



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 Zoning Light Industrial District**

WHEREAS, the Chatham County Board of Commissioners has considered the request by American Tower Corporation and AT&T Mobility to rezone approximately 0.29 acres of the 81 acres, being all or a portion of Parcel No. 85601, located on Poythress Road, Baldwin Township, from Residential District R-2 to Conditional Zoning Light Industrial District (CD-IL) for the construction of 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 states that the absence of any currently zoned LI or HI property within the search ring that was available for the construction of this communication facility; 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. The applicant states that the intent of this project is advancing technology and increasing consumer demand for wireless communications services; 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 applicant states that the search ring for this facility has been approved in the adopted Tower Location Plan for Chatham

County in 2013, and the proposed facility is in full compliance with the Article III Ordinance Regulating Communications Towers in Chatham County; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The applicant has addressed this item in detail in the project narrative; 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. 85601 and being approximately 0.29 acres of the 81 acres as depicted on Attachment "A", located off of Poythress Road, from Residential District R-2 to Conditional Zoning Light Industrial District (CD-IL), Baldwin 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 cell tower shall be a monopole with a maximum height of no more than 199’.
2. The applicant shall install additional evergreen plantings, not to exceed eight (8), along the entrance driveway to the site, in order to assist in the screening of the cell tower site from the view from public right-of-way. These plantings are to be installed prior to issuance of a Certificate of Compliance (CO).
3. In the event the surrounding property is clear cut for timbering purposes, the applicant will be responsible for landscaping around the area in compliance with county regulations regarding cell tower screening and landscaping.

Standard Site Conditions

1. 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.
2. 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.
3. 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:

1. 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.
 2. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
 3. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
 4. 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 18th day of November 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 0.29 No. 85601 being location on 0.29 acres of the 81 acres to be zoned from Residential District R-2 to Conditional Zoning Light Industrial District (CD-IL) for the construction of a new cell tower, located on Poythress Road, Baldwin Township.

