

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2012-16: COMMERCIAL WOODLOTS IN THE LIGHT INDUSTRIAL (I-1)  
AND HEAVY INDUSTRIAL (I-2) ZONES**

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Underlined text below indicates an addition, ~~dashed through text~~ indicates a deletion to the current Zoning Ordinance.

**ARTICLE 8: SCHEDULE OF ZONES**

**8-22 LIGHT INDUSTRIAL (I-1) ZONE**

**8-22(a) Intent** - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

**8-22(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-4 zone.

...

**8. Commercial woodlots, provided that**

- (a) all wood storage and processing activities are located at least three hundred (300) feet from the nearest residential zone;
- (b) wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than 100 feet in length, and are spaced no less than twenty (20) feet apart and at least twenty (20) feet from any property line; and
- (c) cutting and splitting of timber takes place only between the hours of 8:00 AM and 5:00 PM on weekdays.

**8-23 HEAVY INDUSTRIAL (I-2) ZONE**

**8-22(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Any principal permitted use in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.

**STAFF REVIEW:**

The staff has requested that the Planning Commission initiate a text amendment to Article 8-22 of the Zoning Ordinance in order to regulate commercial woodlots in the Light Industrial (I-1) and Heavy Industrial (I-2) zones. Currently, commercial woodlots are only permitted in the Agricultural-Rural (A-R) zone, but have been interpreted at times to be permitted in the Wholesale and Warehouse Business (B-4) and/or I-1 zones, although inconsistently over the years. A commercial woodlot is defined by Article 1-11 of the Zoning Ordinance as "premises or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale (excluding sawmills, planing mills)."

In 1991, the Planning Commission considered a text amendment to define and regulate commercial woodlots by adding that use as a conditional use in the A-R zone; however, the Council did not approve the text amendment due

to much opposition in the rural area to the proposal. Following the disapproval of the text amendment, the Council did establish a committee to review the land use issue and facilitate regulations that all interested parties could agree to. The committee, through initiation by the Council, forwarded specific language for the Zoning Ordinance to the Planning Commission; and the text amendment was later adopted as part of the Ordinance in 1992. That language has remained in effect since that time without modification.

In January of 2012, a complaint was logged about an established tree service performing those activities regulated as part of a commercial woodlot in an I-1 zone. In this case, the splitting and cutting of wood for firewood was occurring near a residential area, which disturbed the residents. After further research, the staff discovered that interpretations had been inconsistent over the years since the 1992 text amendment, and several commercial woodlots had been established in I-1 zones throughout the community. It became clear to the Zoning Enforcement staff that a text amendment was necessary to clarify that commercial woodlots are an appropriate land use in the I-1 and I-2 zones, but that they should have some restrictions, in some cases similar to those as outlined in Article 8-1 for land in the A-R zone.

For commercial woodlots in the A-R zone, the Zoning Ordinance requires perimeter open space; 400-foot spacing from any residential structure on another property; 100-foot spacing of driveways from the property line; landscape buffering; no on-site retail sale of wood products; limited hours of activity; and storage pile height, width and spacing; among other restrictions. The proposed addition to the I-1 zone of a new principal permitted use, which would carry forward to the I-2 zone, would regulate the commercial woodlots in three ways. First, all wood storage and processing activities must be located at least three hundred (300) feet from the nearest residential zone. Second, wood piles shall be limited to no greater than 15 feet in height, no greater than 20 feet in width, no greater than 100 feet in length, and shall be spaced no less than 20 feet apart and at least 20 feet from any property line. This allows normal air flow to "season" the firewood, prior to its consumer purchase. Finally, the cutting and splitting of wood shall take place only between the hours of 8:00 AM and 5:00 PM on weekdays. These restrictions are appropriate for an industrial zone and are consistent with some of the restrictions listed in the A-R zone.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed text amendment to Article 8-22 of the Zoning Ordinance will clarify that commercial woodlots are a principal permitted use in the Light Industrial (I-1) and Heavy Industrial (I-2) zones. Appropriate restrictions have also been drafted to minimize the noise, dust and other public hazards that may be associated with the use, especially when located within 300 feet of a residential zone.

TLW/JMM/BJR/WLS

10/3/12

Planning Services/Staff Reports/ZOTA/ 2012/ZOTA 2012-16.doc