



**COUNTY COMMISSIONERS**

Diana Hales, Chair  
Mike Dasher, Vice Chair  
Jim Crawford  
Karen Howard  
Walter Petty

**COUNTY MANAGER:** Renee Paschal

Established 1771

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200 • Fax: (919) 542-8272

## Resolution of the Chatham County Board of Commissioners

### ADOPTING A CONSISTENCY STATEMENT FOR THE APPROVAL OF

Zoning Ordinance Text Amendment

**WHEREAS**, the Chatham County Board of Commissioners has reviewed the application for the Chatham County Board of Commissioners to revise the Chatham County Zoning Ordinance (the "Amendment") and finds that the same is consistent with the Chatham County Comprehensive Plan; and

**WHEREAS, in addition**, the Chatham County Board of Commissioners considers the Amendment to be reasonable and in the public interest because the Amendment is consistent with the Comprehensive Plan; specifically, the Amendment preserves, protects, and enables agriculture and forestry (Objective #2, pg. 41), as well as helps to diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes (Objective #4, pg. 41);

**NOW, THEREFORE, BE IT RESOLVED**, by the Chatham County Board of Commissioners that, for the reasons set forth above, the Amendment and presented documentation are found to be consistent with the county land use plan, and are determined to be reasonable and in the public interest.

Adopted, this the 16<sup>th</sup> day of April, 2018

\_\_\_\_\_  
Diana Hales, Chairman  
Chatham County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Lindsay K. Ray, NCCC Clerk to the Board  
Chatham County Board of Commissioners





## CHATHAM COUNTY COMMISSIONERS

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## Ordinance of the Chatham County Board of Commissioners

### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

**For** Multiple Revisions to the Zoning Ordinance

**WHEREAS**, the Chatham County Board of Commissioners has considered the request by the Chatham County Board of Commissioners to revise the Zoning Ordinance, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

**WHEREAS**, the Board finds that the amendment request set forth in the Application and incorporated herein by reference, approved as pursuant to the provisions of the zoning ordinance, would be suitable for the furtherance of the administration of the ordinance; and

**WHEREAS**, the Board finds the four (4) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, and reasons how the proposed amendment will correct the same. No errors are being claimed with this request; and

No. 2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. In 2015 and 2017, the Legislature adopted new legislation narrowing local governments' ability to regulate zoning. In 2017, the Legislature also adopted new legislation which clarified some details on Comprehensive Plan Consistency Statements. Therefore, revisions the Zoning Ordinance are necessary to ensure that the ordinance is in compliance with new and relevant state legislation. In addition to the revisions needed due to changes in state law, minor revisions are needed improve process facilitation and language clarification; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. The consistency statement resolution provides recommendations from the Comprehensive Land Use Plan including diversifying the tax base

and generating more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. This Amendment is necessary to ensure that the ordinance is in compliance with new and relevant state legislation; and

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

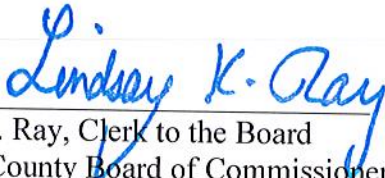
1. All revisions to the Zoning Ordinance listed in "Attachment A".
2. This ordinance shall become effective upon its adoption.

Adopted this 16<sup>th</sup> day of April 2018



\_\_\_\_\_  
Diana Hales, Chair  
Chatham County Board of Commissioners

ATTEST:



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



ATTACHMENT "A"

The attached document is the amended Zoning Ordinance.

**SECTION 1 TITLE**

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

**SECTION 2 JURISDICTION**

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

**SECTION 3 BONA FIDE FARM EXEMPT**

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

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

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

**SECTION 4 DISTRICTS ESTABLISHED**

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

**R5 Residential district**

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

**R2 Residential district**

Primarily for low density residential development to protect water supply watersheds

**R1 Residential District**

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

**O&I Office and Institutional District**

Primarily for office and institutional type uses along with residences

**B-1 General Business District**

Intended for retail trade and consumer services dealing with the general public; the old district has been split into 3 new districts (NB, CB, and RB, below) that are intended for retail and consumer services, but are scaled to better fit different needs around the County. This district is historical and no parcel or portion of a parcel can be rezoned to this district. Should an applicant for a rezoning wish to rezone to a district with approved land uses listed for this district, the applicant may apply for a rezoning to one of the 3 new business districts (NB, CB, and RB, below).

**NB Neighborhood Business District**

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

**CB Community Business District**

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

**RB Regional Business District**

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

**IL Light Industrial District**

**DEFINITIONS**

**7.1. General Purpose**

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

**7.2. Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Bed and Breakfast Inn** - Small, owner-operated businesses where ~~usually~~ the owner usually lives on premises, but is not required to do so. The building's primary usage is for lodging of overnight guests and meals served in conjunction with the stay of guests. Inns advertise, have business licenses, comply with government ordinances, pay all appropriate taxes and post signs. The inn may host events such as weddings, small business meetings, et cetera, with up to 86 overnight rooms for rent to overnight guests, provided all other local and state requirements are met.

**Board of Commissioners** – The Chatham County Board of Commissioners.

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

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

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

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

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

**Churches** – see Place of Worship.

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

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

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

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



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

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

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

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

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

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

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

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

**Land Use Plan** – [The Chatham County Land Conservation and Development Plan. Any Comprehensive Land Use Plan adopted by Chatham County, as well the Chatham-Cary Joint Land Use Plan.](#)

**Live-Work Unit** - See Mixed Use Building.

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

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

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

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

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

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

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

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

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

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

**SECTION 10 SCHEDULE OF DISTRICT REGULATIONS**

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

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

**10.1. R 5 - Residential District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

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

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

Minimum Required Lot Width - 100 feet

Minimum Required Front Setback - 40 feet

Minimum Required Side Setback - 25 feet

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures may be located in the required yards provided they are located at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.2. R 2 - Residential District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

Minimum Required Lot Area - 90,000 square feet

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

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

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Setback - 40 feet

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

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.3. R 1 - Residential District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

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

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

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

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Setback - 40 feet

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

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.4. O&I - Office and Institutional District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

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

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

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

Minimum Required Lot Width - 100 feet

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

Minimum Required Front Setback - 40 feet

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

Minimum Required Rear Setback - 25 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, and open structures may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum requirement

**C. Visibility at Intersections**

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

**D. Off-street Parking and Loading**

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

**E. Signs**

Signs shall be governed by the provisions of Section 15

**10.5. B-1 - Business District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

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

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

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.6. NB - Neighborhood Business District**

**A. Permitted and Conditional Uses**

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



**10.7. CB - Community Business District**

**A. Permitted and Conditional Uses**

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

**B. Dimensional Requirements**

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

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

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

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

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.8. RB - Regional Business District**

**A. Permitted and Conditional Uses**

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

**B. Dimensional Requirements**

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

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

Minimum Required Lot Width - 75 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 20 feet

Minimum Required Rear Setback - 20 feet

Maximum Building Height - 60 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.9. IL - Light Industrial District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

The minimum yard setbacks listed, except along state maintained roads, may be reduced to the minimum established in the most recent North Carolina building code when the adjacent property has the same zoning district and an adjacent property owner provides a written affidavit allowing said reduction along the property line between the property in question and the property owned by the consenting property owner.

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

Minimum Required Lot Width - 150 feet

Minimum Required Front Setback - 50 feet

Minimum Required Side Setback - 50 feet

Minimum Required Rear Setback - 50 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.10. IH - Heavy Industrial District**

**A. Permitted Uses**

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

**B. Dimensional Requirements**

The minimum yard setbacks listed, except along state maintained roads, may be reduced to the minimum established in the most recent North Carolina building code when the adjacent property has the same zoning district and an adjacent property owner provides a written affidavit allowing said reduction along the property line between the property in question and the property owned by the consenting property owner.

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

Minimum Required Lot Width - 300 feet

Minimum Required Front Setback - 100 feet

Minimum Required Side Setback - 100 feet

Minimum Required Rear Setback - 100 feet

Location of Accessory Buildings and Structures – Accessory buildings and structures must conform to the minimum required setbacks for the district. Provided, however, well houses, satellite dishes, open structures and telephone booths may be located in the required yards provided they are at least 10 feet from any street or property line. Fences are permitted within the front, side and rear yards with no minimum setback requirement.

**C. Visibility at Intersections**

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

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

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

**E. Signs**

Signs shall be governed by the provisions of Section 15.

**10.11. CD-CC Conditional Use Compact Community**

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

**A. Permitted Use:**

Compact Community

**B. Requirements:**

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

**10.12 CD-MU Mixed Use**

**A. Purpose**

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

**B. Minimum Size**

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

**C. Maximum Net Density and Built Upon Area Allowed**

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

**D. Net Land Area Computation**

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

1. Land to be dedicated or set aside for public and private street right-of-way. As an option to measuring projected street right-of-way, the developer may subtract 20% gross area as street right-of-way allowance regardless of the amount of land actually required for streets.
2. Any area of the property located within a Special Flood Hazard Area, consistent with the Chatham County Flood Damage Prevention Ordinance.
3. Any area classified as wetlands or woody swamp by the U.S. Army Corps of Engineers.
- ~~4. Surface water buffers as required by the Chatham County Watershed Protection Ordinance.~~

5.4. Other areas determined by the Zoning Administrator, Planning Board or Board of Commissioners to be unbuildable due to either physical features or regulatory authority. Typical zoning setback areas shall be considered buildable for purposes of this determination.

**E. Permitted Uses**

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

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

The site plan must show, and the final development must include, uses from at least two (2) of the zoning districts listed above. Multi-family dwellings shall also be permitted within the CD-MU district. Uses may be mixed within a building or within the development and the site plan must identify the location of the proposed uses.

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

**F. Dimensional and Off-Street Parking Requirements**

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

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

**G. Signage**

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

**10.13 Table 1: Zoning Table of Permitted Uses Notes: Compact Communities (CC) uses are listed separately in the Compact Communities Ordinance**

Many commercial activities that are otherwise prohibited in this table may be allowed as Home Occupations if they meet the requirements of that section.

Key: P = Permitted; A = Accessory Only; CU = Conditional Use Only; PRD = Planned Residential Development Only; \* = Historical district: (this district is no longer permitted for future rezonings)

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

Chatham County Zoning Ordinance

**Zoning District**

Automobile service stations including tune-ups, minor repairs, tire service, washing facilities both manual and automatic and similar services.<sup>1</sup>

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

<sup>1</sup> 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.



# Chatham County Zoning Ordinance

## Zoning District

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

Brick, tile, clay pipe and other clay products manufacture (Craft pottery is not covered in this definition)

Bus passenger stations

Cabinet shops

Campgrounds—SEE Public and Private recreation camps and grounds

Candy products manufacture

Canvas and burlap products manufacture, sales and storage

Carpeting, Flooring, Tile, and Stone Products Sales

Catering establishments

Cement, lime, plaster manufacture

Cemeteries

Churches and other places of worship

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

Clothing shops

Clubs and other places of entertainment operated as commercial enterprises

Coal or coke yards

Coffee roasting

Cold storage plants

Congregate care facilities

Contractor's plants or storage yards and staging areas

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

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

Chatham County Zoning Ordinance

Zoning District

	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Cooperage works										P
Cosmetics and perfume manufacture										CU
Dairy bars and ice cream shops intended primarily for retail sale on the premises for consumption either on or off premises					P	P	P	P		
Dairy products, processing, bottling and distribution, ice-cream manufacture, all on a wholesale basis									P	P
Day care centers for 15 or fewer children.	CU	CU	CU							
Day Care Centers for more than 15 children.				P	P	P	P	P		
Day care centers in the principal residence to accommodate not more than 15 children at any one time, provided such are located on a lot of not less than one acre and provided further that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Drive-in or outdoor motion picture show									CU	CU
Drug stores					P	P	P	P		
Dry cleaning, pressing, and related retail service counter					P	P	P	P	P	P
Dwellings, single-family, manufactured	P	P	P		P					
Dwellings, single-family, site built and modular	P	P	P		P					
Dwellings, single-family attached (Duplex)		P	P	P						
Dwellings, manufacture of										P
Dye stuff manufacture and dyeing plants									CU	CU
Eating and drinking establishments					P	P	P	P		
Electric light or power generating station									CU	CU
Emory cloth or sandpaper manufacture									P	P
Enameling, japanning, lacquering or the plating or galvanizing of metals										P
Event Center Limited (See Section 17.7)					P	P	P	P		
Excelsior and fiber manufacture										P
Fabric shops					P	P	P	P		
Family Care Home (except that a Family Care Home may not be located within 1,125 feet of an existing Family Care Home)	P	P	P	P						
Feed and seed processing									P	P
Feed and seed wholesale									P	P
Feed, seed, fertilizer retail sales					P	CU	CU	P	P	P

Chatham County Zoning Ordinance

Zoning District		R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Felt manufacture											P
Fertilizer wholesale sales										P	P
Fire stations and emergency medical facilities with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement of the district in which it is located	P	P	P								
Fire stations, emergency medical service facilities, police stations and law enforcement offices (less than three acres in the residential districts)	CU	CU	CU	P	P	P	P	P	P	P	P
Flammable liquids - bulk plants and storage											CU
Flea markets and rummage sales conducted either within a building or outdoors provided that no principal building or sales area shall be located in the required yard									CU	CU	CU
Florist - greenhouses, cultivation facilities and warehousing for wholesale and related retail sales										P	P
Florist shops							P	P	P	P	
Food processing in wholesale quantities										P	P
Food stores, retail							P	P	P		
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										CU	CU
Foundries producing iron and steel products											CU
Frozen food lockers											P
Funeral homes, undertaking establishments, embalming including crematoria					P	P	P	P	P	P	P
Fur storage (no sales)							P			P	P
Furniture stores											
Furrier, retail sales (can include storage)							P	P	P	P	
Garbage and waste incinerators (except hazardous waste)							P	P	P	P	
Gas storage in bulk											CU
Gases or liquefied petroleum gases in approved portable metal cylinders											CU
General, professional, medical and governmental offices					P	P	P	P	P	P	P
Gift shops							P	P	P	P	
Golf courses and tennis clubs, public or private					P						P

Chatham County Zoning Ordinance

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

Chatham County Zoning Ordinance

**Zoning District**

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

# Chatham County Zoning Ordinance

## Zoning District

	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Metal fabricating plants using plate and structural shapes and including boiler for tank works										P
Mining <sup>2</sup>										CU
Major Utilities									P	P
Minor Utilities (Any noise producing equipment must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line)	P	P	P	P	P	P	P	P	P	P
Mixed Use Building				CU	CU	CU	CU	CU		
Mixing plants for concrete, or paving materials and manufacture of concrete products										CU
Mobile home sales and service							CU	P	P	P
Motorcycle sales and service							CU	P	P	P
Mulch - grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch									CU	CU
Music stores including repair and craft manufacture	CU	CU					P	P	P	
Newsstands							P	P	P	
Office - business, professional and governmental							P	P	P	
Office - engineering supply and similar sales and services including blueprinting, Photostating and similar services				P	P	P	P	P	P	
Open air sales and service of accessory buildings and gazebos and like free-standing structures							P	P		
Open-air sales or displays from a temporary building or structure								CU	P	
Optical and scientific instrument, jewelry and clock, musical instrument manufacture							P	CU	P	P
Opticians and optical sales and service									P	P
Owner-occupied bed and breakfast homes with no more than two (2) rooms (units) for rent for stays no longer than seven (7) consecutive days and may be located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which it is located.	P	P	P							

<sup>2</sup> Parcels used in whole or in part for mining operations or as to which mining permits are applicable in whole or in part as of April 17, 2017, are exempt from the conditional use permit requirement for mining uses, as are "accessory uses", as that term is defined in the Zoning Ordinance.

Chatham County Zoning Ordinance

**Zoning District**

	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Oxygen manufacture and/or storage										P
Paint and enamel manufacture not employing a boiling process										P
Paint retail shops					P	P	P	P		
Paper, cardboard and building board manufacture										CU
Pawnshops and secondhand stores					P	P	P	P		
Pet shops					P	P	P	P		
Pharmaceutical products manufacture									CU	CU
Photographic studios, camera shops					P	P	P	P		
Planing or sawmills									P	P
Planned residential developments	CU	CU	CU							
Plastics manufacture										CU
Plating works										P
Plumbing shop and yard									P	P
Post offices				P	P	P	P	P		
Pottery (hand crafted) and related retail					P	P	P	P		
Pottery, porcelain and vitreous china manufacture										P
Printing and publishing					P	P	P	P		
Printing, publishing and reproduction establishments									P	P
Private recreation camps and ground with a minimum lot area of 10 acres and provided that all buildings, structures, spaces, and high intensity activity areas shall be set back a minimum of fifty (50) feet from all property line/boundary areas except in the Haw River Township, which shall meet the minimum setback requirements of the base zoning district						P	P	P		
Public and private recreation camps and grounds (See Section 17.5 for acreage requirements)	CU	CU	CU							
Public and private schools, training and conference centers				P	P	CU	CU	P	CU	CU
Public parks and recreation areas including marinas and concessions with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	P	P	P							
Public utility transmission lines	P	P	P	P	P	P	P	P	P	P
Radio and television stations and their towers when the towers are located on the same site with the station					P			P		
Rag, bag and carpet cleaning establishments										P

# Chatham County Zoning Ordinance

## Zoning District

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



Chatham County Zoning Ordinance

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

# Chatham County Zoning Ordinance

	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
					P		CU	CU	CU	CU
<b>Zoning District</b>										
Veterinary clinics and hospitals with dog runs or equivalent facilities							P	P	P	P
Veterinary hospitals & clinics							P	P	P	P
Wastepaper and rags, collection and bailing									P	P
Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale									P	P
Woodworking shops, mill work									P	P

### 11.3. Environmental Impact Assessment

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

Additionally, Pursuant to N.C. Gen. Stat. § 113A-8, the County requires the Subdivider to submit an Environmental Impact Assessment for any of the following proposed projects:

- a) A non-residential major subdivision development project, excepting bona fide farm activities, or ten (10) contiguous acres or more in extent that disturbs ten (10) or more acres;
- b) A residential subdivision development project of ten (1) contiguous acres or more in extent that will include fifty (50) or more dwelling units, whether detached or attached single family residences or in a multi-family structure or structures; or
- c) A major subdivision of fifty (50) or more lots.

The following projects which consist of ten contiguous acres or more in extent and which will disturb ten or more acres shall submit an Environmental Impact Assessment prior to any land disturbing activity:

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

**SECTION 14 OFF-STREET PARKING AND LOADING**

**14.1. Off-Street Parking Requirements**

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

**A. Certification of Minimum Parking Requirements**

Each application for a zoning permit submitted to the ~~Zoning Enforcement Officer~~ [Zoning Official](#) 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~~ [Zoning Official](#) to determine whether or not the requirements of this section are met.

**B. Definition of a Parking Space**

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

**C. Minimum Off-Street Parking Requirements**

The following off-street parking space shall be required:

**Classification Off-Street Parking Requirements**

*Note that any fractional space e.g. 47.3 shall be considered the next whole number, e.g., 48*

**RESIDENTIAL:**

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

**SECTION 17**            **CONDITIONAL USE PERMITS**

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

**17.1. Procedure**

Requests for conditional use permits as authorized by this Ordinance shall be processed and considered in the same format as set forth in this Ordinance for conditional zoning district requests, but shall follow quasi-judicial procedures. [A community meeting must be held by the applicant, following the same procedure described in Section 5.7 \(A\).](#) No vote greater than a majority vote shall be required to issue such permits for the Board of Commissioners. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board of Commissioners should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied. Conditional use permits may include time limits for expiration if specified criteria are not met.

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

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit will be consistent with the objectives of the Land Use Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

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

- 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 to be unbuildable due to other regulatory authority. However, ~~typical~~ zoning setback areas and riparian buffer areas shall be considered to be buildable areas for purposes of this net land area determination.

5. Exterior Boundary Setbacks and Development

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

6. Gross Site Use

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

7. Site Plan Required

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

**17.6. Standards for Solar Energy Uses**

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

**A. Solar Collectors**

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

- 1. Roof mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
- 2. Ground mounted solar systems shall meet the minimum zoning setbacks from property lines for the zoning district in which it is located.

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~~ Zoning Official and shall demonstrate substantially the following:
  - a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
  - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
2. Furthermore, the board of adjustment must make such findings of fact to substantiate all of these requirements. In considering applications for variances from the provisions of this Ordinance, demonstration of financial disadvantage alone shall not constitute conclusive evidence of unnecessary hardship.
3. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.
4. Departure from or violation of any of those conditions or safeguards shall be deemed a violation of this Ordinance, and shall be subject to the penalties, as provided in Section 21.
5. A variance, once granted, shall continue for an indefinite period of time unless otherwise specified at the time granted.
6. No change in permitted uses may be authorized by a variance.

### **C. Quasi-Judicial Decisions**

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

**SECTION 19            AMENDMENT TO ZONING ORDINANCE**

**19.1.    Statement of Intent**

For the purpose of establishing and maintaining sound, stable and desirable development within Chatham County this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the County generally, or to extend the boundary of an existing zoning district or to rezone an area to a different zoning district, or to change the regulation and restrictions of the Zoning Ordinance. These amendments shall be reasonably necessary to promote the public health, safety and general welfare and to achieve the purposes of the adopted Land Use Plan.

**19.2.    Amendment Initiation**

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

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

**19.3.    Conditional Zoning District Rezoning**

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

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

**A. County-Initiated Amendments**

All applications for amendments to this Ordinance initiated by the Planning Board or County departments/agencies shall be in writing, signed and filed with the Planning Department. The Board of Commissioners can initiate an amendment upon on their own motion.



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

~~A. County-Initiated Amendments~~

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

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

~~C.~~

**B. Citizen-Initiated Amendments**

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

~~D.~~

**C. Contents of Application**

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

1. If the proposed amendment would require a change in the zoning map, a map to scale showing the land which would be covered by the proposed amendment. If the proposed amendment does not affect the entire property, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways.
2. A legal description of such land or adequate description to define the area to be rezoned.
3. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.
4. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

substantial, identifiable financial impact on the member. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan, is reasonable, and in the public interest. Should the Board of Commissioners adopt a zoning amendment after finding that such an action is not consistent with an adopted comprehensive plan, the Board of Commissioners must also issue a declaration that the adopted comprehensive plan in question is also amended. The statement must include an explanation of "the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community."

## **19.10 Withdrawal of Application**

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

## **19.11 Effect of Denial on Subsequent Petitions**

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

## **19.12 Vested Rights**

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

**SECTION 20            ENFORCEMENT**

**20.1.    Zoning Administrator**

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

**20.2.    Certificate of Zoning Compliance**

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

**A.    Application Procedures**

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

1.    The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
2.    The location of the said lot with respect to adjacent rights-of-way;
3.    The shape, dimensions, and location of all buildings, existing and proposed on the said lot;
4.    The nature of the proposed use of the building or land, including the extent and location of the use on the said lot;
5.    The location and dimensions of off-street parking and the means of ingress and egress to such space; and
6.    Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

**B.    Right of Appeal**

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

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

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