

Summary: 2015 Proposed Model Industrial Development SUP Process
Improvements per New Hanover County Zoning Ordinance Sections

Section 23: Definitions

Proposed Change	Improvement
"Industrial" and "manufacturing" uses have the same definition.	These terms are interchangeable throughout the Zoning Ordinance <ul style="list-style-type: none"> • Clarifies language.
Added definition of "existing manufacturing use" to definition section	This definition had previously been embedded in Section 44-1.1.1. <ul style="list-style-type: none"> • Provides clarity because all definitions should be in one location to assist the reader and user.
Definitions of "limited" and "general" manufacturing have been deleted.	These terms are no longer used in the Zoning Ordinance. Table of Permitted Uses (TOPU) now uses North American Industry Classification System (NAICS) to identify specific industries. <ul style="list-style-type: none"> • Provides precise and detailed descriptions of industries.
Definition of "intensive manufacturing" use redefined.	New definition now specifies any industrial use in the TOPU that is identified with a "SR", an intensive industry requiring a Special Use Permit with special requirements. <ul style="list-style-type: none"> • Clears up ambiguity of identifying intensive industries

ARTICLE IV: NON-CONFORMING SITUATIONS

Section 44: Extension or Enlargement of Non-Conforming Situations

44-1.1.1: Modifications and/or Expansions of Existing Industrial Uses:

Proposed Change	Improvement
Delete all the verbiage entitled "modification and/or expansion of industrial uses" from Non-conforming Situations Article IV.	This section was deleted from 44-1.1.1 as it is lengthy and confusing and the term "modification" is never defined. Section 44 deals with <i>non-conforming situations</i> . But Section 44-1.1.1 describes existing industrial uses being deemed to be conforming. Text dealing with expansion of (conforming) existing industrial uses is now addressed in industrial zoning districts Sections 53.2 and 53.3. <ul style="list-style-type: none"> • Clarifies and simplifies a very complicated section of the zoning ordinance: restructures and removes repetitive confusing language

ARTICLE V: DISTRICT REGULATIONS
Section 50: Establishment of Use District
Table of Permitted Uses

Proposed Change	Improvement
<p>TOPU significantly changed for industrial/manufacturing uses. The Model Industrial Development SUP Process focuses on and identifies intensive industries. *See note below.</p>	<p>TOPU* now classifies all industrial uses by their NAICS code rather than four general industrial groupings. Special uses are broken down into two categories; intensive industrial uses (i.e., those identified with an "SR" that have the greatest potential for external negative effects) require additional submittal requirements and procedures including a Community Information Meeting (CIM) and a Project Assessment Report (PAR).</p> <ul style="list-style-type: none"> • Provides specificity - NAICS codes identify all industries (updated by the US government every five years). Removes "judgement calls" by staff
<p><u>*Further research of the TOPU is required by NHC Planning staff to determine what manufacturing/industries should be permitted by right, subject to issuance of a Special Use Permit, and their location in underlying zoning districts. It is recommended that New Hanover County employ the services of an independent Industrial/Chemical Engineering consultant to expeditiously make these determinations (see attached TOPU working draft and explanatory cover document for more information).</u></p>	

Section 53.2: I-1 Light Industrial
Section 53.3: I-2 Heavy Industrial

Proposed Change	Improvement
<p>53.2-8/53.3-8 Existing Industrial Uses in the I-1 and I-2 Districts.</p>	<p>Existing manufacturing uses in both districts are "grandfathered". Expansions of or changes to another industrial use not requiring an SUP are allowed. Expansions onto adjacent lots are subject to an SUP for those uses shown on the TOPU that require an SUP.</p> <ul style="list-style-type: none"> • Simplifies convoluted verbose sections and places in a more appropriate location in the ordinance
<p>53.3-4.1: Review of external effects. Uses shown on the TOPU with an "SR" shall require a Project Assessment Report (PAR).</p>	<p>A PAR is developed by the applicant seeking an SUP to outline anticipated external effects of the project along with steps that would be taken to minimize or mitigate these effects.</p> <ul style="list-style-type: none"> • Provides detailed information to the

	community, Planning Board, and Board of Commissioners to support the four “findings of fact”.
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ARTICLE VII: PROVISIONS FOR USES ALLOWED AS SPECIAL USES
Section 71: Special Use Permits Issued by the Board of County Commissioners

Proposed Change	Improvement
71-1 (3) A pre-application conference is required for all SUPs	A pre-app conference ensures the applicant knows exactly how the SUP process works, what information will be required to submit in the application package, timelines and deadlines of the submittal/approval process, what relevant and adopted plans will be used to consider approval of the SUP, and what is to be expected of the applicant. <ul style="list-style-type: none"> Streamlines the approval process by providing all relevant submittal requirements and procedures up front to the applicant
71-1(4) General Requirements - A checklist of all information required for submittal of the SUP application (as determined <i>applicable</i> by staff at the pre-application conference) will be provided to the applicant by NHC staff.	Staff has some discretion to waive superfluous information that is not applicable to the proposed project. <ul style="list-style-type: none"> Clarifies and streamlines submittal requirements by specifying precise and detailed information on a checklist that the applicant will need to submit reviewed and provided by NHC staff after the pre-application conference
71-2(2) Application review periods established.	For SUP's (other than those for intensive manufacturing uses"), staff has ten (10) business days to determine whether a submitted SUP application package is complete. <ul style="list-style-type: none"> Establishes a maximum review period for staff to deem application complete
71-2(3) Period for resubmittal of applications is established.	If an application is deemed by staff to be incomplete, applicant has up to 60 business days to resubmit the application without having to pay a new submittal fee. <ul style="list-style-type: none"> Creates a specific timeframe for resubmittal of incomplete applications
71-2(4) No application forwarded to Planning Board unless deemed complete by staff. Complete application placed on the Planning Board’s calendar for review, with such meeting	Requiring a minimum of 20 business days before the application is placed on the Planning Board agenda provides a review period for staff to make a recommendation, advertise public

<p>occurring no sooner than twenty (20) business days. Application is put on the County's website and updated as application goes through PB and BOC. Application remains on website for 31 days past date of decision made on SUP by BOC.</p>	<p>notice, prepare and distribute packets to the board, and allows time for Planning Board members to perform site visits.</p> <ul style="list-style-type: none"> • Allots opportunity for community involvement and creates a transparent public process • Provides Planning Board members sufficient site review period prior to the meeting
<p>71-3(1) Application Requirements and Review Procedures for Intensive Manufacturing (SR) Special Use Permits: Establishes a 45 business day timeline for staff to deem submitted applications for intensive industries (identified with an "SR" in TOPU) complete.</p>	<p>Due to the complexity of intensive industrial uses, the 45 business day timeframe gives staff the ability to submit application to external agencies for comment and for staff to prepare a recommendation for submittal to the Planning Board.</p> <ul style="list-style-type: none"> • Establishes a maximum timeline for staff review of applications for intensive industries ("SR") • "One size does not fit all" - Heaviest of industries with high potential for significant negative external impacts on surrounding properties, water resources, air quality and/or public health need more review time by staff and other permitting agencies.
<p>71-3(2) Community Information Meeting (CIM) required for all SUPs identified with an "SR".</p>	<p>CIM to be held 30+ days prior to the Planning Board meeting where application will be heard. Property owners within 1500 linear feet of project boundary will receive 1st class mail notice of CIM; sign posted on property 10+ business days prior to CIM; staff attends to answer technical question and to prepare report on issues discussed at CIM</p> <ul style="list-style-type: none"> • Provides a transparent community-based review of industries with highest potential for significant negative external impacts on surrounding properties
<p>71-4(2) For all SUP applications: Planning Board may request additional information from applicant to make a recommendation. A 62 day review period is established from day it first met to review application to make a recommendation. If no recommendation made by the end of the 62 day period, the application is forwarded to the BOC without a recommendation.</p>	<p>The Planning Board has the authority to ask for additional information, but the current text does not specifically state that.</p> <ul style="list-style-type: none"> • Codifies Planning Board's authority to ask for additional information • Adds a finite timeline for Planning Board to render a recommendation
<p>71-4(3) BOC can request more information to</p>	<p>The BOC always had this authority, but it is not</p>

help them in rendering a decision	specifically spelled out in the current Zoning Ordinance. <ul style="list-style-type: none"> Codifies Board of Commissioners authority to ask for additional information
71-4(3) Any conditions placed upon the SUP must be mutually agreed upon by the BOC and the applicant.	This has always been the case but has never been spelled out in the ZO. <ul style="list-style-type: none"> Provides clarity and consistency for the SUP process
71-4(4) Mutually agreeable conditions can be placed on the SUP by the BOC. Conditions may exceed the standards of the County.	Conditions imposed on the SUP cannot reduce standards that otherwise would apply to that use. This is the process that is currently being followed by NHC, but the current text does not specifically state that. <ul style="list-style-type: none"> Codifies Board of Commissioners authority to place conditions on the SUP Provides clarity and consistency for the SUP process
71-4(6) The order granting the SUP must be recorded in the Register of Deeds office by the applicant within 60 days of SUP approval. No zoning permit or building permit can be granted without evidence that such recordation has occurred.	Since an SUP runs with the land, recordation gives prospective property owners an understanding of what has been allowed on the property in question. <ul style="list-style-type: none"> Provides consistency and transparency in the SUP process. This is a best management practice used by most local governments

Section 72: Additional Requirements Imposed on Certain Special Uses
Section 72-10 Intensive Manufacturing Uses Requirements

Proposed Change	Improvement
72-10 A project assessment report (PAR) is required for all intensive manufacturing uses (i.e., identified with an "SR") in the TOPU. The PAR will identify potential effects of the proposed use on the following resources (where applicable): air quality, water quality, wetlands, surface waters, endangered species, groundwater/ watershed/ water supplies and aquifers, stormwater, and mining.	Staff and applicant will first determine which resources must be addressed in the PAR during the Pre-application Conference. <ul style="list-style-type: none"> Clarifies and lists application requirements in one location in the zoning ordinance

Section 72-42: Mining

Proposed Change	Improvement
72-42 Under low- and high- intensity mining operations, temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit.	<p>These standards are the same as Pender and Brunswick Co. Zoning Ordinances.</p> <ul style="list-style-type: none"> • Provides local oversight and protection of groundwater/ watershed/ water supplies and aquifers
Depth of pit not to exceed thirty five (35') feet. Use of explosives not permitted in high intensity mining.	<p>These standards are the same as Pender and Brunswick Co. Zoning Ordinances.</p> <ul style="list-style-type: none"> • Provides local oversight and protection of groundwater/ watershed/ water supplies and aquifers

**ARTICLE VII: PROVISIONS FOR USES ALLOWED AS SPECIAL USES
APPENDIX A - SUBMITTAL REQUIREMENTS FOR ALL SPECIAL USE PERMIT (SUP)
APPLICATIONS**

Proposed Change	Improvement
Appendix A: Checklist of information to be provided with all SUP applications. Intensive manufacturing uses (i.e., identified with an SR in the TOPU) may require additional information as noted in Section 72-10. Staff will determine applicability of the required information with the applicant during the pre-application conference and may waive submittal of non-applicable requirements.	<p>The checklist provides detailed information that will be required to be submitted in the application package.</p> <ul style="list-style-type: none"> • Provides a precise list of submittal requirements to the applicant • Adds clarity and specificity to the SUP process