

## **..TITLE**

Vote on a request to approve a Legislative request by Ernest Clemons to amend the language in the Watershed Protection Ordinance, Section 302(D)(1)(e), to add the use of “retail stores and personal service shops similar to those listed dealing in direct consumer and personal services”.

## **..ABSTRACT**

### **Action Requested:**

Vote on a request to approve a Legislative request by Ernest Clemons to amend the language in the Watershed Protection Ordinance, Section 302(D)(1)(e), to add the use of “retail stores and personal service shops similar to those listed dealing in direct consumer and personal services”.

### **Introduction & Background:**

A legislative public hearing was held on September 16, 2019 before the Chatham County Board of Commissioners to amend Section 302(D)(1)(e) of the Watershed Protection Ordinance to add the use of “retail stores and personal service shops similar to those listed dealing in direct consumer and personal services”. Planning staff presented the request. No-one else spoke on the matter and the applicant was present.

The Chatham County Watershed Protection Ordinance (CCWPO) became effective in January 1, 1994. Since that time there have been several amendments in order to comply with statutory changes, maintain conformity with other county land use regulations, and individual requests based on changing market demands.

The CCWPO was designed to promote the public health, safety and general welfare of residents as outlined by the NC Department of Environment and Natural Resources (now NC Department of Environmental Quality) in order to implement a program to protect water supply watersheds. However, when the Board of Commissioners adopted the ordinance, they exceeded the minimum State requirements by expanding watershed districts, establishing county specific districts in areas that weren't covered under State requirements, decreased allowable densities and built upon area, and restricting allowable land uses within certain districts. These standards are implemented by allowing or prohibiting certain uses within a watershed and limiting the area of development through built upon area limits (BUA) to ensure pervious area remains in order to filter stormwater runoff before it enters to surface water impoundments.

Within the ordinance, there are eight (8) watershed designations and within those closest to Jordan Lake there are additional restrictions that were adopted in order to limit uses that could have a detrimental environmental impact. This request is specific to the WSIV-Critical Area of Jordan Lake (see attached map).

### **Discussion & Analysis:**

In May 1999, the applicant received approval for a Conditional Use Business rezoning with a Conditional Use Permit (CUP) for retail stores and personal service shops specifically for the sale, servicing, and utilization of computers, e-mailing, public Internet access, and computer consulting for individuals and small businesses. In addition, other uses permitted are computer sales and service; internet service providers; art and craft sales; clothing sales; fishing equipment sales; water sports equipment sales/rental and service; consultation such as financial, marriage, and personal. It is not clear as to why the uses were limited to those stated in the application from 1999.

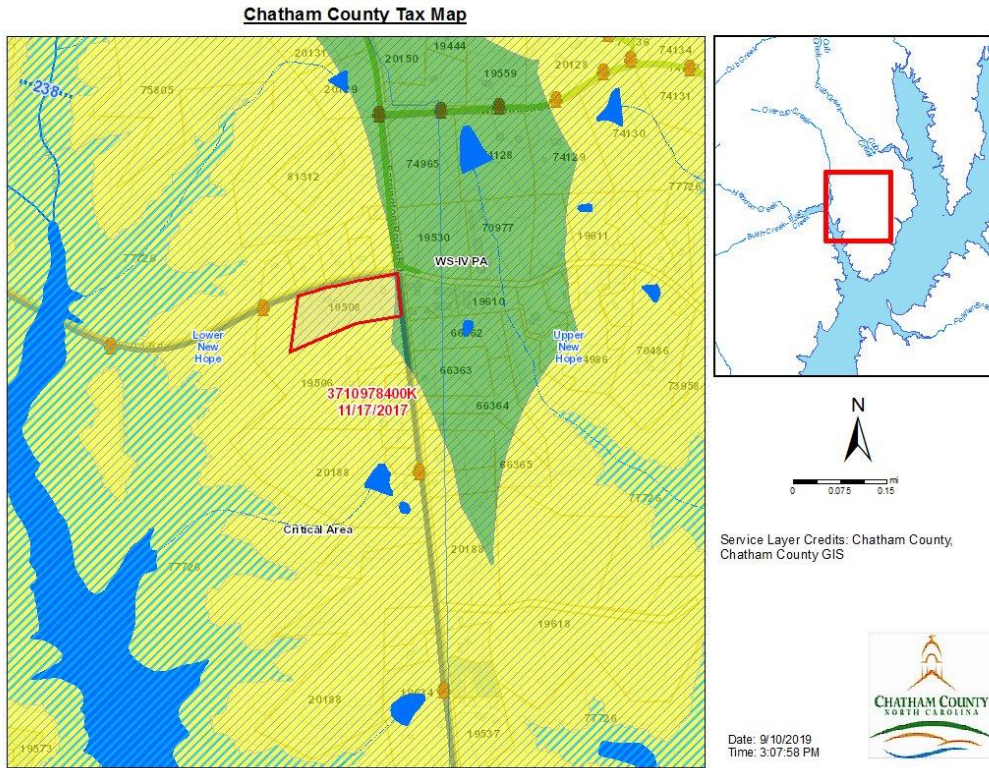
Concurrent with this application to amend the CCWPO, the applicant is also seeking a revision to the CUP in order to remove the word "specifically" so that currently approved use for "specifically for the sale, servicing, and utilization of computers, e-mailing, public Internet access, and computer consulting for individuals and small businesses" is not in conflict with the addition of the broader retail stores and personal services use that is proposed to be added to the CCWPO. The applicant is also requesting to add the use "retail stores and personal service shops similar to those listed dealing in direct consumer and personal services", but in order to do that a revision to the watershed regulations must also be approved.

Below is the current watershed map with the subject property outlined in red for reference. The amendment (see attachment #1) would also apply to properties within the Jordan Lake WS-IV Critical Area watershed (see attachment #2) subject to the existing standards in the ordinance, which restrict the area where these uses are allowed. The existing standards (see attachment #3 for the full text) includes the following limitations:

Uses allowed under this subparagraph (e) shall be subject to the following:

- (I) Uses enumerated shall be allowed on at least one road classified as a collector road, or higher classification; and
- (II) The use area shall be restricted to a location within 500 feet of a road intersection, and
- (III) The land area involved at a quadrant of an intersection shall not be greater than two acres, and

(IV) All uses involving the storage of toxic, hazardous, or highly flammable substances shall be prohibited.



The current allowable uses are computer sales and service, internet service providers, art and craft sales, clothing sales, fishing equipment sales, sale, rental and service of water sports equipment, and consultation services such as financial, marriage, personal and any other type of individual or group counseling. Those uses also have additional restrictions already written within the ordinance. To add the use of retail stores and personal service shops similar to those listed dealing in direct consumer and personal services already covers the uses that were listed originally but the reason for those limiting uses is not known. There are other provisions embedded in the ordinance to regulate any hazardous use or process within these critical areas.

The Watershed Review Board (WRB) reviewed this request during their October 10, 2019 meeting and discussion included clarification of the area where the amendment would apply and questions about the impacts of various uses that would be allowed and how they could impact Jordan Lake. Staff clarified that the area where this amendment would apply was limited to the Jordan Lake critical area watershed, on property located adjacent to a collector road or higher status, within 500' of a road intersection, and on property that was no greater than 2 acres. The board also discussed that some uses

might have unique wastewater needs, such as a dry cleaner. Staff commented that was a possibility, but all of the uses would have to comply with all regulatory permitting requirements, including Environmental Health permits for wastewater systems. After additional discussion the WRB voted unanimously to recommend approval of the text amendment.

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

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.

**Recommendation:**

The Planning Department and Watershed Review Board by unanimous vote recommend approval of an ordinance amending the Watershed Protection Ordinance to amend the language in Section 302(D)(1)(e), to add the use of “retail stores and personal service shops similar to those listed dealing in direct consumer and personal services”.