

..TITLE

Vote on a request from Will Copeland dba LIR Enterprises for a text amendment to the Chatham County Zoning Ordinance, Section 10.5.B, B1 Business District Dimensional Regulation, to change the language of “open carports” to “open structures”.

..ABSTRACT

Action Requested:

Vote on a request from Will Copeland dba LIR Enterprises for a text amendment to the Chatham County Zoning Ordinance, Section 10.5.B, B1 Business District Dimensional Regulation, to change the language of “open carports” to “open structures”.

Introduction & Background:

A legislative public hearing was held on June 16, 2014. Planning staff presented the request and there were no other comments or discussion. The Board of Commissioners closed the public hearing.

The applicant, Mr. William Copeland, has constructed an open structure on his B-1 Business property located at 40 Beaver Creek Rd. It was discovered the structure had not been properly permitted and possibly did not meet the required setbacks for the site. The B-1 Business zoning district requires a 50 foot front setback from the property line and 20 feet on any side or rear. Currently the Chatham County Zoning Ordinance allows for “open carports” to be located within 10 feet of any property line. This application is to modify the Zoning Ordinance to allow “open structures” within 10 feet of a property line.

Discussion & Analysis:

Section 19 of the Zoning Ordinance states amendments to the ordinance may be made to change regulation and restrictions of the ordinance. These amendments shall be reasonably necessary to promote the public health, safety and general welfare and to achieve the purposes of the adopted Land Use Plan.

The Land Use Plan encourages continued support in the industrial and commercial areas (p27). Although this request is being made to enhance an existing B-1 Business zoned property, planning staff has reviewed all zoning districts to see if this change should be uniform across all the districts.

In looking at the various zoning districts, open carports are allowed to be located within 10 feet of any property line. Open carports generally cause no visual hazards or obstructions and require permits to ensure stability and anchoring. Currently there is not a definition in the Zoning Ordinance for open carport but it has been permitted as a roofed structure, open on all sides whether temporary or permanent. A carport is defined in the Webster’s Dictionary as an open-sided automobile shelter; a shelter for a car that has open sides. Citizens use open carports for multiple purposes other than for parking an automobile which essentially makes them a structure and not just a carport. The applicant is proposing to use an open structure for the selling of produce or other seasonal fruits, vegetables, and the like. This would be a common use for an open structure or carport.

The Planning Board discussed this item during their July 1, 2014 meeting. There were several questions concerning what would happen if an owner wanted to enclose a building previously approved to be open on all sides; whether equipment, such as large freezers, could be stored under these building; and height restrictions. Staff explained that enclosing the structures would not be allowed if the setbacks for enclosed structures could not be met; that walk-in coolers/freezers would be allowed under open sided structures; and that the underlying zoning districts have maximum building heights. The Planning Board voted unanimously to recommend approval of the text amendment and voted 8-1 to approve a consistency statement in support of the text amendment.

Recommendation:

The Planning Board, by a vote of 8-1, recommends adoption of a resolution approving the following consistency statement:

The request to amend the zoning ordinance is consistent with the adopted land use plans and regulations of the County, and approved as provided in the Ordinance Amending the Zoning Ordinance.

Planning staff and the Planning Board (by unanimous vote) recommends approval of the request and adoption of an Ordinance Amending the Zoning Ordinance to amend the sections as outlined below.

ADD LANGUAGE:

Section 7 – Definitions; Open Structures – a building or structure, open on all sides supported by a roof and posts or columns.

CHANGE LANGUAGE:

Sections 10.1; 10.2; 10.3; 10.4; 10.5; 10.6; 10.7; 10.8; 10.9; 10.10 – change the term “open carports” to “open structures”.