

REDLINE

SECTION 1 TITLE

This Ordinance shall be known as “~~The Chatham County Zoning Ordinance for Albright, Baldwin, Bear Creek, Cape Fear, Center, Gulf, Hadley, Hickory Mountain, Haw River, Mathews, Oakland, New Hope and Williams Townships, Chatham County, North Carolina~~” and may be referred to as “The Zoning Ordinance.”

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.~~

~~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.~~

~~County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops,~~

grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, all bona fide farm purposes should conform to G.S. 160D-903.a(1-5).

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence, but other evidence may also be considered:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) 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.
- (4) A forest management plan.

A building or structure that is used for agritourism, if the building or structure is located on a property that (a) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (b) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of G.S. 160D-903 for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to G.S. 160D-702 in effect on the date the property no longer meets the requirements for exemption. "Agritourism" shall mean 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, hunting, fishing, equestrian 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.

7.2 Definitions

Public Utility Transmission Line- A publicly or privately owned utility conduit transporting a utility service commodity including above or below ground electrical power lines, telephone lines, sewer or water lines, and wastewater lines. This definition excludes Liquid Fuel Transmission Lines and Natural Gas Transmission Lines.

Liquid Fuel Transmission Line- A pipeline and associated facilities used to transport crude oil, refined petroleum products, or other hazardous liquid fuels between production, storage, terminal, or distribution facilities.

Natural Gas Transmission Line- A pipeline and associated facilities used to transport natural gas, in gas or liquid form, between production, storage, terminal, or distribution facilities.

Major Utility - All above-ground structures or facilities owned by a public or a private entity used in connection with the transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, electrical substations and wastewater treatment plants. This definition excludes Minor Utilities, Public Utility Transmission Lines, Liquid Fuel Transmission Lines, and Natural Gas Transmission Lines.

Minor Utility - Any above-ground structures or facilities owned by a public or a private entity used in connection with the transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Minor utilities are necessary to support development within the immediate vicinity and involve only minor structures. Examples include, but are not limited to, pump stations, community well houses, and above-ground utility cabinets. This definition excludes Major Utilities, Public Utility Transmission Lines, Liquid Fuel Transmission Lines, and Natural Gas Transmission Lines.

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

[illegible]

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

~~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 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 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

COMMERCIAL AND INDUSTRIAL:

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

Retail uses dealing primarily in service and/or repair	1 space per 200 square feet of gross floor area
Designed shopping centers	5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store by store basis)
Radio, TV Stations	2 spaces per 3 employees on the largest shift
Transportation terminals, such as airports, bus terminals and railroad passenger stations	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees on the largest shift
Wholesale with related retail	1 space per 3 employees on the largest shift, plus additional spaces per square foot of gross floor area devoted to retail sales as applicable from "retail sales" schedule above

OFFICE AND INSTITUTIONAL:

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

Orphanage, juvenile homes	1 space per 2 beds
Senior high schools, trade and vocational schools, colleges and universities	7 spaces per classroom
Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus	1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room

RECREATION:

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

A.—Combination of Required Parking Spaces

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

~~B. Day Time/Night Time Assignments~~

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

~~C. Lighting~~

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

~~D. Remote Parking~~

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

~~Where provision of required off-street parking for a building or other uses established subsequent to the adoption of this section involves one or more parcels or tracts of land that are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a zoning permit an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a zoning permit.~~

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

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

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

19.7 Planning Department Prepares Final Analysis and Recommendation

Following the public hearing the Planning Department shall prepare an analysis of the application and a recommendation to aid the board in their decision to approve, deny, or

defer action on the application. This information shall be presented to the Planning Board at least by the second regular meeting following the public hearing.

19.11 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 ~~prohibit the applicant from submitting~~ 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.~~