



Chatham County Planning Board Agenda Notes

Date: February 4, 2020

Agenda Item: VIII-1

Attachment #: 3

- Subdivision**
 Conditional Use Permit
 Rezoning Request
 Other:

Subject:	A Legislative public hearing request by the Board of Commissioners to consider county-initiated rezoning of thirty three (33) parcels in Gulf Township from R5- Residential to R1- Residential.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Gulf Rezoning Map 2. Parcel Owners 3. PowerPoint Presentation

Introduction & Background:
 After nearly two years of discussion and study, on August 15th, 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 16th 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 21st. 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.

Recommendation:

The Planning Board has up to three meetings to make a recommendation on the rezoning requests. A recommendation on consistency statements for rejection and/or approval is provided below.

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."