listing form to every property owner in the unzoned portion of the county. Nearly 13,000 forms were mailed. The business listing form asked property owners to list any non-residential use of their land, so the Planning Department could properly document any non-conforming uses and prepare for future rezonings. The Planning Department received over 1,000 forms. Approximately 300 forms described non-conforming businesses, while the remaining 700 listed either agricultural uses of the land (which were exempted from zoning regulations via the bona fide farm exemption) or otherwise permitted uses, such as a residence. Aerial images of these 300 businesses were captured, as well, in order to further establish non-conforming status.

### **Discussion & Analysis:**

In addition to mailing and documenting business listing forms, Planning staff compiled tax and fire inspection records to determine if there were any other businesses in the formerly unzoned portions of the county. After combining tax and fire inspection records, along with the business listing forms, staff determined that 524 parcels in the formerly unzoned part of the county may contain non-conforming uses or businesses. In order to confirm that these non-conforming uses actually existed, staff performed site visits to each parcel, spoke with the property owners, and documented the current use of the property. After several months of visiting properties, the following observations were made by staff:

- 204 parcels appear to be eligible for rezoning to a non-residential zoning district
- 48 parcels are eligible for the issuance of a home occupation permit (HOP)
- 272 parcels are not eligible for rezoning or issuance of a home occupation permit

During the site visiting process, the interior of multiple parcels were inaccessible to staff due to “No Trespassing” signage, the presence of loose dogs, or physical barriers, such

as locked gates, fences, or washed out roads. However, the tax data, aerial imagery, and some visual confirmation from the site visits allowed staff to recommend rezonings, issuance of HOPs, or maintenance of the status quo for these parcels.

Based on the observed use, staff determined which zoning classification would be most appropriate to consider to use for rezoning the property. Since many uses are permitted in multiple zoning classifications, staff recommended that the parcels be eligible for rezoning to the least intensive permitted zoning classifications possible. For example, if a use were allowed in both light and heavy industrial zoning district, then staff recommended that the parcel should be eligible to be rezoned to the light industrial classification. Furthermore, some uses are permitted in an R-1 or R-5 district with the issuance of Conditional Use Permit. It should be noted that many of the non-conforming uses on parcels eligible for rezoning do not occur across the entirety of the parcels. Many uses are limited to a single building or small portion of the parcel.

After the inventory of businesses was completed, the next step was to meet with property owners eligible for a rezoning to determine if they wish to rezone their property, and if so, how much of the property they would like to rezone. Planning staff contacted property owners and scheduled these meetings. Additionally, planning staff coordinated with representatives from the Chatham County Tax Department, as the issue of changes in tax value was likely to arise. In addition, on March 1<sup>st</sup>, at the direction of the Board of Commissioners, Planning staff also sent a letter to 35 property owners who have vacant buildings on their property in the formerly unzoned portion of the county, offering them the opportunity to request a rezoning to any zoning district. These vacant buildings had been previously identified by Planning staff during site visits in the summer of 2017.

For the first round of business rezoning cases that were processed earlier this year, 52 parcels were requested by their owners to be rezoned, 20 parcels were requested to remain in their current zoning district, and 180 parcels' owners did not respond to the letter regarding rezoning. Out of 51 Home Occupation permit applications sent out to properties that qualified for an HOP, 17 have been completed and returned to Planning staff. Of the 52 properties considered for rezoning 49 were approved and 3 were denied (click the following link for more information about those rezoning cases - <http://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2018-items/businesses-rezoning-52-properties> ). Since the first round of business rezonings cases was initiated, staff has received requests to rezone an additional 17 properties.

Planning staff is now ready to move forward with a County-initiated rezoning of the additional 17 business properties. A GIS web application (<https://chathamncgis.maps.arcgis.com/apps/webappviewer/index.html?id=8a3a205b2dbd41459379332f46537df3>) has been created identifying the properties that have the potential for rezoning, and the list of the 17 parcels requested to be rezoned has been included as an attachment. It should be noted that Planning staff may receive more requests for eligible business properties to be rezoned in the future and we will bring those forward for a third and final round of county initiated rezonings. Based on staff's

prior conversations with the board, we will be contacting the property owners who have not responded to the offer to rezone their property and offer them one final chance to have their property rezoned at no cost to them.

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

Goal #4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, Land Use Policy #7, Strategy 7.2 supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”

**Recommendation:**

It is the recommendation of Planning staff to schedule a legislative public hearing for November 19th, 2018 to consider County-initiated rezonings of the properties described in the attachment.