



Established 1771

CHATHAM COUNTY COMMISSIONERS

Mike Dasher, Chair
Diana Hales, Vice Chair
Jim Crawford
Karen Howard
Walter Petty

COUNTY MANAGER

Dan LaMontagne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200

Ordinance of the Chatham County Board of Commissioners

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
CHATHAM COUNTY**

For Text Amendments to Add Additional Standards for High Impact Land Uses

WHEREAS, the Chatham County Board of Commissioners has considered a request by the Chatham County Board of Commissioners to amend the Zoning Ordinance as described in Attachment "A", and finds that the amendment is consistent with the comprehensive plan of Chatham County, Plan Chatham, as described in the Consistency Statement Resolution; and

WHEREAS, the Board finds the four (4) standards, as described below, from the Zoning Ordinance have been met as Stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. No such error is alleged in this application; and

No. 2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. The proposed amendments are necessary to address high impact land uses and require the provision of additional information in the decision making process to address local and regional impacts of those uses; and

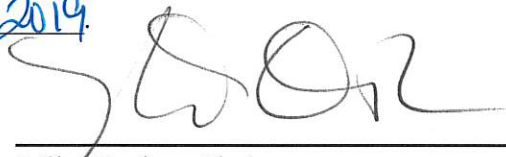
No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The request is consistent with the comprehensive plan of Chatham County by supporting the goal to Conserve Natural Resources, Recommendation 1: Maintain and improve water quality, Natural Resource Policy 1: Ensure the long-term quality of water resources. Strategy 1.8: Update policies and regulations to limit impacts of natural gas exploration and extraction. Complete the Natural Gas Impacts Study, a parallel effort to identify the potential impacts and appropriate strategies to minimize, mitigate, or avoid such impacts. Coordinate with regional partners, such as Lee County, to establish regulations for site planning, development, and restoration based on best practices.; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The Board of Commissioners adopted a moratorium in 2015 to evaluate the impacts of oil and gas exploration on the county and to develop standards to address the impacts of this activity; and

BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

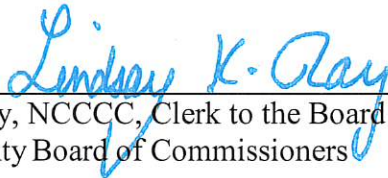
1. The Application by the Chatham County Board of Commissioners to amend the Zoning Ordinance as described in Attachment "A" is approved and is amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted, this the 22 day of January, 2019.



Mike Dasher, Chairman
Chatham County Board of Commissioners

ATTEST:



Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



Attachment “A”

Section 10.13 *(Note: All of the uses that follow are only allowed as conditional use permits)*

Asphalt manufacture or refining ([Subject to additional requirements of Section 17.9](#))

Cement, lime, plaster manufacture ([Subject to additional requirements of Section 17.9](#))

Coal or coke yards ([Subject to additional requirements of Section 17.9](#))

Electric light and power generation ([Subject to additional requirements of Section 17.9](#))

Flammable liquids – bulk plants and storage ([Subject to additional requirements of Section 17.9](#))

Foundries casting nonferrous metals where conducted wholly within an enclosed structure, except for open air storage and having a total furnace capacity of not more than 1,000 aluminum pounds ([Subject to additional requirements of Section 17.9](#))

Foundries producing iron and steel products ([Subject to additional requirements of Section 17.9](#))

Garbage and waste incinerators (except hazardous waste) ([Subject to additional requirements of Section 17.9](#))

Gas and Petroleum Processing ([Subject to additional requirements of Section 17.9](#)) - Note: This use is proposed to be allowed as a CUP in the Heavy Industrial district.

Industrial chemical manufacture ([Subject to additional requirements of Section 17.9](#))

Mining² ([Subject to additional requirements of Section 17.9](#))

Natural gas compressor station ([Subject to additional requirements of Section 17.9](#)) – Note: This use is proposed to be allowed as a CUP in any zoning district.

Oil and Gas Exploration, Development and Production ([Subject to additional requirements of Section 17.9](#)) – Note: This use is proposed to be allowed as a CUP in any zoning district.

Rodenticide, insecticide and pesticide mixing plants ([Subject to additional requirements of Section 17.9](#))

Sanitary landfill excluding the burning of trash out of doors ([Subject to additional requirements of Section 17.9](#))

Tannery and tanning operations ([Subject to additional requirements of Section 17.9](#))

Tar and waterproofing materials manufacture, treatment and storage ([Subject to additional requirements of Section 17.9](#))

Textile manufacture including spinning, dyeing, bleaching and other heavy processes ([Subject to additional requirements of Section 17.9](#))

Section 11.2 Specific Requirements

E. Toxic, Noxious or Hazardous Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located **or into the waters of the State of North Carolina**, toxic, noxious or hazardous matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, property or the use of property or land.

11.3. Environmental Impact Assessment

An Environmental Impact Assessment, as described in Section 6.2 (B) of the Subdivision Regulations and related guidelines, shall be required for **a project which meets any criteria listed in A. through E. non-residential projects, and Mixed Use Districts, and subdivisions as described below consisting and which consists** of **ten (10) or more** contiguous acres ~~or more~~ in extent **and** that disturbs **ten (10) or more** acres. A project for which a detailed statement of the environmental impact of the project is required pursuant to N.C. Gen. Stat. § 113A-4(2) or 42 U.S.C. § 4332(C), or for which a functionally equivalent permitting process is required by federal or State law, regulation or rule, is exempt from the requirement of this Section 11.3, ~~provided that. However,~~ a copy of any such detailed statement of environmental impact or of any application(s) for a functionally equivalent permitting process on which an exemption is claimed the project shall be provided to the County prior. Additionally, Pursuant to N.C. Gen. Stat. § any land-disturbing activity. A project for which no environmental document shall be required pursuant to N.C. Gen. Stat. § 113A-12 is exempt from the requirements of this Section 11.3. ~~113A-8,~~ the County requires the Subdivider to submit an Environmental Impact Assessment for any of the following proposed projects:

- a) ~~A non-residential major subdivision development project, excepting bona fide farm activities, or ten (10) contiguous acres or more in extent that disturbs ten (10) or more acres;~~
- b) ~~A residential subdivision development project of ten (1) contiguous acres or more in extent that will include fifty (50) or more dwelling units, whether detached or attached single family residences or in a multi-family structure or structures; or~~
- e) ~~A major subdivision of fifty (50) or more lots.~~

~~The following projects which consist of ten contiguous acres or more in extent and which will disturb ten or more acres shall submit an Environmental Impact Assessment prior to any land-disturbing activity:~~

This Section 11.3 applies to the following projects:

- A. Any new project requiring a Conditional Use Permit or Conditional Zoning District.
- B. Any project requiring a physical expansion of project approved under an existing Conditional Use Permit or Conditional Zoning District, ~~provided that the expansion is greater than five (5) acres or 10% of the existing area covered by the Conditional Use Permit or Conditional Zoning District, whichever is less~~ A physical expansion that is less than ten (10) contiguous

acres in extent or disturbs less than ten (10) acres shall be subject to the requirements of this Section 11.3 if no substantial work has begun on the approved project and the expansion together with the approved project will exceed ten (10) contiguous acres in extent and disturbs ten (10) or more acres. Physical expansion means the addition of new property or acreage to an area covered by an existing Conditional Use Permit or Conditional Zoning District. This requirement shall also apply to conversions of existing Conditional Use Zoning Districts to Conditional Zoning Districts.

- C. Any non-residential major subdivision development project, excepting bona fide farm activities, ~~or ten (10) contiguous acres or more in extent that disturbs ten (10) or more acres;~~
- D. Any residential subdivision development project ~~of ten (10) contiguous acres or more in extent~~ that will include fifty (50) or more dwelling units, whether detached or attached single family residences or in a multi-family structure or structures; or
- E. Any ~~major residential~~ subdivision project of fifty (50) or more lots.

Section 17.9 Additional Information for Certain Conditional Use Permits

This Section 17.9 applies to those uses designated in Section 10.13 as being subject to additional requirements of Section 17.9. For uses subject to this Section, the County may determine in certain cases that it needs more information to determine whether a use is consistent with the findings required in Section 17.1. When such a determination is made, the County may retain the services of a consultant that is mutually acceptable to the County and the applicant to conduct a study to provide such additional information. Upon making a determination that an additional study is needed, notice shall be given to the applicant, and the applicant shall meet with the County staff to determine the scope of the study and to select a consultant. The applicant shall pay a fee as part of the conditional use permit application for the reasonable costs of the consulting services incurred by the County. The report of the study results shall be approved by the County staff and shall become part of the conditional use permit application submitted to the Board of Commissioners. This Section 17.9 is also applicable to an applicant for a conditional use permit for which an environmental impact assessment is required by Section 11.3 of this Ordinance.