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## **AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY**

**For** Rezoning to Conditional Neighborhood Business District

**WHEREAS**, the Chatham County Board of Commissioners has considered the request by Walter Lewis to rezone approximately 3.415 acres, being all of Parcel No.17717, located at Beaver Creek Road, New Hope Township, from Residential (R1) to Conditional Neighborhood Business District to construct an RV and Boat Storage Facility, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

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

**WHEREAS**, the Board finds the four (4) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, and reasons how the proposed amendment will correct the same. The applicant is not claiming any error in the Ordinance and therefore this is not applicable; and

No. 2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. Jordan Lake is a major attraction for recreation and tourism to the county. Adjacent to this site is the campground area owned by the Corps of Engineers and a recreation area with boat ramps less than 1 1/2 miles away. The location of a storage area in close proximity to these amenities would aid in keeping towing traffic off the main thoroughfares. The bay areas will not be seen from road and will all be accessed from within the structure; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. As stated in the Consistency Statement Resolution, the Land Conservation and Development Plan encourage resources that will enhance the use of the county recreation areas and promote tourism. One way this is accomplished is by providing amenities within close proximity to specific locations which in turn keeps traffic to a minimum when pulling RVs or boats. This site

will also be utilizing minimal land disturbance in an effort to maintain the rural character surrounding the site; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The tax value of this site is expected to increase from the current \$85,000 to approximately \$650,000. The site will also install bio-retention basins to manage any stormwater runoff of which on 24% of the site can be developed in impervious surface; and

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

1. The Application to rezone the property described as parcel #17717 and being approximately 3.415 acres, located at Beaver Creek Road, from Residential (R1) to Conditional Neighborhood Business District, New Hope Township is approved and the zoning map is amended accordingly.
2. The following Conditions shall also be approved as part of this Ordinance approving the rezoning. They are:

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed and implemented by the end of the next optimal planting season following the issuance of the building permit. This includes but is not limited to the extra planting area proposed by the applicant and the change in planting material, the change in the color of the building from beige to green to match the roof, and all other items as stated in the attached, approved minutes. (Attachment A) It shall be the applicant's responsibility to ensure the survival and maintenance of all landscaping required. Inspections will be conducted by planning staff and/or the CCAC as needed to ensure compliance.

**Standard Site Conditions**

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
4. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or the conditional use permit becomes null and void.

**Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner 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, and building inspection, established from time to time.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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 shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

3. This ordinance shall become effective upon its adoption.

Adopted this 15th day of October 2012

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Brian Bock, Chair  
Chatham County Board of Commissioners

ATTEST:

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

## ATTACHMENT “A”

### Chatham County Appearance Commission Recommendations

The CCAC members expressed concerns that the landscaping at this existing site did not meet members’ expectations and recommended that the new site plan should include in the front buffering a second inner row of alternating *Magnolia grandiflora* and *Cryptomeria japonica* in a staggered row with spacing of 15-20 feet between trees. This secondary buffering is to achieve some height to counteract the 32ft height at the entrance. It was also recommended that the proposed crepe myrtles on either side of the entrance be *Lagerstroemia* “Natchez” instead of L. “Muskogee”, because the former will provide more buffering for Residential neighbors. The CCAC also recommended that the front (street) wall (and other walls if feasible) be painted a dark green or dark brown to minimize their appearance as the building was originally proposed to be a light beige. For comparison, the existing building on US64 is light beige. Any firebreaks protruding through sidewalls and roof should also be painted to match adjacent surfaces. Mr. Turner indicated that the existing sign at the US64 site will be moved to this new site. The CCAC recommended that the sign be turned off during evening hours in deference to Residential neighbors.

\*\*Actual prepared minutes can be viewed from the website at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) under Rezoning & Subdivision Cases, 2012 or a copy obtained from the Planning Department.