TABLE OF CONTENTS
CHATHAM COUNTY ZONING ORDINANCE

SECTION 1 TITLE 2
SECTION 2 JURISDICTION 2
SECTION 3 BONA FIDE FARM EXEMPT 2
SECTION 4 DISTRICTS ESTABLISHED 3
SECTION 5 CONDITIONAL ZONING DISTRICTS 5
5.1. Purpose 5
5.2 Conditional Zoning Districts 5
A. Residential Districts 5
B. Office, Institutional and Commercial Districts 5
C. Industrial Districts 5
D. Mixed Use Districts 6
5.3. General Requirements 6
A. Application 6
B. Plans and other information to accompany application 6
5.4. Uses Within District 8
5.5. Conditions 8
5.6. Non-compliance with District Conditions 8
5.7. Procedure 8
A. Community Meeting 8
B. Chatham County Appearance Commission Review 9
C. Submittal to Planning Department 9
5.8 Effect of Approval 10
5.9 Alterations to Approval 11
SECTION 6 OFFICIAL MAPS ADOPTED - DISTRICT BOUNDARIES ESTABLISHED 12
6.1. Zoning Map 12
6.2. Interpretation of Boundaries 12
A. Boundaries That Follow Lot Lines 12
B. Boundaries That Do Not Follow Lot Lines 12
SECTION 7 DEFINITIONS 14
7.1. General Purpose 14
7.2. Definitions 14
SECTION 8 GENERAL PROVISIONS 27
8.1. Relationship of Buildings to Lot 27
8.2. Open Space Requirements 27
8.3. Reduction of Lot and Yard Areas Prohibited 28
8.4. Access to Property 28
8.5. Interpretation of District Boundaries 28
8.6. Interpreting Permitted Uses 28
8.7. Water and Sewer Requirements 28
8.8. Height Limitation Exceptions 28
8.9. Fees 29
SECTION 9 NON-CONFORMING SITUATIONS 30
9.1. Definitions 30
9.2. Continuation of Non-conforming Situations 30
9.3. Non-conforming Lots of Record 30
9.4. Extension or Enlargement of Non-conforming Situations 30
9.5. Reconstruction Limitations 31

9.6. Change in Kind of Non-conforming Use 31
9.7. Discontinuance of Non-conforming Uses 31
9.8. Building on Subdivision Lots of Record 32
SECTION 10 SCHEDULE OF DISTRICT REGULATIONS 33
10.1. R 5 - Residential District 33
A. Permitted Uses 33
B. Dimensional Requirements 33
C. Visibility at Intersections 34
D. Off-Street Parking and Loading 34
E. Signs 34
10.2. R 2 - Residential District 34
A. Permitted Uses 34
B. Dimensional Requirements 34
C. Visibility at Intersections 35
D. Off-Street Parking and Loading 35
E. Signs 35
10.3. R 1 - Residential District 35
A. Permitted Uses 35
B. Dimensional Requirements 35
C. Visibility at Intersections 36
D. Off-Street Parking and Loading 36
E. Signs 36
10.4. O&I - Office and Institutional District 36
A. Permitted Uses 36
B. Dimensional Requirements 36
C. Visibility at Intersections 37
D. Off-street Parking and Loading 37
E. Signs 37
10.5. B-1 - Business District 37
A. Permitted Uses 37
B. Dimensional Requirements 37
C. Visibility at Intersections 38
D. Off-Street Parking and Loading 38
E. Signs 38
10.6. NB - Neighborhood Business District 38
A. Permitted and Conditional Uses 38
B. Dimensional Requirements 38
C. Visibility at Intersections 39
D. Off-Street Parking and Loading 39
E. Signs 39
10.7. CB - Community Business District 39
A. Permitted and Conditional Uses 39
B. Dimensional Requirements 39
C. Visibility at Intersections 40
D. Off-Street Parking and Loading 40
E. Signs 40
10.8. RB - Regional Business District 40
A. Permitted and Conditional Uses 40
B. Dimensional Requirements 40
C. Visibility at Intersections 41
D. Off-Street Parking and Loading 41

E. Signs *41*
10.9. IL - Light Industrial District 41
A. Permitted Uses *41*
B. Dimensional Requirements *41*
C. Visibility at Intersections *42*
D. Off-Street Parking and Loading *42*
E. Signs *42*
10.10. IH - Heavy Industrial District 42
A. Permitted Uses *42*
B. Dimensional Requirements *42*
C. Visibility at Intersections *43*
D. Off-Street Parking and Loading *43*
E. Signs *43*
10.11. CD-CC Conditional Use Compact Community 43
A. Permitted Use: *43*
B. Requirements: *43*
10.12 CD-MU Mixed Use 44
A. Purpose *44*
B. Minimum Size *44*
C. Maximum Net Density and Built Upon Area Allowed *44*
D. Net Land Area Computation *44*
E. Permitted Uses *44*
F. Dimensional and Off-Street Parking Requirements *45*
G. Signage *45*
10.13 Table 1: Zoning Table of Permitted Uses 46
SECTION 11 GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS 58
11.1. In General 58
11.2. Specific Requirements 58
A. Noise *58*
B. Vibration *58*
C. Smoke and Other Particulate Matter *58*
D. Odors *58*
E. Toxic, Noxious or Hazardous Matter *58*
F. Electromagnetic Interference *59*
G. Fire and Explosion Hazards *59*
H. Humidity, Heat or Glare *59*
I. Light *59*
J. Stormwater Discharge *59*
11.3. Environmental Impact Assessment 60
SECTION 12 LANDSCAPING AND BUFFERING STANDARDS 61
12.1. Additional Requirements 62
12.2. Water Conservation Guidelines 62
A. Xeriscaping *62*
12.3. Landscape Buffering Requirements and Screen Types 63
12.4 Screening of Storage Areas 65
12.5 Screening of Loading Areas 66
12.6. Applicability 67
SECTION 13 LIGHTING 68
13.1. Intent and purpose 68
13.2. Illuminating Engineering Society of North America (IESNA) Cutoff Classifications 68

13.3. Definitions....69
13.4. Light Measurement Technique....71
13.5. General Standards for Outdoor Lighting....71
13.6. Lighting in Outdoor Areas (Residential and Non-Residential)....72
13.7. Lighting for Vehicular Canopies....73
13.8. Outdoor Sports Field /Outdoor Performance Area Lighting....74
13.9. Natural Recreation Areas....74
13.10. Lighting of Outdoor Display Areas....74
13.11. Lighting of Buildings....75
13.12. Permanent Sign and Billboard Lighting....75
13.13. Holiday/Festive Lighting....75
13.14. Walkways, Bikeways and Parks (Section to be lighted)....76
13.15. Landscape Lighting....76
13.16. Permitting and Approval Process....76
13.17. Nonconformities....77
SECTION 14 OFF-STREET PARKING AND LOADING....78
14.1. Off-Street Parking Requirements....78
A. Certification of Minimum Parking Requirements....78
B. Definition of a Parking Space....78
C. Minimum Off-Street Parking Requirements....78
D. Combination of Required Parking Spaces....81
E. Day Time/Night Time Assignments....81
F. Lighting....81
G. Remote Parking....81
14.2. Parking Lot Improvement, Design and Locational Requirements....82
14.3. Off-Street Loading Requirements....83
A. Type of Use Required Off-Street Loading Space....83
SECTION 15 REGULATIONS GOVERNING SIGNS....84
15.1. Definitions....84
15.2. Non-conforming signs....84
15.3. Lighting of Signs....84
15.4. Prohibited Signs....84
15.5. Signs Permitted in Any Zoning District....85
15.6. Signs Permitted in the O&I, Office and Institutional Districts....86
A. Sign Area....86
B. Freestanding Signs....86
C. Attached Signs....86
D. Sign Size....86
15.7. Signs Permitted in the B-1, NB, CB, and RB Districts....87
A. Sign Area....87
B. Freestanding Signs....87
C. Attached Signs....87
D. Sign Size....87
15.8. Signs Permitted in the IL, Light Industrial District....87
A. Sign Area....87
B. Freestanding Signs....87
C. Attached Signs....87
D. Sign Size....87
15.9. Signs Permitted in the IH, Heavy Industrial District....87
A. Sign Area....87
B. Freestanding Signs....88

C. Attached Signs *88*
D. Sign Size *88*
15.10. Temporary Signs 88
15.11. Off-Premise Directional Signs 89
15.12. Permit Required 89
SECTION 16 HOME OCCUPATIONS 90
16.1. Neighborhood Home Occupations 90
16.2. Rural Home Occupations 90
SECTION 17 CONDITIONAL USE PERMITS 93
17.1. Procedure 93
17.2. Plans 94
17.3. Violations 94
17.4. Changes or Amendments 94
17.5. Specific Conditions for Conditional Uses Listed in Residential Districts 94
A. Boarding Kennels *94*
B. Public and Private Recreation Camps and Grounds *95*
C. Planned Residential Development *95*
17.6. Standards for Solar Energy Uses 96
A. Solar Collectors *96*
B. Solar Farms on Less than Two (2) Acres *97*
C. Solar Farms on Greater than Two (2) Acres *97*
D. General Standards for All Solar Farms *97*
17.7. Standards for Events Center Limited 97
A. Size and Capacity Limits- *98*
B. Accessory Uses Permitted- *98*
C. Signage Allowed- *98*
17.8. Standards for Sexually Oriented Businesses 98
A. Separation Requirements *98*
SECTION 18 BOARD OF ADJUSTMENT 99
18.1. Board of Adjustment Created 99
18.2. Meetings 99
A. Oath *99*
B. Hearing Notice *100*
C. Subpoenas *100*
18.3. Powers and Duties of the Board of Adjustment 100
A. Administrative Review *100*
B. Variance *100*
C. Quasi-Judicial Decisions *101*
18.4. Appeal Procedure 102
18.5. Vote Required - Judicial Appeal 103
SECTION 19 AMENDMENT TO ZONING ORDINANCE 104
19.1. Statement of Intent 104
19.2. Amendment Initiation 104
19.3. Conditional Zoning District Rezoning 104
19.4. Procedure for Submission and Consideration of Applications for Text Amendment or General Use Zoning Map Amendment 104
A. County-Initiated Amendments *104*
B. Citizen-Initiated Amendments *105*
C. Contents of Application *105*
19.5. Joint Public Hearing for County-Initiated Amendments 105

19.6. Public Hearing and Notice Thereof....106
19.7. Planning Department Prepares Final Analysis and Recommendation....106
19.8. Planning Board Action on the Amendment Application....106
19.9. Board of Commissioners Receives Recommendation of Planning Board....106
19.10. Withdrawal of Application....107
19.11. Effect of Denial on Subsequent Petitions....107
19.12. Vested Rights....107
SECTION 20 ENFORCEMENT....108
20.1. Zoning Administrator....108
20.2. Certificate of Zoning Compliance....108
A. Application Procedures....108
B. Right of Appeal....108
20.3. Duties of Zoning Administrator, Zoning Enforcement Officer, Board of Adjustment, and Courts as to Matters of Appeal....109
SECTION 21 PENALTY FOR VIOLATIONS....110
SECTION 22 EFFECTS UPON OUTSTANDING BUILDING PERMITS....112
SECTION 23 EFFECTS UPON OUTSTANDING CONDITIONAL USE PERMITS....113
23.1 Cancellation by surrender of a Conditional Use Permit....113
SECTION 24 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE....114
SECTION 25 INTERPRETATION, PURPOSE AND CONFLICT....115
SECTION 26 VALIDITY....116
SECTION 27 EFFECTIVE DATE....117
SECTION 28 AMENDMENTS....118

THE CHATHAM COUNTY ZONING ORDINANCE FOR BALDWIN, WILLIAMS, NEW HOPE, CAPE FEAR, AND PORTIONS OF HAW RIVER, OAKLAND, CENTER, ALBRIGHT, GULF, HICKORY MOUNTAIN, MATTHEWS AND HADLEY TOWNSHIPS, CHATHAM COUNTY, NORTH CAROLINA

AN ORDINANCE PROVIDING FOR THE ZONING OF BALDWIN, WILLIAMS, NEW HOPE, CAPE FEAR, AND PORTIONS OF HAW RIVER, OAKLAND, CENTER, ALBRIGHT, GULF, HICKORY MOUNTAIN, MATTHEWS AND HADLEY TOWNSHIPS, CHATHAM COUNTY, NORTH CAROLINA.

In pursuance of authority conferred by Article 18, Part 3, Zoning of Chapter 153A of the General Statutes of North Carolina and for the purpose of promoting the public health, safety and general welfare; promoting the orderly growth of the jurisdiction; lessening congestion on the roads and streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; and facilitating the adequate provision of transportation, water, sewage, schools, parks and other public requirements; all in accordance with the adopted Land Use Plan; NOW THEREFORE,

The Board of Commissioners of Chatham County do ordain as follows:

SECTION 1 TITLE

This Ordinance shall be known as "The Chatham County Zoning Ordinance for Baldwin, Williams, New Hope, Cape Fear, and portions of Haw River, Oakland, Center, Albright, Gulf, Hickory Mountain, Matthews and Hadley Townships, Chatham County, North Carolina", and may be referred to as "The Zoning Ordinance."

SECTION 2 JURISDICTION

The regulations set forth in this Ordinance shall apply within the zoning areas designated on the official zoning maps as established in Section 6 herein for Baldwin, Williams, New Hope, Cape Fear and portions of Haw River, Oakland, Center, Albright, Gulf, Hickory Mountain, Matthews and Hadley Townships, Chatham County, North Carolina.

SECTION 3 BONA FIDE FARM EXEMPT

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance, per North Carolina General Statutes §153A-340(b). For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.
b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS §105-277.3.
c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
d. A forest management plan.
e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

SECTION 4 DISTRICTS ESTABLISHED

In order to achieve the purposes of this Ordinance as set forth above, the jurisdictional area subject to this Ordinance is hereby divided into general use districts of which there shall be 10 with the designation and purposes as listed below:

R5 Residential district
Primarily for very low density residential developments along the County's rivers and streams which are compatible with protecting the water quality of the rivers and streams.

R2 Residential district
Primarily for low density residential development to protect water supply watersheds

R1 Residential District
This district is primarily for low to moderate density residential development within the residential-agricultural areas of the jurisdiction.

O&I Office and Institutional District
Primarily for office and institutional type uses along with residences

B-1 General Business District
Intended for retail trade and consumer services dealing with the general public; the old district has been split into 3 new districts (NB, CB, and RB, below) that are intended for retail and consumer services, but are scaled to better fit different needs around the County.

NB Neighborhood Business District
This district is meant to serve a small retail market, roughly equivalent to the trade area of a small (40,000 square foot) grocery store and limited ancillary services. No building within this district shall exceed 40,000 square feet and the cumulative building square footage shall not exceed 160,000.

CB Community Business District
This district is similar to the Neighborhood Business District, but at a slightly larger scale, roughly equivalent to a 80,000 square foot grocery store and ancillary services. No building within this district shall exceed 80,000 square feet and the cumulative building square footage shall not exceed 320,000.

RB Regional Business District
This district is similar to the old General Business District in that a wider array of uses is allowed and there are not limitations on single-occupant, single-use structure sizes or outdoor storage and display of merchandise.

IL Light Industrial District
Primarily for wholesale activities, warehouses, and light manufacturing operations which do not involve heavy processing activities and which are not likely to create noise, smoke, dust, vibration, heat, odor or other obnoxious effects, controlled or uncontrolled.

IH Heavy Industrial District
Primarily for manufacturing operations involving heavy manufacturing processes such as dyeing, chemical mixing, melting, and stamping but which control such processes so as not to exceed the environmental performance standards of this Ordinance. IH also permits all uses as permitted in the IL District.

SECTION 5 CONDITIONAL ZONING DISTRICTS

Conditional Zoning district (bearing the designation CD) corresponds to the general purpose zoning districts and to the mixed use districts as authorized in this ordinance.

5.1. Purpose

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

5.2 Conditional Zoning Districts

A. Residential Districts

The following districts are identical to the corresponding residential districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:
CD-R5
CD-R2
CD-R1

B. Office, Institutional and Commercial Districts

The following districts are identical to the corresponding commercial districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:
CD-O&I Office & Institutional
CD-B1 General Business
CD-NB Neighborhood Business
CD-CB Community Business
CD-RB Regional Business

C. Industrial Districts

The following districts are identical to the corresponding industrial districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:
CD-IL Light Industrial
CD-IH Heavy Industrial

D. Mixed Use Districts
Approval of a conditional zoning district shall be required as a prerequisite to any use or development, as provided for in this Ordinance, for the following districts:
CD-CC Compact Community – a compact residential development with a mixed commercial use village center. See the Compact Communities Ordinance for more information.
CD-MU Mixed Use – a mixed use development that provides for an integration of diverse but compatible uses into a single development.

5.3. General Requirements

Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted in compliance with Section 5.

A. Application
Rezoning to a conditional zoning district shall only be considered upon request of the property owner or the authorized agent of the owner. In addition to the documents specified in **Subsection B** below, all applications shall also contain the following information:

1. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.
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.
3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.
4. The requested amendment is either essential or desirable for the public convenience or welfare.
5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
6. Information required on the application form received from the Planning Department.

B. Plans and other information to accompany application

(1) The application shall include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

a. Information showing the boundaries of the proposed property as follows:
   1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
   2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,

b. Legal Description of proposed conditional zoning district
c. All existing and proposed easements, reservations, and rights-of-way;
d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;

e. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant;
g. All existing and proposed points of access to public and/or private streets;
h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County
i. Proposed phasing, if any;
j. Generalized traffic, parking, and circulation plans;
k. Proposed provision of utilities;
l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
m. The approximate location of any cemetery,
n. Proposed number, location, and size of signs;
o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; and
p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
q. Environmental Impact Assessment pursuant to Section 11.3 of the Zoning Ordinance, if applicable.

(2) The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

(3) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
b. Existing and general proposed topography;
c. Scale of buildings relative to abutting property;
d. Height of structures;
e. Exterior features of the proposed development;
f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
g. Any other information needed to demonstrate compliance with these regulations.

(4) The site plan and any supporting text shall constitute part of the application for all purposes under this section.

5.4. Uses Within District

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or conditional uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to approval of a conditional zoning district rezoning authorized by the Board of Commissioners as provided herein.

5.5. Conditions

In approving a reclassification of property to a conditional zoning district, the Planning Department and Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the rezoning may include dedication to the County or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

5.6. Non-compliance with District Conditions

Any violation of a use or condition included in the approval of a conditional zoning district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a conditional zoning district is permitted only subject to the specified conditions.

5.7. Procedure

Applications for new conditional zoning districts or expansion of existing Conditional Zoning Districts shall be processed, considered and voted upon using the following procedure. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

A. Community Meeting

(1) The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide mailed notice of the meeting.

a. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement or public or private right of way.
b. Notice may be sent to additional properties by the applicant.
c. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.

(2) A written report of the community meeting shall be included as part of the application packet.
a. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
b. In the event the applicant has not held at least one meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of the meeting held or a report filed pursuant to this subsection shall be considered by the Board of Commissioners, but shall not be subject to judicial review.

(3) Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

B. Chatham County Appearance Commission Review

The applicant is required to meet with the Chatham County Appearance Commission for review of landscaping and signage plans prior to submittal to the Planning Department. The Appearance Commission shall have forty-five (45) days from the date of submittal to forward a recommendation to the applicant and Planning Department. The submittal date shall be seven (7) days prior to the date of the Appearance Commission meeting.

C. Submittal to Planning Department

(1) A completed application and supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. A digital copy of the application and all accompanying materials shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

(2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5.

(3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
b. The Planning Department shall take no further action on the application until the applicant submits the required information.
c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting,

and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.

d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.

(4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

D. Joint Public Hearing by Board of Commissioners and Planning Board

(1) The Board of Commissioners and Planning Board shall receive public comment on Conditional Zoning District applications in a public hearing at the County Commissioners' last regular meeting in January, February, March, April, May, June, August, September, October, and November.

(2) The lack of quorum of the Planning Board at such meetings shall not affect the proceedings nor require further hearings.

(3) Notice of the public hearing shall be given according to State law. At a minimum, the following notice shall be provided:

a. A notice of the public hearing shall be prominently posted on the site proposed for the Conditional Zoning District or on an adjacent public street or highway right-of-way. When multiple parcels are included in the proposed Conditional Zoning District, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested parties.

b. Mailed notice shall be sent to adjoining properties pursuant to State law.

c. Published notice of the hearing shall be given pursuant to State law.

(4) The Board of Commissioners may continue the Public Hearing in order to receive more public input or requested information from the applicant.

E. Planning Board and Board of Commissioners Action

Once the Public Hearing is closed by the Board of Commissioners, the Planning Board and Board of Commissioners shall review the application pursuant to the procedure outlined in Sections 19.6 – 19.11.

5.8 Effect of Approval

A. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.

B. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to Section 5.9.

C. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.

D. Any conditional zoning district shall have vested rights pursuant to Section 19.11.

5.9 Alterations to Approval

A. Except as provided in Section 5.9(B), changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the procedures in Section 5.7.

B. The Zoning Administrator shall have the delegated authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

C. The Zoning Administrator shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Board of Commissioners action is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

SECTION 6 OFFICIAL MAPS ADOPTED - DISTRICT BOUNDARIES ESTABLISHED

6.1. Zoning Map

The location and boundaries of zoning districts shall be as kept in spatial databases entitled "Zoning" and "Zoning Overlays" that are maintained as part of the County's geographic information system (GIS) under the direction of the Planning Director, or designee. This depiction of zoning boundaries along with additional reference data in the GIS shall constitute the Official Zoning Map for the County's zoning jurisdiction, and is adopted into this Ordinance by reference. The County Clerk, as applicable, may upon validation by the Planning Director, or designee, certify a paper copy of the Official Zoning Map, or portions of the map, as a true and accurate copy of the Official Zoning Map, or a portion thereof, under the authority of G.S. 160A-79(b) and G.S. 153A-50.

The Planning Director, or designee, shall revise the Official Zoning Map when amendments are passed by the governing body in accordance with Section 17, Amendment to Zoning Ordinance. The Planning Director, or designee, shall correct errors in the map as they are discovered.

No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shown on the GIS system.

The Planning Director, or designee, may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

6.2. Interpretation of Boundaries

The Planning Director, or designee, may authorize periodic changes to the boundaries of the Official Zoning Map in conformance with this section. Interpretations of zone boundaries may be appealed to the Board of Adjustment.

A. Boundaries That Follow Lot Lines

A boundary shown on the Official Zoning Map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established, as shown on maps submitted or used when the boundary was established.

If, subsequent to the establishment of the zoning boundary, a minor property line adjustment is made, such as from settlement of a boundary dispute, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than ten feet.

B. Boundaries That Do Not Follow Lot Lines

Where the ordinance establishing a zoning boundary identifies the boundary as following a particular natural feature such as a ridgeline, contour line, a river, stream, lake or other water course, or reflects a clear intent that the boundary follow the feature, the boundary shall be construed as following that feature as it actually exists. If, subsequent to the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.

A boundary shown on the Official Zoning Map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or a minor realignment (such as at an intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved no more than 25 feet.

A boundary shown on the Official Zoning Map as approximately parallel to, or as an apparent extension of, a feature described above shall be construed as being actually parallel to, or an extension of, the feature.

If a zoning boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the zoning boundary was established, shall be used to establish the boundary.

If the specific location of the boundary cannot be determined from application of the above rules to the Official Zoning Map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.

SECTION 7

DEFINITIONS

7.1. General Purpose

For the purpose of this Ordinance certain words and terms used herein are defined as herein indicated. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; words in the male gender include the female gender; all words not defined in this section shall carry the definition prescribed in the common dictionary.

7.2. Definitions

Accessory Building - A detached subordinate building the use of which is incidental to that of the principal building and located on the same lot therewith. These can be built prior to the principal structure.

Accessory Dwelling Unit (i.e. guest house, pool house, garage apartment, in-house apartment) - An accessory dwelling unit that is smaller than the principal residential dwelling. The accessory dwelling unit is situated on the same lot as the principal residence and may be located within the principal residence or in a separate building with a separate access. The accessory dwelling unit is restricted to 1,500 square feet of heated living space. The use is to conform to the character of the existing structures and neighborhood, i.e. mobile homes are not allowed as an accessory dwelling unit on lots smaller than 80,000 square feet.

Accessory Structure - A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith.

Accessory Use - Any use which is clearly incidental, secondary, and/or supportive of a principal use.

Accessory Use Sign - Any sign which is located on the same premises with a principal permitted use and which are clearly incidental, secondary and/or supportive of the principal use.

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Cabaret - A business operating in a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Escort - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for the purpose of participating in, engaging in, providing, or facilitating Specified Sexual Activities.

Adult Escort Agency - A person or business that furnishes, offers to furnish, or advertises to furnish adult escorts as one of its business purposes for a fee, tip, or other consideration.

Adult Media Store -A business: (a) Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this article; or (b) Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Merchandise - Any product dealing in or with explicitly sexual material as characterized by matter depicting, describing, or relating to Specified Sexual activities or Specified Anatomical Areas.

Adult Mini Motion Picture Theater - An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. A booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

Adult Motel - A hotel, motel or similar commercial establishment that offers accommodation to the public for any form of consideration and: (a) Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public rights-of-way that advertises the availability of this adult type of photographic reproductions; or (b) Offers a sleeping room for rent for a period of time that is less than six hours; or (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve hours.

A**dult Motion Picture Theater -** A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.

Adult Patron - Any person who is physically present on the premises of a sexually oriented business and who is not an owner, employee, agent, subcontractor, or independent contractor of said business, or any entertainer or performer at said business.

Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays as one of its principal business purposes, persons who appear in a state of nudity or semi-nudity, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

Agriculture - For purposes of this Ordinance the terms "agriculture", "agricultural", and "farming" refer to all of the following:

(1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
(2) The planting and production of trees and timber.
(3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
(4) Aquaculture as defined in G.S. 106-758.
(5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
(6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

Animal Husbandry, Specialized - The use of land for the raising and keeping of animals, fowl, reptiles, etc. which are not general livestock or poultry and not classified as a bona fide farm. Specialized animal husbandry farming includes but is not limited to the following: fur-bearing animal farms, game bird farming and animal farms, wild animal farms, aviaries, snake, alligator and frog farms, laboratory animal farms, worm farms, and fish farms.

Apartment Buildings - A building containing three (3) or more residential dwelling units that are not on their own individual lot. Such units may be leased separately or developed as condominiums.

Apartment Complex – A grouping of two or more apartment buildings.

Attached Sign - Any sign attached to, painted on the wall surface of, or erected and confined within the limits of the outside wall of any building or structure, which is supported by such wall or building.

Auto Wrecking - A commercial activity that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

Avocational Farming - The use of land for those activities which constitute farming, but does not meet the definition of a bona fide farm.

Awning - A structure made of cloth, metal, or other material affixed to a building in such a manner that it shades windows or doors below, but is not a constructed canopy.

Banner Sign - A sign of lightweight fabric or similar material which is attached to a pole or a building, structure and/or vehicle by any means. National, state or municipal flags shall not be considered banners.

Bed and Breakfast Home - Owner-occupied bed and breakfast homes with no more than two (2) rooms (units) for rent for stays no longer than seven (7) consecutive days and may be located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which it is located.

Bed and Breakfast Inn - Small, owner-operated businesses where usually the owner lives on premises but is not required to do so. The building's primary usage is for lodging of overnight guests and meals served in conjunction with the stay of guests. Inns advertise, have business licenses, comply with government ordinances, pay all appropriate taxes and post signs. The inn may host events such as weddings, small business meetings, et cetera, with up to 6 overnight rooms for rent to overnight guests provided all other local and state requirements are met.

Board of Commissioners – The Chatham County Board of Commissioners.

Bona Fide Farm - The use of land for agriculture as defined in Section 3 of this Ordinance.

Building - Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes.

Building Height - The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building Line - A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar features.

Canopy - A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Churches – see Place of Worship.

Commercial Design Guidelines - The Chatham County Commercial Design Guidelines and Section 12 of this Ordinance.

Common Area - All areas, including private streets, conveyed to an owners' association in a townhouse development, residential development, or owned on a proportional undivided basis in a condominium.

Common Plan of Development – A group of two or more buildings constructed, planned and developed with a unified design including coordinated parking and service areas, and may include associated out parcels. Shopping centers are examples of common plans of development.

Compact Community – A compact residential development with a mixed commercial use village center with a conditional use permit required as a prerequisite to any use or development.

Concealed Wireless Facility – Any tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site.

There are two (2) types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) Freestanding. Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, bell tower, clock tower, light standard, flagpole, or tree.

Conditional Use - A use which is permitted in a district only if a conditional use permit therefore is expressly authorized by the Board of Commissioners.

Conditional Zoning District - A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

Condominium - A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Congregate Care Facility - A facility providing shelter and services for ambulatory individuals at least 55 years of age who by reason of their age, functional impairment, or infirmity may require meals, housekeeping and personal care assistance. Congregate Care Facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Corner Lot - A lot abutting two or more streets at their intersection. The front of the lot shall be the portion on the highest order road, or when road types are equal, the length with the most frontage. Where there are equal frontage portions the owner shall designate the front.

Directional Sign - A sign which has use incidental to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives, and may include certain signs with commercial messages that are not legible from a location off the lot.

District - Any section of the zoning jurisdiction in which zoning regulations are uniform.

Dwelling Unit - A dwelling or that portion of a multi-family dwelling used or designed as a residence for a single family.

Duplex - See two-family dwelling.

Environmental Impact Assessment – A document that must be prepared for any proposed development project that is subject to and meets the criteria in either Section 6.2 of the Subdivision Regulations or Section 11.3 of the Zoning Ordinance which discusses the potential

environmental impact of the proposed project and the methods proposed to mitigate or avoid significant adverse environmental impacts.

Environmental Impact Statement – A document that must be prepared pursuant to the National Environmental Policy Act of 1969, or the North Carolina Policy Act of 1971, regarding proposed federal or certain State actions respectively that significantly affect the quality of the human environment.

Events Center Limited – A venue to allow for various gatherings such as weddings, receptions, arts and crafts shows, corporate meetings, outdoor movies (no drive ins), etc. on a smaller scale and which can be indoor or outdoor or a combination thereof. Please refer to Section 17.7 of this Ordinance for further standards. All other standards of this Ordinance shall also apply.

Family - One or more persons occupying a dwelling unit and living as a single household.

Family Care Home - A home as defined by NCGS § 168-21 with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Family Subdivision - Family subdivision means one or more divisions of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration, but only if no more than one parcel from such tract is conveyed by the grantor to any one relative or such relative's surviving spouse; or (b) to divide land from common ancestor among tenants in common, all of whom inherited by intestacy or by will. This provision shall apply only where the grantor or decedent already owned the land so divided before January 1, 1994.

Farming - See Agriculture.

Fence - A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other natural growth.

Forestry Plan - A document related to the management of forest resources, generally written by a North Carolina State Forester or a Certified Forestry Consultant. Such plan shall include forest management practices to insure both maximum forest productivity and environmental protection of the lands to be treated under the management plan (see N.C.G.S § 113A 178).

Freestanding Sign - A non-movable sign which is entirely supported by one or more uprights, poles, braces or base in or upon the ground.

Frontage - That side of a lot abutting on a street.

Front Setback - Any setback from a street or road, as measured from the edge of the public right-of-way or edge of access easement.

Group Care Home – A facility licensed by the State of North Carolina, other than a Family Care Home, with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for more than six resident persons with disabilities.

Guest House, Pool House or Garage Apartment - See Accessory Dwelling Unit.

Home Occupation - Any use conducted on residential premises and carried on by the occupants thereof, and which use is incidental and secondary to the use of the premises for residential purposes and does not change the character thereof.

Hotel (also motels and inns) – Structures/buildings with individual rooms for rent. Rooms may include suites with kitchenettes for extended stays and may provide area for eating and drinking establishments and personal service facilities within the principle structure.

Informational Sign - Any sign which contains no commercial or advertising message that is located on-site providing information as required by regulatory authorities and/or other public entity. These include, but are not limited to, "No Parking," "Loading/Unloading Zone," "Keep off Grass" and "No Smoking."

Junked Motor Vehicle - A motor vehicle that does not display a current license plate and is one of the following: 1) partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five years old and appears to be worth less than $500.00.

Junk/Salvage Yard - Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, scrap metals, waste paper, rags, or other scrap materials, or used building materials or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Land Clearing and Inert Debris Landfill - Land areas of greater than one-half acre in size, for the deposit of inert materials and land clearing materials including gravel, rocks, stumps, soil (not contaminated by petroleum products), unpainted and untreated building materials such as bricks, concrete blocks and lumber. Personal home-owners use of inert debris landfill materials (beneficial fill) not to exceed two (2) acres in size be exempt from requiring a conditional use permit. Commercial inert debris landfills or any that exceed two (2) acres in size will require a conditional use permit.

Land Use Plan – The Chatham County Land Conservation and Development Plan.

Live-Work Unit - See Mixed Use Building.

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development or both. The word "lot" includes "plot", "parcel", or "tract".

Lot Depth - The distance along the perpendicular bisector of the lot.

Lot of Record - A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance in effect at the time of recording.

Lot Width - The width measured at right angles to its depth at the widest point of the lot.

Manufactured Dwelling - A dwelling that 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) exceeds 40 feet in length and eight feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential building Code for one- and two-family dwellings.

Major Utility - All utility facilities other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, electrical substations and wastewater treatment plants. This definition exludes public utility transmission lines.

Minor Utility - Any above-ground structures or facilities owned by a governmental entity, a nonprofit organization or corporation used in connection with the transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Minor utilities are necessary to support development within the immediate vicinity and involve only minor structures. Examples include, but are not limited to, pump stations, community well houses and above ground utility cabinets. Excepted from this definition are Major Utilities.

Mixed Use Building - Small commercial enterprises with the ground floor (and optionally second floor) occupied by commercial uses and a residential unit or units above. Commercial space may be a home-based business or may be leased independently.

Modular Dwelling - A dwelling constructed in accordance with the standards set forth in the NC State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Multi-Family Dwelling - A residential use consisting of a building designed or constructed to contain more than one dwelling unit, including apartments and condominiums. This definition does not include two-family (duplex) dwellings.

Non-conforming Building or Structure - A non-conforming situation that occurs when the height of a structure or the relationship between an existing building or buildings and other buildings or lot lines do not conform to the dimensional regulations applicable to the district in which the property is located.

Non-conforming Lot of Record - A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area and/or lot width requirements of the district in which the lot is located.

Non-conforming Situation - A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. A non-conforming situation may also occur due to governmental acquisition of property whether voluntary or involuntary. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy minimum yard requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes which are not in conformance with the list of permitted uses for the district in which the property is located.

Non-conforming Use - A non-conforming situation that occurs when property is used for a purpose or in a manner not permitted by the use regulations applicable to the district in which the property is located.

Nude or A State of Nudity - The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.

Nude Model Studio - Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, filmed, or similarly depicted by other persons who pay money or any other form of consideration. Nude Model Studio shall not include a preparatory school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Nursing Home - An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-Premise Sign - Any sign that advertises or otherwise identifies any property, structure or use not located on the same parcel as sign.

Off-Premise Directional Sign – Any off-premise sign indicating the location of or directions to a business, church, park, historic property, school, or other place of public assembly and shall contain no advertising content.

On-Site Directional Sign - A sign incidental to the use of the lot on which it is located that provides necessary information to guide traffic, whether vehicular or otherwise, within the site. Any one directional sign shall be no larger than five (5) square feet.

Open Structures- A building or structure, open on all sides and supported by a roof and posts or columns.

Owner - A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Pennant Sign - A sign made of lightweight plastic, fabric or other material, whether or not containing a message, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Person - Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board or public or private institution, utility, cooperative, interstate body or other legal entity.

Photovoltaic System - An active solar energy system that converts solar energy directly into electricity.

Place of Worship - A building and/or land primarily used by a non-profit organization for organized religious services and supporting uses.

Planned Residential Development - A residential project not bound by typical minimum lot sizes, housing development types and dimensional requirements as set forth in the district in which the development is located but are subject to the standards as set forth in section 17.5(c) of this ordinance. Also referenced informally as a Planned Unit Development, or PUD.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

Primary Live Entertainment - On-Site entertainment by live entertainers that characterizes the establishment, as determined from a pattern of advertising and/or actual performances.

Principal Building - A building in which is conducted the principal use of the lot on which it is located.

Principal Permitted Use - Any use listed as a permitted use in any zoning district, except those which by definition or their nature are accessory uses.

Principal Structure - A structure in which is conducted the principal use of the lot on which it is located.

Principal Use Sign - A sign which constitutes the sole and/or principal use of land.

Public Street - A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic, but not an alley.

Roof Line - The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rear Setback - Any interior property line other than a front setback which provides a usable outdoor space. (Any lot having two or more front setbacks may not have to provide a rear setback).

Semi-Nude - A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices

Setback - The minimum required horizontal distance between a structure and the property line, street right-of-way line, street centerline or access easement.

Specified Anatomical Areas - (1) Less than completely and opaquely covered: human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Includes any of the following: a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or c) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or d) Masturbation, actual or simulated; or e) Sadomasochistic practices, including, but not limited to: flagellation or torture by or upon a person, clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked; or f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Sexual Encounter Center - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is in a state of nudity or semi-nude, or activities between two or more persons when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business - An adult arcade, adult media store, adult cabaret, adult motel, adult mini motion picture theater, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing. *(Refer to Section 17.8 for general standards)*

Side Setback - Any interior property line setback other than a rear setback.

Sign - Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, designs, symbols, fixtures, colors, illumination or projected images or any other attention directing device.

Sign Area - Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one side of a double-faced sign shall be considered.

Single-Family Dwelling - A separate, detached building designed for and occupied exclusively by one family.

Solar Collector - A device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the sole purpose of the collection, inversion, storage, and distribution of solar energy. This device may be roof-mounted or ground-mounted as an accessory use (Refer to Section 17.6 for general standards).

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Farm - A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principle use on the site or as the principle use on the site for off-site energy consumption. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

Specialized Horticulture - The use of land for the propagation of ornamental plants and other nursery products, such as bulbs, florist greens, flowers, shrubbery, flower and vegetable seeds and plants and sod and fruits and vegetables grown primarily under cover, but does not meet the definition of a bona fide farm.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Structure - Anything constructed, erected, or placed.

Taxed Value - The official value assigned to real property by the Chatham County Tax Assessor for ad valorem tax purposes.

Temporary Building - Any building of an impermanent nature or which is designed for use for a limited time, including any tent or canopy. This includes the use of temporary construction trailers where a building permit has been issued and remains valid during the construction process.

Temporary Sign - Any non-permanent sign designed to advertise a business or event (non-profit or for-profit) for a limited period of time. These can include portable signs, signs placed in or on the ground or signs placed on a vehicle. These do not include political signs as specified in Section 15.5(9).

Temporary Structure - Any structure of an impermanent nature or which is designed for use for a limited time, including any tent or canopy. This includes the use of temporary construction trailers where a building permit has been issued and remains valid during the construction process.

Townhouse (or Townhome) - Attached dwelling units with ground level access and on their own individual lot.

Two-Family Dwelling (Duplex) - A building arranged and designed to be occupied by two families living independently of each other.

Use - The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Variance - Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

Vested Right – The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan. Refer to the North Carolina General Statutes § 153A-344.1 for more information.

Voluntary Agricultural District (VAD) – Contiguous acres (initially) of agricultural land, or forestland, or horticultural land that is part of a qualifying farm or the number of qualifying farms deemed appropriate by the governing board of the county and reviewed by the Agricultural Advisory Board. The purpose of such agricultural districts shall be to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms. Refer to North Carolina General Statutes § 106-738 and -743 for more information.

Wireless Facility or Wireless Facilities - The set of equipment and network components, exclusive of the underlying Wireless Support Structure, including, but not limited to, Antennas, Accessory Equipment, transmitters, receivers, Base Stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

Wireless Support Structure - A freestanding structure, such as a Monopole or Tower, designed to support Wireless Facilities. This definition does not include Utility Poles.

Zoning Administrator and Enforcement Officer - The person or persons designated by the Chatham County Manager to administer and enforce this Ordinance.

SECTION 8 GENERAL PROVISIONS

The following general provisions shall apply in all situations unless otherwise indicated.

8.1. Relationship of Buildings to Lot

Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one principal residential building on a lot except as may be permitted in a planned residential development and as provided for as follows:

1. Two detached principal residential units may be situated on one lot provided: (a) at least one of the residential units is a manufactured dwelling, and (b) the lot is at least two times the required lot area for the district in which it is located.

2. There may be more than one single family detached residential unit on a lot if the average area of the property per residence is greater than 10 acres and the residential units are situated in such a manner that the distance between units shall not be less than the applicable setback distances required under this Ordinance for residential units situated upon adjoining lots.

3. More than one building of single family attached or detached units, where permitted, may be constructed on one lot provided:
   a. the applicable zoning requirements of lot size and building setbacks are met,
   b. a building permit is issued prior to construction,
   c. a preliminary subdivision plat is submitted and approved prior to construction,
   d. the final plat is prepared and final approval certified by the appropriate agencies,
   e. the property is subdivided according to the County regulations prior to the sale of the individual building or units, and
   f. a certificate of occupancy is issued prior to occupancy.

No commercial building may use fill to artificially raise the grade of a building site in such a way that the buildings cannot be screened from view of the public right-of-way per SECTION 12 LANDSCAPING AND BUFFERING **STANDARDS**.

8.2. Open Space Requirements

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, chimneys, flues and eaves; provided, however, that none of the aforesaid projections shall project into a minimum side yard more than 1/3 of the width of such yard nor more than 24 inches, whichever is the least. Open or lattice enclosed fire escapes, fire proof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet shall be permitted where placed so as not to obstruct light and ventilation. Open, uncovered decks may project into required yards for up to 1/3 of the width of such yards. In addition, certain structures are permitted to be placed in the required yard area as provided for in the schedule of district regulations.

8.3. Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

8.4. Access to Property

No building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public right-of-way to which it has legal access. The public access requirement shall not apply to land exempt from the Chatham County Subdivision Regulations or to lots which might be created within a planned residential development where access may be through common area or otherwise provided, nor to situations otherwise exempt from public street access by this Ordinance or the Chatham County Subdivision Regulations.

8.5. Interpretation of District Boundaries

See section 6.2.

8.6. Interpreting Permitted Uses

The listings of permitted and conditional uses in the various districts in this Ordinance are considered to be specific. Any use that is not specifically listed in a district shall be deemed to be prohibited.

8.7. Water and Sewer Requirements

The lot sizes required for the various districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities, however, may require larger lot areas or, in some instances, not permit development as proposed by a developer.

New development should also connect to the county water system or municipal equivalent where available. If irrigation systems are to be included, they should use non-public water, treated wastewater or have the ability to be converted to recycled wastewater when it becomes available. In addition, no homeowner's association rules, restrictive covenants, or other deed restrictions may prohibit the use and placement of rain barrels.

8.8. Height Limitation Exceptions

Except as may otherwise be prohibited by the Federal Aviation Administration Regulations, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

8.9. Fees

Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board of Commissioners. Fees established in accordance herewith shall be paid upon submission of an application or notice of appeal.

SECTION 9 NON-CONFORMING SITUATIONS

The purpose of this section is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof, even though such use, structure or property does not conform with the provisions of this Ordinance. However, this section is also established to require that non-conforming situations be terminated under certain circumstances.

9.1. Definitions

See Section 7 Definitions.

9.2. Continuation of Non-conforming Situations

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Subsections 9.4 through 9.7 of this section.

9.3. Non-conforming Lots of Record

Where the owner of a non-conforming lot of record does not own sufficient land to enable him to conform to the area or lot width requirements, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are called for in the list of permitted uses.

9.4. Extension or Enlargement of Non-conforming Situations

Non-conforming situations may be extended or enlarged as provided below:

a) Subject to paragraph 4 of this subsection, a non-conforming use may be extended through any portion of a completed building. A non-conforming use may be extended to additional buildings or to land outside the original building. New buildings are allowed provided they meet the zoning district requirements or the zoning district requirements of their type of actual use, whichever is more stringent.
b) A non-conforming use may be extended to cover more land than was occupied or manifestly designed and arranged to be occupied, by that use when it became non-conforming; provided it is not extended to additional parcels and applicable standards are met, i.e. setbacks, buffers.
c) A non-conforming situation may be changed if the changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
d) Physical alteration of non-conforming structure or structures containing a non-conforming use is unlawful if it results in greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements.
e) Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation – i.e., work estimated to cost more than 10% of the taxed value of the structure to be renovated

may be done provided that the work will not result in a violation of any other paragraphs of this subsection, particularly paragraph 5.

f) Non-conforming Signs: Any permanent, on-premise sign may be replaced, repaired or relocated on the property, provided that the replaced, repaired or relocated sign does not exceed the size (square footage) or height of the original sign.

9.5. Reconstruction Limitations

Any non-conforming building or structure or any building or structure containing a non-conforming use which is destroyed or damaged to an extent equal to 60% or more of the taxed value of the building or structure by fire, flood, explosion, earthquake, winds, war, riot, act of nature or by any act not under the control of the owner, may be reconstructed and used as before, provided that no non-conforming situation is increased or extended and provided further that a zoning permit and building permit are received within two years of the event. This section shall not apply to non-conforming signs. See Section 9.4.

9.6. Change in Kind of Non-conforming Use

A non-conforming use may be changed to a conforming use; thereafter, the property may not revert to a non-conforming use.

A non-conforming use shall not be changed to another non-conforming use.

If a non-conforming use and a conforming use or any combination of non-conforming uses exist on one lot, the use made of the property may be changed only to a conforming use.

Change in Use of Non-conforming Buildings - Conforming uses may be established or re-established in non-conforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provisions of this Ordinance for the establishment of new uses is violated.

9.7. Discontinuance of Non-conforming Uses

When active operation or occupancy of a non-conforming use is discontinued, regardless of the purpose or reason, for a consecutive period of 365 days, the property involved may thereafter be used only for conforming uses. The requirements of this subsection shall not apply to uses in buildings undergoing reconstruction in accordance with the provisions of Subsection 9.5.

For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building or one space in a non-conforming mobile home park for 365 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a non-conforming use is maintained in conjunction with a conforming use, cessation of operation or occupancy the non-conforming use for the required period shall terminate the right to maintain it thereafter.

9.8. Building on Subdivision Lots of Record

Where there exist platted subdivision lots of record, whether conforming or non-conforming according to the Zoning Ordinance, buildings may be situated on said lots according to the requirements in effect in the Zoning Ordinance at the time of recordation. If the Zoning Ordinance was not applicable to the subdivision at the time of recordation the setbacks of the most applicable zoning district within the pre-existing Ordinance shall apply when zoning becomes applicable.

SECTION 10 SCHEDULE OF DISTRICT REGULATIONS

Within the districts as established by this Ordinance, the requirements as set forth in this section shall be complied with in addition to any other general or specific requirements of this Ordinance. Permitted uses for all districts, both by-right and conditional are listed in Table 1: Zoning Table of Permitted Uses. Uses permitted by right are subject to obtaining a zoning permit from the Zoning Enforcement Officer; Uses permitted by conditional use are only permitted subject to the issuance of a conditional use permit by the Board of Commissioners as provided for in Section 15. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in granting a conditional use permit the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

When the conservation subdivision option of the Subdivision Ordinance is exercised, then the minimum lot area and setbacks listed for each district is superseded by the density bonus requirements of the conservation subdivision. The minimum lot area used for the initial calculation of the density bonus is still based on the minimums listed here.

10.1. R 5 - Residential District

A. Permitted Uses

The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements

Minimum Required Lot Area - Family subdivisions may have lots a minimum of two acres in size. Existing (as of December 31, 1990) lots of ten acres or less may be divided provided that no resultant lot is smaller than three acres. New lots other than these previously described must average five acres in size with no lots smaller than three acres; lots larger than ten acres shall not be included in the averaging.

Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 100 feet

Minimum Required Front Setback - 40 feet

Minimum Required Side Setback - 25 feet

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures may be located in the required yards provided they are located 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.2. R 2 - Residential District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements
Minimum Required Lot Area - 90,000 square feet

Minimum Required Lot Area for a Two-Family Dwelling -except an accessory dwelling unit 180,000 square feet. Each unit of a two-family dwelling may be placed on a separate lot, provided that each lot consists of not less than 90,000 square feet, and provided that the common wall between the units is a fire wall as required by the building code.

Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 100 feet

Minimum Required Lot Width for a Two-Family Dwelling - 110 feet

Minimum Required Front Setback - 40 feet

Minimum Required Side Setback - 25 feet. Where a two-family dwelling is placed such that the units are on separate lots with a common fire wall, no side yard shall be required at the common wall.

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.3. R 1 - Residential District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements
Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems.

Minimum Required Lot Area for a Two-Family Dwelling - except an accessory dwelling unit 80,000 square feet. Each unit of a two-family dwelling may be placed on a separate lot, provided that each lot consists of not less than 40,000 square feet, and provided that the common wall between the units is a fire wall as required by the building code.

Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 100 feet

Minimum Required Lot Width for a Two-Family Dwelling - 110 feet

Minimum Required Front Setback - 40 feet

Minimum Required Side Setback - 25 feet. Where a two-family dwelling is placed such that the units are on separate lots with a common fire wall, no side yard shall be required at the common wall.

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.4. O&I - Office and Institutional District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements
Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems.

Minimum Required Lot Area for a Two-Family Dwelling - 80,000 square feet each unit of a two-family dwelling may be placed on a separate lot provided that each lot consists of not less than 40,000 square feet, and provided that the common wall between the units is a fire wall as required by the building code.

Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 100 feet

Minimum Required Lot Width for a Two-Family Dwelling - 110 feet

Minimum Required Front Setback - 40 feet

Minimum Required Side Setback - 25 feet. Where a two-family dwelling is placed such that the units are on separate lots with a common fire wall, no side yard shall be required at the common wall

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures 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 requirement

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15

10.5. B-1 - Business District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements
The minimum yard setbacks listed may be reduced to the minimum established in the most recent North Carolina building code for buildings that are part of a common plan of development, except along the exterior project boundary where the minimum yard setbacks shall be met.

Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the

required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.6. NB - Neighborhood Business District

A. Permitted and Conditional Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer (See Table 1: Zoning Table of Permitted Uses on page 46). Outdoor storage and sales are limited to one-tenth (1/10) of the interior sales space.

B. Dimensional Requirements
The minimum yard setbacks listed may be reduced to the minimum established in the most recent North Carolina building code for buildings that are part of a common plan of development, except along the exterior project boundary where the minimum yard setbacks shall be met.

Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the

required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

No building within this district shall exceed 40,000 square feet, including all floors, and the cumulative building square footage shall not exceed 160,000.

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.7. CB - Community Business District

A. Permitted and Conditional Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer (See Table 1: Zoning Table of Permitted Uses on page 46). Outdoor storage and sales are limited to one-tenth (1/10) of the interior sales space.

B. Dimensional Requirements
The minimum yard setbacks listed may be reduced to the minimum established in the most recent North Carolina building code for buildings that are part of a common plan of development, except along the exterior project boundary where the minimum yard setbacks shall be met.

Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

No building within this district shall exceed 80,000 square feet, including all floors, and the cumulative building square footage shall not exceed 320,000.

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.8. RB - Regional Business District

A. Permitted and Conditional Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer (See Table 1: Zoning Table of Permitted Uses on page 46).

B. Dimensional Requirements
The minimum yard setbacks listed may be reduced to the minimum established in the most recent North Carolina building code for buildings that are part of a common plan of

development, except along the exterior project boundary where the minimum yard setbacks shall be met.

Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.9. IL - Light Industrial District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46)

B. Dimensional Requirements
The minimum yard setbacks listed, except along state maintained roads, may be reduced to the minimum established in the most recent North Carolina building code when the adjacent

property has the same zoning district and an adjacent property owner provides a written affidavit allowing said reduction along the property line between the property in question and the property owned by the consenting property owner.

Minimum Required Lot Area - 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 150 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 50 feet

Minimum Required Rear Setback - 50 feet

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14

E. Signs
Signs shall be governed by the provisions of Section 15.

10.10. IH - Heavy Industrial District

A. Permitted Uses
The following uses are permitted subject to obtaining a zoning and/or conditional use permit from the Zoning Enforcement Officer. (See Table 1: Zoning Table of Permitted Uses on page 46) Uses noted in the Light Industrial Districts are also allowed in the Heavy Industrial District provided they shall meet the requirements of that district.

B. Dimensional Requirements
The minimum yard setbacks listed, except along state maintained roads, may be reduced to the minimum established in the most recent North Carolina building code when the adjacent

property has the same zoning district and an adjacent property owner provides a written affidavit allowing said reduction along the property line between the property in question and the property owned by the consenting property owner.

Minimum Required Lot Area - 80,000 square feet. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area, but must comply with the required setback of the district. Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

Minimum Required Lot Width - 300 feet

Minimum Required Front Setback - 100 feet

Minimum Required Side Setback - 100 feet

Minimum Required Rear Setback - 100 feet

Location of Accessory Buildings 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.

C. Visibility at Intersections
On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet in a sight triangle as established by NCDOT.

D. Off-Street Parking and Loading
Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 14.

E. Signs
Signs shall be governed by the provisions of Section 15.

10.11. CD-CC Conditional Use Compact Community

The following use is permitted subject to obtaining a zoning permit from the Zoning Administrator.

A. Permitted Use:
Compact Community

B. Requirements:
The requirements for Compact communities are more specifically set forth in the separate Compact Community Ordinance which is hereby incorporated herein by reference.

10.12 CD-MU Mixed Use

A. Purpose

The purpose of the Mixed Use Conditional District is to permit flexibility in the Ordinance by providing for a mix of residential, commercial, and light industrial uses to be developed on large tracts in accordance with a unified development plan. These developments should be unified by distinguishable design features and provide pedestrian connections between all uses. Mixed use developments should provide a more efficient use of land while providing more on-site amenities and preserving open space. The mix of uses shall be designed to be mutually supporting so that traffic congestion is minimized and pedestrian circulation is enhanced.

B. Minimum Size

In order to qualify for a Mixed Use district the gross acreage for the development shall be a minimum of 50 acres.

C. Maximum Net Density and Built Upon Area Allowed

Within a Mixed Use district, the net density and built upon area for any portion of the development shall not exceed the requirements of the underlying watershed district as identified on the most recently adopted "Watershed Protection Map of Chatham County, North Carolina".

D. Net Land Area Computation

Net land area is obtained by taking the gross land area of the development and subtracting the following areas:

1. Land to be dedicated or set aside for public and private street right-of-way. As an option to measuring projected street right-of-way, the developer may subtract 20% gross area as street right-of-way allowance regardless of the amount of land actually required for streets.
2. Any area of the property located within a Special Flood Hazard Area, consistent with the Chatham County Flood Damage Prevention Ordinance.
3. Any area classified as wetlands or woody swamp by the U.S. Army Corps of Engineers.
4. Surface water buffers as required by the Chatham County Watershed Protection Ordinance.
5. Other areas determined by the Zoning Administrator, Planning Board or Board of Commissioners to be unbuildable due to either physical features or regulatory authority. Typical zoning setback areas shall be considered buildable for purposes of this determination.

E. Permitted Uses

The uses allowed within the Mixed Use district may be selected from the permitted uses or conditional uses from the following districts:

R-1 Residential district
O&I Office and Institutional district
NB Neighborhood Business district
CB Community Business district
RB Regional Business district
IND-L Light Industrial district

The site plan must show, and the final development must include, uses from at least two (2) of the zoning districts listed above. Multi-family dwellings shall also be permitted within the CD-

MU district. Uses may be mixed within a building or within the development and the site plan must identify the location of the proposed uses.

At a minimum, twenty percent (20%) of the total land area of the development must be occupied by or used for non-residential uses, provided that at no time shall the cumulative amount of land developed for non-residential purposes exceed the cumulative amount of land developed for residential purposes.

F. Dimensional and Off-Street Parking Requirements

Standard dimensional and off-street parking requirements shall not apply. Proposed lot sizes, setbacks, building heights, and off-street parking must be specified on the site plan or accompanying text for a conditional rezoning application and be approved by the Board of Commissioners. In no circumstances shall a building have a height greater than sixty (60) feet.

Exterior Boundary Setbacks – A setback of one hundred (100) feet shall apply to all residential and non-residential buildings and structures along the exterior boundary of the mixed use development, including any existing street right-of-way.

G. Signage

Any proposed signage shall not exceed the standards set forth in this Ordinance for the respective zoning district from which a use is taken. All signs shall use a coordinated color, style, and lettering scheme.

10.13 Table 1: Zoning Table of Permitted Uses

Notes: Compact Communities (CC) uses are listed separately in the Compact Communities Ordinance
Many commercial activities that are otherwise prohibited in this table may be allowed as Home Occupations (see SECTION 16 **HOME OCCUPATIONS**) if they meet the requirements of that section.

Key: P = Permitted; A = Accessory Only; CU = Conditional Use Only; PRD = Planned Residential Development Only;

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
ABC stores					P	P	P	P		
Accessory dwelling unit i.e. guest house, pool house, garage apartment and in-house apartment	P	P	P							
Accessory uses and structures clearly incidental to a permitted use	P	P	P							
Airports and landing fields for fixed and rotary wing aircraft									P	P
Alcohol and alcoholic beverages manufacture										P
Amusement enterprises such as pool, bowling, roller rink when housed entirely within a permanent structure					P		P	P		
Animal Husbandry Specialized with a minimum lot area and setback twice the minimum required of the zoning district. Lot area and setback for the AG district measured as if R5	CU	CU	CU							
Antique shops					P	P	P	P		
Apartment Complex or Residential Condominium Complex	PRD	PRD	PRD							
Appliance distributors for wholesale									P	
Appliance sales and service					P	P	P	P		
Art supply retail sales					P	P	P	P		
Arts and Crafts fabrication and related sales	CU				P	P	P	P		
Asphalt manufacture or refining										P
Assembly halls, coliseums, gymnasiums and similar structures								CU	P	P
Assembly of ammunition, for small arms only, from previously prepared parts									P	P
Assembly of machines, appliances and goods from previously prepared parts									P	P
Automobile and truck assembly									CU	P
Automobile and automobile accessory sales and service					P		CU	P		
					P	P	P	P	P	P

Zoning District Automobile service stations including tune-ups, minor repairs, tire service, washing facilities both manual and automatic and similar services.[1]	**R5**	**R2**	**R1**	**O&I**	**B-1**	**NB**	**CB**	**RB**	**IL**	**IH**
Avocational farming	P	P	P							
Bait and tackle shops					P	~~P~~	P	P	P	P
Bake shops and similar food preparation intended primarily for retail sales on the premises for consumption either on or off premises					P	P	P	P		
Bakeries or baking plants									P	P
Banks, savings and loans, finance companies, credit agencies and similar financial institutions				P	P	P	P	P		
Beauty Shops, Salons					P	P	P	P		
Owner-occupied bed and breakfast homes with no more than two (2) rooms (units) for rent for stays no longer than seven (7) consecutive days and may be located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which it is located	P	P	P							
Bed and breakfast inns with no more than six rooms for rent with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	CU	CU	CU				P	P		
Bedding, carpet and pillow manufacturing, cleaning and renovating									P	P
Bicycle sales and repair					P	P	P	P		
Blacksmith or horseshoeing shops						P			P	P
Blueprinting and Photostatting establishments								P	P	P
Boarding kennels (See Section 17.5 for acreage requirements)	CU	CU	CU			P	P	P		
Boat, trailer and other utility vehicle sales and service					P		CU	P		
Boat Storage Facility					P	CU	CU	CU	P	P
Book, stationery and office supply stores					P	P	P	P		
Bookbindery									P	P
Bottling works for soft drinks									P	P

[1] Fuel, oil and similar pumps and appliances may be located in the minimum required front and side yards provided that none shall be located nearer than 15 feet to any street line and may be covered by an attached or free standing unenclosed canopy provided such canopy does not extend nearer than five feet to any property line and does not cover greater than 30% of the required yard area.

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Breeding kennels with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	CU	CU				P	P	P		
Brick, tile, clay pipe and other clay products manufacture (Craft pottery is not covered in this definition)										P
Bus passenger stations					P			P		
Cabinet shops					P	P	P	P		
Campgrounds—SEE Public and Private recreation camps and grounds										
Candy products manufacture									P	P
Canvas and burlap products manufacture, sales and storage									P	P
Carpeting, Flooring, Tile, and Stone Products Sales					P	P	P	P		
Catering establishments					P	P	P	P		
Cement, lime, plaster manufacture										P
Cemeteries	CU	CU	CU	P						
Churches and other places of worship	P††	P†	P†	P	P	P	P	P		
Circuses, carnivals, exhibition shows, sideshows, races, trade shows, flea markets, banquets, conventions, religious events, arts and crafts shows, stage shows, athletic events and other similar events, including temporary living quarters such as mobile homes and recreational vehicles provided that the stay of such temporary living quarters shall be limited to a period of not more than five days longer than the duration of the event and no more than 30 total days in any 12 month period for any one separate event								CU	P	P
Clothing manufacture									P	P
Clothing shops					P	P	P	P		
Clubs and other places of entertainment operated as commercial enterprises								CU	P	P
Coal or coke yards									P	P
Coffee roasting									P	P
Cold storage plants									P	P
Congregate care facilities				P	P	P	P	P		
Contractor's plants or storage yards and staging areas	CU	CU	CU	CU	CU	CU	CU	CU	P	P

† Provided such are located on a lot of not less than three acres and provided further that the minimum side and rear yards shall be 50 feet and the front yard setback a minimum of 25 feet greater than required for a single-family residence within the district.

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Cooperage works										P
Cosmetics and perfume manufacture										P
Dairy bars and ice cream shops intended primarily for retail sale on the premises for consumption either on or off premises					P	P	P	P		
Dairy products, processing, bottling and distribution, ice-cream manufacture, all on a wholesale basis									P	P
Day care centers for 15 or fewer children.	CU	CU	CU							
Day Care Centers for more than 15 children.				P	P	P	P	P		
Day care centers in the principal residence to accommodate not more than 15 children at any one time, provided such are located on a lot of not less than one acre and provided further that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Drive-in or outdoor motion picture show									P	P
Drug stores					P	P	P	P		
Dry cleaning, pressing, and related retail service counter					P	P	P	P	P	P
Dwellings, single-family, manufactured	P	P	P		P					
Dwellings, single-family, site built and modular	P	P	P		P					
Dwellings, single-family attached (Duplex)		P	P	P						
Dwellings, manufacture of										P
Dye stuff manufacture and dyeing plants									P	P
Eating and drinking establishments					P	P	P	P		
Electric light or power generating station									P	P
Emory cloth or sandpaper manufacture									P	P
Enameling, japanning, lacquering or the plating or galvanizing of metals										P
Event Center Limited					P	P	P	P		
Excelsior and fiber manufacture										P
Fabric shops					P	P	P	P		
Family Care Home (except that a Family Care Home may not be located within 1,125 feet of an existing Family Care Home)	P	P	P	P						
Feed and seed processing									P	P
Feed and seed wholesale									P	P
Feed, seed, fertilizer retail sales					P	CU	CU	P	P	P

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Felt manufacture										P
Fertilizer wholesale sales									P	P
Fire stations and emergency medical facilities with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement of the district in which it is located	P	P	P							
Fire stations, emergency medical service facilities, police stations and law enforcement offices (less than three acres in the residential districts)	CU	CU	CU	P	P	P	P	P	P	P
Flammable liquids - bulk plants and storage										P
Flea markets and rummage sales conducted either within a building or outdoors provided that no principal building or sales area shall be located in the required yard								CU	CU	CU
Florist - greenhouses, cultivation facilities and warehousing for wholesale and related retail sales									P	P
Florist shops					P	P	P	P		
Food processing in wholesale quantities									P	P
Food stores, retail					P	P	P	P		
Foundries casting nonferrous metals where conducted wholly within an enclosed structure, except for open air storage and having a total furnace capacity of not more than 1,000 aluminum pounds									P	P
Foundries producing iron and steel products										P
Frozen food lockers									P	P
Funeral homes, undertaking establishments, embalming including crematoria				P	P		P	P	P	P
Fur storage (no sales)					P				P	P
Furniture stores					P	P	P	P		
Furrier, retail sales (can include storage)					P	P	P	P		
Garbage and waste incinerators (except hazardous waste)										CU
Gas storage in bulk										P
Gases or liquefied petroleum gases in approved portable metal cylinders									P	P
General, professional, medical and governmental offices				P		P	P	P	P	P
Gift shops					P	P	P	P		
Golf courses and tennis clubs, public or private				P				P		

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Golf courses, tennis and recreation clubs with a minimum lot area of five acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirements for the district in which it is located	CU	CU	CU							
Grain elevators									P	P
Grounds and facilities for hunting and fishing clubs with a minimum lot area of 20 acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Grounds and facilities for non-profit clubs with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P	P						
Grounds and facilities for open air games or sports								CU	P	P
Group Care Home				P						
Guest house, pool house, garage apartment meeting the same setback for the principal use	P	P	P							
Hardware, appliances, electrical and similar items retail sales					P	P	P	P		
Heating, plumbing, electrical, cabinet and similar shops					P	P	P	P		
Home occupations when conducted in accordance with the provisions of SECTION 16	P	P	P							
Horticulture, specialized					P	P	P	P		
Horticulture, specialized with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Hosiery manufacture									P	P
Hospital, health and welfare centers, nursing homes and/or convalescent homes				P	P		P	P		
Hotels, motels and inns (See definition for accessory use/s)					P	P	P	P		
Ice manufacture, storage and sales									P	P
Industrial chemical manufacture										P
Inert Debris Landfill	CU	CU	CU							
Insulation material manufacture and sale										P

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Interior design shops					P	P	P	P		
Jail and penal institutions									P	P
Jewelry and watch sales and service, goldsmith					P	P	P	P		
Junk yards and auto wrecking, but only when conducted within an enclosure not less than six feet in height and with a solidity of not less than 60% outside any required yard area									CU	P
Kindergartens and nurseries (See Daycares)										
Laboratories for research and testing									P	P
Laboratory - dental, medical, optical					P			P		
Land clearing and inert debris landfill (For beneficial fill see “Inert Debris”)								CU	CU	P
Landscape design business					P	P	P	P		
Landscaping and grading business					P			P	P	P
Laundries, Laundromats and dry cleaning establishments	CU	CU			P	P	P	P		
Laundries, steam								CU	P	P
Lawn and garden shops					P	CU	P	P		
Leather goods manufacture excluding tanning									P	P
Leather goods sales and service including manufacture for retail sales on premises					P	P	P	P		
Libraries, museums and art galleries				P	CU	CU	P	P		
Light manufacturing or processing not otherwise named herein provided no operations are carried on, or are likely to be carried on, which will create smoke, fumes, noise, odor or dust which will be detrimental to the health, safety or general welfare of the community									P	P
Lock and gunsmiths	CU	CU			P	P	P	P	P	P
Lumberyards, building materials storage and sales									P	P
Machine shops									P	P
Meat processing and packing										P
Meat processing and packing related to on site raising of livestock										
Medical clinics - inpatient and outpatient care				P	P	CU	P	P		
Metal fabricating plants using plate and structural shapes and including boiler for tank works										P
Mining										P
Major Utilities									P	P

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Minor Utilities (Any noise producing equipment must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line)	P	P	P	P	P	P	P	P	P	P
Mixed Use Building				CU	CU	CU	CU	CU		
Mixing plants for concrete, or paving materials and manufacture of concrete products										P
Mobile home sales and service					P		CU	P	P	P
Motorcycle sales and service					P		CU	P	P	P
Mulch – grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch									CU	P
Music stores including repair and craft manufacture	CU	CU			P	P	P	P		
Newsstands					P	P	P	P		
Office - business, professional and governmental				P	P	P	P	P		
Office - engineering supply and similar sales and services including blueprinting, Photostatting and similar services				P	P	P	P	P		
Open air sales and service of accessory buildings and gazeboes and like free-standing structures					P		CU	P		
Open-air sales or displays from a temporary building or structure					P	CU	P	P	P	P
Optical and scientific instrument, jewelry and clock, musical instrument manufacture									P	P
Opticians and optical sales and service					P	P	P	P		
Owner-occupied bed and breakfast homes with no more than two (2) rooms (units) for rent for stays no longer than seven (7) consecutive days and may be located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which it is located.	P	P	P							
Oxygen manufacture and/or storage										P
Paint and enamel manufacture not employing a boiling process										P
Paint retail shops					P	P	P	P		
Paper, cardboard and building board manufacture										P
Pawnshops and secondhand stores					P	P	P	P		
Pet shops					P	P	P	P		

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Pharmaceutical products manufacture									P	P
Photographic studios, camera shops					P	P	P	P		
Recreational Facilities (Gyms, yoga studios, et cetera)					P	P	P	P		
Planing or sawmills									P	P
Planned residential developments	CU	CU	CU							
Plastics manufacture										P
Plating works										P
Plumbing shop and yard									P	P
Post offices				P	P		P	P		
Pottery (hand crafted) and related retail					P	P	P	P		
Pottery, porcelain and vitreous china manufacture										P
Printing and publishing					P	P	P	P		
Printing, publishing and reproduction establishments									P	P
Private recreation camps and ground with a minimum lot area of 10 acres and provided that all buildings, structures, spaces, and high intensity activity areas shall be set back a minimum of fifty (50) feet from all property line/boundary areas except in the Haw River Township, which shall meet the minimum setback requirements of the base zoning district					P	P	P	P		
Public and private recreation camps and grounds (See Section 17.5 for acreage requirements)	CU	CU	CU							
Public and private schools, training and conference centers				P	P	CU	CU	P	P	P
Public parks and recreation areas including marinas and concessions with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Public utility transmission lines	P	P	P	P	P	P	P	P	P	P
Radio and television stations and their towers when the towers are located on the same site with the station					P			P		
Rag, bag and carpet cleaning establishments										P
Railroad freight yards, terminals or classification yards and rights-of-way									P	P
Railroad rights-of-way									P	P
Recreational Vehicle Storage Facility					P	CU	CU	CU	P	P
										P

Zoning District	**R5**	**R2**	**R1**	**O&I**	**B-1**	**NB**	**CB**	**RB**	**IL**	**IH**
Recycling industries that do not include the storage and/or processing of hazardous waste										
Repair and service of office and household equipment	CU	CU	CU					P	P	P
Repair and servicing of industrial equipment machinery, except railroad equipment									P	P
Repair shops for jewelry, shoes, radios, televisions and other small office or household appliances	CU	CU	CU		P	P	P	P		
Retail stores and personal service shops similar to those listed dealing in direct consumer and personal services					P	P	P	P		
Rock crushers										P
Rodenticide, insecticide and pesticide mixing plants										P
Sanitary landfill excluding the burning of trash out of doors										CU
Schools, public and private with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Scrap paper or rag storage, sorting or bailing when conducted within a building									P	P
Secretarial and job service offices					P	P	P	P		
Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental)					P		CU	P	P	
Sexually Oriented Businesses (see Section 17.8 for standards)										P
Sheet metal shops									P	P
Sign manufacture, painting and maintenance					P			P	P	
Soap, detergent and washing compound manufacture										P
Solar Farm <less than 2 acres follow Section 17.6	P	P	P	P					P	P
Solar Farm >greater than 2 acres follow Section 17.6	CU	CU	CU	CU					CU	CU
Sporting goods sales					P	P	P	P		
Spray irrigation of tertiary tested wastewater (reclaimed water)	P	P	P	P	P	P	P	P	P	P
Stonecutting, monument manufacture and sales									P	P
Storage warehouses									P	P
Storage yards (outdoor storage)									P	P
Street and railway rights-of-way	P	P	P							
Swimming pool and related items sales and service					P		P	P		

Zoning District		R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Tannery or tanning operations											P
Tar and waterproofing materials manufacture, treatment and storage											P
Wireless Telecommunications Facilities and Wireless Support Structures **Subject to the provisions of the Wireless Facilities Ordinance*	Wireless Support Structures that are sixty (60) feet or less in height	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
	Concealed Wireless Facilities that are sixty (60) feet or less in height	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
	Concealed Wireless Facilities one hundred fifty (150) feet or less in height but greater than sixty (60) feet in height	CU*	CU*	CU*	P*	P*	P*	P*	P*	P*	P*
	Wireless Support Structures that are less than one hundred ninety-nine (199) feet, but greater than sixty (60) feet in height	CU*	CU*	CU*	CU*	CU*	CU*	CU*	CU*	P*	P*
	Wireless Support Structures that are greater than one hundred ninety-nine (199) feet, but no more than three hundred (300) feet in height	CU*	CU*	CU*	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Temporary construction trailers or structures (See definitions for requirements)		P	P	P	P	P	P	P	P	P	P
Textile machinery manufacture											P
Textile manufacture including spinning, dyeing, bleaching and other heavy processes											P
Tire recapping and re-treading										P	P
Tobacco processing and storage										P	P
Trailer sales areas										P	P
Truck terminals, repair shops, hauling and storage yards										P	P
Upholstery, paper hanging and decorator shops						P	P	P	P	P	P
Uses and structures customarily accessory to any permitted use						P	P	P	P		
Veterinary clinics and hospitals with dog runs or equivalent facilities						P		CU	CU	CU	CU
Veterinary hospitals & clinics						P		P	P	P	P
Wastepaper and rags, collection and bailing										P	P

Zoning District	**R5**	**R2**	**R1**	**O&I**	**B-1**	**NB**	**CB**	**RB**	**IL**	**IH**
Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale									P	P
Woodworking shops, mill work									P	P

SECTION 11 GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS

11.1. In General

All uses in any district shall comply with all the applicable performance requirements of the State of North Carolina regarding noise, glare, resource pollution, air pollution and/or other regulatory standards applicable to the environs and/or their protection. All uses shall be so constructed, maintained and operated as to not be injurious to the use and occupation or enjoyment of the adjacent premises by reason of the emission or creation of noise, vibration, light, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, radiation, fire, explosion hazard or glare, stormwater discharge, or other such matters or events.

11.2. Specific Requirements

In addition to the above and not in conflict, the following specific standards shall apply to all uses unless otherwise indicated:

A. Noise
Noise generated by uses and operations permitted or regulated by this Ordinance shall be subject to the provisions of the Chatham County Noise Control Ordinance.

B. Vibration
No use shall be operated so as to produce ground vibration noticeable, without instruments, at the lot line of the premises, which the use is located.

C. Smoke and Other Particulate Matter
Every use shall be so operated as to prevent the emission of smoke from any source whatever, to a density greater than described as Number 1 on the Ringlemann Smoke Chart, provided, however, that smoke equal to, but not in excess of that shade of appearance described as Number 2 on the Ringlemann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringlemann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, a part of these regulations, shall be standard. All measurements shall be made at the point of emission.

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter which may cause damage to property and health of persons or animals at or beyond the lot line of the premises on which the use is located.

D. Odors
No use shall be operated so as to produce the emission of hazardous, objectionable or offensive odors in such concentration as to be readily perceptible at or beyond the lot line of the property on which the use is located.

E. Toxic, Noxious or Hazardous Matter
No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic, noxious or hazardous matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, property or the use of property or land.

F. Electromagnetic Interference
No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception beyond the lot line of the property on which the use is located.

G. Fire and Explosion Hazards
Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the building code and fire prevention code.

H. Humidity, Heat or Glare
Any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond the boundary of the zoning district in which the use is located, or any residential, business or office and institutional zoning district boundary.

I. Light
All lighting shall be beamed down and away from adjoining property. To the extent practicable, all light produced on-site shall be contained within the perimeter of the site by design, orientation or shielding of the light source. The following lighting shall be prohibited:

1. No fixture shall be erected which is an imitation of an official highway or traffic control light or sign.

2. No fixture shall be in a direct line of vision with any traffic control sign or light.

3. No fixture shall have a flashing or intermittent pattern of illumination.

4. No fixture shall be located within a public right-of-way.

5. No fixture shall be erected which because of the design of the light source, orientation or intensity causes direct glare onto adjacent property or streets, creating a nuisance or a hazard or causing confusion to drivers.

6. Search lights are prohibited except when used by Federal, State or local authority.

7. No fixture shall violate any law of the State of North Carolina relative to outdoor lighting.

See **SECTION 13**, Lighting for additional requirements.

J. Stormwater Discharge
No use shall for any period of time, discharge across the boundaries of a lot on which it is located, stormwater containing toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, property or the use of property or land.

11.3. Environmental Impact Assessment

An Environmental Impact Assessment, as described in Section 6.2 of the Subdivision Regulations and related guidelines, shall be required for non-residential projects and Mixed Use Districts as described below consisting of two contiguous acres or more in extent that disturb two or more acres. A project for which a detailed statement of the environmental impact of the project is required pursuant to N.C. Gen. Stat. § 113A-4(2) or 42 U.S.C. § 4332(C), or for which a functionally equivalent permitting process is required by federal or State law, regulation or rule, is exempt from the requirement of this Section 11.3. However, a copy of any such statement of environmental impact for the project shall be provided to the County. The following projects shall submit an Environmental Impact Assessment prior to any land disturbing activity:

A. Any new Conditional Use Permit or Conditional Zoning District.

B. Any physical expansion of an existing Conditional Use Permit or Conditional Zoning District, provided that the expansion is greater than five (5) acres or 10% of the existing area covered by the Conditional Use Permit or Conditional Zoning District, whichever is less. Physical expansion means the addition of new property or acreage to an area covered by an existing Conditional Use Permit or Conditional Zoning District. This requirement shall also apply to conversions of existing Conditional Use Zoning Districts to Conditional Zoning Districts.

SECTION 12 LANDSCAPING AND BUFFERING STANDARDS

Attractive landscaping of a project is an essential component of overall visual appeal. It affords an opportunity to soften the impact of new development. Therefore, it is important that the landscape plan demonstrate clearly thought-out goals. There are many possible approaches to achieving the degree of screening necessary for the various conditional use districts. A clearly stated rationale should accompany the landscaping plan that explains how the plan both serves the needs of the project and fits in with the rural Chatham County setting. For example, some factors that may be addressed are as follows:

· Site conditions such as the amount of sun or shade, slope, and wet or dry areas
· Representative native species of both canopy and under story trees to provide continuity with wooded areas nearby
· Plants that provide screening in cold seasons
· Cost and maintenance considerations
· Growth rates
· Flowering species that can benefit both passersby and beneficial insects.

Landscaping plants shall be selected from the Chatham County Design Guidelines that are, for the most part, a naturally occurring species and arrangement for the area. The use of non-naturally occurring and rare plantings is not discouraged for "specimen" and "contrast" plantings.

· A landscaping plan must be submitted to the County with every non-residential application. Landscaping refers to topography, trees, shrubs, grass, and vegetation. The landscaping plan shall indicate where existing trees and vegetation are preserved.
· A buffer is a strip of land with the screening required thereon. Screening may include landscaping, walls, fences, hedges, berms, and existing vegetation.
· Street trees shall be required along streets at intervals of 40 ft. Each tree shall be of at least 2-1/2 inch caliper when installed and be a height of 30 ft. at maturity.
· Chain link fences are to be discouraged unless screened by vegetation.
· Plantings adjacent to building walls should be included along sides of buildings where devoid of architectural interest.
· The buffer width, height, and appropriate screening for commercial uses adjacent to other commercial uses, adjacent to residential/rural use, or to land zoned as such shall be in accordance with Table 2.

In situations where the property for which site plan or building permit approval is sought was timbered in violation of development regulations, and the timber harvest results in the removal of all or substantially all of the trees that were protected under County regulations governing development of that tract, the County may withhold approval for up to three (3) years after the completion of the timber harvest.

The County may refuse to approve a site plan or deny a building permit for up to five (5) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under County regulations governing development of the tract for which the approval is sought, and the harvest was a willful violation of County regulations.

12.1. Additional Requirements

a. Plantings as required by this chapter shall not be located in drainage, access or utility easements, under overhead power lines or in sight triangles.

b. All developments shall provide secure, safe and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the development being served. All dumpsters/refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or a combination. Such screening shall be of sufficient height and design to effectively screen the facility from the view of adjacent properties and roads.

c. Fences, walls and earth berms may be used in combination with trees and shrubs to fulfill required landscaping; provided, however, that these manmade features are designed and located in such a way that will not conflict with other site features and functions and will be in harmony with the surrounding landscape.

d. All portions of the landscaping area not planted with shrubs and trees or covered by a wall or other barrier shall be planted in grass and/or ground cover, or covered by a natural mulch of a minimum depth of three inches.

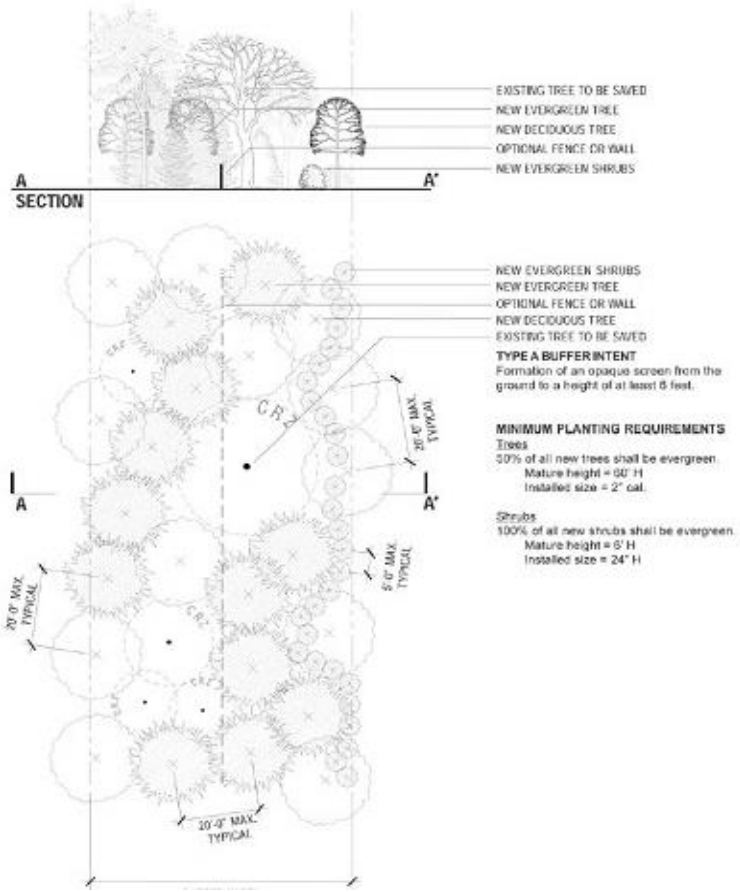
12.2. Water Conservation Guidelines

Given the finite resources for Chatham County, it is highly recommended that year round water conservation be practiced. The purpose of the following recommendations is to preserve our limited natural resources and to foster good growth rates of plantings in the landscape.

A. Xeriscaping

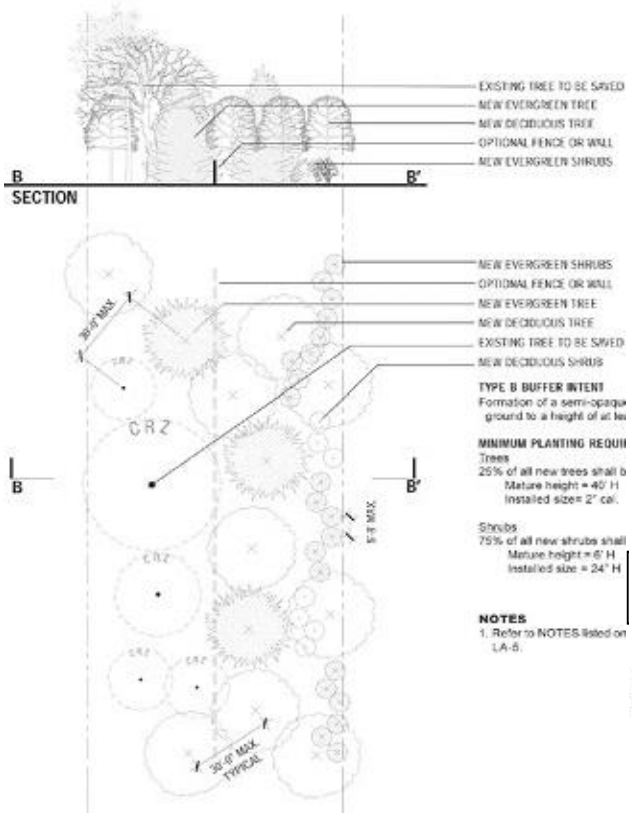
Xeriscaping is recommended where possible to conserve water. See *Chatham County Design Guidelines* for more about xeriscaping.

12.3. Landscape Buffering Requirements and Screen Types

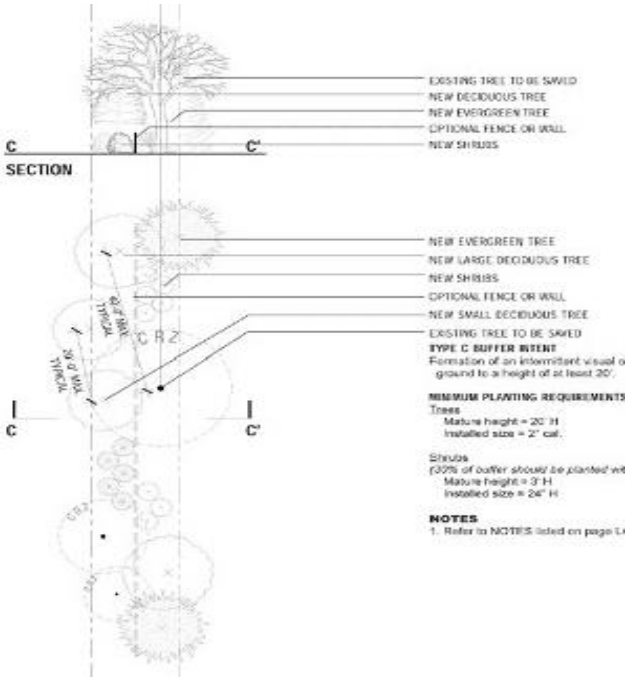


Screen A: This screen creates a year-round visual barrier such that there are no direct views from the street or from the adjacent properties to the development at any time of year. Plants are typically evergreen and can be used in combination with walls and berms. Minimum spacing shall generally be no wider than 20 feet between tree trunks (but may wider depending on tree type), with evergreen shrubs spaced five feet on center.

Figure 1: Screen A Example



Screen B: This screen breaks up the view such that some elements of the property can be seen from some views and/or during some seasons. 25 – 35% deciduous plants may be allowed. Minimum spacing shall generally be no wider than 30 feet between tree trunks (but may be wider depending on tree type), with evergreen shrubs spacing ranging from five to eight feet on center.



Screen C: This buffer area simply preserves existing vegetation. It is intended less as a visual barrier and more for a specific purpose. Examples could include, but are not limited to erosion control, providing continuity with nearby wooded areas, providing wildlife habitat, protecting existing vegetation, providing shade, and/or for aesthetic purposes. Minimum spacing shall generally be no wider than 40 feet between canopy tree trunks and no wider than 20 feet between ornamental tree trunks.

Figure 3: Screen C Example

Height and width of all screen types to be determined case-by-case depending on height of structure to be screened in combination with topography of site and of adjacent sites. Berms, walls, and/or building layout changes may also be necessary. Minimum widths and plant types for satisfying the screen requirements are in: Landscape Buffer Requirements. The plantings are to reach screening goals within 24 – 36 months of the installation and to be maintained as shown on any plans.

Table 2: Landscape Buffer Requirements*

	For adjacent property development					Land use across an adjacent street				
Proposed land use class	***Com***	***O&I***	***Ind-L***	***Ind-H***	***R***	***Com***	***O-I***	***Ind-L***	***Ind-H***	***R***
Commercial (NB, CB, RB)	n/a	n/a	B 20’	B 20’	A 20’	C 20’	B 20’	C 20’	C 20’	B 20’
O&I: Office & Institutional	n/a	n/a	B 20’	B 20’	A 30’	B 20’	B 20’	B 20’	B 20’	B 20’
Ind-L: Light Industrial	B 40’	A 40’	n/a	n/a	A 60’	A 20’	A 20’	C 20’	C 20’	A 40’
Ind-H: Heavy Industrial	B 60’	A 60’	n/a	n/a	A 80’	A 40’	A 40’	C 20’	C 20’	A 60’
R-A: Residential & Agricultural	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

*Adjacent property (but not street) buffers may be waived for mixed-use projects as a condition of an approved Conditional Use Permit.

12.4 Screening of Storage Areas

This section addresses the outdoor storage, utility, and equipment areas often associated with commercial uses. Requirements herein do not apply to mercantile locations where commodities for sale are displayed on the sales site.

Preliminary site design for any project should include providing for adequate outdoor storage needs. These areas include space where materials are temporarily stored, waste and recycling is handled and stored, mechanical/electrical equipment is located or loading and vehicular work yards are located.

Whenever possible storage areas should be concealed by site or building design. Where such is not possible, screening should be provided as follows.

Table 3: Storage Area Screening Requirements

Type of Item to be Screened	Screening Requirements
Ground-mounted electrical transformer	Border plantings on the two most visible sides of the equipment at least as high as the equipment, such as evergreen shrubbery planted to achieve an approximate 80% visual obstruction
Waste and recycling outdoor containers, stored construction materials, utility supplies, etc. (does not apply to temporary storage of six months or less)	A 95% solid treated wood fence at least 1’ higher than the object to be screened and coming within 12” of the ground, with border plantings of evergreen shrubs that constitute an approximate 30% screen on the two most visible sides of the fence, OR,

	An approximate 95% dense planting of evergreen shrubs and/or small trees that reaches the screen density within 24 months of installation and is maintained in perpetuity or until a fence is erected.
Repair work, dismantling or servicing of vehicles	Conceal area using 8' high, 100% opaque fence, with evergreen border plantings that conceal 35% of the fence or equivalent screening
Satellite dish antennas that are 25" in diameter or greater	A 70% visual barrier that is the height of the dish or greater when viewed from the public right-of-way or adjacent residential usages.

Storage areas that are deemed hazards to the public or stored items that could be windblown or require security shall be further enclosed on all sides by wall or fence with border plantings and shall include an operable gate. Gates shall not swing into any public way.

Project landscaping shall be established prior to the facility earning a certificate of occupancy. It is the owner's responsibility to maintain the landscape plantings in good health and to replace any failed plants promptly.

12.5 Screening of Loading Areas

The Chatham County zoning ordinance provides for loading and delivery areas for all buildings used for trade, or industry. A minimum dimension for loading spaces and a quantity requirement for providing spaces based on building area is included. Such spaces shall have access to a public service alley, private driveway, or, if necessary, a public street.

Whenever possible, all loading areas shall be located between the building and the rear lot line of the property, and/or shall be screened from the view of the street and adjacent properties. Developments that use loading areas extensively are encouraged to recess this functional area of the building into the mass of the building or creatively blend it into the landscape using building offsets, screen walls, berms, and other design techniques.

The following list of screening requirements is intended to protect the public and adjacent properties from views to loading areas.

Table 4: Loading Area Screening Requirements

Type of Item to be Screened	Screening Requirements
Delivery door or overhead door without exterior dock and steps	None
Overhead delivery doors with loading docks and steps	6' high screening device of solid structure (wall, fence, etc.) with low border plantings at corners or 25' on center areas of border plantings OR

	An approximate 95% dense planting of evergreen shrubs and/or small trees that reaches effective density within 24 months and is maintained in perpetuity or until a landscaped fence is erected.
Loading dock areas that are also used to store recycling waste containers or outdoor stored materials for any period of time	A 95% solid wooden fence or wall at least 1' higher than the tallest storage or equipment article. Fence shall extend to within 12" of the ground and have border plantings of evergreen shrubs that constitute an approximate 30% screen on the two most visible sides of the loading area OR An approximate 95% dense planting of evergreen shrubs and/or small trees that reaches effective density within 24 months of installation and is maintained in perpetuity or until a landscaped fence is erected.

Screening structures and landscaping may include breaks in the visual barrier for vehicular and pedestrian egress. There, openings in the screening shall be limited to a minimum practical width and located so as to obscure line of sight from the public way.

12.6. Applicability

a. Existing uses shall not be considered non-conforming for this section until expansion of the use is greater than ten percent (10%) of the footprint of the use (building(s), ancillary structures, parking, loading, et cetera. Generally impervious surfaces; pervious areas that are actively engaged in the primary use or permitted ancillary uses are also included).

b. Any expansion under ten percent (10%) within three (3) years of an additional expansion shall be counted toward the percentage of the total.

c. This shall apply to all non-residential applications and conditional use permits with the exception of wireless facilities and structures, which are subject to the landscaping provisions within the Wireless Facilities Ordinance and exempt from Appearance Commission Review.

SECTION 13 LIGHTING

13.1. Intent and purpose

Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, reduce light pollution and not create or cause excessive glare on adjacent properties and street rights-of-way.

13.2. Illuminating Engineering Society of North America (IESNA) Cutoff Classifications[2]

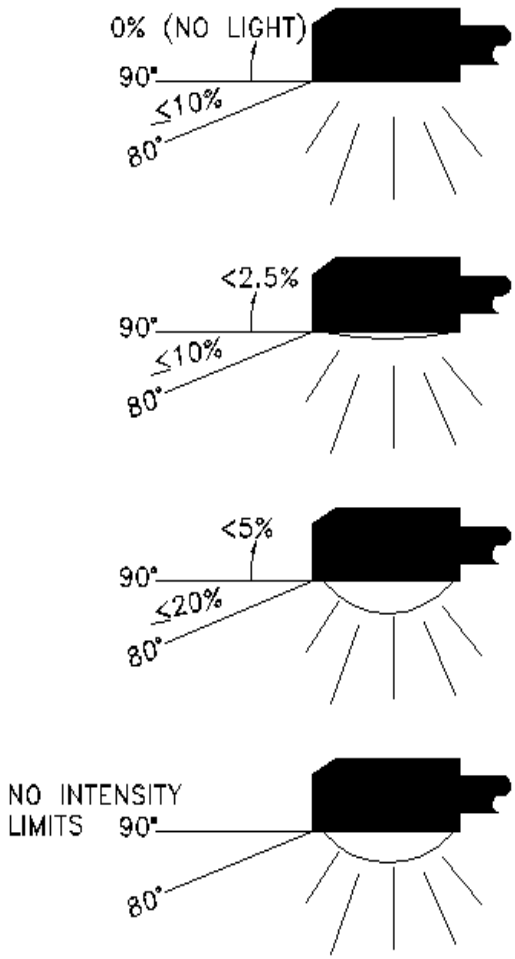
Full Cutoff—A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

Cutoff—A fixture light distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

Semi-Cutoff—A fixture light distribution where no more than 5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 20% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture

Noncutoff—A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.

[2] **with minimal wording modifications to provide non-technical clarity**



1. Full Cutoff—A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

2. Cutoff—A fixture light distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

3. Semi-Cutoff—A fixture light distribution where no more than 5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 20% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture

4. Noncutoff—A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.

13.3. Definitions

Candela— A measure of luminous or light intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction.
Diffusing Panel (lens) – A translucent material covering the lamps in a luminaire in order to reduce the brightness by distributing the light flux over an extended area.
Direct Lighting – Lighting involving luminaries that distribute 90 to 100% of the emitted light in the general direction of the surface to the illuminated. The term usually refers to light emitted in a downward direction.
Fixture— An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
Flood Lamp— A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
Flood Light— A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.
Footcandle (FC)— A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.
Glare— The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

HID— High intensity discharge lighting is a bulb type including mercury vapor, metal halide, high pressure or low-pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.
Holiday/Festive Lighting – Lighting that is installed with the intent to operate during a designated temporary period of time where a specific theme or event is a focus of attention.
IESNA—The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
Illuminance— The amount of light falling on a surface-measured in lux or footcandles.
Internal Refractive Lens— A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.
Light Source— The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.
Light Trespass— Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. This has adverse effects on residents, vehicle operators and pedestrians, the natural environment.
Lumen— A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.
Maintained Footcandles— Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.
Medium Base— The size of lamp socket designed to accept a medium or Edison base lamp.
Natural Recreation Area – An area that is intrinsically dark at night where electric lighting should be held to a minimum as designated by Chatham County.
Outdoor Performance Area— An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.
Outdoor Sports Field— An area designed for recreation (public or privately owned). These areas include, but are not limited to baseball/softball diamonds, soccer fields, football fields, golf courses, golf driving ranges, tennis courts, racetracks, firearm shooting ranges, and swimming pools.
Right-of-Way— An interest in land to the county which provides for the perpetual right and privilege of the county, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public *street*, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, storm water drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.
Temporary Lighting— Lighting used for a limited duration, but in no case longer than thirty (30) days.
Vehicular Canopy— A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.
Wall Pack— A type of light fixture typically flush-mounted on a vertical wall surface.

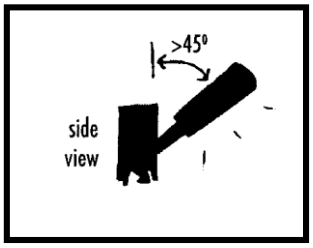
Wide-body Refractive Globe— A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75" in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

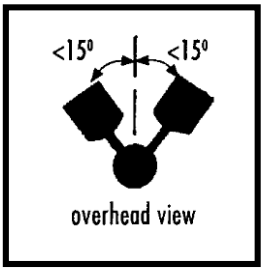
13.4. Light Measurement Technique

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the previous two years. Light levels are specified, calculated and measured in footcandles (FC). All FC values are maintained footcandles unless specified otherwise. See the definition for maintained footcandles in section 13.3 for maximum allowed light loss factors.

13.5. General Standards for Outdoor Lighting

1. Lighting Plan—A lighting plan shall be provided for review and must be approved prior to the issuance of the building permit. The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures.
2. Unless otherwise specified in the following subsections, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure, unless otherwise approved by the county.
3. All floodlights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical. These lights shall be positioned such that any such fixture located within fifty feet (50) of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way. The Zoning Administrator may require shields to be installed on floodlights before, during or after the installation when needed to further reduce lighting trespass, glare and light pollution. Flood lights shall not be aimed at residential property.





4. All flood lamps emitting 1,000 or more lumens shall be aimed at least sixty (60) degrees down from horizontal or shielded such that the main

beam from the light source is not visible from adjacent properties or the public street right-of-way.

5. All wall pack fixtures shall be full cutoff fixtures.
6. All fixtures installed, owned, or leased by governmental or public agencies, or their agents, for the purpose of illuminating public streets are otherwise exempt from this regulation. Fixtures installed through private development are not exempt.
7. The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures.
8. With the exception of essential all-night security lighting, the plan shall demonstrate lighting reduction procedures, implemented using timers or other methods (such as fixtures that automatically change wattage output). Said lighting reduction shall be active between approximately 12 midnight and dawn. For 24-hr commercial activities, this requirement may be adjusted by approval of the Board of County Commissioners.

13.6. Lighting in Outdoor Areas (Residential and Non-Residential)

1. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be full cutoff fixtures, or comply with subsection (4) below.
2. The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting shall not exceed thirty-seven (37) feet above finished grade, unless approved by the Board of County Commissioners as having no adverse effect.
3. Security Lighting for Open Parking Facilities: For lighted parking lots the minimum light level shall be no less than 0.2 footcandles. All light levels are measured at ground level. The minimum light level requirements vary depending on the activity classification. The specified minimum FC value above 0.2 FC as outlined in the following table means that the lowest light level point or location in the parking lot must not exceed the minimum stated FC value in the table (i.e. 0.9 FC for large shopping centers). An average to minimum uniformity ratio of 4:1 means that the average FC to minimum FC ratio cannot be worse (higher) than 4:1. See the following table:

Security Light Levels for Open Outdoor Parking Facilities*		
Use/Task	**Maintained Footcandles**	**Uniformity Avg/Min**
Parking, residential, multi-family Low to medium vehicular/pedestrian activity	Range from 0.2 Min to 0.6 Min	4:1
Parking, industrial/commercial/ Institutional/municipal High activity, i.e. large shopping centers/fast food facilities, major athletic/civic cultural events	0.9 Min	4:1
Medium/low activity, i.e. community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events, residential neighborhood shopping,	Range from 0.2 Min to 0.7 Min	4:1

industrial employee parking, schools, church parking		

Source: IESNA 8th Edition Lighting Handbook; Modification: Medium and Low Activity Level recommendations have been combined.

Notes:

a. Illumination levels are horizontal on the task, e.g. pavement or area surface.
b. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, for commercial parking medium/low activity, the average footcandles shall not be in excess of 2.8 (0.7 x 4).
c. A low/medium activity can be reclassified upward when appropriate and only with Chatham County Planning Department approval.
d. Examples of lighting measurements taken during the development of this ordinance are available from the Planning Department.

4. Exceptions:
   a. Non-cutoff decorative post-mounted fixtures may be used but must be equipped with a solid top when available to direct the light downward or meet the cutoff classification. Mounting heights of 18 feet or less above ground are allowed when the maximum initial lumens generated by each fixture does not exceed 9500 initial lamp lumens.
      1. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
      2. All metal halide solid-top decorative post fixtures equipped with a medium base socket must use an internal refractive lens, a diffusing panel (lens) or a wide-body refractive globe as described in section 13.3 Definitions.
   b. Dusk-to-dawn open bottom security lights must be fully shielded to provide a full cutoff light distribution.
   c. Temporary lighting for special events of short duration. Typically these are low wattage or low voltage applications for public festivals, celebrations, and the observance of holidays, carnivals, and celebrations. Portable (non-permanent) internally-illuminated signs come under this classification and, as such, can be used for up to thirty (30) days only.
   d. Airport lighting controlled by the Federal Aviation Administration (FAA).
   e. Lighting of the United States of America and State of North Carolina flags and other flags or insignia of any governmental entity.

13.7. Lighting for Vehicular Canopies

Areas under a vehicular canopy shall have an average maximum horizontal illuminance of twenty-four (24) maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection 13.6 above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy that provides a full cutoff or fully-shielded light distribution.
2. Surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

13.8. Outdoor Sports Field /Outdoor Performance Area Lighting

1. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved by the Chatham County Zoning Board of Adjustment.
2. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).
3. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area. The maximum light level shall be 0.5 maintained footcandles at any property line in a residential district, or on a lot occupied by a dwelling congregate care or congregate living structure.
4. As outdoor sport field/outdoor performance area lighting non-conforming fixtures fail, maintenance replacement fixtures must be installed that comply with the requirements of these lighting standards.
5. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

13.9. Natural Recreation Areas

These locations are intrinsically dark landscapes at night. Such areas include state and national parks, conservation areas, natural recreation areas, and areas adjacent to optical astronomical observatories. These places are used for camping, etc., where a naturally dark environment is desired and are designated by Chatham County.

1. Light reduction procedures begin at approximately 12 midnight with limited essential safety and security lighting.
2. All fixtures shall be full cut-off.

13.10. Lighting of Outdoor Display Areas

The following provisions apply to outdoor display areas except for car dealership parking lots, as specified in item (4), below:

1. Parking lot outdoor areas shall be illuminated in accordance with the requirements for subsection 13.6 above. Outdoor display areas shall have a maximum average maintained illuminance of twenty-four (24) maintained footcandles.
2. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed in accordance with subsections 13.5 (3) and 13.5 (4) of this ordinance.

3. The mounting height of outdoor display area fixtures shall not exceed thirty-seven (37) feet above finished grade.
4. For car dealership parking lots, the following provisions shall apply:

    a. Full cutoff fixtures shall be used.
    b. Mounting Heights: Up to a maximum of thirty-five (35) plus 2-foot raised base for parking areas as needed.
    c. Lighting at the first row, the car bumper may not exceed a maximum average maintained illuminance of 24 footcandles.
    d. Lighting in the non-display area of the parking lot after hours shall be no higher than 7 FC average maintained.

13.11. Lighting of Buildings

1. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and other intended site features, and away from adjoining properties and the public street right-of-way.
2. Illumination on any vertical surface or angular roof shall not exceed 5.0 FC average maintained
3. To the extent practical and where possible, lighting fixtures shall be directed downward rather than upward
4. When upward aiming is used, placement of low wattage fixtures with shields (as needed) close to the building to graze the façade is required to minimize reflected light from windows and other surfaces. The Planning Department can waive this requirement in rare and unusual cases if it is demonstrated that the physical location of light fixtures close to the building to accomplish this design is not possible.

13.12. Permanent Sign and Billboard Lighting

External lighting fixtures illuminating signs and billboards shall be aimed and shielded so that direct illumination is focused exclusively on the sign. Externally lighted signs shall be lighted from the top of the sign downward. The Planning Department can waive this requirement in rare and unusual cases if it is demonstrated that the physical location of light fixtures for top down aiming is not possible. The maximum watts permitted to illuminate a sign are determined by multiplying the sign face area by 2 watts per square foot. Internally illuminated signs are permitted, provided that the message or letters of such sign consist of nonreflective material. For additional guidance, see the sign section of the County Zoning Ordinance.

Exception: Signs less than 7 feet (2 meters) in height above grade may be illuminated by ground mounted uplighting not exceeding 100 lamp watts per sign face.

NOTE: Refer to Section 13.6 (4)(c) regarding portable internally illuminated signs.

13.13. Holiday/Festive Lighting

Holiday/festive lighting is allowed provided it complies with the definition outlined in section 13.3. The connection of multiple holidays and/or festive events over a number of weeks and/or months is not permitted. Lamps below 7 watts are exempt and have no restrictions on use.

13.14. Walkways, Bikeways and Parks (Section to be lighted)

The walkway, pathway, or ground areas that are to be lighted shall be illuminated to a level of at least 0.2 and no more than 0.5 average horizontal maintained footcandles.

13.15. Landscape Lighting

All landscape and residential façade lighting systems shall employ shielded directional luminaires not to exceed 40 lamp watts. The luminaires shall be aimed such that the light source cannot be seen from any reasonable viewing point on an adjacent property.

13.16. Permitting and Approval Process

The following section applies generally to the Permitting and Approval Process and outlines requirements of the applicant seeking a permit for work involving outdoor lighting for residential subdivision single family and multi-family developments, commercial, multi-use, office, institutional and industrial projects. Specific permitting requirements are to be in compliance with the procedures established by the Chatham County Planning Department and the Chatham County Central Permitting Department. These aforementioned requirements shall serve as the framework by which this ordinance is implemented.

As with any permitting process, the applicant shall be required to submit the appropriate supporting documentation at the time the application is submitted for review. The documentation submitted shall contain, but not be limited to the following, all or part of which may be part of, or in addition to, the information required elsewhere in this Ordinance, and by the policies and procedures established by the Chatham County Planning Department and the Chatham County Central Permitting Department.

1. The applicant for any permit required for work involving outdoor lighting for commercial, office, institutional and industrial projects with a gross floor area of more than 5,000 square feet, residential projects other than detached single family dwellings of more than 6 units, all vehicular canopies and all outdoor display areas shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this lighting standard.

2. A lighting plan to scale is required that shows a point-by-point footcandle array on a 10’ by 10’ grid in a printout format indicating the location and aiming of illuminating devices. The printout shall include a summary table to indicate compliance with the average maintained and minimum footcandles and average to minimum uniformity ratios. FC point values in the appropriate areas to determine light trespass compliance is also required. The lighting plan shall include as a minimum an arrangement of the subject outdoor lighting, a fixture schedule detailing the mounting height & technique, fixture type, bulb type & wattage, controls, lenses, etc. The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures as well as the implementation of the stated lighting practices as outlined throughout this ordinance.

3. A point-by-point photometric footcandle array created from industry recognized lighting software systems and/or manual calculations created by a professional engineer, lighting certified professional, vendor or an individual that possesses the skills to perform such calculations. Methods used for calculating the lighting footcandle levels shall be indicated in the application documentation. The footcandle array shall be provided in a hardcopy printed format indicating the location and aiming of all applicable illuminating devices covered under the subject application based on the site and/or building arrangement plan complete with consideration of adjoining properties and roadways.

4. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

Projects that are not required to submit items identified in sub-section (1) above are still subject to comply with the provisions of this ordinance and may be required to provide this information upon request.

The Chatham County Planning Department personnel may modify and/or waive any part(s) of the above referenced permit requirements, provided the applicant can otherwise demonstrate compliance with this Code. Note: An example of this provision might be where a contractor or utility repeatedly installs the same lighting equipment on different projects in the county. One submittal containing the specification sheets of a particular group of fixtures may be sufficient for the Planning Department to modify the project requirement and require that only the other provisions of the ordinance be met since the fixture specification provisions have already been met. This modification would conserve county personnel and lighting supplier/installer resources.

13.17. Nonconformities

1. Any lighting fixture lawfully in place or approved by the county prior to the adoption of this ordinance shall be exempt from these requirements. At the time that a non-conforming fixture is replaced, moved, upgraded, or otherwise changed, the fixture must be brought into compliance with the requirements of this ordinance. Any expansion of, or addition to, an existing lighting system must conform to the requirements of this ordinance.
2. Routine maintenance, including changing the lamp, ballast, starter, photo control, lens, and other required components, is permitted for all existing fixtures. When the fixture housing is changed, the fixture must come into compliance.
3. Major renovation(s) of vehicular canopies (50% or more of the existing light fixtures) will require compliance with Section 13.7.
4. Property owners that install lighting fixtures after the effective date of this ordinance and are found to be in non-compliance shall receive written notification according to this ordinance.
5. See section 13.12 (h)(4) for nonconformity provisions for outdoor sports fields and performance areas.

SECTION 14 OFF-STREET PARKING AND LOADING

14.1. Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space.

A. Certification of Minimum Parking Requirements
Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this section are met.

B. Definition of a Parking Space
The storage space of one automobile. The size of a parking space shall be in accordance with generally accepted geometric design principles for the type space and lot.

C. Minimum Off-Street Parking Requirements
The following off-street parking space shall be required:

Classification Off-Street Parking Requirements
Note that any fractional space e.g. 47.3 shall be considered the next whole number, e.g., 48

RESIDENTIAL:

Housing designed for and used by the elderly	1 space per 4 dwelling units
Incidental home occupations	1 space in addition to the residential requirement
Multi-family residences	1.5 spaces per dwelling unit
Rehabilitation homes	1 space per two beds
Congregate care	1 space per 2 dwelling units
Single-family and two-family residences (may be in a single drive with one car behind the other)	2 spaces per dwelling unit

COMMERCIAL AND INDUSTRIAL:

Auto service station and/or repair shops	4 spaces per service bay, plus 1 space per wrecker or service vehicle
Auto sales	1 space per 400 square feet of building area devoted to sales
Bank and consumer financial services	1 space per 200 square feet of gross floor area
Barber & beauty shops and other personal services	2 spaces per operator
Car washes	1 space per 2 employees
Delivery, ambulance and other similar services	1 space per vehicle, plus 1 space for each 2 employees
Drive-through service such as banks, automobile service stations, dry cleaners, car washes and similar uses (in addition to use requirements)	Stacking for 4 vehicles at each bay, window or lane
Dry cleaners or laundries (self-service)	1 space per 4 rental pieces of equipment
Eating establishments and nightclubs serving meals	10 spaces, plus 1 for every 3 seats
Fire stations	1 space per person on duty on a normal shift
Hotel, motel, motor court and similar uses	1 space per unit, plus 2 spaces per 3 employees on a normal shift
Mobile home sales	5 spaces, plus 1 space per 20,000 square feet of gross area
Manufacturing, industrial, warehousing and wholesaling	1 space per 3 employees on the largest shift
Post Offices	1 space per 200 square feet of public service area, plus 2 spaces per 3 employees on the largest shift
Retail sales except those listed below	1 space per 200 square feet of gross floor area
Retail sales of bulky items which require high rates of floor space to the number of items offered for sale such as antiques, appliances, art, bicycles, carpet, floor covering, furniture, motorcycles, paint, upholstery and similar uses	1 space per 300 square feet of gross floor area
Retail uses dealing primarily in service and/or repair	1 space per 200 square feet of gross floor area

Designed shopping centers	5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store by store basis)
Radio, TV Stations	2 spaces per 3 employees on the largest shift
Transportation terminals, such as airports, bus terminals and railroad passenger stations	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees on the largest shift
Wholesale with related retail	1 space per 3 employees on the largest shift, plus additional spaces per square foot of gross floor area devoted to retail sales as applicable from "retail sales" schedule above

OFFICE AND INSTITUTIONAL:

Child care and kindergarten, less than 6 children	1 space per teacher or staff, plus space for 1 car drop-off and pickup
Child care and kindergarten, 6 or more children	1 space per teacher or staff, plus stacking for 4 cars for drop-off and pickup or stacking for 1 car per 10 children, whichever is greater
Churches and other places of worship	1 space per 4 seats in the largest assembly room
Dormitories	1 space per 4 beds
Fraternity, sorority houses	1 space per 2 beds
Elementary and junior high schools	5 spaces, plus 1 space per teacher or staff
Funeral homes	1 space per 4 seats in the main chapel
General offices	1 space per 200 square feet of net rentable area (Net rentable area shall be considered to be 80% of gross floor area unless otherwise shown by applicant)
Hospital, nursing and convalescent homes	1 space per 2 beds, plus 1 space per staff doctor on duty
Library, museum and art galleries	1 space per 300 square feet of gross floor area
Medical, dental and similar offices	7 spaces per doctor or practitioner
Nursing, convalescent homes designed and used primarily for the elderly	1 space per 3 beds, plus 1 space per staff doctor on duty
Orphanage, juvenile homes	1 space per 2 beds
Senior high schools, trade and vocational schools, colleges and universities	7 spaces per classroom
Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus	1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room

RECREATION:

Amusements, dance halls, nightclubs not serving meals	1 space per 3 persons in designed capacity, plus 2 spaces per 3 employees on the largest shift
Auditoriums, stadiums, assembly halls, convention centers, gymnasiums, fraternal or social clubs or lodges, community recreation centers	1 space per 3 fixed seats and 1 space per 3 movable seats in the largest assembly room
Bowling alleys	4 spaces per lane
Golf courses	4 spaces per tee
Indoor movie theaters	1 space per 3 fixed seats and 1 space per 3 movable seats
Public swimming pools	1 space per 100 square feet of water area
Recreation uses such as golf driving range, miniature golf, tennis, billiards or pool centers or similar recreation uses	1 space per tee, green, court and/or other method of participation however styled
Recreation facilities such as community center, swimming pool, tennis courts, and similar activities when located in conjunction with a townhouse, condominium, group housing or homeowner association development	1 space per 25 memberships or tenant

D. Combination of Required Parking Spaces
The required parking spaces for any number of separate uses may be combined in one lot or parking structure, but the required parking spaces assigned to one use may not be assigned to another use at the same time.

E. Day Time/Night Time Assignments
One-half of the required parking spaces for places of worship, theaters, or assembly halls whose peak attendance is at night or weekends may be assigned to a use which will be closed at night or weekends.

F. Lighting
Access ways, walkways and parking areas, if lighted, shall be lighted by fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

G. Remote Parking
On all off-street parking lots, the required space shall be provided on the same plot with the use or on a lot separated there from by not more than 400 feet, except for residential uses which must be provided on the same plot.

Where provision of required off-street parking for a building or other uses established subsequent to the adoption of this section involves one or more parcels or tracts of land that are

not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a zoning permit an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a zoning permit.

Parking in one zoning district in connection with a use not permitted in that district shall be permitted in accordance with the following:

- Business uses may park in Industrial Districts.
- Industrial uses may park in Business Districts.
- Office and Institutional uses may park in Business and Industrial Districts.
- Residential uses may park in Business, Industrial and Office and Institutional Districts.

In addition, any use located in one zoning district which is also a permitted use in another zoning district may also park in such other zoning district in which the use is permitted.

14.2. Parking Lot Improvement, Design and Locational Requirements

All off-street parking lots including exits, entrances, drives and parking areas shall:

Be designed to allow for traffic movement in accordance with generally accepted geometric design principles;

- Have physical access to a public street;
- Be so designed that all access to public street is by forward motion;
- Be graded, properly drained, stabilized and maintained to prevent dust and erosion; and
- Be continuously provided and maintained as long as the use which they serve exists.

No parking lot designed or provided for more than six cars shall be located in the required front yard within the following districts:

R5 - Residential 5
R2 - Residential 2
R1 - Residential 1
O&I - Office and Institutional
IL - Light Industrial

Parking Lots for Neighborhood Business, Community Business, and Regional Business shall adhere to the Chatham County Design Guidelines. Front yard parking is discouraged in order to facilitate pedestrian and transit access from the public right-of-way. All other provisions (except

front yard parking) in the B-1 district (below) still apply. No front yard parking space may be within 10 feet of any public right-of-way line.

In accordance with the principles set forth in the Chatham County Design Guidelines, within the B-1 Business District and IH Heavy Industrial District parking lots may be located in the front yard but not within 10 feet of any public right-of-way line. When a parking lot with space for more than 10 cars adjoins any plot zoned for residential purposes, a buffer shall be provided to protect residences from light, glare, noise and fumes. This buffer shall be a five foot wide strip of land on which is placed a four foot high, at least 50% opaque fence or a dense evergreen screen of equal height and opaqueness, provided that smaller evergreen plantings may be permitted where in the opinion of the County staff there is a reasonable expectation that such plantings will reach the required height and opaqueness within a two-year period.

Refer to the Chatham County Design Guidelines for required interior plantings and planting island specifications for all off-street parking areas.

14.3. Off-Street Loading Requirements

Every structure or building used for trade, business or industry hereafter erected shall provide space as indicated herein for the loading, unloading and maneuvering space of delivery vehicles off the street or public alley. Such space shall have access to a public alley, private driveway, or, if such cannot reasonably be provided, to a public street. For the purpose of this section an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have a minimum dimension of 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade.

A. Type of Use Required Off-Street Loading Space

Retail Business: 1 space for each 20,000 square feet of gross floor area or fraction thereof

Wholesale and Industries: 1 space for each 20,000 square feet of gross floor area or fraction thereof

Office and Institutions: 1 space for each 50,000 square feet of gross floor area or fraction thereof

Loading areas shall be screened in accordance with the Chatham County Design Guidelines and Section 12.5 Screening of Loading Areas.

SECTION 15 REGULATIONS GOVERNING SIGNS

The regulations governing the use of signs are set forth in this section. All signs shall be erected, altered, and maintained in accordance with the following provisions and only those signs as specified and as regulated shall be erected within the jurisdiction. Signs shall adhere to the Chatham County Design Guidelines as stated in Section 12 for items not directly addressed in this ordinance unless such adherence is unsafe due to site conditions or other extenuating circumstance. Any sign or type of sign not expressly mentioned in this section shall be prohibited.

15.1. Definitions

See Definitions, Section 7.

15.2. Non-conforming signs

See Section 9 for provisions for non-conforming signs.

15.3. Lighting of Signs

For lighting of signs, refer to Section 13 of the Chatham County Zoning Ordinance.

15.4. Prohibited Signs

1. Any sign that obscures a sign displayed by public authority for the purposes of giving traffic instruction or direction or other public information.

2. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority. Provided, however, this provision is not intended to prevent the placement on private property of signs such as "stop" , "yield" or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.

3. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law.

4. Any portable sign that is not considered a Temporary Sign as defined in Section 7.

5. Any sign that violates any provision of any law of the State relative to outdoor advertising.

6. Signs with flashing, intermittent or animated illumination except for official warning or regulatory signs. Provided, however, electronically or electrically controlled message centers or reader boards where different copy changes, involving alphabetical or numerical characters only, present messages of a public service or commercial nature on the same lamp bank shall not be considered to be flashing signs.

7. Signs affixed to trees, telephone poles, light poles, State-owned sign posts or public road right-of-way control fencing, except when used to post property or other such public purposes.

8. Signs erected in or over the public right-of-way except as permitted by the North Carolina Department of Transportation, Enforcement of this provision shall be the responsibility of the North Carolina Department of Transportation.

9. Signs intentionally set in motion by wind, water, motor drive or otherwise.

10. Signs, banners, streamers, or pennants tied or consecutively strung together, but not including temporary holiday decorations.

11. Any sign with a sign area over 200 square feet.

12. Any sign which would constitute the sole and/or principal use of any lot, plot, parcel or tract of land. This provision is intended to prohibit any sign which viewed within the context of its design, orientation, location on property, physical situation, relationship to surrounding property, streets and uses of land and other such factors would appear to constitute a principal use of land as regulated by this Ordinance. However, no sign listed as “signs Permitted in Any Zoning District", Temporary Signs in this section, or Off-Premise Directional Signs are intended to be prohibited by this provision.

15.5. Signs Permitted in Any Zoning District

The following signs are permitted in any zoning district:

1. Signs not exceeding four square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

2. Flags and insignias of any government.

3. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

4. Integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. On-premise signs pertaining to realty, such as for sale, rent or lease, not exceeding four square feet in area and not illuminated. Signs up to 32 square feet are permitted for properties ten (10) acres in size or larger. There shall be a limit of one such sign for each street abutting the lot.

6. Church, community or public building bulletin boards and identification sign, lighted or unlighted shall not exceed 32 square feet in area. There shall be a limit of two such signs for each street abutting the lot, or one such sign not exceeding 64 square feet in area.

7. Signs advertising agricultural products, produced on the premises, not exceeding 32 square feet in area. There shall be a limit of one such sign for each street abutting the lot.

8. Signs identifying, by name only, residential sub- division, planned housing development, recreational facility, permitted campgrounds or mobile home parks and not exceeding 32 square feet in area. There shall be a limit of one double-faced sign or two single-faced signs for each road or driveway entrance to the development named on the sign.

9. Signs of any political party or announcing the candidacy of any individual for any nomination or office; provided that in any residential district, no such sign shall exceed 32 square feet in area and in any district other than a residential district no sign shall exceed in area the maximum area of sign display permitted on any lot in that district; provided further, that all such signs, shall be removed not later than 10 working days after the date of the election to which they pertain.

10. Signs not exceeding 32 square feet in area, warning the public against hunting, fishing, or trespassing on the land on which the same are displayed.

11. Temporary signs may be allowed pursuant to the Temporary Signs Section (Section 15.10).

15.6. Signs Permitted in the O&I, Office and Institutional Districts

A. Sign Area

Within the O&I District, each lot or parcel may have a maximum of 1 1/2 square feet of sign area for each linear foot of frontage on a private- or public-maintained street. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

B. Freestanding Signs

Not more than 1/2 the total sign area for any one lot may be in the form of freestanding signs. No part of any freestanding signs shall exceed a height of 10 feet above the ground at its base.

C. Attached Signs

No sign shall be attached to a building in such a way as to extend above the roof line which forms the background of the sign.

D. Sign Size

No one sign shall exceed a size of 50 square feet.

15.7. Signs Permitted in the B-1, NB, CB, and RB Districts

A. Sign Area

Within the B-1, NB, CB, and RB Districts, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a private- or public-maintained street or highway. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

B. Freestanding Signs

Not more than 2/3 the total sign area for any one lot may be in the form of freestanding signs. No part of any freestanding sign shall exceed a height of 30 feet above the ground at its base.

C. Attached Signs

No sign shall be attached to a building in such a way as to extend above the roof line which forms the background of the sign.

D. Sign Size

No one sign shall exceed a size of 150 square feet.

15.8. Signs Permitted in the IL, Light Industrial District

A. Sign Area

Within the Light Industrial District, each lot or parcel may have a maximum of two square feet of sign area for each linear foot of frontage on a private- or public-maintained street or highway. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

B. Freestanding Signs

No part of any freestanding sign shall exceed a height of 30 feet above the ground at its base.

C. Attached Signs

No attached sign shall exceed a height of 30 feet from the average finished grade of the lot on which the structure to which the sign is attached is located.

D. Sign Size

No one sign shall exceed a size of 200 square feet.

15.9. Signs Permitted in the IH, Heavy Industrial District

A. Sign Area

Within the Heavy Industrial District, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a private- or public-maintained street. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

B. Freestanding Signs
No part of any freestanding sign shall exceed a height of 30 feet above the ground at its base.

C. Attached Signs
No attached sign shall exceed a height of 30 feet from the average finished grade of the lot on which the structure to which the sign is attached is located.

D. Sign Size
No one sign shall exceed a size of 200 square feet.

15.10. Temporary Signs

A. On-premise or off-premise signs promoting events sponsored by civic, charitable, educational, religious, community recreational, or other non-profit organizations may be erected up to two (2) weeks in advance of the event being promoted. These signs shall be removed within two (2) days following the conclusion of the event. The signs shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. Written permission shall be required for signs located on property other than the location of the event. No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency. There shall be no more than one (1) sign per street or road frontage per parcel.

B. On-premise or off-premise signs promoting real estate open houses may be erected up to two (2) days prior to the open house and must be removed within 24 hours following the conclusion of the open house. The signs shall not exceed four (4) square feet in size, and shall not exceed five (5) feet in height, measured from ground level to the top of the sign. On-premise or off-premise auction signs may be erected up to two (2) weeks prior to the auction and must be removed within 24 hours following the conclusion of the event, shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. Written permission shall be required for signs located on property other than the location of the event. No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency. There shall be no more than one (1) sign per street or road frontage per parcel, and no more than three (3) signs per real estate open house or auction event.

C. All other temporary signs shall be on-premise and shall not be erected for more than 30 calendar days per year, shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency. There shall be no more than one (1) sign per street or road frontage per parcel.

D. Banner signs shall be permitted as on-premise temporary signs, provided they do not exceed 32 square feet in size. Banner signs shall be erected for no more 30 calendar days per year. No banner signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency. There shall be no more than one (1) sign per street or road frontage per parcel.

E. On-premise temporary signs giving information pertaining to construction taking place on the property for which a permit has been issued may remain throughout construction but shall be removed upon issuance of a certificate of occupancy. These signs shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency. There shall be no more than one (1) sign per construction entrance.

F. Off-premise signs promoting seasonal harvesting activities for bona fide farming operations shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. There shall be no more than one (1) sign per street frontage or road frontage per parcel.

15.11. Off-Premise Directional Signs

A. Off-premise directional signs are permitted in any zoning district provided no sign is larger than 32 square feet and no part of the sign is higher than eight (8) feet above the ground at its base.
B. Three off-premise directional signs are allowed per business, church, park, historic property, school, or other place of assembly.
C. Only one (1) off-premise directional sign is permitted per property; however multiple uses are allowed to be identified on the sign.
D. The square footage of the off-premise directional sign shall not be counted against the square footage of other signs allowed on the property.
E. Written permission from the owner(s) of the property where the sign is proposed to be located is required to be submitted with the sign permit application.
F. Verification from the North Carolina Department of Transportation that the sign will not be in violation of any State regulations at its proposed location must be submitted with the sign permit application.

15.12. Permit Required

A. No sign shall be erected, placed, attached, suspended, altered, remodeled, relocated or otherwise put into use or structurally changed except pursuant to a permit issued by the Planning Division. Each application for a sign permit, whether permanent or temporary, shall include such information as the Planning Division may deem necessary in order to determine compliance with the provisions of this Ordinance.

B. Those signs listed in Section 15.5 (Signs permitted in any district) shall not require a permit.

SECTION 16 HOME OCCUPATIONS

16.1. Neighborhood Home Occupations

Customary home occupations are permitted in residential districts where such occupations are carried on in the residence and/or accessory buildings subject to the following limitations.

1. Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

2. No more than 25% percent of the heated living space, excluding basements, shall be used for home occupations. Basements may also be used for home occupations in addition to the 25% or a detached garage.

3. No outdoor display of goods or materials shall be allowed on the property.

4. One non-illuminated sign is allowed which shall not exceed four square feet in area.

5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.

6. Accessory buildings may be used for home occupations provided the building area is not larger than 1,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed 1,000 square feet.

7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street in an area other than in a required front yard.

The customary home occupations referred to in this subsection may include the merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and products.

Occupations that have no non-resident employees, no signs, no on-site retail sales, or no visits from the general public do not require a home occupation permit.

16.2. Rural Home Occupations

Rural home occupations are those, which by their nature are not compatible on small lots near other residences, and may require an outdoor storage area for goods and materials associated with the business.

1. Rural home occupations may be allowed on parcels, which are no smaller than three acres in size.

2. Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be subordinate to its use for residential purposes by its occupants.

3. No more than 25% percent of the heated living space, excluding basements, shall be used for home occupations. Basements may also be used for home occupations in addition to the 25%.

4. One non-illuminated sign is allowed which shall not exceed four square feet in area.

5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference that is a nuisance off the lot. All operations must conform to the Chatham County Noise Ordinance. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.

6. Accessory buildings may be used for home occupations provided the building is not larger than 2,500 square feet. If multiple buildings are used, the total combined square footage shall not exceed 2,500 square feet.

7. Commercial driveway permits may be required to assure traffic hazards are minimized. The driveway shall be located and improved such that it provides all weather access and does not interfere with other traffic using said drive. Any need for parking generated by the conduct of such home occupation shall be met off the street in an area other than in a required front yard.

8. Buildings, material storage and operations used for home occupations shall be setback from side and rear property lines a minimum of 50 feet except for noise generating operations, as determined by staff, in which case the setbacks shall be a minimum of 100 feet. The front setback shall be a minimum of 40 feet and shall be measured from the property line or the edge of the road right of way, which ever is greater.

9. To lessen the impact on adjacent properties, visual screening shall be installed to provide at a minimum a 15 foot wide opaque buffer. This may include but not be limited to a 6 foot high opaque fence and/or the planting of vegetation that at a minimum provides a continuous all season opaque screen at least 6 feet in height within 4 years of planting. Planting shall be a minimum of 3 gallon shrubbery or 10 gallon trees.

10. All required permits (i.e. Chatham County Central Permitting, Chatham County Environmental Health, North Carolina Department of Transportation or other local and state agencies) must be obtained prior to the issuance of the home occupation permit.

Any person wanting to conduct a home occupation within their residence shall apply for a home occupation permit. A home occupation permit approved by the Zoning Administrator must be received prior to beginning said occupation. Permits are not transferable. The home occupation permit is valid only as long as the use meets the provisions for home occupation specified herein and the permit may be revoked any time the use does not meet the provisions of this or other applicable ordinances.

SECTION 17 CONDITIONAL USE PERMITS

Permits for conditional uses as provided for in this Ordinance may be authorized by the Board of Commissioners in certain circumstances and subject to certain procedures as set forth herein. In some zoning districts certain listed uses are permitted only as conditional uses.

17.1. Procedure

Requests for conditional use permits as authorized by this Ordinance shall be processed and considered in the same format as set forth in this Ordinance for conditional zoning district requests , but shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required to issue such permits for the Board of Commissioners. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board of Commissioners should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied. Conditional use permits may include time limits for expiration if specified criteria are not met.

In granting a conditional use permit, the Board of Commissioners shall make the following affirmative findings:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.

3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

4. The requested permit will be consistent with the objectives of the Land Use Plan.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

In granting a conditional use permit, the Board of Commissioners may impose such additional restrictions and requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the conditional use permit, otherwise the permit shall be denied. Any conditional use permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board of Commissioners, as provided for in this Ordinance.

A member of the Board of Commissioners shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

17.2. Plans

Final plans for any development to be made pursuant to any conditional use permit shall be submitted to the Planning Department for review prior to the issuance of any permits. Such review shall be for the purpose of determining compliance with the permit conditions and other Ordinance requirements.

17.3. Violations

Any violation of a term or condition of a conditional use permit shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

17.4. Changes or Amendments

Upon request by the property owner, the Board of Commissioners may change or amend any conditional use permit, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this Ordinance for the original issuance of a conditional use permit. No proposal to amend or change any conditional use permit shall be considered within 12 months of the date of the original authorization of such permit or within 12 months of the hearing of any previous proposal to amend or change any such permit.

17.5. Specific Conditions for Conditional Uses Listed in Residential Districts

The minimum requirements for the zoning district in which a conditional use is located shall be the minimum requirements for such conditional use. In addition, for the following conditional uses, which are listed as conditional uses in the residential districts, the listed conditions shall be imposed along with any additional conditions the Board of Commissioners may attach in the granting of a conditional use permit.

A. Boarding Kennels

1. Minimum lot area - 3 acres

2. All buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located.

B. Public and Private Recreation Camps and Grounds

1. Minimum Lot Area - 20 acres except within the zoned portions of the Haw River Township which may have a minimum lot area of 10 acres.

2. All buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located.

C. Planned Residential Development

Planned residential developments are conditional uses within the R5, R2 and R1 zoning districts.

1. Purpose
   The purpose of the Planned Residential Development is to permit maximum flexibility in lot creation and residential unit placement within larger planned residential projects while at the same time preserving open space in more usable and environmentally sensitive units. Planned residential developments are not bound by typical minimum lot sizes, housing development types and dimensional requirements as set forth in the district in which the development is located but are subject to the standards as set forth in this section and any additional conditions and safeguards as may be attached by the Board of Commissioners in authorizing a conditional use permit.

2. Area Required
   In order to qualify for a planned residential development, the following minimum gross areas are required by zoning districts:

   R5 200 acres
   R2 100 acres
   R1 50 acres

3. Maximum Net Density Allowed
   Within a planned residential development, the following net densities by zoning districts shall not be exceeded:

   R5 One dwelling unit for each five acres of net land area
   R2 One dwelling unit for each 90,000 square feet of net land area
   R1 One dwelling unit for each 40,000 square feet of net land area

4. Net Land Area Computation
   Net land area is obtained by taking the gross land area of the development and subtracting the following areas:

   a. Land to be dedicated or set aside for public and private road rights-of-way. As an option to measuring projected road rights-of-way the developer may subtract 20% of gross area as road right-of-way allowance regardless of the amount of land actually required for roads.

   b. Land subject to flooding by the 100 year flood.

c. Land and water classified as wetlands or wooded swamp by the U.S. Army Corps of Engineers.

d. Water areas over one acre

Other areas determined to be unbuildable due to other regulatory authority. Typical zoning setback areas shall be considered to be buildable areas for purposes of this determination.

5. Exterior Boundary Setbacks and Development
   Setbacks along the exterior boundary of the planned residential development or on any existing public street shall not be less than that required for the district in which the project is located. In addition, the Board of Commissioners may require, in addition to any other conditions or safeguards, other special screening, setbacks, and/or lotting sizes and building arrangements along the exterior boundary of the project in order to mitigate any potential adverse effects upon surrounding property.

6. Gross Site Use
   Within a planned residential development all land that is not used for public or private street rights-of-way, building lots, or plots for other residential developments shall be placed in common area and an entity created for its perpetual ownership and maintenance. There may be more than one common area and more than one level of common area rights within a planned residential development. Common areas may be used for recreational facilities and similar uses for the development.

7. Site Plan Required
   A site plan is required for a planned residential development in the same form as required for a subdivision sketch design. The Planning Board may also require additional drawings and information in order to make its determination and recommendation.

17.6. Standards for Solar Energy Uses

This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. All regulations in the zoning ordinance shall apply unless expressly allowed or modified in the below standards.

A. Solar Collectors

Solar collectors shall be permitted as an accessory use to existing structures or facilities in any zoning district under the following standards:

1. Roof mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

2. Ground mounted solar systems shall meet the minimum zoning setbacks from property lines for the zoning district in which it is located.

3. The maximum height for a ground mounted solar system under this standard is 15 feet as measured from the grade of the base of the collector to its highest point.

B. Solar Farms on Less than Two (2) Acres
Solar farms on **<less than two (2) acres** in size shall meet the following standards:

1. Collectors and all their components shall not exceed 25 feet in height as measured from the grade of the base of the collector to its highest point.

2. All structures and collectors shall meet a 50 foot minimum perimeter setback from all property lines.

3. In cases where buffers do not exist, a modified version of the Type B buffer as described in Section 12 of the Zoning Ordinance shall be appropriate to the location of the site, the adjacent land use, and the area topography.

C. Solar Farms on Greater than Two (2) Acres
Solar farms on **>greater than two (2) acres** in size shall meet the following standards:

1. A conditional use permit shall be applied for and approved before any activity may proceed on the proposed solar farm site and must comply with Section 17.1 Procedures for Conditional Use Permits.

2. Collectors and their components shall not exceed 25 feet in height as measured from the grade of the base of the collector to its highest point.

3. All structures and collectors shall meet a 50 foot minimum perimeter setback from all property lines with a 100 foot minimum setback from any public roadway where applicable.

4. In cases where buffers do not exist, a modified version of the Type B buffer as described in Section 12 of the Zoning Ordinance shall be appropriate to the location of the site, the adjacent land use, and the area topography.

D. General Standards for All Solar Farms
All solar farms shall comply with the following:

- Shall comply with all Building and Electrical codes.
- Shall not create a visual safety hazard for passing motorist or aircraft.
- Shall be removed, at the owner's expense, within one hundred and eighty (180) days of determination by the Planning Department the facility is no longer being maintained in an operable state of good repair or no longer supplying solar power.

17.7. Standards for Events Center Limited

This section is intended to provide the opportunity for smaller scale event centers to serve as a venue for business opportunities and gathering space in the county while protecting the health, safety, and welfare of the community. All regulations in the Zoning Ordinance shall apply unless expressly allowed or modified in the below standards:

A. Size and Capacity Limits-

1. Gathering, meeting or hosting area event space shall be limited to no more than 5,000 square feet in size.

B. Accessory Uses Permitted-

Accessory and/or ancillary uses shall be those directly related to the event being held. Examples are food and beverages service, dance floors, outdoor speakers, music, festive lighting, decorations, tents, etc.

C. Signage Allowed-

1. Event advertising shall be limited to the permanent on premise signage as allowed in Section 15 of the Zoning Ordinance.

17.8. Standards for Sexually Oriented Businesses

A. Separation Requirements

1. Sexually oriented business(es) shall not be located in any building, or portion thereof, that is:
   Within 1,000 feet of a:
   - (i) Existing sexually oriented business.
   - (ii) Residential zoning district or any residential land use including any open space established as part of the residential subdivision approval process,
   - (iii) A place of worship or building which is used primarily for religious worship and related religious activities,
   - (iv) K-12 Schools (public, private, or specialty),
   - (v) Public or private library,
   - (vi) State licensed child care facility, or
   - (vii) A Public or private park or recreational area which has been designated for park or recreational activities including but not limited to: a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar land.

   (b) Measurement shall be made in a straight planar line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

SECTION 18 BOARD OF ADJUSTMENT

18.1. Board of Adjustment Created

There is hereby created a board of adjustment to be known as the Chatham County Board of Adjustment, consisting of five (5) regular members and two (2) alternate members, and referred to herein as the board of adjustment. All members of the board of adjustment shall be residents of Chatham County and appointed by the Board of Commissioners. The Chatham County Board of Commissioners hereby finds and determines that even though the Board of Commissioners does not zone the entire territorial jurisdiction of Chatham County that due to the number of designated zoning areas it is not practicable to have one resident from each designated area as a member of the board of adjustment and that therefore the board of adjustment should consist of five (5) regular members and two (2) alternate members. There shall be five (5) board of adjustment districts which shall be identical to the Board of Commissioner districts, as the same are redrawn, modified, or changed from time to time, and one regular member shall be appointed from each board of adjustment district, unless there are no applicants from a board of adjustment district, or the Board of Commissioners determines that an applicant from another district possesses superior skills and qualifications.. If the Board of Commissioner districts (and therefore the board of adjustment districts) are redrawn, modified, or changed such that a regular member of the board of adjustment is no longer a resident of the district he or she was appointed from, such member, provided he or she continues to be a resident of Chatham County, shall nevertheless continue to serve on the board of adjustment until his or her term expires notwithstanding that such member no longer resides in the district. The alternate members shall be residents of Chatham County but shall be appointed at large and not from districts. An alternate member may sit in lieu of a regular member who is unable to sit on any matter coming before the board of adjustment, and when so seated, an alternate member shall have the same powers and duties as a regular member. The regular and alternate members shall be appointed for three (3) year staggered terms, but both regular members and alternate members shall continue to serve until their successors have been duly appointed and qualified. If a regular or alternate member ceases to be a resident of Chatham County his or her term shall expire effective as of the date a replacement member is duly appointed and qualified. The Board of Commissioners shall fill all vacancies on the board of adjustment.

18.2. Meetings

Meetings of the board shall be held at the call of the Chairman or any two (2) other members of the board, and at such other times as the board may determine. The board shall adopt rules governing its organization and all proceeding coming before the board. All meetings of the board shall be open meeting in accordance with the North Carolina Open Meeting law, and its records shall show the vote of each member upon every question or his or her absence or failure to vote. The board shall also keep records of its hearings and any other official action. Proceedings of the board of adjustment shall be in accordance with G.S. 160A-388 and G.S. 153A-345.1.

A. Oath

The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

B. Hearing Notice
Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

C. Subpoenas
The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

18.3. Powers and Duties of the Board of Adjustment

The board of adjustment hears and decides requests for variances and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

A. Administrative Review
To hear and decide appeals where it is alleged there is error in any decision made by any administrative official in the enforcement of this Ordinance.

B. Variance
Where there are unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the board of adjustment is empowered in passing upon appeals in specific cases, to vary or modify any of the regulations or provisions of this Ordinance relating to the construction or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board of adjustment may not, however, grant variances for the use of land or structures.

1. Variances from the provisions of this Ordinance may be granted only upon appeal from a decision, action, determination, or order of the Zoning Enforcement Officer and shall demonstrate substantially the following:

    a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

    b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

    c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

    d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

2. Furthermore, the board of adjustment must make such findings of fact to substantiate all of these requirements. In considering applications for variances from the provisions of this Ordinance, demonstration of financial disadvantage alone shall not constitute conclusive evidence of unnecessary hardship.

3. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

4. Departure from or violation of any of those conditions or safeguards shall be deemed a violation of this Ordinance, and shall be subject to the penalties, as provided in Section 21.

5. A variance, once granted, shall continue for an indefinite period of time unless otherwise specified at the time granted.

6. No change in permitted uses may be authorized by a variance.

C. Quasi-Judicial Decisions

The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such

other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

18.4. Appeal Procedure

The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the Zoning Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1. Any person who has standing under G.S. 160A-393(d) or the county may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the county clerk. The notice of appeal shall state the grounds for the appeal.

2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

3. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

5. The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

6. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and

the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

7. Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.

8. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

18.5. Vote Required - Judicial Appeal

The board of adjustment, by a vote of 4/5 of its members shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered ‘members of the board’ for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 18.3(c) of this Ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

A member of the board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 19 AMENDMENT TO ZONING ORDINANCE

19.1. Statement of Intent

For the purpose of establishing and maintaining sound, stable and desirable development within Chatham County this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the County generally, or to extend the boundary of an existing zoning district or to rezone an area to a different zoning district, or to change the regulation and restrictions of the Zoning 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.

19.2. Amendment Initiation

Subject to the limitations of the foregoing statement of intent an amendment to this Ordinance may be initiated by:

1. Text Amendment
    a. The Board of Commissioners on its own motion;
    b. The Planning Board;
    c. Application by any person who owns property or resides in the area of jurisdiction of this Ordinance.
2. Map Amendment
    a. The Board of Commissioners on its own motion;
    b. The Planning Board;
    c. The owner or authorized agent of the owner;

19.3. Conditional Zoning District Rezoning

It is the intent of this section that the applicant for rezoning to any district other than a conditional zoning district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he/she intends to use or develop the property. If the applicant believes that the development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with principles underlying the County's comprehensive zoning plan, he/she shall apply for rezoning to the appropriate conditional zoning district specifying the nature of his proposed development. Conditional Zoning District requests shall follow the requirements in Section 5. No permit shall be issued for any development within a conditional zoning district except in accordance with the approved conditional zoning district.

19.4. Procedure for Submission and Consideration of Applications for Text Amendment or General Use Zoning Map Amendment

A. County-Initiated Amendments

All applications for amendments to this Ordinance initiated by the Board of Commissioners, Planning Board or County departments/agencies shall be in writing, signed and filed with the Planning Department.

The Planning Department, shall, before scheduling any amendment on the application for public hearing, ensure that it contains all the required information, as specified, in this Ordinance and on the application. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall not be scheduled by the Planning Department, but shall be returned to the applicant with a notation of the deficiencies in the application. Completed applications shall be received a minimum of 30 days prior to the public hearing at which the proposed amendment is scheduled to be heard.

B. Citizen-Initiated Amendments

All applications for text or map amendments initiated by a property owner or citizen shall be required to submit an application containing the following information and follow the procedure outlined in Section 5.7. Applications for these amendments shall not require a Community Meeting or be required to meet with the Chatham County Appearance Commission.

C. Contents of Application

All applications for amendments to this ordinance without limiting the right to file additional material shall contain at least the following:

1. If the proposed amendment would require a change in the zoning map, a map to scale showing the land which would be covered by the proposed amendment. If the proposed amendment does not affect the entire property, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways.

2. A legal description of such land

3. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

4. The changed or changing conditions, if any, in 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.

5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

7. Information required on the application form received from the Planning Department.

19.5. Joint Public Hearing for County-Initiated Amendments

The Board of Commissioners and the Planning Board shall receive public comment on applications for amendments to this Ordinance in a public hearing at a County Commissioners meeting upon proper notice. The lack of quorum of the Planning Board at such meetings shall not affect the proceedings nor require further hearings.

19.6. Public Hearing and Notice Thereof

A public hearing shall be held by the Board of Commissioners before adoption of any proposed amendment to this Ordinance. Notice of the public hearing shall be given according to State law. When a zoning map amendment is proposed, a notice of the public hearing shall be prominently posted on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested parties.

Mailed notice shall be required in compliance with State law when the County initially zones property.

19.7. Planning Department Prepares Final Analysis and Recommendation

Following the public hearing the Planning Department shall prepare an analysis of the application and a recommendation to approve, deny, or defer action on the application. This information shall be presented to the Planning Board at least by the second regular meeting following the public hearing.

19.8. Planning Board Action on the Amendment Application

The Planning Board shall consider the amendment upon receipt of the Planning Department recommendation beginning no later than the second regular meeting following the public hearing. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses consistency with the adopted comprehensive plan and other matters as deemed appropriate. A recommendation by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration of approval of the proposed amendment by the governing board.

The Planning Board has a maximum of three regularly scheduled meetings to consider the request, following receipt of the Planning Department recommendation. Failure of the Planning Board to make a recommendation to the Board of Commissioners following the Planning Board's third regular meeting shall be considered a favorable recommendation without conditions.

A Planning Board member shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, identifiable financial impact on the member. See the Planning Board Code of Ethics for more detail.

19.9. Board of Commissioners Receives Recommendation of Planning Board

The Board of Commissioners shall not consider the adoption of the proposed amendment until after the Planning Board makes a recommendation, or fails to make a recommendation within the time allowed. A member of the Board of Commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, identifiable financial impact on the member. Prior to adopting or rejecting any zoning

amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan, is reasonable, and in the public interest.

19.10. Withdrawal of Application

An applicant may withdraw his application at any time by written notice to the Planning Department. However, any withdrawal of an application after the giving of the first notice as required in Subsections 5.7(C) and 19.5 shall be considered, for the purposes of Subsection 19.10, a denial of the petition and any fees paid are non-refundable.

19.11. Effect of Denial on Subsequent Petitions

When the Board of Commissioners shall have denied a map application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Board of Commissioners shall not entertain another application for the same or similar map amendment, affecting the same property or a portion of it until the expiration of a one year period, extending from the date of denial or withdrawal, as applicable. Provided, however, one additional application may be made before the expiration of the one year period for the same property or a portion of it if the second application is for a zoning district designated as a conditional use district.

19.12. Vested Rights

Requests to establish vested rights according to G.S. 153A-344.1 shall provide the information required for a conditional zoning or conditional use permit request and shall follow the amendment procedure specified in Section 5.7 of the Chatham County Zoning Ordinance.

SECTION 20 ENFORCEMENT

20.1. Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator or designee. If the Zoning Administrator or designee shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or addition, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions. .

20.2. Certificate of Zoning Compliance

No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed until a certificate of zoning compliance shall have been issued by the Zoning Administrator or Zoning Enforcement Officer stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. No building shall be occupied until that certificate is approved. A record of all certificates shall be kept on file in the office of the Planning Department and copies shall be furnished upon request.

A. Application Procedures

Each application for certificate of zoning compliance shall be accompanied by a plan, one copy of which shall be returned to the owner upon approval. The plan shall show the following:

1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;

2. The location of the said lot with respect to adjacent rights-of-way;

3. The shape, dimensions, and location of all buildings, existing and proposed on the said lot;

4. The nature of the proposed use of the building or land, including the extent and location of the use on the said lot;

5. The location and dimensions of off-street parking and the means of ingress and egress to such space; and

6. Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

B. Right of Appeal

If the certificate of zoning compliance is denied, or not acted upon within 15 days of submittal, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

20.3. Duties of Zoning Administrator, Zoning Enforcement Officer, Board of Adjustment, and Courts as to Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator or Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator or Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law.

SECTION 21 PENALTY FOR VIOLATIONS

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, Chatham County may cause a warning citation (aka Notice of Violation) to be issued to the violator setting out the nature of the violation, the section violated, the date of the violation, an order to immediately cease the violation, or if the violation is in the nature of an infraction for which an order or abatement would be appropriate in a civil proceeding, a reasonable period of time is stated in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees if applicable.

Within 30 days of a violation warning citation, an appeal may be made as described in Section 18.4 Appeal Procedures.

Upon failure of the violator to obey the warning citation a civil citation may be issued by the Zoning Administrator or designee and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the citation to the Planning Department of Chatham County within 15 days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid otherwise further citations may be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. Each day's continuing violation of any provision of this Ordinance shall be a separate and distinct offense. This means that on the 16th day of non-compliance, civil penalties will accrue on a daily basis as long as the violation continues.

The civil penalty, if not paid to the Planning Department within 15 days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Said civil penalties shall be assessed in the amount of $50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of $100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of $200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of $500.00 per day shall automatically apply. Civil penalties will continue to accrue until compliance has been met on the property. The Zoning Administrator has the discretion to waive the escalation of the penalty if the violator is working to correct the violation in good faith and has made tangible progress during the grace period.

In addition to the penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

In addition to the penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by general court of justice. When a violation of such a provision occurs, the County may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the County may seek an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he/she may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man’s lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. The provisions of the Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

SECTION 22 EFFECTS UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted prior to the time of passage of this Ordinance and said permit remains valid. However if a building permit expires, any further construction or use shall be in conformity with the provisions of this Ordinance.

SECTION 23 EFFECTS UPON OUTSTANDING CONDITIONAL USE PERMITS

Nothing herein contained shall require any change in the plans, size or designated use of any valid conditional use permit which has been granted by the Board of Commissioners prior to the time of the adoption of this Ordinance. It is the intent of this Ordinance that all outstanding valid conditional use permits shall survive the same as if such permits, as issued and including any and all limitations and conditions, were each and every one fully described and set out herein.

23.1 Cancellation by surrender of a Conditional Use Permit

A. Any conditional use permit, which has been previously approved, may be offered for surrender by the property owner or his agent by submitting a written application to the Zoning Administrator.

B. The Zoning Administrator will accept the offer of surrender and cancel the conditional use permit if all of the following conditions are met:

1. There are no existing zoning violations on the conditional use permit
2. The property is undeveloped or the existing use is permitted in the underlying zoning district
3. The underlying zoning district is a general use district listed in Section 4 of this Ordinance.

C. Approval of the application will result in the conditional use permit being cancelled and the property becoming subject to the underlying zoning district. Upon cancellation of the conditional use permit, any expansion of an existing use or any new development must conform to all requirements of the underlying zoning district.

D. The Zoning Administrator shall submit a report to the Board of Commissioners upon the cancellation of a Conditional Use Permit.

E. Following the cancellation, the designation of the previously approved conditional use permit will be removed from the Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

23.2. Termination of a Conditional Use Permit

Any conditional use permit, which does not meet the conditions for cancellation established by Section 23.1, can be terminated by a reclassification of the property in accordance with the procedures set forth in Sections 5 and 19. The granting of a zoning re-classification will terminate the previously approved conditional use permit.

23.3 Violations of an Approved Conditional Use Permit

Any violation of a term or condition of a conditional use permit shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

SECTION 24 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE

This Ordinance in part carries forward by reenactment some of the provisions of the existing Zoning Ordinance of Chatham County for Baldwin, Williams, New Hope and portion of Cape Fear (North of U.S. 1) Townships adopted April 13, 1973 as amended and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued are preserved and may be enforced. All provisions of the Zoning Ordinance which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Zoning Ordinance in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have instituted or prosecuted.

SECTION 25 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 26 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 27 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the 31st day of December, 1990.

_____ _____

SECTION 28 **AMENDMENTS**

Reserved