



**COUNTY COMMISSIONERS**

Karen Howard, Chair  
Mike Dasher, Vice Chair  
Franklin Gomez Flores  
David Delaney  
Katie Kenlan

**COUNTY MANAGER:** Dan LaMontagne

**Ordinance of the Chatham County Board of Commissioners**

**AN ORDINANCE AMENDING THE ZONING MAP  
OF CHATHAM COUNTY**

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**WHEREAS**, the Chatham County Board of Commissioners has considered the request to rezone approximately 16 acres, being all or a portion of Parcel No/s 5333, 5517, 5521, and 5520, located at/off Old US 1, Cape Fear Township, from R-1 Residential and B-1 Business to General Use Neighborhood Business (NB) to develop the site for future small scale business and relocate a portion of the existing business to make way for the future NCDOT highway reconfiguration, 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 rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning; and

**WHEREAS**, the Board finds the five (5) 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. No errors are being claimed with respect to this request. The B-1 Business zoning district is a historical zoning that was replaced with Neighborhood Business (NB), Community Business (CB), and Regional Business (RB) in 2008. This proposal will bring the properties into conformity with the existing zoning districts.; 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 needs these parcels zoned for neighborhood business in order to reconfigure and reconstruct his business property, located on Parcels 5521 and 5520, to accommodate the potential right-of-way acquisition by NCDOT. This is existing sales revenue the county is already receiving, and the applicant would like to continue providing these services to the area. Employment opportunities will continue.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. Chapter 2, pg 16, encourages keeping retail leakage from going outside the county. This is an existing business that wishes to stay operating in the county. Chapter 3, pg 40, encourages generating non-residential tax base and employment opportunities which the applicant's business is doing and wishes to continue doing. Pg 47 shows the area within the Employment Center node to include a mix of uses including retail, services, restaurants, etc. Chapter 4, pg 54, is supported in the Economic Development recommendations to generate in-county jobs and

reduce the dependence on residential tax base. ED strategies also support development of small-scale retail, services, and restaurants per Ed Policy 2, pg 55. ; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. No significant traffic impacts from this business are anticipated with the exception for anticipated NCDOT roadway reconfigurations. Development of a new site plan will require meeting all the zoning regulations regarding landscaping, signage, lighting, and parking that were not available when the original store was constructed. This should lend to a more appealing site. The properties are adjacent to a major four-lane highway.; and

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. County water will serve the property. Sanitary sewer will be designed and permitted by county or state regulatory departments. Storm water will comply with County and NCDEQ regulations. The site will continue to be accessed via Old US 1. The property is located within the WSIV-Protected Area watershed where up to 36% of BUA is allowed. Any existing impervious surface that was present prior to 1994 when the regulation was adopted can also continue to be used in addition to the 36% allocation.; and

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

1. The Application to rezone all of the property described as Parcel No/s. 5333, 5517, 5521, and 5520 and being approximately 16 acres as depicted on Attachment "A", located at/off Old US 1, from R-1 Residential and B-1 Business to NB, Cape Fear Township is approved and the zoning map is amended accordingly.

2. As part of this approval, the following conditions are also approved and shall be followed at all times:


1. None

3. This ordinance shall become effective upon its adoption.

Adopted this 20 day of March, 2023

  
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Karen Howard, Chair  
Chatham County Board of Commissioners

ATTEST:

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





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ATTACHMENT A

Tax parcels 5333, 5517, 5521, and 5520, being approximately 16 acres, located off Old US 1, Cape Fear Township

