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CHATHAM COUNTY ZONING ORDINANCE

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THE CHATHAM COUNTY ZONING ORDINANCE

AN ORDINANCE PROVIDING FOR THE ZONING OF BALDWIN, WILLIAMS, NEW HOPE, CAPE FEAR, AND PORTIONS OF HAW RIVER, OAKLAND, CENTER, 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 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 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 bona fide farms but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance.

**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 districts of which there shall be 14 with the designation and purposes as listed below:

RA-5 Residential - Agricultural 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.

**CU-RA-5** Residential - Agricultural District  
Identical to the RA-5 District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

**RA-90** Residential - Agricultural District

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Primarily for low density residential development to protect the University Lake watershed and similarly classified watersheds.

### **CU-RA-90** Residential - Agricultural District

Identical to the RA-90 District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

### **RA-40** Residential - Agricultural District

Primarily for low to moderate density residential development within the residential-agricultural areas of the jurisdiction.

### **CU-RA-40** Residential - Agricultural District

Identical to the RA-40 District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

### **O&I** Office and Institutional District

Primarily for office and institutional type uses along with residences.

### **CU-O&I** Office and Institutional District

Identical to the O&I District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

### **B-1** General Business District

Primarily for retail trade and consumer services dealing with the general public.

### **CU-B-1** General Business District

Identical to the B-1 District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

### **Ind-L** 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.

### **CU-Ind-L** Light Industrial District

Identical to the Ind-L District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

### **Ind-H** 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. Ind-H also permits all uses as permitted in the Ind-L District.

### **CU-Ind-H** Heavy Industrial District

Identical to the Ind-H District except that a conditional use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

**CU-CC** Conditional Use – Compact Community (#28)

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, as provided in the Compact Communities Ordinance.

**SECTION 5** **CONDITIONAL USE DISTRICTS**

It will be noted that a conditional use district (bearing the designation CU) corresponds to each of the general purpose zoning districts and to the compact community district as authorized in this ordinance. (#28)

**5.1 Purpose**

It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the conditional use district is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance.

**5.2 General Requirements**

**Application**

Rezoning to a conditional use district shall only be considered upon request of the property owner or the authorized agent of the owner.

**Minimum Standards**

Within a conditional use district, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

**5.3 Uses Within District**

Within a conditional use district, only those uses listed 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 a conditional use permit authorized by the Board of Commissioners as provided herein.

**5.4 Conditions**

In addition to the limitation of the use or uses that may be authorized, any conditional use permit issued as part of the conditional use zoning process may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as the applicant may propose as conditions upon the request or the Board of Commissioners may require.

**5.5 Non-compliance with District Conditions**

Any violation of a use or condition included in the approval of a conditional use 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 use district is permitted only subject to the specified conditions.

### **5.6 Procedure**

Applications for conditional use districts shall be processed, considered and voted upon in the same procedure as that required for other zoning map amendments, except that a conditional use permit request shall always accompany and be simultaneously heard and considered with any conditional use district rezoning application.

## **SECTION 6 OFFICIAL MAPS ADOPTED - DISTRICT BOUNDARIES ESTABLISHED**

The boundaries of the districts are shown upon the maps accompanying this Ordinance and made a part hereof. The zoning maps and all the notations and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the maps were all fully described and set out herein. The zoning maps properly attested are on file in the Planning Department Office.

In the creation, by this Ordinance, of the respective districts, the Board of Commissioners of Chatham County has given due and careful consideration to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered adopted land use plan for the physical development of the jurisdiction.

The boundaries of such districts as are shown upon the maps adopted by this Ordinance are hereby adopted and provisions of this Ordinance governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said maps.

## **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.

**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. The accessory dwelling unit is restricted to 1,000 square feet or two thirds (2/3) of the heated space of the principal residence, whichever is more limiting restriction. The accessory dwelling may not be the residence of more than two adult occupants. 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. (#3)

**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** - Signs which are located on the same premises with a principal permitted use and, which are clearly incidental, secondary and/or supportive of the principal use.

**Animal Husbandry, Specialized** - The use of land for: 1) the raising and keeping of animals, fowl, reptiles, etc. which are not general livestock or poultry; or 2) the raising or keeping of general livestock or poultry in a manner which might not be farming due to its intensiveness or other characteristics. 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.

**Animated Sign** - Any sign which uses movement or a change of lighting to depict action or to create a special effect or scene.

**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 general farming on less than five acres or have sales less than \$1,000 for the preceding three years or less than 10 acres of forest land for which a management plan has been prepared. The use of land for the raising and keeping of animals, reptiles, etc., or the propagation of ornamental plants, fruits and vegetables in a manner which does not constitute specialized animal husbandry or specialized horticulture. Avocational Farming does not include home gardening or the keeping of pets, both of which are allowed in any zone. Those uses are customarily accessory uses to the primary use of the land.

**Banner Sign** - A sign of lightweight fabric or similar material which is permanently mounted to a pole or a building by a permanent frame at one or more edges. National

flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Bona Fide Farm** - The use of land for farming meeting one of the following criteria:

1. Composing two or more acres on one or more tracts owned or leased by the bona fide farm unit;
2. Average annual sales of \$1,000 or more for the preceding three years; or a minimum of 10 acres of forest land for which a management plan has been prepared; and
3. Having a farm land use exemption from the County Tax Supervisor.

**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.

**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.

**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. (#28)

**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.

**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 with the least 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

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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.

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

**Family Care Home** - A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment.

**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 upon the effective date of this ordinance. (#5)

**Farming** - The use of land primarily for one or more of the following: The production in the open of cash grains, field crops, vegetables, melons, fruits, berries and nuts. The raising or keeping of general livestock and poultry for the sale of such livestock and poultry for the products thereof or the breeding of such livestock and poultry. Farming includes any buildings or structures which are customarily incidental or subordinate to the farming activities listed above, including residences for the owners, operators or employees of the farm and their families. General livestock and poultry includes those animals involved which are customarily and traditionally raised on farms, such as beef and dairy cattle, hogs, sheep, goats, rabbits and horses, mules, ponies, chickens, turkeys, ducks, and geese for the purpose listed above. Farming does not include agricultural services and processing, Avocational Farming, specialized commercial horticulture, and specialized commercial animal husbandry.

**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.

**Freestanding Sign** - Any sign which is supported by structures or supports which are placed on, or anchored in, the ground, and which structures or supports are independent from any building or other structure.

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

**Front Setback** - Any setback from a street or road.

**Guest House, Pool House or Garage Apartment** - An accessory building that is smaller than the principal residential dwelling and is not more than 900 square feet in area. The unit is designed to be used on a temporary basis by guests of the principal dwelling unit for not more than six months. Kitchen facilities may be allowed.

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

**Identification Sign** - Any sign which contains no commercial message except advertising goods or services legally offered on the premises where the sign is located and directional/information messages within group developments or buildings with multiple tenants.

**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 \$100.00.

**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. (#7)  
Personal home-owners use of inert debris landfill materials 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. (#26)

**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.

**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.

**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 exiting 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.(#12) 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.

**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.

**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** - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

## CHATHAM COUNTY ZONING ORDINANCE

**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.

**Portable Sign** - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A-or T-frames; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.

**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.)

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

**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 an 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.

**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.

**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.

**Temporary Structure** - Any structure of an impermanent nature or which is designed for use for a limited time, including any tent or canopy.

**Two-Family Dwelling** - 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.

**Zoning 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.

### **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 street to which it has legal access. The public access requirement shall not apply to land exempt from the Chatham County Subdivision Regulations, nor 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**

Where uncertainty exists as to boundaries of any district shown on said maps the following rules shall apply:

1. Where such district boundaries are indicated as approximately following street lines, railroad lines, lot lines, creeks, rivers, and other features shown on the map such lines shall be construed to be such boundaries.
2. Where such district boundaries are indicated on the map to be a certain distance from a certain feature (such as a stated distance from a river bank or street), such distance shall be the determining factor in establishing the district boundary.
3. Where such district boundary is not indicated by a feature and is not the result of a stated dimension, the boundary shall be determined by use of the scale appearing on the same map.
4. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to the location of such boundary.

### **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.

### **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. (#28)

## **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**

Unless the context clearly indicates otherwise, the terms defined below are used in this section in the following manner:

**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.(#13) 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.

**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 requirements applicable to the district in which the property is located.

**Non-conforming Lots 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 property is located.

### **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 (#21)**

1. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
2. 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. (#6)
3. 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. setback, buffers. (#6)
4. 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.
5. Physical alteration of non-conforming structure or structures containing a non-conforming use is unlawful if it results in:
  - a. Greater non-conformity with respect to dimension restrictions such as yard requirements, height (#6) limitations, or density requirements.
6. 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. (#6)

**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. (#6)

**9.6 Change in Kind of Non-conforming Use**

1. A non-conforming use may be changed to a conforming use; thereafter, the property may not revert to a non-conforming use.
2. A non-conforming use shall not be changed to another non-conforming use.
3. 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.
4. 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**

1. 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.
2. 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 exists 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

recording. If the Zoning Ordinance was not applicable to the subdivision at the time of recording the setbacks of the most applicable zoning district within the pre-existing Ordinance shall apply when zoning becomes applicable. (#2)

**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.

**10.1 RA-5 Residential - Agricultural District**

**A. Permitted Uses**

The following uses are permitted subject to obtaining a zoning permit from the Zoning Enforcement Officer:

- Accessory uses and structures clearly incidental to a permitted use
- Accessory dwelling unit i.e. guest house, pool house, garage apartment and in-house apartment (#3)
- Avocational farming
- 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
- Boarding stables 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
- 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
  
- Churches and other places of worship 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
- 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 three acres 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
- Dwellings, single-family, manufactured
- Dwellings, single-family, site built and modular
- Family care home limited to not more than six persons
- 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
- 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

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set back a minimum of two times the minimum yard requirement for the district in which it is located

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

Guest house, pool house, garage apartment meeting the same setback for the principal use Home occupations when conducted in accordance with the provisions of Section 14

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

Kindergartens and nurseries 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

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. (#35)

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

Public utility facilities which are designed for and required to serve the neighborhood and the uses in the district and nearby areas and which because of specific site criteria are required to locate in the district and which because of their limited scope or size should have minimum impact on other permitted uses when compared to public utility facilities designed and required to serve large areas or regions

Schools, 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 (#33)

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district. (#33)

Street and railway rights-of-way

Public utility transmission lines

Temporary construction trailers or structures which meet the setback requirements of the district

### **B. Conditional Uses**

The following uses are conditional uses and 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 this 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

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use permit the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

Animal Husbandry Specialized with a minimum lot area and setback twice the minimum required of the zoning district. (#11)

Boarding kennels

Contractor's plants, storage yards and staging areas (#14)

Day care centers for more than 15 children

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

Land clearing and inert debris landfill (#26)

Planned residential developments

Public and private recreation camps and grounds

### **C. Dimensional Requirements**

Minimum Required Lot Area - Family subdivisions may have lots a minimum of two acres in size. Existing 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. (#5)

Minimum Required Lot Width - 100 feet

Minimum Required Front Yard - 40 feet

Minimum Required Side Yard - 25 feet

Minimum Required Rear Yard - 25 feet

Maximum Building Height - 60 feet (#24)

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 carports and telephone booths 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.

### **D. 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.

### **E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

**F. Signs**

Signs shall be governed by the provisions of Section 13.

**10.2 RA-90 Residential - Agricultural District**

**A. Permitted Uses**

The following uses are permitted subject to obtaining a zoning permit from the Zoning Enforcement Officer:

Accessory uses and structures clearly incidental to a permitted use

Accessory dwelling unit i.e. guest house, pool house, garage apartment and in-house apartment (#3)

Avocational farming

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

Boarding stables 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

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

Churches and other places of worship 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

Day care centers in the principal residence to accommodate not more than 15 children at any one time 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

Dwellings, single-family, manufactured

Dwellings, single-family, site built and modular

Family care home limited to not more than six persons

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

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

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

Guest house, pool house, garage apartment meeting the same setback for the principal use

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Home occupations when conducted in accordance with the provisions of Section 14 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

Kindergartens and nurseries 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

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. (#35)

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

Public utility facilities which are designed for and required to serve the neighborhood and the uses in the district and nearby areas and which because of specific site criteria are required to locate in the district and which because of their limited scope or size should have minimum impact on other permitted uses when compared to public utility facilities designed and required to serve large areas or regions

Schools, 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 (#33)

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district. (#33)

Street and railway rights-of-way Public utility transmission lines

Temporary construction trailers or structures which meet the setback requirements of the district

Two family dwellings, site built or modular

### **B. Conditional Uses**

The following uses are conditional uses and 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.

Animal Husbandry Specialized with a minimum lot area and setback twice the minimum required of the zoning district. (#11)

Boarding kennels

Contractor's plants, storage yards and staging areas (#14)

Day care center for more than 15 children

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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

Land clearing and inert debris landfill (#26)

Planned residential developments

Public and private recreation camps and grounds

### **C. Dimensional Requirements**

Minimum Required Lot Area - 90,000 square feet

Minimum Required Lot Area for a Two-Family Dwelling -except an accessory dwelling unit (#3) 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.

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Yard - 40 feet

Minimum Required Side Yard - 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 Yard - 25 feet

Maximum Building Height - 60 feet (#24)

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 carports 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.

### **D. 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.

### **E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

### **F. Signs**

Signs shall be governed by the provisions of Section 13.

**10.3 RA-40 Residential - Agricultural District**

**A. Permitted Uses**

The following uses are permitted subject to obtaining a zoning permit from the Zoning Enforcement Officer:

- Accessory uses and structures clearly incidental to a permitted use
- Accessory dwelling unit i.e. guest house, pool house, garage apartment and in-house apartment (#3)
- Avocational farming
- 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
- Boarding stables 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
- 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
- Churches and other places of worship 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
- Day care centers in the principal residence to accommodate not more than 15 children at any one time 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
- Dwellings, single-family, manufactured
- Dwellings, single-family, site built and modular
- Family Care Home limited to not more than six persons
- 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
- 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
- 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
- Guest house, pool house, garage apartment meeting the same setback for the principal use
- Home occupations when conducted in accordance with the provisions of Section 14

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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

Kindergartens and nurseries 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

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. (#35)

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

Public utility facilities which are designed for and required to serve the neighborhood and the uses in the district and nearby areas and which because of specific site criteria are required to locate in the district and which because of their limited scope or size should have minimum impact on other permitted uses when compared to public utility facilities designed and required to serve large areas or regions

Schools, 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 (#33)

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district. (#33)

Street and railway rights-of-way

Public utility transmission lines

Temporary construction trailers or structures which meet the setback requirements of the district

Two family dwellings, site built or modular

### **B. Conditional Uses**

The following uses are conditional uses and 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.

Animal Husbandry Specialized with a minimum lot area and setback twice the minimum required of the zoning district. (#11)

Boarding kennels

Contractor's plants, storage yards and staging areas (#14)

Day care center for more than 15 children

## CHATHAM COUNTY ZONING ORDINANCE

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 requirement for the district in which it is located

Land clearing and inert debris landfill (#26)

Planned residential developments

Public and private recreation camps and grounds

### **C. Dimensional Requirements**

Minimum Required Lot Area - 40,000 square feet

Minimum Required Lot Area for a Two-Family Dwelling - except an accessory dwelling unit (#3) 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.

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Yard - 40 feet

Minimum Required Side Yard - 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 Yard - 25 feet

Maximum Building Height - 60 feet (#24)

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 carports 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.

### **D. 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.

### **E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

### **F. Signs**

Signs shall be governed by the provisions of Section 13.

#### **10.4 Office and Institutional District**

##### **A. Permitted Uses**

The following uses are permitted subject to obtaining a zoning permit from the Zoning Enforcement Officer:

Any use as permitted and regulated in the RA-40 District. Any use listed in the RA-40 District and also specifically listed as permitted in this district shall be subject to the requirements and conditions of this district.

Cemeteries

Churches and other places of worship

Congregate care facilities

Day Care Centers (#25)

Facilities for non-profit clubs and organizations such as but not limited to community clubs

Family care homes

Fire stations and emergency medical service facilities

Funeral homes, embalming including crematoria

General, professional, medical and governmental offices

Golf courses and tennis clubs, public or private

Hospital, health and welfare centers, nursing homes and/or convalescent homes

Hotels, motels and inns including accessory eating and drinking and personal service facilities when located in the principal structure

Kindergartens and nurseries

Libraries, museums and art galleries

Medical clinics, inpatient and outpatient care

Post offices

Public and private schools, training and conference centers

##### **B. Conditional Uses**

The following uses are conditional uses and 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.

Contractor's plants, storage yards and staging areas (#14)

Land clearing and inert debris landfill (#26)

##### **C. Dimensional Requirements**

Minimum Required Lot Area - 40,000 square feet

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

## CHATHAM COUNTY ZONING ORDINANCE

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.

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Yard - 40 feet

Minimum Required Side Yard - 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 Yard - 25 feet

Maximum Building Height - 60 feet (#24)

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 carports 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 requirement

### **D. 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.

### **E. Off-street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

### **F. Signs**

Signs shall be governed by the provisions of Section 13

## **10.5 B-1 Business District**

### **A. Permitted Uses**

The following uses are permitted in the B-1 District subject to obtaining a zoning permit from the Zoning Enforcement Officer:

ABC stores

Amusement enterprises such as pool, bowling, roller rink when housed entirely within a permanent structure

Antique and furniture shops

Appliance sales and service

## CHATHAM COUNTY ZONING ORDINANCE

Art supply retail sales  
Arts and Crafts fabrication and related sales (#20)  
Automobile repair garages  
Automobile sales and service  
Automobile service stations including tune-ups, minor repairs, tire service, washing facilities, both manual and automatic, and similar services. 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  
Bait and tackle shops  
Bake shops and similar food preparation intended primarily for retail sales on the premises for consumption either on or off premises  
Banks, savings and loans, finance companies, credit agencies and similar financial institutions  
Bicycle sales and repair  
Boat, trailer and other utility vehicle sales and service  
Book, stationery and office supply stores  
Bus passenger stations  
Cabinet shops  
Catering establishments  
Churches and other places of worship  
Clothing shops  
Dairy bars and ice cream shops intended primarily for retail sale on the premises for consumption either on or off premises  
Day Care Centers (#25)  
Drug stores  
Eating and drinking establishments  
Fabric shops  
Feed, seed, fertilizer retail sales  
Fire stations and emergency medical service facilities  
Florist shops  
Food stores, retail  
Funeral homes, embalming including crematoria  
Fur storage  
Furrier, retail sales  
Gift shops  
Hardware, appliances, electrical and similar items retail sales  
Heating, plumbing, electrical, cabinet and similar shops  
Horticulture, specialized  
Hospital, health and welfare centers, nursing homes  
Hotels, motels and inns  
Incidental storage of goods intended for retail sales on the premises  
Interior design shops  
Jewelry and watch sales and service, goldsmith  
Laboratory - dental, medical, optical  
Landscape design business

## CHATHAM COUNTY ZONING ORDINANCE

Landscaping and grading business  
Laundries, Laundromats and dry cleaning establishments  
Lawn and garden shops  
Leather goods sales and service including manufacture for retail sales on premises  
Libraries, museums and art galleries  
Lock and gunsmith  
Lodges, fraternal and social organization clubs  
Medical clinics - inpatient and outpatient care  
Mobile home sales and service  
Motorcycle sales and service  
Music stores  
Newsstands  
Office - business, professional and governmental  
Office - engineering supply and similar sales and services including blueprinting,  
Photostatting and similar services  
Open air sales and service of accessory buildings and gazeboes and like free-standing  
structures  
Opticians and optical sales and service  
Paint retail shops  
Pawnshops and secondhand stores  
Pet shops  
Photographic studios, camera shops  
Physical culture establishments  
Post offices  
Printing and publishing  
Public and private schools, training and conference centers  
Public and private recreation camps and grounds 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 lines/boundary  
areas. (#36)  
Radio and television stations and their towers when the towers are located on the same  
site with the station  
Repair shops for jewelry, shoes, radios, televisions and other small office or household  
appliances  
Retail stores and personal service shops similar to those listed dealing in direct consumer  
and personal services  
Secretarial and job service offices  
Self-storage facility / mini-warehouse storage facility with related retail and services (i.e.  
moving truck rental) (#28)  
Sporting goods sales  
Swimming pool and related items sales and service  
Temporary construction trailers or structures which meet the district setbacks  
Upholstery, wallpaper and decorator shops  
Uses and structures customarily accessory to any permitted use  
Veterinary clinics and hospitals with dog runs or equivalent facilities

### **B. Conditional Uses**

## CHATHAM COUNTY ZONING ORDINANCE

The following uses are conditional uses and 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.

Contractor's plants, storage yards and staging areas (#14)  
Land clearing and inert debris landfill (#26)

### **C. Dimensional Requirements**

Minimum Required Lot Area - 40,000 square feet

Minimum Required Lot Width - 75 feet

Minimum Required Front Yard - 50 feet

Minimum Required Side Yard - 20 feet

Minimum Required Rear Yard - 20 feet

Maximum Building Height - 60 feet (#24)

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 carports 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.

### **D. 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.

### **E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

### **F. Signs**

Signs shall be governed by the provisions of Section 13.

## **10.6 Ind L - Light Industrial District**

### **A. Permitted Uses**

The following uses shall be permitted in the Ind L District subject to obtaining a zoning permit from the Zoning Enforcement Officer:

## CHATHAM COUNTY ZONING ORDINANCE

Airports and landing fields for fixed and rotary wing aircraft  
Appliance distributors for wholesale  
Assembly halls, coliseums, gymnasiums and similar structures  
Assembly of ammunition, for small arms only, from previously prepared parts  
Assembly of machines, appliances and goods from previously prepared parts  
Automobile (new and used) and accessory sales  
Automobile repair garages  
Automobile service stations including tune-ups, minor repairs, tire service, washing facilities both manual and automatic and similar services. 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  
Automobile and truck assembly  
Bakeries or baking plants  
Banks  
Bedding, carpet and pillow manufacturing, cleaning and renovating  
Blacksmith or horseshoeing shops  
Blueprinting and Photostatting establishments  
Bookbindery  
Bottling works for soft drinks  
Candy products manufacture  
Canvas and burlap products manufacture, sales and storage  
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  
Clothing manufacture  
Clubs and other places of entertainment operated as commercial enterprises  
Coal or coke yards  
Coffee roasting  
Cold storage plants  
Contractor's plants or storage yards  
Dairy products, processing, bottling and distribution, ice-cream manufacture, all on a wholesale basis  
Drive-in or outdoor motion picture show  
Dry cleaning, pressing, and dyeing plants, and related retail service counter  
Dye stuff manufacture  
Electric light or power generating station  
Emory cloth or sandpaper manufacture  
Feed and seed processing  
Feed and seed wholesale  
Fertilizer wholesale sales

## CHATHAM COUNTY ZONING ORDINANCE

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

Florist - greenhouses, cultivation facilities and warehousing for wholesale and related retail sales

Food processing in wholesale quantities

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

Frozen food lockers

Funeral homes, undertaking establishments, embalming including crematoria

Fur storage

Gases or liquefied petroleum gases in approved portable metal cylinders

General, professional, medical and governmental offices

Grain elevators

Grounds and facilities for open air games or sports

Hosiery manufacture

Ice manufacture, storage and sales

Jail and penal institutions

Laboratories for research and testing

Laundries, steam

Leather goods manufacture excluding tanning

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

Lock and gunsmiths

Lumberyards, building materials storage and sales

Machine shops

Mini-warehouse storage facility

Motorcycle sales and repair

Office buildings - governmental and private office buildings including professional offices

Open-air sales or displays and sales or displays from a temporary building or structure

Optical and scientific instrument, jewelry and clock, musical instrument manufacture

Pharmaceutical products manufacture

Planing or sawmills

Plumbing shop and yard

Police, fire stations and emergency medical service facilities

Printing, publishing and reproduction establishments

Public and private schools, training and conference centers

Public utility service and storage yards

Public utility facilities serving regional areas

Radio and television stations, communication towers

Railroad rights-of-way

Railroad freight yards, terminals or classification yards and rights-of-way

Retail sales and personal service shops as listed in the B-1 Business District dealing in direct consumer and personal services not exceeding 10,000 square feet in any one building

## CHATHAM COUNTY ZONING ORDINANCE

Repair and service of office and household equipment  
Repair and servicing of industrial equipment machinery, except railroad equipment  
Scrap paper or rag storage, sorting or bailing when conducted within a building  
Sheet metal shops  
Sign manufacture, painting and maintenance  
Stonecutting, monument manufacture and sales  
Storage warehouses and yards  
Tire recapping and re-treading  
Tobacco processing and storage  
Trailer sales areas  
Truck terminals, repair shops, hauling and storage yards  
Upholstery, paper hanging and decorator shops  
Veterinary hospitals  
Wastepaper and rags, collection and bailing  
Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale  
Woodworking shops, mill work

### **B. Conditional Uses**

The following uses are conditional uses and 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.

Land clearing and inert debris landfill (#26)

### **C. 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. (#8)

Minimum Required Lot Area - 40,000 square feet

Minimum Required Lot Width - 150 feet

Minimum Required Front Yard - 50 feet

Minimum Required Side Yard - 50 feet

Minimum Required Rear Yard - 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 carports 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.

**D. 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.

**E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

**F. Signs**

Signs shall be governed by the provisions of Section 13.

**10.7 Ind H - Heavy Industrial District**

**A. Permitted Uses**

The following uses are permitted in the Ind H District subject to obtaining a zoning permit from the Zoning Enforcement Officer:

All uses permitted in the Ind L District

Alcohol and alcoholic beverages manufacture

Asphalt manufacture or refining

Brick, tile, clay pipe and other clay products manufacture

Cement, lime, plaster manufacture

Cooperage works

Cosmetics and perfume manufacture

Dye stuff manufacture

Enameling, japanning, lacquering or the plating or galvanizing of metals

Excelsior and fiber manufacture

Felt manufacture

Flammable liquids - bulk plants and storage

Foundries producing iron and steel products

Garbage and waste incinerators (except hazardous waste)

Gas storage in bulk

Industrial chemical manufacture

Insulation material manufacture and sale

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

Land clearing and inert debris landfill (#26)

Meat processing and packing

Metal fabricating plants using plate and structural shapes and including boiler for tank works

Mining

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Mixing plants for concrete, or paving materials and manufacture of concrete products

Mulch – grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch (#10)

Oxygen manufacture and/or storage

Paint and enamel manufacture not employing a boiling process

Paper, cardboard and building board manufacture

Plastics manufacture

Plating works

Pottery, porcelain and vitreous china manufacture

Rag, bag and carpet cleaning establishments

Recycling industries that do not include the storage and/or processing of hazardous waste

Rock crushers

Rodenticide, insecticide and pesticide mixing plants

Sanitary landfill excluding the burning of trash out of doors

Soap, detergent and washing compound manufacture

Tar and waterproofing materials manufacture, treatment and storage

Textile machinery manufacture

Textile manufacture including spinning, dyeing, bleaching and other heavy processes

Tire recapping and re-treading

Tobacco processing and storage

Trailer sales areas

Truck terminals, repair shops, hauling and storage yards

Upholstery, paper hanging and decorator shops

Veterinary hospitals

Wastepaper and rags, collection and bailing

Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale

### **B. Conditional Uses**

The following uses are conditional uses and 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.

### **C. 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. (#8)

Minimum Required Lot Area - 80,000 square feet

Minimum Required Lot Width - 300 feet

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Minimum Required Front Yard - 100 feet

Minimum Required Side Yard - 100 feet

Minimum Required Rear Yard - 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 carports 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.

## **D. 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.

## **E. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions set forth in Section 12.

## **F. Signs**

Signs shall be governed by the provisions of Section 13.

## **10.8 CU-CC Conditional Use Compact Community (#28)**

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

### **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.

## **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.

**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 Assessment**

The Board of Commissioners may require, for any proposed development of two acres or more upon which the Board is required or authorized to act or make a recommendation pursuant to this Ordinance, that a detailed environmental assessment be prepared by the proponent setting forth the following:

1. The environmental impact of the proposed action;

2. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
3. Mitigation measures proposed to minimize the impact;
4. Alternatives to the proposed action;
5. The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
6. Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.

Prior to making any detailed statements the proponent shall consult with and obtain the comments of any agency which has either jurisdiction by law or special expertise with respect to any environmental impact involved.

## **SECTION 11A LIGHTING (#34)**

### **11A.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.

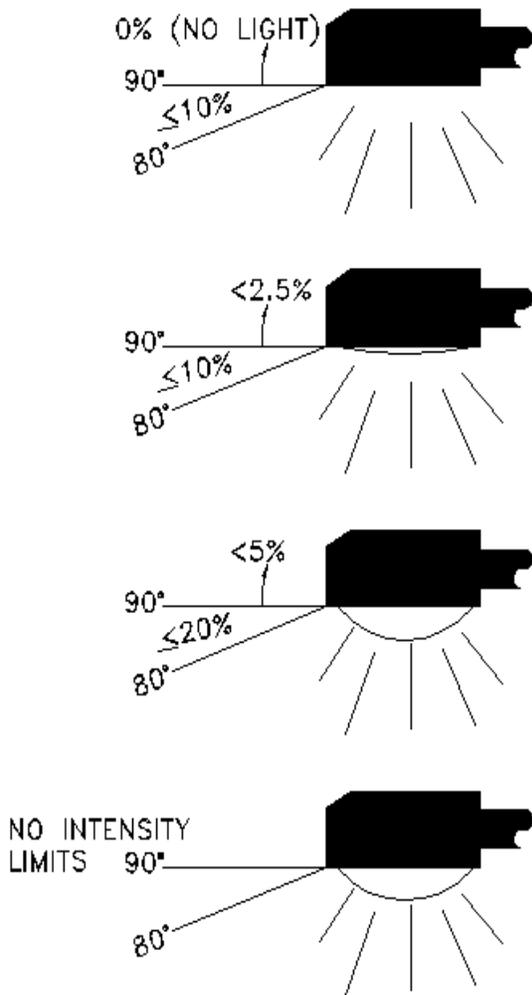
### **11A.2 IESNA Cutoff Classifications (with minimal wording modifications to provide non-technical clarity)**

**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.



**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.

**11A.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.

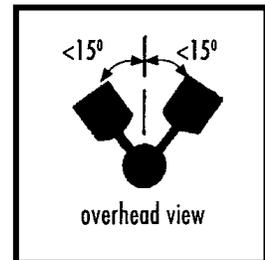
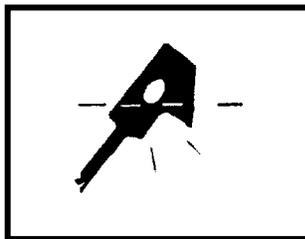
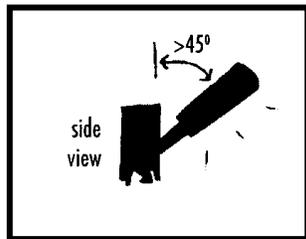
**Wide-body Refractive Globe**— A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75" in diameter). "Refractive" refers 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.

#### **11A.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 11A.3 for maximum allowed light loss factors.

**11A.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 Planning Director 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.

**11A.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:

<b>Security Light Levels for Open Outdoor Parking Facilities*</b>		
<b>Use/Task</b>	<b>Maintained Footcandles</b>	<b>Uniformity Avg/Min</b>
<b>(a) Parking, residential, multi-family</b> <ul style="list-style-type: none"> <li>• Low to medium vehicular/pedestrian activity</li> </ul>	Range from 0.2 Min to 0.6 Min	4:1
<b>(b) Parking, industrial/commercial/Institutional/municipal</b> <ul style="list-style-type: none"> <li>• High activity, i.e. large shopping centers/fast food facilities, major athletic/civic cultural events</li> <li>• Medium/low activity, i.e. community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events, residential neighborhood shopping, industrial employee parking, schools, church parking</li> </ul>	0.9 Min  Range from 0.2 Min to 0.7 Min	4:1  4:1

\* Source: IESNA 8<sup>th</sup> 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 11A.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.

#### **11A.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 11A.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.

#### **11A.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.

#### **11A.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.

#### **11A.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 11A.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 11A.5 (3) and 11A.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.

#### **11A.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.

#### **11A.12 Permanent Sign and Billboard Lighting**

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. 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 11A.6 (4)(c) regarding portable internally illuminated signs.

#### **11A.13 Holiday/Festive Lighting**

Holiday/festive lighting is allowed provided it complies with the definition outlined in section 11A.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.

#### **11A.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.

#### **11A.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.

**11A.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.

### **11A.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) Vehicular Canopies do not qualify for this exemption and have five years from the adoption date of this ordinance to bring the outdoor lighting into compliance. If a major renovation of the canopy (50% or more of the existing light fixtures) occurs at this facility prior to the expiration of the five-year term, the earlier date will apply regarding compliance.
- (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 11A.12 (h)(4) for nonconformity provisions for outdoor sports fields and performance areas.

## **SECTION 12 OFF-STREET PARKING AND LOADING**

### **12.1 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**

# CHATHAM COUNTY ZONING ORDINANCE

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
	*(Any fractional space e.g. 47.3 shall be considered the next whole number, e.g., 48)

### **RESIDENTIAL:**

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

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Auto service station and/or repair shops	4 spaces per service bay, plus 1 space per wrecker or service vehicle
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Auto sales	1 space per 400 square feet of building area devoted to sales
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Bank and consumer financial services	1 space per 200 square feet of gross floor area
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Barber & beauty shops and	
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CHATHAM COUNTY ZONING ORDINANCE

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,	1 space per 300 square feet of gross floor area

# CHATHAM COUNTY ZONING ORDINANCE

motorcycles, paint,  
upholstery and similar uses

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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

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## OFFICE AND INSTITUTIONAL:

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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

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CHATHAM COUNTY ZONING ORDINANCE

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:**

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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

# CHATHAM COUNTY ZONING ORDINANCE

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 churches, theaters, or assembly halls whose peak attendance is at night or Sundays may be assigned to a use which will be closed at night or Sundays.

## **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:

1. Business uses may park in Industrial Districts.
2. Industrial uses may park in Business Districts.
3. Office and Institutional uses may park in Business and Industrial Districts.
4. 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.

### **12.2 Parking Lot Improvement, Design and Locational Requirements**

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

1. Be designed to allow for traffic movement in accordance with generally accepted geometric design principles;
2. Have physical access to a public street;
3. Be so designed that all access to public street is by forward motion;
4. Be graded, properly drained, stabilized and maintained to prevent dust and erosion; and
5. 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:

RA-5	Residential-Agricultural
RA-90	Residential-Agricultural
RA-40	Residential-Agricultural
O&I	Office and Institutional
Ind L	Light Industrial

Within the B-1 Business District and Ind H 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 Zoning Enforcement Officer there is a reasonable expectation that such plantings will reach the required height and opaqueness within a two-year period.

**12.3 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.

<b>Type of Use</b>	<b>Required Off-Street Loading Space</b>
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

**SECTION 13 REGULATIONS GOVERNING SIGNS**

The regulations governing the use of signs within the jurisdiction and within the various districts 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 under this Ordinance are treated three ways: some types of Signs are specifically prohibited everywhere; certain signs are permitted in any zoning district; and a third group of signs are considered to be accessory uses and may be installed in the various zoning districts subject to the provisions of this section for the various zoning districts.

**13.1 Definitions**

**Sign** - Any words, lettering, pictures, numerals, emblems, designs, devices, trademarks or trade names, or a combination thereof, by which anything is made known such as the designation of an individual firm, corporation, profession, business, commodity or product, and which is designed to attract attention and/or convey a message and which is visible from any public right-of-way or adjoining property.

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

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

**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.

### **13.2 Material and Design**

All signs shall be designed and constructed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the North Carolina Building Code for the jurisdiction.

### **13.3 Illuminated Signs, Electrical Parts**

All signs in which electrical wiring and connections are to be used shall be constructed in accordance with the North Carolina Building Code for the jurisdiction.

### **13.4 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, including any sign displayed on a vehicle when used primarily for the purpose of such display; except, that this paragraph shall not apply to temporary political signs.
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 except when used to post property or other such public purposes.
8. Signs erected in or over the public right-of-way except for official public information or regulatory signs.
9. Signs intentionally set in motion by wind, water, motor drive or otherwise.
10. Signs, banners, streamers, pennants, and/or lights 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. Provided, however, no sign listed as "Signs Permitted in Any Zoning District" in this section is intended to be prohibited by this provision.

### **13.5 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.
6. Announcement signs of professions or businesses, not exceeding two square feet in area, fixed flat against the building where such profession or business is carried on. There shall be a limit of one such sign per establishment.
7. "For Sale" or "For Rent" signs pertaining to realty, on the premises offered for sale or rent, not exceeding four square feet in area and not illuminated. There shall be a limit of one such sign for each street abutting the lot.

8. 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 one such sign for each street abutting the lot.
9. 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.
10. Signs identifying, by name only, residential sub-division, planned housing development, recreational facility, 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.
11. 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.
12. Signs advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause; provided that no such sign shall be displayed in any residential district, except on the immediate site of the event to which it pertains; and provided further, that all such signs shall be removed within 10 days after the last day of the event to which they pertain. Such signs shall not exceed 32 square feet.
13. 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.
14. Directional signs not exceeding 32 square feet in area referring only to organizations which are non-profit in character or to construction projects in process.
15. Un-illuminated philosophical, religious or educational signs, limited to one sign per plot, not to exceed six square feet in area and located on private property; provided, that in residential and institutional zones there shall be no commercial advertising displayed thereon.
16. Temporary signs may be allowed provided said signs are not erected more than 21 calendar days per year and not larger than 32 square feet. Said signs shall not be closer to each other on the same property than 400 feet.

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.

**13.6 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 lineal foot of frontage on a publicly 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 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 100 square feet.

**13.7 Signs Permitted in the B-1, Business District**

**A. Sign Area**

Within the B-1 District, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a publicly 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 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.

**13.8 Signs Permitted in the Industrial L, Light Industrial District**

**A. Sign Area**

Within the Industrial L District, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a publicly 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.

**13.9 Signs Permitted in the Industrial H, Heavy Industrial District**

**A. Sign Area**

Within the Industrial H District, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a publicly 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.

**13.10 Permit Required**

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 Zoning Enforcement Officer. Provided, however, those signs listed in Section 13.5 shall not require a permit. Each application for a sign permit shall include such information as the Zoning Enforcement Officer may deem necessary in order to determine compliance with the provisions of this Ordinance.

**SECTION 14 HOME OCCUPATIONS**

**A. NEIGHBORHOOD HOME OCCUPATIONS: (#27)**

Customary home occupations such as beauty parlors, dressmaking, music teaching, tutoring; the offices of resident members of recognized professions such as architects, artists, dentists, doctors, engineers, lawyers, landscape architects, and the sale of items produced as a hobby on a part time basis may be 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%.
3. No display of goods or advertising shall be visible from the street, except one non-illuminated sign is allowed which shall not exceed four square feet in area.
4. 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.
5. Accessory buildings may be used for home occupations provided the building area is not larger than 1,500 square feet. If multiple buildings are used, the total combined square footage shall not exceed 1,500 square feet.
6. 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 and no on-site retail sales do not require a home occupation permit.

**B. RURAL HOME OCCUPATIONS: (#27)**

Rural home occupations are those, which by their nature are not compatible on small lots near other residences. Such occupations include but are not limited to merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and products, well drilling, landscape business, plumbing, firewood production, automobile repair, and building contracting.

1. Rural home occupations may be allowed on parcels, which are no smaller than two 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. No display of goods or advertising shall be visible from the street, except 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 5,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed 5,000 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 lesson 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 Enforcement Officer 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 15            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. Two types of conditional uses are provided for in this Ordinance. In some zoning districts certain listed uses are permitted only as conditional uses. In the conditional use zoning districts no use is permitted except pursuant to a conditional use permit.

### **15.1    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 rezoning requests and 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 (#30). 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. (#14) 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:

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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 Development 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. (#17)

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. (#30)

### **15.2 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.

### **15.3 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.

**15.4 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.

**15.5 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; (#31) 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 RA-5, RA-90 and RA-40 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:

RA-5	200 acres
RA-90	100 acres
RA-40	50 acres

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

RA-5	One dwelling unit for each five acres of net and area
RA-90	One dwelling unit for each 90,000 square feet of net land area
RA-40	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 street rights-of-way. As an option to measuring projected street rights-of-way the developer may subtract 20% of gross area as street right-of-way allowance regardless of the amount of land actually required for streets.
- 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.
- e. Other areas determined by the Planning Board to be unbuildable due to either physical features or 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. Special Design Requirements for group developments within Planned Residential Developments - In any case within a planned residential development where one or more residential structures containing three or more dwelling units on a single plot, or a townhouse residential development or unit ownership development, the following additional special standards shall apply:

**Land Space and Building Arrangement**

- a. Each facade on all sides of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a line connecting the extreme ends of the facade, providing that no portion of the exterior walls in the facade is more than 25 feet from the base line, and whose altitude shall be the length of the base line multiplied by a factor related to the height of the building as given in the table below. The yard space thus established for each wall or facade may not overlap the yard space of any other wall or facade of the same or any other building nor extend beyond any property line except that triangles may overlap street rights-of-way and common area.

Height of Building Façade in Stories	Factor to be Applied to Base of Triangular Yard
1	0.4
2	0.5
3	0.6

- b. In no case shall exterior walls of buildings be closer than 21 feet
  - c. No continuous building unit or series of building units shall exceed a length of 250 feet. Buildings without straight-line facades shall be measured as if they had straight-line facades.
  - d. No building shall exceed 35 feet in height above the average finished ground level when measured at the building corners.
7. 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.
  8. 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.

## **SECTION 16 BOARD OF ADJUSTMENT**

### **16.1 Board of Adjustment Created**

A Board of Adjustment is hereby established. The Chatham County Board of Commissioners shall appoint the membership and provide for its organization.

### **16.2 Meetings**

Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman or in his absence, the Acting-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open proceedings, showing the vote of each member upon every question or his absence or his failure to vote, indicating such fact. 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. 153A-345.

### **16.3 Powers and Duties of the Board of Adjustment**

#### **A. Administrative Review**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance.

#### **B. Variance**

Where there are practical difficulties or 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. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which do not exist or prevail generally among the lands, structures or buildings in the same district. In addition, a variance may also be granted where a permit has been issued and through an unintentional error of the Enforcement Officer or Inspector in determining the location of the structure on the property, there is a minimum violation of the dimensional requirements; provided such relief may be granted without substantially impairing the intent and purpose of this Ordinance.

- b. Literal enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
  - c. The hardship is not the result of the applicant's own actions taken subsequent to the effective date of this Ordinance.
  - d. Granting the variance requested will not confer on the applicant any specific privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  - e. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.
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. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance.

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 19.

4. A variance, once granted, shall continue for an indefinite period of time unless otherwise specified at the time granted.
5. No change in permitted uses may be authorized by a variance. (#30)

#### **16.4 Appeal Procedure**

All appeals from the enforcement and interpretation of this Ordinance, including appeals for variance from the terms of the requirements set forth shall be submitted to the Chatham County Zoning Enforcement Officer within 30 days of enforcement or interpretation (see table below), and shall be addressed to the Chatham County Board of Adjustment. Appeals may be initiated by aggrieved parties.

##### **Enforcement Sequence**

1. Notice of Violation-30 days from receipt
2. Warning Citation
3. Citation
4. Criminal Summons (#19)

##### **Interpretations**

1. Letter of decision-30 days from date
2. Permit-30 days from approval date

1. All appeals shall be in writing, signed and filed with the Zoning Enforcement Officer. Completed appeals shall be received a minimum of

25 days prior to the public hearing at which the proposed amendment is scheduled to be heard.

2. The Board of Adjustment shall conduct public hearings on all appeals and fix a time and place for hearing an appeal. The time set for hearing of an appeal shall not exceed 45 days from the date on which such appeal was filed with the Zoning Enforcement Officer.
3. The Board of Adjustment shall publish notice of the hearing of each appeal in a newspaper published in the County as required by law.
4. The Board of Adjustment shall submit to the applicant, in written form, the decision of the Board. Such notice shall describe the reason or reasons for the Board's actions. A copy of the decision shall be filed in the office of the Zoning Enforcement Officer.
5. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment that, based on the records of the case in question, a stay would cause imminent danger to life or property, in which circumstances proceedings shall not be stayed by an appeal.
6. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this section, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by this section may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor. (#30)

### **16.5 Vote Required - Judicial Appeal**

The Board of Adjustment, by a vote of 4/5 of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing this Ordinance, or may decide in favor of the applicant a matter upon which the Board is required to pass under this Ordinance, or may grant a variance from the provisions of this Ordinance. 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. (#30) Each decision of the Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the decision of the Board is filed in such office as this Ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a

written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

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. (#30)

## **SECTION 17 AMENDMENT TO ZONING ORDINANCE**

### **17.1 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 Development Plan.

### **17.2 Amendment Initiation**

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

1. Textual Amendment
  - a. The Board of County 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 County Commissioners on its own motion;
  - b. The Planning Board;
  - c. The owner or authorized agent of the owner;
  - d. Anyone who owns property or resides in the area of jurisdiction of this Ordinance. Provided, however, map amendments involving conditional use districts may only be initiated by the owner or authorized agent of the owner.

**17.3 Procedure for Submission and Consideration of Applications for Amendment**

**A. Submitted to the Planning Department**

All applications for amendments to this Ordinance 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. 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 at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment.
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 Development 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.

**C. Conditional Use District Rezoning**

It is the intent of this section that the applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he 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 shall apply for rezoning to the appropriate conditional use district and simultaneously apply for a conditional use permit specifying the nature of his proposed development. No permit shall be issued for any development within a conditional use district except in accordance with an approved conditional use permit.

**17.4 The Board of County Commissioners and the Planning Board Shall Hold a Public Hearing**

The Board of County Commissioners and the Planning Board shall receive public comment on applications for amendments to this Ordinance in a public hearing at the County Commissioners' last regular meeting in January, March, May, July, September and November. The lack of quorum of the Planning Board at such meetings shall not affect the proceedings nor require further hearings.

**17.5 Public Hearing and Notice Thereof**

A public hearing shall be held by the Board of County 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. (#30)

Mailed notice shall be required in compliance with State law when the County initially zones property. (#30)

**17.6 Planning Department Prepares Final Analysis and Recommendation (#22)**

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.

**17.7 Planning Board Action on the Amendment Application (#23)**

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 County 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. (#30)

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 County 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, and readily identifiable financial impact on the member. (#30)

**17.8 Board of County Commissioners Receives Recommendation of Planning Board**

The Board of County 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 County 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, and readily 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. (#30)

**17.9 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 Subsection 17.5 shall be considered, for the purposes of Subsection 17.10, a denial of the petition.

**17.10 Effect of Denial on Subsequent Petitions**

When the Board of County 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 County 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.

**17.11 Vested Rights**

Requests to establish vested rights according to G.S. 153A-344.1 shall provide the information required for a conditional use permit request and shall follow the amendment procedure specified in Section 17 of the Chatham County Zoning Ordinance. (#1)

**SECTION 18 ENFORCEMENT**

**18.1 Zoning Enforcement Officer**

This Ordinance shall be administered and enforced by the Zoning Enforcement Officer. If the Zoning Enforcement Officer shall find that any of the provisions of this Ordinance

are being violated, he 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 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.

### **18.2 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 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 Zoning Enforcement Officer and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building erected.

#### **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 Enforcement Officer 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 Enforcement Officer to the Board of Adjustment.

**18.3 Duties of Zoning Enforcement Officer, Board of Adjustment, Courts and Board of Commissioners 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 Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof (except as the members of such Board acting in the capacity of the Board of Adjustment), but the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of the Board of Commissioners in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

**SECTION 19 PENALTY FOR VIOLATIONS**

Except as otherwise provided herein, each violation of this Ordinance shall constitute a misdemeanor, and violations of such provisions of this Ordinance shall be punished by a fine or by imprisonment for a term not exceeding 30 days, or both. (#32)

Violations of this Ordinance shall constitute either a misdemeanor or, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. 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. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense. (#32)

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

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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 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 materialman'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.

Each day's continuing violation of any provision of this Ordinance shall be a separate and distinct offense.

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 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.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Zoning Enforcement Officer 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, located in the Chatham County Health and Administration Building, 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.

If the violator fails to respond to a citation within 15 days of its issuance, and pay the penalty prescribed therein, Chatham County may institute a civil action of the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

**SECTION 20 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 by the Building Inspector prior to the time of passage of this Ordinance; provided, however, that where construction is not begun under such outstanding permit within a period of 180 days subsequent to the passage of this Ordinance or where it has not been prosecuted to completion within 18 months subsequent to passage of this Ordinance, any further construction or use shall be in conformity with the provisions of this Ordinance.

**SECTION 21 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.

**SECTION 22 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 23 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

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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 24            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 25            EFFECTIVE DATE**

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

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## **SECTION 26            AMENDMENTS**

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26.35	Amendment	effective	August 18, 2008	(#35)	

**SECTION 26 AMENDMENTS**

**26.1**

Amendment #1 Effective August 19, 1991

Add Language:

TEXT: Section 17.11

**17.11 Vested Rights**

Requests to establish vested rights according to G.S. 153A-344.1 shall provide the information required for a conditional use permit request and shall follow the amendment procedure specified in Section 17 of the Chatham County Zoning Ordinance.

**26.2**

Amendment #2 Effective December 16, 1991

Add Language:

TEXT: Section 9.8

**9.8 Building on Subdivision Lots of Record**

Where there exists 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.

**26.3**

Amendment #3 Effective Date- December 7, 1992

Add Language:

TEXT: **Section 7.2 Definitions**

**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. The accessory dwelling unit is restricted to 1,000 square feet or two thirds (2/3) of the heated space of the principal residence, whichever is more limiting restriction. The accessory dwelling may not be the residence of more than two adult occupants. 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.

Add Language:

TEXT: **Sections 10.1, 10.2, 10.3** (add to list of permitted uses in each district)

Accessory dwelling unit i.e. guest house, pool house, garage apartment, in-house apartment

Add Language:

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TEXT: **Sections 10.3, 10.4** Dimensional Requirements

**Minimum required lot area for a two-family dwelling** - except an accessory dwelling unit.

## 26.4

Amendment #4 Effective Date- December 18, 1995

Add Language:

TEXT: **Section 17.3** (A) last sentence - "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."

TEXT: **Section 17.6** - "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 the next regular meeting following the public hearing."

TEXT: **Section 17.7** - **The Planning Board shall consider the amendment at the next regular meeting after the public hearing.** "The Planning Board's recommendation concerning the disposition of the application shall be forwarded to the Board of County Commissioners." **The Planning Board has a maximum of three regularly scheduled meetings to consider the request. Failure of the Planning Board to make a recommendation to the Board of County Commissioners following the Planning Board's third regular meeting shall be considered a favorable recommendation without conditions.**

## 26.5

Amendment #5 Effective Date- August 19, 1996

Add Language:

TEXT: **Section 7.2 Definitions**

**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 a 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 upon the effective date of this ordinance.

Revise Language:

TEXT: **Section 10.1 C.**

**Minimum Required Lot Area** - Family subdivisions may have lots a minimum of two acres in size. Existing 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.

**26.6**

Amendment #6 Effective Date- October 21, 1996

Revise Language:

TEXT: **Section 9.4 Extension or Enlargement of Non-conforming Situations**

2. 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.**
3. 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. setback, buffers.**
5. Physical alteration of non-conforming structure or structures containing a non-conforming use is unlawful if it results in:
  - a. Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements.
6. 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. ~~In no case however shall work costing more than 60% of the taxed value of the structure be done, or cumulatively, within any five year period.~~

Revise Language:

TEXT: **Section 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.**

**26.7**

Amendment #7 Effective Date October 20, 1997

Add Language:

TEXT: **Section 7.2 Definitions**

**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.**

The above **conditional use** has been added under each district, i.e. RA-5, RA-40, RA-90, O&I (Office and Institutional District), B-1(Business), and Ind-L (Light Industrial District) under Conditional Uses.

**26.8**

Amendment #8 Effective December 15, 1997

Add Language:

TEXT: **Section 10.6 Ind L - Light Industrial District**

**C. Dimensional Requirements**

**Section 10.7 Ind. H- Heavy Industrial 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.

**26.9** (repealed according to 2002 Supreme Court Decision – see #18 page 89)

Amendment #9 Effective April 6, 1998 – (Re: Swine Farms)

Revise Language:

TEXT: **Section 3. Bona Fide Farm Exempt**

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter or affect bona fide farms except swine farms, but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance.

Add Language:

TEXT: **Section 7.2**

Swine Farm – Any tract or contiguous tracts of land in Chatham County which is devoted to raising animals of the porcine species and which is served by an animal waste management system having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater, regardless of the actual number of swine on the farm.

Revise Language:

TEXT: **Section 10.6 (Light Industrial District)**

**B. Conditional Uses**

The following uses are conditional uses and 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 **below and** in Section 15, 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.

**Swine Farms**

**Before a conditional use permit will be issued, the applicant must have received a Construction/Expansion permit as required by the “Chatham County Ordinance Regulating Swine Farms.”**

Add Language:

TEXT: **10.7 (Heavy Industrial District) – re-designating subsections B,C,D and E as C,D,E, and F and by adding a new subsection B to read as follows:**

**B. Conditional Uses**

The following uses are conditional uses and 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 below and 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.

**Swine Farms**

Before a conditional use permit will be issued, the applicant must have received a Construction/Expansion permit as required by the “Chatham County Ordinance Regulating Swine Farms.”

**26.10**

Amendment #10 Effective June 15, 1998

Add Language:

TEXT: **Section 10.7 Ind H – Heavy Industrial District**

**A. Permitted Uses**

Mulch – grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch

**26.11**

Amendment #11 Effective August 17, 1998

Omit Language: **Residential-Agricultural District**

TEXT: **Section 10.1 RA-5**

**Section 10.2 RA-90**

**Section 10.3 RA-40**

**A. Permitted Uses**

Omit “Animal Husbandry Specialized” in each of the three sections listed above.

**B. Conditional Uses**

Include language in each of the three sections listed above “Animal Husbandry Specialized with a minimum lot area and setback twice the minimum required of the zoning district.

**26.12**

Amendment #12 Effective October 19, 1998

Page 10, Section 7.2 Definitions

**Add Language:**

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.

**26.13**

Amendment #13 Effective October 19, 1998

Page 16, Section 9.1 Definitions

**Add Language:**

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.

**AMENDMENTS EFFECTIVE DECEMBER 14, 1998 (#14)**

**26.14**

**ADD LANGUAGE: [italicized]**

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Page 21, Section 10.1 RA-5 Residential – Agricultural District  
Conditional Uses

*Contractor’s plants, storage yards and staging areas*

Page 25, Section 10.2 RA-90 Residential – Agricultural District  
B. Conditional Uses

*Contractor’s plants, storage yards and staging areas*

Page 29, Section 10.3 RA-40 Residential – Agricultural District  
B. Conditional Uses

*Contractor’s plants, storage yards and staging areas*

Page 31, Section 10.4 Office and Institutional District  
B. Conditional Uses

*Contractor’s plants, storage yards and staging areas*

Page 34, Section 10.5 B-1 Business District

B. Conditional Uses

*Contractor’s plants, storage yards and staging areas*

**Page 61, Section 15.1 Procedure**

[last paragraph add language]

**“Conditional use permits may include time limits for expiration if specified criteria are not met.”**

**AMENDMENT EFFECTIVE MARCH 13, 2000 (# 15)**

**26.15**

**ADD LANGUAGE: [italicized]**

Page 32, Section 10.5 B-1 Business

Permitted Uses

*“Open air sales and service of accessory buildings and gazeboes and like free-standing structures”.*

**AMENDMENT EFFECTIVE MARCH 18, 2002 (# 16)**

**26.16**

**REVISE LANGUAGE: [italicized]**

Page 17, Section 9.4 – Extension or Enlargement of Non-Conforming Situations

Eliminate Section 9.4 as it currently exists and replace it with the following language:

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*A non-conforming situation may be expanded if the expansion amounts to only a change in the degree of activity rather than changes in kind and where, in the opinion, of the Board of Commissioners, such expansions would not substantially increase traffic volumes, air pollution, water pollution, noise pollution or in some other way adversely affect the health, safety or welfare of residents in the area. A change in the degree of activity of a non-conforming situation shall only occur after application and approval as set forth in chapter 17 of this ordinance. Any structure used for single family residential purposes is exempt from this paragraph but must adhere to all other parts of the Zoning Ordinance.*

### **AMENDMENT EFFECTIVE JUNE 17, 2002 (#17)**

#### **26.17**

**REVISE LANGUAGE:** Below is attached text with revisions underlined and strike through deletions.

#### **Page 61 Section 15.1.5 Procedure**

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

### **SUPREME COURT DECISION – REPEAL JUNE 28, 2002 (#18)**

#### **26.18**

Section 26.9, Amendment #9 Effective April 6, 1998 – (Re: Swine Farms) **repealed according to June 28, 2002 Supreme Court Decision**

Revise Language:

#### **TEXT: Section 3. Bona Fide Farm Exempt**

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter or affect bona fide farms ~~except swine farms~~, but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance.

Add Language:

TEXT: Section 7.2

~~Swine Farm— Any tract or contiguous tracts of land in Chatham County which is devoted to raising animals of the porcine species and which is served by an animal waste management system having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater, regardless of the actual number of swine on the farm.~~

Revise Language:

#### **TEXT: Section 10.6 (Light Industrial District)**

##### **B. Conditional Uses**

The following uses are conditional uses and 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

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forth ~~below and~~ in Section 15, 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.

~~Swine Farms~~

~~Before a conditional use permit will be issued, the applicant must have received a Construction/Expansion permit as required by the "Chatham County Ordinance Regulating Swine Farms."~~

Add Language:

**TEXT: 10.7 (Heavy Industrial District) – re-designating subsections B,C,D and E as C,D,E, and F and by adding a new subsection B to read as follows:**

**B. Conditional Uses**

The following uses are conditional uses and 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.

~~Swine Farms~~

~~Before a conditional use permit will be issued, the applicant must have received a Construction/Expansion permit as required by the "Chatham County Ordinance Regulating Swine Farms."~~

**AMENDMENT EFFECTIVE OCTOBER 21, 2002 (#19)**

26.19

REVISE LANGUAGE: Below is attached text with revisions underlined.

Page 67 Section 16.4 Appeal Procedure

All appeals from the enforcement and interpretation of this Ordinance, including appeals for variance from the terms of the requirements set forth shall be submitted to the Chatham County Zoning Enforcement Officer within 30 days of enforcement or interpretation (see table below), and shall be addressed to the Chatham County Board of Adjustment. Appeals may be initiated by aggrieved parties.

Enforcement Sequence

Interpretations

Notice of Violation-30 days from receipt

1. Letter of decision-30 days from date

Warning Citation

2. Permit- 30 days from approval date

Citation

Criminal Summons

**AMENDMENT EFFECTIVE DECEMBER 9, 2002 (#20)**

**26.20**

ADD LANGUAGE:

Page 32 Section 10.5– B-1 Business District

Permitted Uses

Include Arts and Crafts fabrication and related sales

**CONSENT JUDGEMENT EFFECTIVE DECEMBER 10, 2002 (#21)**

**26.21**

**Repeals Amendment 26.16 Effective Date March 18, 2002 and re-establishes prior language.**

Page 17 Section 9.4 Extension or Enlargement of Non-conforming Situations

**AMENDMENT EFFECTIVE APRIL 7, 2003 (#22)**

**26.22**

**REVISE LANGUAGE: [italicized]**

**Section 17.6 -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 the next regular meeting following the public hearing.~~

*“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”.*

**AMENDMENT EFFECTIVE APRIL 7, 2003 (#23)**

**26.23**

**REVISE LANGUAGE: [italicized]**

Section 17.7 -Planning Board Action on the Amendment Application

~~The Planning Board shall consider the amendment at the next regular meeting after the public hearing. The Planning Board's recommendation concerning the disposition of the application shall be forwarded to the Board of County Commissioners.~~

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

*“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’s recommendation concerning the disposition of the application shall be forwarded to the Board of County Commissioners.*

*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 County Commissioners following the Planning Board’s third regular meeting shall be considered a favorable recommendation without conditions”.*

**AMENDMENT EFFECTIVE August 18, 2003 (#24)**

**26.24**

**REVISE LANGUAGE: [italicized]**

Section 10.1 C - 10.4 C - Dimensional Requirements

Minimum Required Lot Area –

Maximum Building Height – 35 feet *60 feet*

**ADD LANGUAGE: [italicized]**

Section 10.5 C – Dimensional Requirements

*Maximum Building Height – 60 feet*

**AMENDMENT EFFECTIVE August 18, 2003 (#25)**

**26.25**

**ADD LANGUAGE: [italicized]**

Section 10.4 Office and Institutional District; and

Section 10.5 B-1 Business District

A. Permitted Uses

*Day Care Centers*

**AMENDMENT EFFECTIVE October 20, 2003 (#26)**

**26.26**

**REVISE / ADD LANGUAGE:**

Section 7.2 Definitions and other sections as noted below:

Personal home-owners use of inert debris landfill materials 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. It is also recommended that the definition of inert debris landfill be changed to read land clearing and inert debris landfill, that terminology be changed from inert debris landfill to land clearing and inert debris landfill in **Sections 10.1 B, 10.2 B, 10.3 B, 10.4 B, 10.5 B, 10.6 B, and that Section 10.7 Ind H – Heavy Industrial District, A, Permitted Uses** include land clearing and inert debris landfills.

**AMENDMENT EFFECTIVE November 17, 2003 (#27)**

**26.27**

**REVISE LANGUAGE:**

SECTION 14 HOME OCCUPATIONS

~~Customary home occupations such as beauty parlors, dressmaking, laundering, music teaching, preserving, tutoring; the offices of resident members of recognized professions such as architects, artists, dentists, doctors, engineers, lawyers, landscape architects, and the sale of items produced as a hobby on a part time basis, shall be permitted in~~

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~~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 a resident on the premises and not more than three employees who may be non-resident and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.~~
- ~~2. No more than 25% percent of a dwelling shall be used for home occupations.~~
- ~~3. No display of goods or advertising shall be visible from the street, except one non-illuminated sign is allowed which shall not exceed four square feet in area.~~
- ~~4. 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.~~
- ~~5. Accessory buildings may be used for home occupations provided they are not larger than 1,500 square feet.~~
- ~~6. 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 and shall be met off the street and other than in a required front yard.~~
- ~~7. The customary home occupations referred to in this subsection shall include the merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and products, provided such retail or manufacturing or assembly occupations shall be carried on by a resident of the home and Items 1-6 are met.~~
- ~~8. Any person wanting to conduct a home occupation within their residence shall apply for and be granted a home occupation permit by the Zoning Enforcement Officer 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.~~
- ~~9. Occupations that have no non-resident employees, no signs and no on-site retail sales do not require a home occupation permit.~~

### **A. NEIGHBORHOOD HOME OCCUPATIONS**

Customary home occupations such as beauty parlors, dressmaking, music teaching, tutoring; the offices of resident members of recognized professions such as architects, artists, dentists, doctors, engineers, lawyers, landscape architects, and the sale of items

produced as a hobby on a part time basis may be 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%.
3. No display of goods or advertising shall be visible from the street, except one non-illuminated sign is allowed which shall not exceed four square feet in area.
4. 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.
5. Accessory buildings may be used for home occupations provided the building area is not larger than 1,500 square feet. If multiple buildings are used, the total combined square footage shall not exceed 1,500 square feet.
6. 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.
7. 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.
8. Occupations that have no non-resident employees, no signs and no on-site retail sales do not require a home occupation permit.

**ADD LANGUAGE:**

**B. RURAL HOME OCCUPATIONS:**

Rural home occupations are those, which by their nature are not compatible on small lots near other residences. Such occupations include but are not limited to merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and

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products, well drilling, landscape business, plumbing, firewood production, automobile repair, and building contracting.

1. Rural home occupations may be allowed on parcels, which are no smaller than two 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. No display of goods or advertising shall be visible from the street, except 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 5,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed 5,000 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 lesson 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

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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 Enforcement Officer 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.

### **AMENDMENT EFFECTIVE FEBRUARY 16, 2004 (#28)**

#### **26.28**

#### **ADD LANGUAGE:**

Page 31, Section 10.5 B-1 Business District, (A) Permitted Uses

Add: Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental).

### **AMENDMENT EFFECTIVE APRIL 19, 2004 (#29)**

#### **26.29- as follows:**

1. That Section 4 entitled "Districts Established" be amended to include as a zoning district the following:

"CU-CC Conditional Use – 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, as provided in the Compact communities Ordinance."

2. That the preamble to Section 5 be deleted and in lieu thereof, the following be inserted:

"It will be noted that a conditional use district (bearing the designation CU) corresponds to each of the general purpose zoning districts and to the compact community district as authorized in this ordinance".

3. That Section 7.2 entitled "Definitions" be amended to add the following:

"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."

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4. That a new Section 10.8 be added to read as follows:

“Section 10.8 CU-CC Conditional Use Compact community

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

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.”

5. That Section 8.9 be deleted and the following be substituted in lieu thereof:

## **Section 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”.

## **AMENDMENT EFFECTIVE JUNE 19, 2006 (#30)**

### **26.30**

#### **AMEND SECTIONS AS FOLLOWS:**

#### **Section 15.1 Procedure**

Requests for conditional use permits as authorized by this Ordinance shall be processed and considered in the same procedure format as set forth in this Ordinance for rezoning requests and the voting procedure shall be the same as that required in zoning matters and 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. (#14) Conditional use permits may include time limits for expiration if specified criteria are not met.

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.

### **Section 16.3 Powers and Duties of the Board of Adjustment**

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

### **Section 16.4 Appeal Procedure**

6. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this section, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by this section may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

### **Section 16.5 Vote Required – Judicial Appeal**

The Board of Adjustment, by a vote of 4/5 of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing this Ordinance, or may decide in favor of the applicant a matter upon which the Board is required to pass under this Ordinance, or may grant a variance from the provisions of this Ordinance. 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. Each decision of the Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the decision of the Board is filed in such office as this Ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

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 17.5 Public Hearing and Notice Thereof**

A public hearing shall be held by the Board of County 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.

### **Section 17.7 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's recommendation concerning the disposition of the application shall be forwarded to the Board of County Commissioners.~~ The Planning Board shall provide a written recommendation to the Board of County 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 County 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, and readily identifiable financial impact on the member.

### **Section 17.8 Board of County Commissioners Receives Recommendation of Planning Board**

The Board of County 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 County 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, and readily 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.

**AMENDMENT EFFECTIVE SEPTEMBER 18, 2006 (#31)**

**26.31**

**AMEND SECTION 15.5: Specific Conditions for Conditional Uses Listed in Residential Districts**

**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.

**AMENDMENT EFFECTIVE MARCH 19, 2007 (#32)**

**26.32**

**SECTION 19 PENALTY FOR VIOLATIONS**

Except as otherwise provided herein, each violation of this Ordinance shall constitute a misdemeanor, and violations of such provisions of this Ordinance shall be punished by a fine ~~not exceeding \$50.00~~ or by imprisonment for a term not exceeding 30 days, or both.

Violations of this Ordinance shall constitute either a misdemeanor or, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. 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 ~~each violation~~ 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. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense.-

**AMENDMENT ADOPTED NOVEMBER 5, 2007 (#33)**

**26.32**

**AMEND SECTIONS 10.1 (A), 10.2 (A) and 10.3 (A) as follows:**

**Section 10.1 (A) Permitted Uses**

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

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district.

**Section 10.2 (A) Permitted Uses**

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

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district.

**Section 10.3 (A) Permitted Uses**

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

Schools, public with a minimum lot area of three acres provided that 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. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district.

**AMENDMENT ADOPTED NOVEMBER 19, 2007 AND EFFECTIVE  
FEBRUARY 1, 2008 (#34)**

**26.34**

**Add Section 11A as follows:**

**SECTION 11A LIGHTING**

**11A.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.

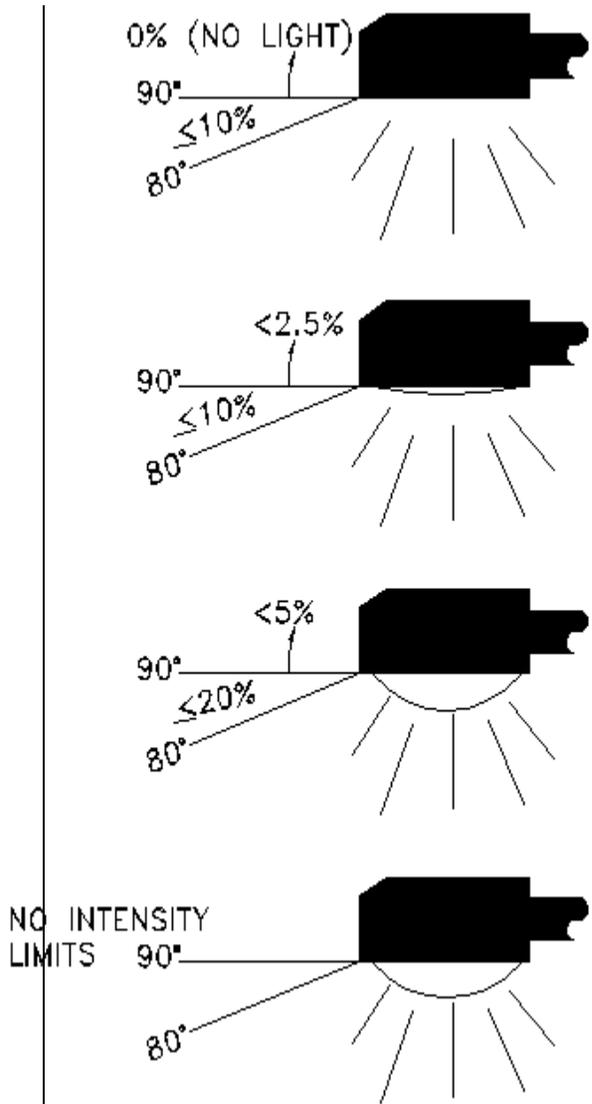
**11A.2 IESNA Cutoff Classifications (with minimal wording modifications to provide non-technical clarity)**

**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.



- 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

**11A.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 be 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 amphitheatres 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.

#### **11A.4 Light Measurement Technique**

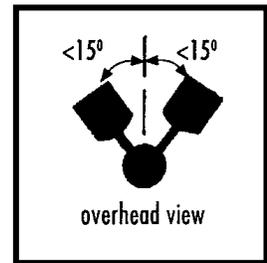
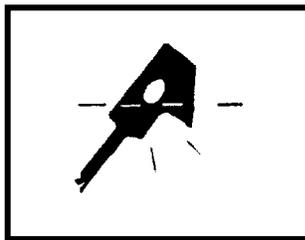
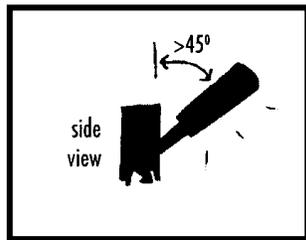
Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the right-of-way that adjoins the property of the 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 11A.3 for maximum allowed light loss factors.

#### **11A.5 General Standards for Outdoor Lighting**

- (9) 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.

- (10) 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.
- (11) 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 Planning Director 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.



- (12) 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.
- (13) All wall pack fixtures shall be full cutoff fixtures.
- (14) 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.
- (15) The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures.
- (16) 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.

**11A.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:

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

\* Source: IESNA 8<sup>th</sup> 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 11A.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.

#### **11A.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 11A.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.

#### **11A.8 Outdoor Sports Field /Outdoor Performance Area Lighting**

- (6) 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.
- (7) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).
- (8) 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.
- (9) 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.

- (10) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

### **11A.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.

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

### **11A.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:

- (5) Parking lot outdoor areas shall be illuminated in accordance with the requirements for subsection 11A.6 above. Outdoor display areas shall have a maximum average maintained illuminance of twenty-four (24) maintained footcandles.
- (6) 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 11A.5 (3) and 11A.5 (4) of this ordinance.
- (7) The mounting height of outdoor display area fixtures shall not exceed thirty-seven (37) feet above finished grade.
- (8) For car dealership parking lots, the following provisions shall apply:
  - e. Full cutoff fixtures shall be used.
  - f. Mounting Heights: Up to a maximum of thirty-five (35) plus 2-foot raised base for parking areas as needed.
  - g. Lighting at the first row, the car bumper may not exceed a maximum average maintained illuminance of 24 footcandles.
  - h. Lighting in the non-display area of the parking lot after hours shall be no higher than 7 FC average maintained.

### **11A.11 Lighting of Buildings**

- (5) 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.
- (6) Illumination on any vertical surface or angular roof shall not exceed 5.0 FC average maintained
- (7) To the extent practical and where possible, lighting fixtures shall be directed

downward rather than upward

(8) 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.

### **11A.12 Permanent Sign and Billboard Lighting**

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. 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 11A.6 (4)(c) regarding portable internally illuminated signs.

### **11A.13 Holiday/Festive Lighting**

Holiday/festive lighting is allowed provided it complies with the definition outlined in section 11A.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.

### **11A.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.

### **11A.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.

### **11A.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.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

**11A.17 Nonconformities**

- (6) 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.
- (7) 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.
- (8) Vehicular Canopies do not qualify for this exemption and have five years from the adoption date of this ordinance to bring the outdoor lighting into compliance. If a major renovation of the canopy (50% or more of the existing light fixtures) occurs at this facility prior to the expiration of the five-year term, the earlier date will apply regarding compliance.
- (9) 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.
- (10) See section 11A.12 (h)(4) for nonconformity provisions for outdoor sports fields and performance areas.

**AMENDMENT ADOPTED August 18, 2008 (#35)**

**26.35**

**Amend Sections 10.1, 10.2, and 10.3 List of Permitted Uses as follows:**

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.

**AMENDMENT ADOPTED August 18, 2008 (#36)**

**26.36**

**Amend Sections 10.5 B-1 List of Permitted Uses as follows:**

CHATHAM COUNTY ZONING ORDINANCE

Public and private recreation camps and grounds 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 lines/boundary areas.