



February 3, 2016

Ref: Joint Plan Interpretation #2 – Uses Allowed Under R1, R40 Districts

### Background

The Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan includes a provision under item 4 allowing the Planning Directors for the respective jurisdictions to reach agreement on interpretations on the joint plan. In late spring, 2015, the Chatham County Planning Department received an inquiry from a property owner as to whether a Bed and Breakfast Inn would be allowed on a parcel within the Chatham County R1 Zoning District. The parcel in question was located at 2433 NC Highway 751, at the northwest corner of the intersection of NC 751 and Highland Road (tax parcel #17846). Under the R1 District, a Bed and Breakfast Inn may be allowed as a Conditional Use, and smaller, owner-occupied Bed and Breakfast establishments having no more than two rooms is allowed by right.

On the Chatham-Cary Joint Land Use Plan map, this property is split by the conceptual boundary line for the plan's Rural Buffer Boundary, and the Joint Plan Map indicates that half the property is recommended for Low Density Residential (LDR), and half for Very Low Density Residential uses (VLDR). The Joint Plan Document defines that LDR is appropriate for single family housing at up to two dwellings per acre, and VLDR for single family at up to one dwelling per acre. For both categories, the plan document also notes that "*Institutional, civic, and utility uses that are compatible and complimentary to the surrounding neighborhood may also be considered within any LDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.*"

The Bed and Breakfast Inn inquiry therefore raised the question as to whether uses allowed by the existing base R1 District (such as a Bed and Breakfast Inn), but not specifically included in the definition for LDR and VLDR in the Joint Plan, would be considered consistent with the intent of the Joint Plan. For the Town of Cary, their R-40 District is roughly equivalent to R1, and the Town often uses R-40 as an initial base zoning district. Thus, the same question applies to uses allowed under R-40 that are not specifically mentioned in the Joint Plan.


Planning Department staff from Town of Cary and Chatham County met in late spring and summer 2015 to discuss the matter. Both departments examined the full range of permitted uses, special uses, and conditional uses allowed by both the Chatham County


R1 District, and the Town of Cary R-40 District. The following Plan Interpretation is based on the analysis and discussion of both parties.

Interpretation

It is the interpretation of the Planning Directors for Chatham County and the Town of Cary that:

1. For properties within the Joint Plan Area zoned R1 (Chatham County), or R-40 or R-80 (Town of Cary), all uses allowed by right (permitted) under that zoning are considered to be in conformance with the LDR and VLDR land use category definitions of the Joint Plan.
2. For properties within the Joint Plan Area zoned R1 (Chatham County), all uses allowed with a Conditional Use Permit (CU) under that zoning are considered to be in conformance with the LDR and VLDR land use category definitions of the Joint Plan, with the following exceptions, where a finding of conformance or non-conformance will be made jointly by the Chatham County and Town of Cary planning directors, depending on the specific merits and circumstances of the case:
  - a. Apartment complex or residential condominium complex
  - b. Contractor's plants or storage yards and staging areas
  - c. Inert debris landfill
  - d. Planned residential developments
  - e. Repair and service of office and household equipment
  - f. Repair shops for jewelry, shoes, radios, televisions, or other small office or household appliances
3. For properties within the Joint Plan Area zoned R-40 or R-80 (Town of Cary), all uses allowed with a Special Use Permit (SUP) under that zoning are considered to be in conformance with the LDR and VLDR land use category definitions of the Joint Plan, with the following exceptions, where a finding of conformance or non-conformance will be made jointly by the Chatham County and Town of Cary planning directors, depending on the specific merits and circumstances of the case:
  - a. Outdoor amphitheater, public
  - b. Golf course, privately owned

  
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