

COUNTY OF CHATHAM



COMMISSIONERS
BUNKEY MORGAN
Chairman
THOMAS J. EMERSON
Vice Chair
PATRICK BARNES
MIKE CROSS
CARL OUTZ

P. O. BOX 87
PITTSBORO, N. C. 27312-0087

ORGANIZED 1770 707 SQUARE MILES

CHARLIE HORNE
County Manager

ROBERT L. GUNN
County Attorney

Phone (919) 542-8200
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**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF CHATHAM COUNTY**


WHEREAS, the Chatham County Board of Commissioners has considered the application of Contentnea Creek Development Co. to rezone approximately 130 acres of property as described in Exhibit A attached hereto located off Hatley Rd. (SR 1714), New Hope Township from RA-5 to Conditional Use RA-90 District and finds that the amendment is consistent with the comprehensive plan of Chatham County, is reasonable, and public interests are furthered; and

WHEREAS, the Board finds that the uses set forth in the Application and incorporated herein by reference, if approved as a conditional use pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning under the conditions attached to the Conditional Use Permit;

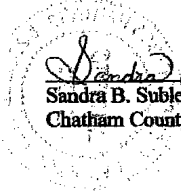
BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone the property described in Exhibit A attached hereto and incorporated herein by reference and generally referred to as being approximately 130 acres located off Hatley Rd. (SR 1714), New Hope Township be rezoned from RA-5 to Conditional Use RA-90 District be approved.
2. This ordinance shall become effective upon its adoption.

Adopted this 16th day of October, 2006.


Bunkey Morgan, Chairman

ATTEST:



Sandra B. Sublett, CMC
Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners

EXHIBIT A

Property identified on the Chatham County Tax Records as tax parcels #17357, 82822, and 82823 and comprising approximately 130 acres.

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**A RESOLUTION APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT REQUESTED
BY CONTENTNEA CREEK DEVELOPMENT CO.**

WHEREAS, Contentnea Creek Development Co. has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 130 acres located off Hatley Rd. (SR 1714), New Hope Township for a 63 lot single family subdivision with site plan within the RA-90 Residential-Agricultural zoning district and as indicated in the Application; and

WHEREAS, the Chatham County Board of Commissioners based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit is consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan of Contentnea Creek Development Co. attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. A seventy-five (75) foot "undisturbed" buffer, with the exception of the removal of existing vegetation needed for utility easements, road interconnections, or necessary septic fields with acceptable soils, shall be maintained around the entire perimeter of the development. Should there be areas of little or no vegetation to act as an adequate buffer, the owner/developer shall install such vegetation at the next optimal planting season and shall be complete before the first certificate of occupancy is approved.
2. A one hundred (100) foot undisturbed buffer shall be maintained by conservation easement on each side of Parker's Creek at all times, except as required for access of public dedicated right of way and utility crossings.
3. The owner/developer shall provide extension and installation of the Chatham County Water System to this property and provide easement access to adjacent properties for future connection to the water system.
4. Public rights-of-way shall be established and dedicated by the time of final plat approval for future public street access and utility connections to adjacent property to the west, currently owned by either Chatham Land & Timber and to the north, currently owned by Philip W. Corn. The applicant has the option to extend right-of-way and utility connections to the eastern property currently owned by Michael Davidson from the north side of Parker's Creek. Only one (1) stream/creek crossing across Parker's Creek shall be permitted for road access. Authorization from the Corps of Engineers shall be required and a copy given to the Planning Department for all stream/creek crossing.
5. The state maintained portion of Hatley Road is to be extended to the corner of Michael Davidson's southwestern property corner. This will eliminate the need for a second creek crossing, thus reducing unnecessary pollutants into or near the stream.
6. All lighting shall meet the requirements of the Chatham County "Draft" Lighting Ordinance. A lighting plan shall be submitted and approved by this office prior to the issuance of the first building permit.
7. Signage shall comply with the Chatham County Zoning Ordinance specifications. Signage is allowed at the entrance of the development on Hatley Road.

8. Permanent storm water control measures shall be designed and installed to detain the two (2) year twenty-four (24) hour storm if the total impervious surface area for the project including roads exceeds ten percent (10%).
9. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
10. Site Plan. The site shall be developed substantially in accordance with the plans submitted as part of the application.
11. Erosion Control. If applicable, an erosion and sedimentation control plan shall be approved by the Chatham County Soil Erosion and Sedimentation Control Office and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.
12. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
13. Appeal. The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
14. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and educational impact fees established from time to time.
15. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
16. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
17. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit

Res. #2006-60

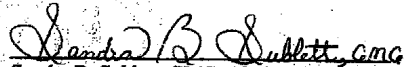
shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 16th day of October, 2006.

By: 
Bunkey Morgan, Chairman

ATTEST:


Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners