

### **...Title**

Vote on a request to approve by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions, and Section 10.1-10.12 Schedule of District Regulations.

### **...Abstract**

#### **Action Requested:**

Vote on a request to approve by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions, and Section 10.1-10.12 Schedule of District Regulations.

#### **Introduction and Background:**

This item is the culmination of a yearlong discussion regarding the regulation of potential monuments and flagpoles within the county. Originally the concern was that flagpoles and monuments were not specifically mentioned in the definition of building, and theoretically could have been higher than the 60 foot maximum in zoning districts that regulated building height. In order to address this concern and mitigate future issues with tall structures, the planning department suggested adding a definition for structure, and adding structure to the building height regulations in the zoning ordinance. For instance, the zoning ordinance would then read *Maximum Building/Structure Height- 60 Feet*. This would have placed a height limit on all flagpoles and structures within the county. Unless it was located in a commercial or industrial zoning district, a monument or flagpole could need to be 60 feet tall or less. The sections that will be amended are 7.2 Definitions and 10.1- 10.8 and 10.12f Schedule of District Regulations.

#### **Discussion and Analysis:**

Below is a list of the Structure definitions from surrounding jurisdictions:

Durham City/County: Structure- A walled and roofed building that is principally above ground; a manufactured home; vertical projections meeting the definition of antenna-supporting or wireless support structures; or when used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a gas or liquid storage tank that is principally above ground.

Moore County: Structure- Anything constructed or erected, including but not limited to buildings, manufactured homes, or a gas, liquid, or liquefied gas storage tank that is principally above ground, which requires location on the land or attachment to something having permanent location on the land.

Wake County: Structure- means any object anchored to the ground, constructed or installed by humankind, including signs, buildings, parking lots, garages, carports, flagpoles, stoops and utility buildings (Note: All buildings are structures, but not all structures are buildings).

Lee, Randolph, and Harnett counties do not include individual definitions for structure in their development ordinances, but instead include structure references within the definition for building.

At the February 4<sup>th</sup> Planning Board meeting the board had several questions regarding the building/structure height limit of 60 feet. Instead of approving the language provided by planning staff, the planning board asked that staff research the topic. Several board members were concerned that the maximum height limit of a structure was sixty (60) feet. Many board members thought 60 feet was still too tall for structures, particularly flagpoles and monuments. Planning staff informed the planning board that they would research the policies of surrounding jurisdictions.

Based on planning staff research the average building height limit in residential areas in surrounding jurisdictions is 35 feet. In non-residential zoning districts when there is a height limit, it is usually 60 feet. Additionally, it should be noted that in Chatham County there are a significant amount of permitted structures, mainly private residences, which exceed a 35 feet maximum height. Most other jurisdiction have significantly more zoning districts with a variety of height regulations for each district. It would be difficult to limit the heights of structures in residential districts to less than 35 feet without creating a significant amount non-conforming structures, or adding many more exceptions to section 8.8 of the Zoning Ordinance.

At the June 2<sup>nd</sup> Planning Board meeting several members expressed concern over the lack of new height limit regulations for flagpoles and monuments. Staff explained to the planning board the difficulty in crafting regulation in which certain types of structures, in this case flagpoles and monuments, are regulated more strictly than others. With the planning board wanting greater clarification regarding flagpole and monument height, staff agreed to prepare additional language and consult with the county attorney

The proposed definition of Structure is “Anything constructed, erected, or placed, including but not limited to buildings, carports, or storage buildings, and which requires location on the land or attachment to something having permanent location on the land. (Note: All buildings are structures, but not all structures are buildings.)” The word flagpole was removed. Sections 10.1B-10.8B and 10.12F now includes language to the section dealing with Location of Accessory Building and Structures. “Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line.

Fences are permitted within the front, side and rear yards with no minimum setback requirement. *While not required to conform to minimum setbacks for the district, Flagpoles and Monuments shall not exceed a height of twenty five (25) feet.*

Based on the research of neighboring jurisdictions, the height limits for flagpoles and monuments is proposed for all districts except for light and heavy industrial zoning districts. Limiting the height of flagpoles and monuments in these districts is proportionate with other jurisdictions and commensurate with the expressed intent of the planning board members' concern over flagpoles being 60 feet tall. It should also be noted that section 8.8 of the Zoning Ordinance regulates Height Limit Exceptions, including public buildings, church spires, belfries, domes, etc. Flagpoles that are incorporated into the architectural design of a building, such as an American flag on the roof of a bank, would not be subject to the 25 foot height limitation. The updated language presented in the redline attachment will address the concern over potential flagpole and monument heights, while not creating limitations on other structures such as houses. At the last planning board meeting, staff explained that there were many buildings and homes in the county that would become non-conforming if the maximum height limit was no longer 60 feet.

Based on the discussion at the July 7<sup>th</sup> Planning Board meeting, planning staff updated the redline attachment to read: *Location of Accessory Buildings and Structures/Height Limitations*. A motion to recommend a 25' height limit on flagpoles and monuments, and that the meet building setbacks failed by a vote of 2-6. The Board then voted 6-2 to recommend the proposed language included in the attachment, which limits flagpoles and monuments to 25' in all districts, except light and heavy industrial zoning districts. The Planning Board by a vote of 6-2 recommends adoption of the consistency statement provided in the recommendation.

**How does this relate to the Comprehensive Plan:**

Recommendation 2: Support Context Sensitive Design that preserves rural and small town character. Land Use Policy #5, Strategy 5.1.

**Recommendation:**

The Planning Board, by a vote of 6-2, recommends adoption of an ordinance amending the Zoning Ordinance to establish a definition for "structure" and also limit flagpole and monument heights in all zoning districts except light and heavy industrial, as outlined in the attached redlined document.

The Planning Board, by a vote of 6-2, recommends adoption of a resolution adopting the following consistency statement:

**The request for amending the text of the Zoning Ordinance is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting land use policy 5: “New Development should demonstrate design principles that preserve rural and small town character,” specifically, Strategy 5.1 “Encourage context sensitive development design.”**