



Established 1771

COUNTY COMMISSIONERS

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COUNTY MANAGER

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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

For Rezoning to Conditional Light Industrial District

WHEREAS, the Chatham County Board of Commissioners has considered the request by Raleigh Towers, LLC to rezone approximately .27 leased acres, being all or a portion of Parcel No. 19952, located at the Old Chatham Golf Club off O'Kelly Chapel Rd., Williams Township, from Residential (R1) Conditional Use Permit to Conditional Light Industrial District to construct a new cell tower, 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. Over the last five to six years, this portion of Chatham County has developed with more residential lots. Currently, there are approximately 1,842 lots approved in the county for the Amberly, Weycroft, and Carolina Preserve developments. This does not include other residential lots already occupied or platted outside of a development. Per the applicant, the FCC estimates that approximately 70% of all 911 calls placed are from wireless phones. If communication towers are not provided so as not to create a dead zone, the safety and general welfare of residents can be affected.; 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 Communications Tower Ordinance Section 1-3: Purpose, states the need to assure the safety for the residents and the environment of the county with regards to location and design. Maximum tower heights and certain designs were included to meet this intent. These standards were

designed to help other providers co-locate on the same tower so multiple towers are not needed in the same area preserving the form and function of rural character. This site is located in an area covered under the Chatham-Cary Joint Land Use Plan in the Parks, Open Space, and Golf Course land use category. Telecommunication towers are considered a compatible use in the Parks, Open Space, and Golf Course land use classification since the plan specifies that they are compatible in all of the residential land use classifications. ; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The number of people using wireless phone service over a land-line service has greatly increased per the FCC. The location of a new cell tower in this location will allow those residents to have in-home service which lends to public safety, provide services for those who work from home, and those driving on the public roadways.; 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. 19952 and being approximately .27 acres as depicted on Attachment "A", located at the Old Chatham Golf Club off O'Kelly Chapel Road, from Residential (R1) Conditional Use Permit to Conditional Light Industrial 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

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. 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 11th day of March 2013



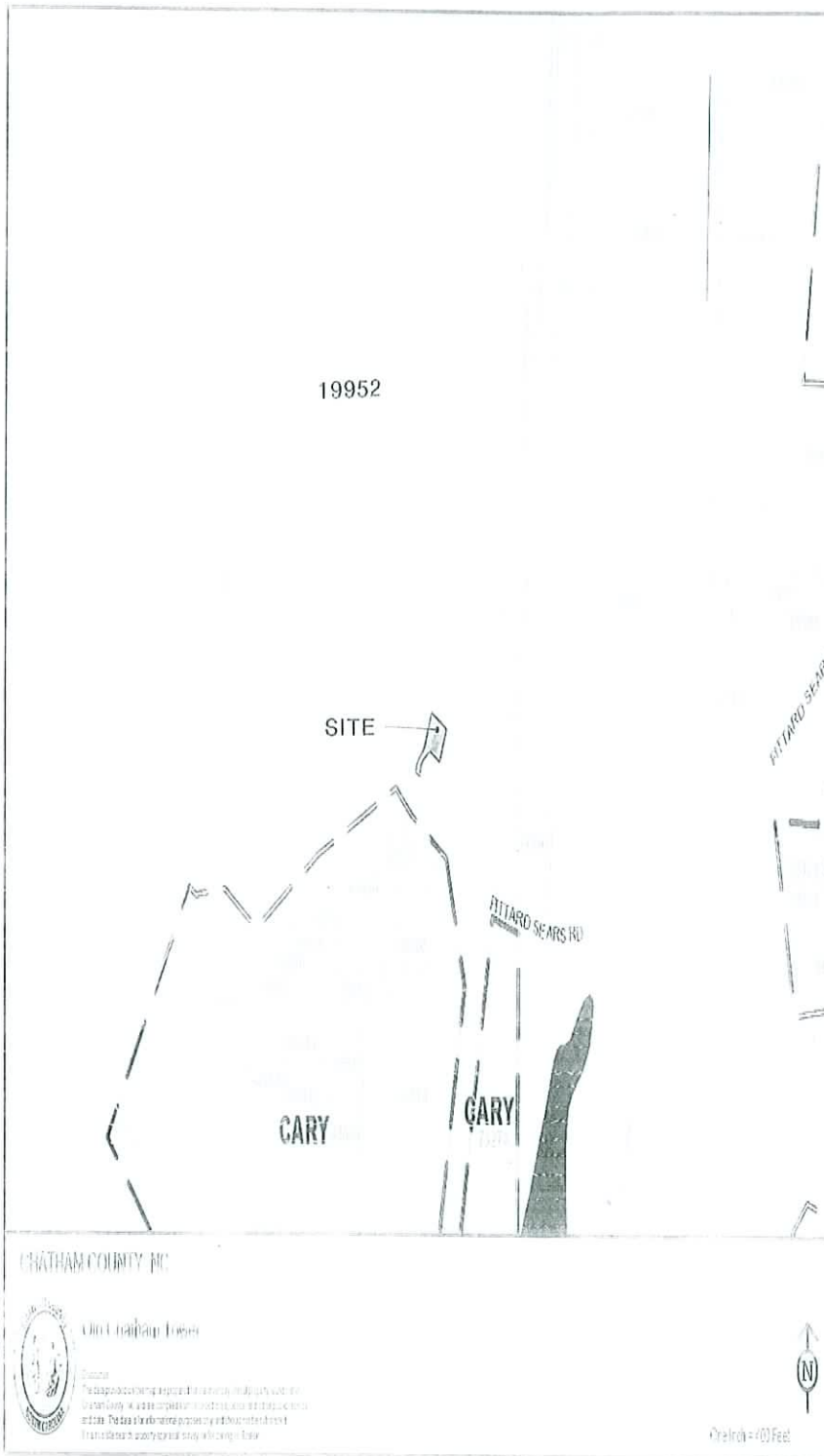
Walter Petty, Chair
Chatham County Board of Commissioners

ATTEST:



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

ATTACHMENT "A"



CRATHAM COUNTY, NC



CRATHAM COUNTY, NC
COUNTY CLERK
The Department of Public Safety, Health, and Welfare
is responsible for the collection, maintenance, and distribution
of public records. The information contained herein is for
informational purposes only and does not constitute a
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North = 00 Feet