



Established 1771

COUNTY COMMISSIONERS

Walter Petty, *Chair*
Brian Bock, *Vice Chair*
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COUNTY MANAGER

Charlie Home

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200 • Fax: (919) 542-8272

**RESOLUTION ADOPTING A CONSISTENCY STATEMENT FOR
THE APPROVAL OF**

Conditional Zoning Neighborhood Business District

WHEREAS, the Chatham County Board of Commissioners has reviewed the application for Todd & Suzanne Yanders to rezone Parcel No. 17352, located at 162 Hatley Rd., Pittsboro., from R-1 Residential to Conditional Zoning Neighborhood Business District (the "Amendment") and finds that the same is consistent with the Chatham County Land Conservation and Development Plan by review and approval of the Chatham County Board of Commissioners and;

NOW, THEREFORE, BE IT RESOLVED, by the Chatham County Board of Commissioners that the Amendment and presented documentation are found to be consistent with the county land use plan/s, and are determined to be reasonable and in the public interest.

Adopted this 16 day of December, 2013



Chairman Walter Petty
Chatham County Board of Commissioners

ATTEST:



Lindsay K. Ray, Deputy Clerk to the Board
Chatham County Board of Commissioners



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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

For Rezoning to Conditional Zoning Neighborhood Business District

WHEREAS, the Chatham County Board of Commissioners has considered the request by Todd & Suzanne Yanders to rezone approximately 2.052 acres of the existing 8.02 acres, being all or a portion of Parcel No.17352, located at 162 Hatley Rd., Pittsboro, Williams Township, from R-1 Residential to Conditional Zoning Neighborhood Business District to operate a landscaping design company, 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. Initially this property was approved for use as a horticulture operation and thereby given an “agricultural” exemption in regards to zoning and building inspection. With the decline of the economy in 2008 to 2012, the applicant had to redesign his business plan and began operating as a landscape design business. This took the operation out of the agricultural use it was originally approved for. The applicant wishes to maintain operations in Chatham County and move forward with utilizing the property for business use.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. The structure built on the property looks like a residential home and/or a two story residential garage. This helps to maintain the rural character of the surrounding area even though there is a mini warehouse storage facility beside this property owned and operated by John Blair that is currently zoned conditional use B-1, Business. There is also a single family dwelling located on this tract that will remain residential. Through this use, the business will continue to provide employment and services to Chatham County per the applicant.; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The applicant wishes to be compliant with current zoning, building, fire, and environmental health regulations and continue to operate their business in Chatham County. This conditional district rezoning will allow them to do that.

Stormwater measures will be reviewed by the Environmental Quality Department. Since the project area has already been established when they first located there, the EQ director will review the regulations to see if stormwater measures are required. The applicant will work directly with them and are willing to comply with such requirements. The property operates on an existing well recently installed for the project area through Environmental Health. County water is not available.; and

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

1. The Application to rezone a portion of the property described as Parcel No. 17352 and being approximately 2.052 acres out of the 8.02 acre trace as depicted on Attachment "A", located at 162 Hatley Rd., Pittsboro, from R-1 Residential to Conditional Zoning Neighborhood Business District, Williams 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

None noted

Standard Site Conditions

1. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
2. 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 this approval becomes null and void.
3. The application and 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.

4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water 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.

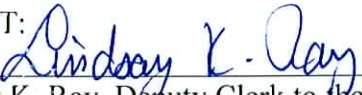
Standard Administrative Conditions

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 16th day of December 2013



Walter Petty, Chair
Chatham County Board of Commissioners

ATTEST: 

Lindsay K. Ray, Deputy Clerk to the Board
Chatham County Board of Commissioners

ATTACHMENT "A"

Tax Parcel No. 17352, 2.052 acres to be zoned Conditional Zoning Neighborhood Business District for landscape design company, located at 162 Hatley Rd., Williams Township.

