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USE REGULATIONS

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CHAPTER 3 USE REGULATIONS¹

3.1 GENERAL PROVISIONS²

3.1.1 PURPOSE

- A. **In General.** The purpose of this Article is to promote the public health, safety, morals, and general welfare, and to protect and preserve places and areas of historical, cultural, and architectural importance and significance. These regulations are adopted in accordance with the Comprehensive Plan and are designed to:
1. Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations;
 2. Ensure that new development is compatible with surrounding development in use, character, and size;
 3. Provide for land uses that serve important public needs, such as affordable housing and employment generators;
 4. Promote mixed-use districts and neighborhoods;
 5. Promote infill housing and retail and residential development;
 6. Integrate civic uses into neighborhoods;
 7. Integrate small-scale commercial uses into neighborhoods where appropriate;
 8. Protect natural resources; and
 9. Encourage retail development in community, neighborhood, and village centers in appropriate locations.

¹ The use-specific standards for principal, accessory, and temporary uses are provided in their own sections (rather than as a subsection under the use type) so that each individual use will have its own numbered subsection. This makes the standards easier for users to locate and cite.

² This Section explains the intent and applicability of this Chapter—i.e., to establish the uses allowed in each zoning district, to add supplemental regulations that apply to certain uses, to clarify issues relating to uses (e.g., permitted accessory uses), and to implement state and federal law regarding certain land uses.

- B. **Regulation of Land Use.** In accordance with the purposes described in Paragraph 3.1.1.A, this Chapter:
1. Establishes the land uses allowed in each zoning district;
 2. Establishes supplemental regulations for limited and special uses, which have unique operational characteristics or impacts; and
 3. Establishes regulations for accessory and temporary uses.

3.1.2 APPLICABILITY

- A. This Chapter regulates the use of land in each zoning district.
- B. Section 3.2: *Principal Use Tables* specifies the principal uses allowed in each zoning district.
- C. Section 3.3: *Use-Specific Standards for Principal Uses* applies to principal uses with unique operational characteristics or impacts. The use tables in Section 3.2: *Principal Use Tables* specify the uses to which use-specific standards apply. These standards supplement the other requirements of this UDO.
- D. Section 3.4: *Accessory Uses & Structures* specifies the accessory uses, buildings, and structures allowed in each zoning district.
- E. Section 3.5: *Use-Specific Standards for Accessory Uses & Structures* applies to accessory uses with unique operational characteristics or impacts. Subsection 3.4.5: *Accessory Use Table* specifies the uses and structures to which use-specific standards apply.
- F. Section 3.6: *Temporary Uses & Structures* specifies the temporary uses of land allowed in each zoning district.
- G. Section 3.7: *Use-Specific Standards for Temporary Uses & Structures* applies to temporary uses and structures with unique operational characteristics or impacts. Subsection 3.6.5: *Temporary Use Table* specifies the uses and structures to which use-specific standards apply.
- H. Section 3.8: *Wireless Telecommunications Facilities* applies to all wireless telecommunications facilities established in unincorporated Chatham County.

3.1.3 OTHER APPLICABLE REGULATIONS & PERMITTING REQUIREMENTS

- A. **Other Regulations Apply.** All land uses are also subject to all other applicable provisions of the Chatham County Code and this UDO, including:
1. Chatham County Code [Chapter 51: Water Conservation](#);
 2. Chatham County Code [Chapter 92: Noise Regulations](#); and
 3. Chatham County Code [Chapter 93: Fire Prevention & Protection](#).
- B. **Proof of Permits to be Provided with Application.** The applicant for any permit under this Chapter shall submit one complete digital (PDF) copy of all final approvals to operate from any other required local, state, and/or federal permitting agencies. All approvals must be demonstrated to be up-to-date and in effect.
- C. **Permit Not Issued at Time of Application.** In cases where final permitting agency approval is not issued without evidence of all necessary local zoning approvals, the applicant shall provide one complete digital (PDF) copy of the application submitted to all permitting agencies. Once final approval is received, the applicant shall provide one complete digital (PDF) copy of the permit to the Zoning Administrator prior to the start of operations.

3.1.4 RELATIONSHIP OF RESIDENTIAL BUILDINGS TO LOTS³

- A. Every building hereafter erected, moved, or placed shall be located on a lot of record.
- B. In no case shall there be more than one principal residential building on a lot except in an apartment complex, as may be allowed in a Conditional Zoning District, and as provided for as follows:
1. Two detached principal residential units may be situated on one lot if:
 - (a) At least one of the residential units is a manufactured dwelling;
and

³ Carries forward current provisions related to multiple principal dwellings on a lot (ZO Section 8.1 Relationship of Buildings to Lot). Revises to replace reference to Planned Residential Developments with conditional districts. Removes provisions for “more than one building of single family attached or detached units” on one lot, as this is addressed by allowing apartment complexes in commercial and conditional districts and cottage courts in conditional districts.

- (b) The lot is at least two times the required minimum lot area for the district in which it is located.
- 2. There may be more than one single-family dwelling on a lot if:
 - (a) The average lot area per dwelling is greater than 10 acres; and
 - (b) The dwellings are situated in such a manner that the distance between the dwellings is not less than the applicable setback distances required under this Ordinance for residential dwellings situated upon adjoining lots.

3.2 PRINCIPAL USE TABLES⁴

3.2.1 INTRODUCTION⁵

- A. **Generally.** The use tables in this Section establish the categories of uses specified in Table 3.2.1-1: *Categories of Uses* for all of the base zoning districts.
- B. **Use Definitions.** Each broad use category is described in Subsection 3.2.4: Descriptions of Principal Use Categories. Individual uses are defined in [Chapter 18: Definitions & Acronyms](#).
- C. **Conditional Districts.**
 - 1. Allowed uses in conditional zoning districts are specified in the use tables, but may be modified by the rezoning ordinance that established the district and any amendments thereto.
 - 2. Where a use allowed in a conditional zoning district is a limited use or a special use, the use-specific standards in Section 3.3: Use-Specific Standards for Principal Uses apply.
- D. **Zoning Compliance Permit Required.**
 - 1. Prior to a change in use or establishment of a new principal use, an applicant must receive zoning compliance approval (see [Section 14.2: Zoning Compliance Permits](#)). Expansions of existing uses also require zoning compliance approval.
 - 2. All special uses also require zoning compliance approval, following Special Use Permit approval by the Board of Commissioners (see [Section 14.3: Special Use Permits](#)) and prior to the establishment of the use. When a principal use requires a Special Use Permit (SUP), all proposed accessory uses and structures must be shown on the associated site plan. Any proposed accessory uses and structures not

⁴ This Section carries forward, consolidates, and audits the list of uses allowed in each base zoning district and adjusts uses in districts as needed. Rather than listing all uses alphabetically, the proposed use tables divide uses into broad use categories. Each use category is included in a separate subsection and table for document navigation purposes (each subsection is bookmarked and thus easier to locate and cite). Use-specific standards are relocated to Section 4.3. ~~Strikethrough~~ indicates text proposed for deletion. **Bold, blue text** indicates new districts, new uses, new uses allowed in a district, or changes to use classification (e.g., from permitted to limited). The consultant team is currently finalizing one additional base district, the Neighborhood Center District (NC), which will be added to the use tables in the next draft.

⁵ Carries forward explanation of how to read the use table and converts it to a table format.

shown on the site plan require approval of a revised SUP site plan (see [Section 13.3: Special Use Permits](#)).

E. Explanation of Principal Use Tables.

1. The top row of the Principal Use Tables list the base zoning districts and the left side of the tables lists various land uses.
2. The uses listed in the Principal Use Tables are allowed or prohibited in each zoning district according to the letter coding described in in Table 3.2.1-1: *Categories of Uses*.

Table 3.2.1-1: Categories of Uses

Notation	Category	Description
P	Permitted Use	The use is allowed by-right in the respective zoning district, if the use complies with all other applicable provisions of this Ordinance.
L	Limited Use	The use is allowed only when it complies with the applicable use-specific standards in Section 3.3: <i>Use-Specific Standards for Principal Uses</i> or Section 3.8: Wireless Telecommunications Facilities, as applicable, in addition to all other applicable provisions of this Ordinance. The second column in the Principal Use Tables reference the subsection containing the applicable use-specific standards.
S	Special Use	The use is allowed only if reviewed and approved in accordance with Section 13.3: Special Use Permits and complies with the applicable use-specific standards in Section 3.3: <i>Use-Specific Standards for Principal Uses</i> , in addition to all other applicable provisions of this Ordinance. The second column in the Principal Use Tables reference the subsection containing the applicable use-specific standards.
[blank cell]	Prohibited Use	A blank cell indicates that a use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other provisions of this Ordinance.

3.2.2 CLASSIFICATION OF NEW & UNLISTED USES⁶

- A. The Zoning Administrator may determine that an unlisted use is:

⁶ This is a significant change from the current provisions in ZO Section 8.6: *Interpreting Permitted Uses*, which states “[a]ny use that is not specifically listed in a district shall be deemed to be

1. Allowed in one or more zoning districts as a permitted use, limited use, or special use if sufficiently similar in nature and impact to a permitted, limited, or special use listed in one of the principal use tables; or
 2. Prohibited in all zoning districts.
- B. In making this determination, the Zoning Administrator may refer to any of the following factors as guidance:
1. The definitions contained in [Chapter 18: Definitions & Acronyms](#);
 2. Whether the use is consistent with the purpose of the zoning district in which it would be allowed;
 3. Whether the use has visual, traffic, environmental, or other impacts similar to an expressly listed use. The Zoning Administrator may refer to empirical studies or generally accepted planning or engineering sources in making this determination; and
 4. Whether the use is within the same industry classification as another allowed use. In making this determination, the Zoning Administrator may refer to the most recent edition of the [North American Industry Classification Manual](#) ("NAICS") and/or the American Planning Association's [Land-Based Classification Standards \(LBCS\) Tables](#).
- C. The burden is on the applicant to establish that the unlisted proposed use is similar to the expressly listed use. The applicant shall submit verification that shows the proposed use is similar to another permitted, limited, or special use and could be allowed.
- D. The Zoning Administrator shall determine whether a proposed use is similar to another permitted, limited, or special use in the zoning district and could be allowed or is not similar and therefore prohibited. If the Zoning Administrator determines that:

prohibited." Proposed here is to establish a process for the Zoning Administrator to determine whether and how unlisted uses are allowed, including rules for determining whether an unlisted use simply falls within the definition of a permitted use or requires a Special Use Permit. This business-friendly approach allows the County to quickly accommodate new and emerging land uses that are similar to other types of uses already allowed. When an unlisted use is unlike any other use already listed in the use table, the Planning Board and Board of Commissioners could consider allowing the use through a UDO text amendment.

1. The proposed use is sufficiently similar in nature and impact to a permitted use, the applicant may proceed with any application necessary to establish the use;
 2. The proposed use is sufficiently similar in nature and impact to a limited use, the applicant may submit a Zoning Compliance Permit application (see [Section 13.2: Zoning Compliance Permits](#)) demonstrating compliance with the applicable use-specific standards specified in Section 3.3: Use-Specific Standards for Principal Uses;
 3. The proposed use is sufficiently similar in nature and impact to a special use, the applicant may submit a Special Use Permit application (see [Section 13.3: Special Use Permits](#)) demonstrating compliance with the applicable use-specific standards specified in Section 3.3: Use-Specific Standards for Principal Uses; or
 4. The proposed use is not sufficiently similar in nature and impact to a permitted use, limited use, or special use, then the proposed use shall be denied and the applicant notified in writing.
- E. The applicant may appeal this determination to the Board of Adjustment. [See [Section 13.11: Appeals of Administrative Decisions](#)]
- F. The Zoning Administrator may provide a recommendation to the Planning Board or Board of Commissioners to initiate a text amendment (see [Section 13.9: UDO Text Amendments](#)) to add provisions for the unlisted use.
- G. The Zoning Administrator shall maintain a record of all determinations made concerning unlisted uses. On at least an annual basis, the County may update the use tables to reflect the Zoning Administrator's determinations.⁷ [See [Section 13.8: UDO Interpretations](#)]

3.2.3 PREEMPTION

- A. Uses regulated by the State of North Carolina and exempt from local control are allowed, subject to state regulations.
- B. Agricultural uses may be exempt from zoning requirements if they are conducted on a farm that has obtained bona fide farm exemption status (see [Section 1.4: Applicability](#)).

⁷ This provision is new. While this does require additional staff time to maintain a formal record and initiate an annual set of text amendments, it ensures the UDO remains up-to-date and reflects the Zoning Administrator's determinations—which is helpful for applicants and staff.

3.2.4 DESCRIPTIONS OF PRINCIPAL USE CATEGORIES

- A. **Accommodations & Lodging Uses.** This category includes uses that provide short-term accommodations for travelers, vacationers, and others. Some provide accommodations only, while others provide meals, laundry services, recreational facilities, and other services, as well as accommodations.
- B. **Agriculture & Horticulture Uses.**
1. This category includes uses that involve growing crops, raising animals, harvesting timber, or harvesting fish and other animals from a farm, ranch, or their natural habitats.
 2. Many of the uses listed in this category may be exempt from zoning requirements if they are conducted on a farm that has obtained bona fide farm exemption status (see [Section 1.4: Applicability](#)).
- C. **Arts, Entertainment, & Recreation Uses.** This category includes a wide range of uses that include facilities or services that meet varied cultural, entertainment, and recreational interests of the community.
- D. **Business, Professional, Scientific, & Technical Uses.** This category includes establishments that perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training.
- E. **Government Uses.** This category includes uses typically owned and operated by a local, state, or federal government or a quasi-government agency.
- F. **Healthcare Uses.** This category includes uses that provide acute, preventative, short-term, and long-term medical care; medical diagnostic services; and supportive care for senior citizens and disabled people.
- G. **Heavy Commercial, Manufacturing, & Industrial Uses.** This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced.
- H. **Institutional & Civic Uses.** This category includes uses that provide unique services that are of benefit to the public at-large.
- I. **Natural Resources Extraction Uses.** This category includes uses that extract naturally occurring materials from the earth.
- J. **Mixed Uses.** This category includes buildings that contain both residential and non-residential uses.

- K. **Residential Uses.** This category includes uses provide long-term living accommodations for one or more people.
- L. **Retail, Service, and Food & Beverage Uses.** This category includes:
1. Retail uses that form the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Many have stores, but some also sell merchandise from non-stores. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract a high volume of walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation;
 2. Service uses that provide frequent or recurrent services of a personal nature; and
 3. Food and beverage uses where meals, snacks, and beverages are prepared to customer order for immediate on-premises and off-premises consumption. There is a wide range of establishments in this use category. Some establishments provide food and drink only, while others provide various combinations of seating space, wait staff services, and incidental amenities, such as limited entertainment.
- M. **Transportation, Warehousing, & Storage Uses.** This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services, or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods, and personal items is included.
- N. **Utility Uses.** This category includes uses that provide services necessary for modern development such as electric power, natural gas, potable water, and sewage treatment and disposal.
- O. **Vehicle-Related Uses.** This category includes uses primarily dedicated to the sale, maintenance, servicing, and/or storage of automobiles, motorcycles, boats, and similar vehicles.
- P. **Waste Management Uses.** This category includes uses engaged in the collection, treatment, and disposal of waste materials.

3.2.5 ACCOMMODATIONS & LODGING PRINCIPAL USES

Table 3.2.5-1: Accommodations & Lodging Principal Uses																				
Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Bed & breakfast homes	3.3.4		L	L	L	L	L	L										L	P	
Bed & breakfast inns	3.3.4		L	S	S	S	S	L			P	P	P	P				L	P	
Hotels, motels, and inns										P	P	P	P	P	P				P	P

3.2.6 AGRICULTURE & HORTICULTURE PRINCIPAL USES**Table 3.2.6-1: Agriculture & Horticulture Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Agricultural processing, storage, & support services (more than 20,000 sf) ⁸			P												P	P	P			
Agricultural processing, storage, & support services (20,000 sf or less)			P	P	P	P		P						P	P	P	P			
Animal husbandry, specialized			S		S	S	S													
Bona fide farm			Bona fide farm exemption status is obtained through the Chatham County Planning Department (see Section 1.4: Applicability).																	
Community garden		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Equine stable			P	P	P	P	P	P							P					
Farm Market ⁹	3.3.12		L	L	L	L														

⁸ New use category to correspond with American Planning Association's [Land Based Classifications Standards](#) (LBCS) F9200.⁹ This new principal use allows for farm markets in districts that do not otherwise allow general retail uses (AG, RA, R5, and R2). Farm markets in the commercial districts (RV, NB, CB, RB, etc.) would be allowed as a general retail use, which is permitted in those districts. To qualify for participation in the [Certified Roadside Farm Market](#) program, a roadside farm market must (among other requirements) sell primarily agricultural commodities direct to the public, with a minimum of 51% of total sales from farm

Table 3.2.6-1: Agriculture & Horticulture Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Farming, Indoor¹⁰			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming, Outdoor¹¹			P	P	P	P	P	P							P					
Greenhouses, cultivation facilities, and warehousing for wholesale and related retail sales			P	P	P											P	P			
Grain elevator			P													P	P			
Landscaping and grading business			P	P										P		P	P			
Meat processing and packing related to on-site raising of livestock			P	P													P			
Sale/service of agricultural equipment			P					P							P	P				

products grown by the market operator. This Chapter also proposes to allow *farmstands* as an accessory use in the rural districts and as a temporary use in all districts.

¹⁰ This use and *farming, outdoor* replace the current uses *avocational farming* and *horticulture, specialized*. This would eliminate the use-specific standards for *specialized horticulture* (minimum lot area of 3 acres and setbacks that are twice the district minimum).

¹¹ This use and *farming, indoor* replace the current uses *avocational farming* and *horticulture, specialized*. This would eliminate the use-specific standards for *specialized horticulture* (minimum lot area of 3 acres and setbacks that are twice the district minimum).

3.2.7 ARTS, ENTERTAINMENT, & RECREATION PRINCIPAL USES**Table 3.2.7-1: Arts, Entertainment, & Recreation Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Amusements, indoor, unless otherwise listed										P	P	P	P	P	P				P	P
Amusements, outdoor, unless otherwise listed	3.3.2			S								S	S	S	S				L	L
Artisan workshops and related sales			S	S	S	S		P		P	P	P	P	P	P	P			P	P
Assembly halls, coliseums, gymnasiums, and similar structures												S	S	S	S	S	S		P	P
Clubs and other places of entertainment operated as commercial enterprises												S	S	S	S	S	S		P	P
Drive-in or outdoor motion picture show															S	S	S		P	P
Equestrian center			P	S	S	S		S						S	P				P	P
Golf courses				S	S	S	S		P					P	P			P	P	P

Table 3.2.7-1: Arts, Entertainment, & Recreation Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Hunting or fishing clubs	3.3.15	L	L	S	S	S	S								L					
Neighborhood recreation amenities	3.3.19			L	L	L	L	L			L	L						L	L	L
Non-profit clubs								P	P	P	P	P	P	P	P				P	P
Museums and art galleries ¹²								P	P	S	P	P	P	P	P				P	P
Paintball gaming, outdoor				S										P	P	P	P			P
Recreation camps and grounds	3.3.21	L	L	S	S	S	S	L		L			L	L	L					
Parks and recreation areas	3.3.20	P		S	S	S	S	S	S	S	S	S	S	S	S			L	P	P
Recreational facilities (gyms, yoga studios, etc.)								P		P	P	P	P	P	P				P	P
Sexually-oriented businesses	3.3.23																P			
Shooting range, indoor														S	S	S	P			

¹² Libraries moved to Institutional & Civic Uses.

Table 3.2.7-1: Arts, Entertainment, & Recreation Principal Uses

Land Use	Use-Specific Standards	Zoning District																
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR
Shooting range, outdoor	3.3.24														S		S	

3.2.8 BUSINESS, PROFESSIONAL, SCIENTIFIC, & TECHNICAL PRINCIPAL USES**Table 3.2.8-1: Business, Professional, Scientific, & Technical Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Banks and financial institutions								P	P	P	P	P	P	P	P				P	P
Business & facilities support services¹³								P	P	P	P	P	P	P	P	P			P	P
Communications & information								P	P			P	P	P	P					P
Computing infrastructure providers , data processing, web hosting, and related services																S ¹	S ¹			P
Professional, unless otherwise listed								P	P	P	P	P	P	P	P	P	P		P	P
Research and development facilities									P				P	P	P	P	P		P	P

¹When Town of Sanford water and sewer infrastructure is utilized the use is allowed by right.¹³ New use category that corresponds with LBCS F2422 and LBCS F2424.

3.2.9 GOVERNMENT PRINCIPAL USES**Table 3.2.9-1: Government Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Emergency operations facilities	3.3.9		L/S	L/S	L/S	L/S	L/S	P	P	P	P	P	P	P	P	P	P	L	P	P
Government offices and facilities		P	P	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P
Jails and penal institutions																S	S			
Libraries ¹⁴					S	S	S	P	P	P	P	P	P	P	P			P	P	P
Post offices					S	S	S	P	P	P	P	P	P	P	P			P	P	P

¹⁴ Museums and art galleries moved to Arts, Entertainment, & Recreation Uses.

3.2.10 HEALTHCARE PRINCIPAL USES**Table 3.2.10-1: Healthcare Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Congregate care facilities								P	P	P	P	P	P	P				P	P	
Continuing care retirement communities									P			P	P	P				P	P	
Group care home					S	S		P	P	P	P	P						P	P	
Hospitals									P				P	P	P				P	P
Inpatient care facilities, nursing homes, convalescent homes								P	P	P									P	P
Medical and diagnostic laboratories									P			P	P	P	P	P			P	P
Medical offices and clinics (more than 10,000 sf)									P			P	P	P	P				P	P
Medical offices and clinics (10,000 sf or less)								P	P	P	P	P	P	P	P				P	P

3.2.11 HEAVY COMMERCIAL, MANUFACTURING, & INDUSTRIAL PRINCIPAL USES**Table 3.2.11-1: Heavy Commercial, Manufacturing, & Industrial Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	CB	NC	AC	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Automobile and truck assembly																S	P			
Aviation/aerospace equipment, engine, and instrument manufacturing and/or assembly																	S ¹			
Coal or coke yards																S	S			
Computer and electronic product manufacture																	S ¹			
Contractor storage yards ¹⁵											S			S	S	S	S			
Cosmetics and perfume manufacture																	S ¹			
Dwellings, manufacture of																	P			

¹⁵ The current Zoning Ordinance includes “staging areas,” now referred to as laydown and storage yards, are included in Section 3.6: *Temporary Uses & Structures*.

Table 3.2.11-1: Heavy Commercial, Manufacturing, & Industrial Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	CB	NC	AC	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Dye stuff manufacture and dyeing plants																S	S			
Electrical equipment, appliance, and component manufacturing																	S ¹			
Industrial uses, heavy, unless otherwise listed																	P			
Industrial uses, light, unless otherwise listed																P	P			
Industrial uses, restricted, unless otherwise listed																	S			
Laundries, steam														S		P	P			
Machine shops														P	P	P	P			
Meat processing and packing																	P			

Table 3.2.11-1: Heavy Commercial, Manufacturing, & Industrial Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	CB	NC	AC	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Mulch – grinding, screening (sifting and separating of particles), mixing, blending, processing, or dyeing of mulch																S	S			
Nonmetallic mineral product manufacturing, unless otherwise listed																	S			
Pharmaceutical products manufacture																S	S¹			
Planing or sawmills																P	P			
Pottery, porcelain, and vitreous china manufacture																	P			
Rentals, sales, repair, and servicing of industrial equipment and machinery, except railroad equipment																P	P			

Table 3.2.11-1: Heavy Commercial, Manufacturing, & Industrial Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	CB	NC	AC	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Semiconductor manufacture																	S ¹			
Sheet metal shops														P	P	P	P			
Sign manufacture, painting, and maintenance														P	P	P				
Transportation equipment manufacture																	S ¹			
Millwork																P	P			

¹ When Town of Sanford water and sewer infrastructure is utilized, the use is permitted.

3.2.12 INSTITUTIONAL & CIVIC PRINCIPAL USES**Table 3.2.12-1: Institutional & Civic Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Cemeteries				S	S	S	S		P											
Churches and other places of worship	3.3.6		P	S	S	S	S	P	P	P	P	P	P	P	P			L	P	P
Day care centers or preschools for 15 or fewer people ¹⁶				S	S	S	S	P	P	P	P	P	P	P	P			P	P	P
Day care centers or preschools for more than 15 people								P	P	P	P	P	P	P	P				P	P
Funeral homes, undertaking establishments, embalming including crematoria								P	P				P	P	P	P	P			
Schools, public and private ¹⁷	3.3.22				S	S	S		P	S	S	S	S	P		S	S		P	P

¹⁶ Proposed here is to use the term *people* rather than *children* to accommodate adult day care facilities.¹⁷ "Training and conference centers" moved to Retail, Service, and Food & Beverage Uses.

3.2.13 NATURAL RESOURCES EXTRACTION PRINCIPAL USES**Table 3.2.13-1: Natural Resources Extraction Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Mining																	S			
Oil and gas exploration, development, and production					S	S	S		S	S			S	S		S	S			

3.2.14 MIXED PRINCIPAL USES**Table 3.2.14-1: Mixed Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Live-work unit								P	P	P	P	P	P	P	P				P	P
Mixed use building									S	S	P	P	S	S					P	P

3.2.15 RESIDENTIAL PRINCIPAL USES**Table 3.2.15-1: Residential Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Apartment Complex ¹⁸									S		P	P	S	S				P	P	P
Cottage courts	3.3.7																	L	L	
Two-family dwellings (duplex)						P	P				P							P	P	
Family Care Homes	3.3.11				L	L	L				L							L	L	
Multi-family dwellings											P							P	P	
Single-family attached dwellings (townhouses)											P	P						P	P	
Single-family detached dwellings (including site built, modular, and manufactured)			P	P	P	P	P	P			P							P	P	

¹⁸ The current definition of *apartment complex* notes the individual dwelling units in an apartment complex “may be leased separately or developed as condominiums” (ZO Section 7 Definitions), so there is no need to list condos here.

3.2.16 RETAIL, SERVICE, AND FOOD & BEVERAGE PRINCIPAL USES**Table 3.2.16-1: Retail, Service, and Food & Beverage Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
ABC stores										P		P	P	P	P				P	P
Bait and tackle shops			P					P		P	P	P	P	P	P	P	P		P	P
Breweries, distilleries, wineries												P	P	P	P	P	P			
Commercial kitchens, caterers, and banquet services								P		P		P	P	P	P				P	P
Corner stores			L	L	L	L	L											L	L	
Dry cleaning, pressing, and related retail service counter								P		P	P	P	P	P	P	P	P		P	P
Eating and drinking establishments								P		P	P	P	P	P	P				P	P
Events center	3.3.10									L		L	L	L	P				P	P
Feed, seed, fertilizer retail sales			P					P		S			S	P	P	P	P			

Table 3.2.16-1: Retail, Service, and Food & Beverage Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Flea markets ¹⁹														S	S	S	S			
Gunsmiths					S	S				P		P	P	P	P	P	P		P	P
Kennels, boarding and/or breeding ²⁰	3.3.5			S	S	S	S			L			L	L	L				L	L
Laundromats								P		P	P	P	P	P	P				P	P
Lawn and garden shops										S	P	P	P	P	P				P	P
Locksmiths					S	S		P		P	P	P	P	P	P	P	P		P	P
Lumberyards, building materials storage and sales													S	P	P	P	P			
Mobile home sales and service													S	P	P	P	P			
Music stores including repair and craft manufacture					S	S		P		P	P	P	P	P	P				P	P

¹⁹ The proposed definition of *flea market* allows the use to occur outside of a building. Chapter 17: *Rules of Interpretation & Measurement* will clarify that all components of a principal use, including outdoor sales areas, must meet the district setback requirements.

²⁰ Proposed here is to consolidate “boarding kennels” and “breeding kennels.” The minimum acreage and increased setback requirements are carried forward. The use is proposed as SUP in all three residential districts (the current Zoning Ordinance allows boarding kennels in R1, but not breeding kennels).

Table 3.2.16-1: Retail, Service, and Food & Beverage Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Open air sales and service of accessory buildings and gazebos and like free-standing structures													S	P	P					
Pawnshops and secondhand stores										P	P	P	P	P	P					
Personal services, unless otherwise listed								P		P	P	P	P	P	P				P	P
Pet day care facilities								P		P	P	P	P	P	P				P	P
Repair and service of household equipment ²¹					S	S	S				P	P		P	P	P	P		P	P
Repair shops for jewelry, shoes, radios, televisions, and other small office or household appliances								P		P	P	P	P	P	P				P	P

²¹ Repair and service of office equipment is proposed to be included under “Business & Facilities Support Services.”

Table 3.2.16-1: Retail, Service, and Food & Beverage Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Retail stores, unless otherwise listed								P		P		P	P	P	P				P	P
Tobacco retailers	3.3.26												L	L	L					
Training and conference centers												P	P	P	P	P	P		P	P
Upholstery, paper hanging, and decorator shops										P	P	P	P	P	P	P	P		P	P
Veterinary clinics & hospitals, with outdoor dog runs or equivalent facilities													S	S	S	S	S			P
Veterinary clinics & hospitals								P			P	P	P	P	P	P	P		P	P

3.2.17 TRANSPORTATION, WAREHOUSING, & STORAGE PRINCIPAL USES**Table 3.2.17-1: Transportation, Warehousing, & Storage Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Airports and landing fields for fixed and rotary wing aircraft																S	S			
Boat and recreational vehicle storage facilities										S			S	S	S	S	S			
Bus and rail passenger stations														P					P	P
Flammable liquids – bulk plants and storage																	S			
Railroad freight yards or terminals																	S			
Self- service storage facility ²²													S	S	S	S	S			
Storage yards (outdoor storage)																S	S			
Street and railway rights-of-way ²³		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

²² This use is renamed to align with [N.C.G.S. § 44A-40\(7\)](#).²³ Railroad rights-of-way are listed separately above.

Table 3.2.17-1: Transportation, Warehousing, & Storage Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Truck terminal																P	P			
Wholesaling, warehousing, flex space, and distribution, unless otherwise listed														P	P	P	P			P

3.2.18 UTILITY PRINCIPAL USES**Table 3.2.18-1: Utility Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Electric light or power generating stations																S	S			
Major utilities, unless otherwise listed																P	P			
Minor utilities ²⁴		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Natural gas compressor stations			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public utility transmission lines		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy systems, level 2 (less than ½ acre)	3.3.25		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Solar energy systems, level 2 or level 3 (10 acres or less)	3.3.25		S	S	S	S	S	L	L	L	L	L	L	L	L	L	L	L	L	L

²⁴ The setback requirement for noise-producing equipment is carried forward in Chapter 2: *Zoning Districts*.

Table 3.2.18-1: Utility Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Solar energy systems, level 2 or level 3 (more than 10 acres)	3.3.25		S	S	S	S	S	S	S	S			S	S	S	L	L			L
Wireless Support Structures (≤ 60 feet or less in height)	3.8		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Concealed Wireless Facilities (≤ 60 feet or less in height)	3.8		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Concealed Wireless Facilities (> 60 feet and ≤ 150 feet or less in height)	3.8		S	S	S	S	S	L	L	L	L	L	L	L	L	L	L	S	L	L
Wireless Support Structures (> 60 feet and ≤ 199 feet in height)	3.8		S	S	S	S	S	S	S	S	S	S	S	S	S	L	L	S	S	S
Wireless Support Structures (> 199 feet and ≤ 400 feet in height)	3.8		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

3.2.19 VEHICLE-RELATED PRINCIPAL USES**Table 3.2.19-1: Vehicle-Related Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Automobile, automobile accessory, boat, trailer, and other utility vehicle sales and service													S	P	P					
Electric vehicle charging stations								P		P	P	P	P	P	P				P	P
Gas stations	3.3.13			L				L					L	L	L					
Heavy machinery sales, rental, and service																P	P			
Motorcycle sales and service													S	P	P	P	P			
Tire recapping and re-treading																P	P			

3.2.20 WASTE MANAGEMENT PRINCIPAL USES**Table 3.2.20-1: Waste Management Principal Uses**

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Garbage and waste incinerators (except hazardous waste)																	S			
Inert debris (beneficial fill) landfill	3.3.16		P/S	P/S	P/S	P/S	P/S							S	S	S	S			
Junk yards and auto wrecking facilities	3.3.17															S	S			
Land clearing debris landfills (for beneficial fill see "Inert Debris")	3.3.18		S	S	S	S	S							S	S	S	S			
Recycling industries that do not include the storage and/or processing of hazardous waste																	P			
Sanitary landfills, excluding the burning of trash out of doors																	S			

3.3 USE-SPECIFIC STANDARDS FOR PRINCIPAL USES²⁵

3.3.1 APPLICABILITY

The use-specific standards in this Section apply to all uses designated in the use tables in Section 3.2: Principal Use Tables as “limited uses” or “special uses.”

3.3.2 AMUSEMENTS, OUTDOOR²⁶

- A. **Outdoor Lighting.** An outdoor amusement use that is illuminated using artificial lighting shall be located at least 500 feet from any dwelling unit not located on the same parcel as the outdoor amusement use, whether or not such dwelling unit is located in the incorporated or unincorporated area of Chatham County.
- B. **Measurement.** The distance in this Section is measured in a straight line from the edge of the proposed illuminated area of the outdoor amusement use nearest a dwelling unit to the dwelling unit.²⁷

3.3.3 ANIMAL HUSBANDRY, SPECIALIZED²⁸

- A. **Minimum Lot Area.** All specialized animal husbandry uses shall be located on a lot with an area at least two times the minimum required for the zoning district in which the use is located.
- B. **Minimum Setbacks.** All buildings, structures, and areas where animals are kept shall be set back at least two times the minimum setback required for the district in which the use is located.

²⁵ Carries forward current use-specific standards and adds uses recommended in the [Audit Report](#) (p. 65). Uses may be added or removed from this Section during drafting.

²⁶ This is a new use.

²⁷ Measurement of use separation may be relocated to Chapter 18: *Rules of Interpretation & Measurement*.

²⁸ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*, but removes the requirement “lot area and setback for the AG district measured as if R5.” This is an existing requirement, but the County does not currently have an AG District. A new AG District is proposed in Chapter 2, but applying R5 standards would reduce the minimum lot area and setbacks required for this use.

3.3.4 BED & BREAKFAST HOMES & INNS²⁹

- A. **Dimensional Standards.** All bed and breakfast homes and inns shall comply with the standards specified in Table 3.3.4-1: *Dimensional Standards for Bed & Breakfast Homes & Inns*.

Table 3.3.4-1: Dimensional Standards for Bed & Breakfast Homes & Inns		
	Bed & Breakfast Home	Bed & Breakfast Inn
Lot Area (min)	1.5 ac	3 ac
Setbacks (min)	Per zoning district	Two times the zoning district requirements ¹
Number of Guest Rooms (max)	2	12
Key: min = minimum required max = maximum allowed ac = acres		

¹ Increased setbacks apply to all elements of the use, whether located inside or outside a building.

- B. **Maximum Length of Stay.** A bed and breakfast home or inn may provide accommodations to a guest for a period of less than one week.³⁰
- C. **Owner or Manager Occupancy Required.**
1. *Bed & Breakfast Homes.* A bed and breakfast home must be the permanent residence of the property owner.
 2. *Bed & Breakfast Inns.* A bed and breakfast inn must be the permanent residence of the property owner or the inn manager.
- D. **Events.**
1. Bed and breakfast inns may host events such as weddings, small business meetings, and the like, if the event is associated with a particular guest and occurs while such guest is staying at the inn.
 2. Such events are not subject to Section 3.6: Temporary Uses & Structures.

²⁹ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*. Revisions to the maximum length of stay and the maximum number of guest rooms for B&B Inns are proposed to align with [N.C.G.S. § 130A-247](#). The current limit of two guest rooms for B&B homes is maintained; the statutory definition allows up to eight guest rooms.

³⁰ The current limit of “seven consecutive days” for B&B homes is revised to use the language in [N.C.G.S. § 130A-247](#). A maximum length of stay for B&B inns is proposed, also to align with the statute.

3.3.5 BOARDING & BREEDING KENNELS³¹

- A. **Overnight Boarding.** Kennels or portions of kennels where animals are housed overnight shall be located indoors.
- B. **Noise Mitigation.**
1. *Applicability.* This Paragraph applies when the use is located on a lot that is adjacent to:
 - (a) Any lot located in the RA, R5, R2, R1, AC, CD-CR, or CD-MU zoning district; or
 - (b) Any lot containing a dwelling unit, day care center, or school, whether or not such lot is located in the incorporated or unincorporated area of Chatham County.
 2. *Noise Mitigation Required.*
 - (a) Outdoor kennels, runs, and play areas shall be fenced or walled with an acoustic fence or other sound-absorbing materials.
 - (b) At all times, the facility shall comply with the performance standards specified in [Section 4.3.3: Noise](#).³²
 3. *Exceptions.* This Paragraph does not apply when all portions of the outdoor kennels, runs, and play areas are located at least 100 feet from all lot lines.

3.3.6 CHURCHES & OTHER PLACES OF WORSHIP³³

- A. **Minimum Lot Area.** A church or other place of worship shall be located on a lot that is at least three acres in area.
- B. **Minimum Setbacks.**
1. The minimum side and rear setbacks are 50 feet.
 2. The minimum front setback is the same as required for the zoning district, plus 25 feet. If the district front setback varies based on building

³¹ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses* (breeding kennels) and Section 17.5.A. Boarding Kennels.

³² This provision may be revised or deleted once Subsection 4.3.3: *Noise* is drafted.

³³ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*, footnote 2.

type, the church or other place of worship is subject to the largest required front setback, plus 25 feet.

3.3.7 CORNER STORES³⁴

- A. **Purpose.** The purpose of this Subsection is to:
1. Maintain the character of residential districts; and
 2. Promote mixed use neighborhoods in appropriate locations; and
 3. Encourage entrepreneurship and remove barriers to the establishment of small businesses; and
 4. Reduce vehicle trips and encourage walkable neighborhoods by making it convenient for neighbors to walk down the street to make quick, incidental purchases; and
 5. Help build a sense of community amongst neighborhood residents.
- B. **Maximum Number Per Intersection.** A maximum of two corner stores may be located at a single intersection.
- C. **Maximum Gross Leasable Area.** The maximum gross leasable area of a corner store is 2,000 square feet.
- D. **Business Types.** Corner store businesses are limited to newsstands, bookstores, barbershops, beauty salons, bakeries, ice cream and yogurt shops, coffee shops, delis, food and convenience markets, and art galleries.³⁵
- E. **Drive-Throughs Prohibited.** A corner store shall not contain drive-through facilities.
- F. **Gas Pumps Prohibited.** A corner store business shall not include gas pumps.

³⁴ This new use is intended to promote mixed-use neighborhoods by allowing “corner stores” in the compact residential and mixed use districts. The proposed definition of *corner store* is “a small retail or service business located on a corner lot at the street level. Corner store businesses are limited to newsstands, bookstores, barbershops, beauty salons, bakeries, ice cream and yogurt shops, coffee shops, delis, food and convenience markets, and art galleries.

³⁵ In Review Draft #1, these business types were listed in the definition of *corner store*.

3.3.8 COTTAGE COURTS

- A. **Applicability.** This Subsection applies to all cottage courts.
- B. **Minimum Lot Area.** Minimum lot area for a cottage court and for individual cottage dwellings is established in the rezoning ordinance establishing the conditional zoning district in which the cottage court is located.
- C. **Density.** A cottage court may contain up to three cottage dwellings per one acre of land.
- D. **Setbacks.**
 - 1. The setbacks specified in the rezoning ordinance establishing the conditional zoning district apply along the perimeter of a cottage court lot.
 - 2. Cottage dwellings within a cottage court shall be spaced at least six feet apart, measured from building wall to building wall.
- E. **Maximum Dwelling Size.** A cottage dwelling may have a maximum gross floor area of 1,000 square feet.
- F. **Site Design.**
 - 1. *Central Courtyard.*
 - (a) Cottage courts shall be designed with individual cottage dwellings surrounding and fronting upon a central courtyard that is adjacent to the primary street.
 - (b) The central courtyard shall:
 - (1) Have a minimum width of 50 feet along the primary street frontage;
 - (2) Not have a dimension less than 20 feet at any point;
 - (3) Contain a pedestrian path that connects to each dwelling unit, any common structure, the adjacent street sidewalk, and to the parking area(s) provided for the cottage court;
 - (4) Not contain parking or vehicle access areas.
 - 2. *Access to Cottage Dwellings.* The only allowable means of vehicular access to a cottage court is from an access drive that provides access to

the side(s) and/or rear of the cottage court. Direct access from a public street to an individual cottage dwelling is prohibited.

3. *Parking.* Each cottage dwelling shall have at least one off-street parking space, which may be located in a common off-street parking area or in a carport, detached garage, or other detached parking structure.

G. **Orientation of Cottage Dwellings.** Each cottage dwelling shall be oriented so that the front of the building faces the central courtyard.

H. **Porches.** Covered front porches are required on each cottage dwelling. Each front porch shall have a minimum depth of six feet and occupy at least 70% of the width of the front building façade.

Figure 3.3.7-1: Cottage Court Site & Architectural Design³⁶



Image Source: [Opticos Design](#)

³⁶ This placeholder graphic generally depicts the proposed design requirements for a cottage court, though the width of the central courtyard is less than what is proposed in the text. The consultant team will prepare a cottage court graphic depicting the required site and architectural design elements later in the Recode Chatham project, once the use-specific standards have been finalized.

3.3.9 EMERGENCY OPERATIONS FACILITIES

- A. **Minimum Lot Area.** An emergency operations facility located on a lot less than three acres in area requires a Special Use Permit.
- B. **Minimum Setbacks.** All elements of the use shall be set back at least two times the minimum setback required for the district in which the emergency operations facility is located.

3.3.10 EVENTS CENTER³⁷

- A. **Purpose.** This Subsection is intended to provide the opportunity for smaller scale event centers to serve as a venue for business opportunities and gathering space in the county while protecting the health, safety, and welfare of the community.
- B. **Size & Capacity Limits.** Gathering, meeting, or hosting area event space is limited to a maximum of 5,000 square feet in size.
- A. **Permitted Accessory Uses.** Accessory uses are limited to those directly related to the event being held. Examples include food and beverages service, dance floors, outdoor speakers, music, festive lighting, decorations, and tents.

3.3.11 FAMILY CARE HOMES³⁸

- A. **Separation Requirements.** A new family care home shall not be located within 1,125 feet of an existing family care home.
- B. **Measurement of Separation Distance.** Measurement shall be made in a straight planar line, without regard to the intervening structures or objects, from the nearest portion of the existing family care home to the nearest portion of the new family care home.

³⁷ Carries forward ZO Section 17.7 Standards for Events Center Limited with minor edits, but removes the paragraph related to signs since it is a content-based regulation. The sign regulations will be comprehensively revised in Module 2 to reflect a content-neutral approach to regulation in accordance with case law and best practices. All sign regulations will be tied to districts rather than specific uses.

³⁸ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*.

3.3.12 FARM MARKETS³⁹

- A. **Certification.** A farm market shall be certified as a [Certified Roadside Farm Market](#) by the North Carolina Department of Agriculture & Consumer Services.
- B. **Vehicular Access.** Farm markets shall provide safe ingress and egress. Vehicles must be able to enter and exit the site without using a right-of-way for maneuvering area.

3.3.13 GAS STATIONS⁴⁰

- A. **Purpose.**
1. Gas stations can have a detrimental impact on nearby residential properties due to their potential to operate 24 hours per day, produce noise, generate traffic, and encourage queuing of automobiles.
 2. Gas stations also contribute to air pollution through the release of harmful vapors, such as benzene, from fueling hoses, vent pipes, and other equipment.⁴¹
 3. Spilled fuel, even in small amounts, can enter stormwater runoff and contribute to soil and water pollution. Gasoline can leak from underground storage tanks and also contribute to soil and water pollution. According to the [U.S. Environmental Protection Agency](#), “[o]f

³⁹ This new principal use allows for farm markets in districts that do not otherwise allow general retail uses (AG, RA, R5, and R2). To qualify for participation in the [Certified Roadside Farm Market](#) program, a roadside farm market must (among other requirements) sell primarily agricultural commodities direct to the public, with a minimum of 51% of total sales from farm products grown by the market operator.

⁴⁰ This Subsection carries forward the current setback and canopy standards for automobile service stations. This Subsection also proposes to add separation requirements between gas stations and between gas stations and other uses, such as dwellings. This Subsection is added pursuant to public input received following completion of the Audit Report. The public input cited [this report](#) and recommended a complete prohibition on new gas stations; proposed here is a more moderate approach. The County could consider increasing (or decreasing) the proposed separation distances; changing the number of pumps subject to separation distances; adding sensitive land uses from a which a gas station must be separated, such as schools, day cares, and parks; adding zoning districts from a which a gas station must be separated; or prohibiting new gas stations altogether.

⁴¹ A recent study found such emissions are higher than previously thought (see [article](#) and [study abstract](#)). Another recent study “found that clusters of gas stations have increased cancer risk compared to a single station because of cumulative emissions from the individual gas stations” (Hsieh, P.Y., J.A. Shearston, and M. Hilpert. 2021. “[Benzene emissions from gas station clusters: a new framework for estimating lifetime cancer risk.](#)” *Journal of Environmental Health Science and Engineering*, 19(1): 273–283).

the estimated 450,000 brownfield sites in the U.S., approximately one-half are thought to be impacted by petroleum, much of it from leaking underground storage tanks at old gas stations.”

4. Therefore, the purposes of the separation distances required by this Subsection are to protect the public health, safety, and welfare by requiring new gas stations to locate one-eighth of a mile or more from sensitive land uses and zoning districts.

B. **Gas Stations in the RA and RV Districts.** A gas station located in the RA or RV District shall not contain more than four fueling pumps.

C. **Minimum Separation Between Uses and Districts.**

1. The required separation distances specified in this Paragraph are based on the number of fueling pumps at a gas station.
2. The separation distance requirements in Table 3.3.13-1: *Gas Station Separation Distance Requirements* apply between a new gas station and:
 - (a) Any lot zoned R5, R2, R1, or CD-CR; and
 - (b) Any of the following land uses, regardless of whether the use is located in the incorporated or unincorporated area of Chatham County:
 - (1) An existing gas station;
 - (2) Any lot containing a dwelling unit; and
 - (3) Any lot containing a hospital, inpatient care facility, nursing home, or convalescent home.

Table 3.3.13-1: Gas Station Separation Distance Requirements

Number of Fueling Pumps	Separation Distance (min)
12 or fewer	None
More than 12	1,320 ft ⁴²

Key: min = minimum required | ft = feet

⁴² 1,320 feet equals one-quarter mile.

- D. **Setbacks.** Fuel, oil, and similar pumps and appliances may be located within the minimum required front and side setbacks, but must be located at least 15 feet from any lot line and outside any required buffers.
- E. **Canopies.** Fuel, oil, and similar pumps and appliances may be covered by an attached or freestanding unenclosed canopy, if the canopy does not:
 - 1. Extend nearer than 10 feet to any property line; and
 - 2. Cover more than 30% of the required setback area.

3.3.14 HAZARDOUS WASTE FACILITIES⁴³

<TBD>

3.3.15 HUNTING OR FISHING CLUBS

- A. **Minimum Lot Size.** Hunting or fishing clubs shall be located on a lot that is at least 20 acres in area.
- B. **Setbacks.** All elements of the use shall be set back a minimum of two times the minimum setback requirement for the district in which the hunting or fishing club is located.
- C. **Outdoor Shooting Ranges Prohibited.** A hunting or fishing club shall not include an outdoor shooting range.

3.3.16 INERT DEBRIS LANDFILLS⁴⁴

- A. In the AG, RA, R5, R2, and R1 Districts, individual lot owners using inert debris landfill materials (beneficial fill) on an area more than two acres in size must obtain a Special Use Permit.
- B. In the RB, RHC, II, and IH Districts, all inert debris landfills require a Special Use Permit.

⁴³ The consultant team is working with the County attorney to determine whether State law preempts the County from regulating hazardous waste facilities.

⁴⁴ These provisions are from the existing definition of “land clearing and inert debris landfill” in ZO Section 7 Definitions.

3.3.17 JUNK YARDS & AUTO WRECKING FACILITIES⁴⁵

- A. **Intent.** The purpose and objectives for which this Subsection is adopted and enacted are as follows:
1. To promote the public health, safety, and general welfare;
 2. To preserve the natural scenic beauty of areas in the vicinity of state-maintained public roads; and
 3. To protect the public from health nuisances and safety hazards by controlling vectors, concentrations, or volatile or poisonous materials and sources of danger to children.
- B. **Consistency With N.C.G.S.** This Section is consistent with the provisions of the North Carolina Junk Yard Control Act, N.C.G.S. §§ 136-141 through 136-155 ([Article 12](#)), which delegate to the State Department of Transportation the responsibility to regulate "junk yards" and "automobile graveyards" located on interstate and federal-aid primary system highways.
- C. **Definitions.** For the purpose of this Subsection, the following definitions apply unless the context clearly indicates or requires a different meaning. These definitions supplement those in [Chapter 18: Definitions & Acronyms](#). In the case of conflicts, the definitions in this Paragraph control.
1. *Garage.* Any establishment or place of business that is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles, and that may store as many as six motor vehicles that are not capable of being driven under their own power and are not actively being restored to operable condition, regardless of the length of time that individual motor vehicles are stored or kept at the property. If the garage is listed as a business in the Tax Assessor's Office by January 31 of each year and consists of two acres, six additional motor vehicles as described herein may be allowed.

⁴⁵ Consolidates Chatham County Code Chapter 111: *Junk Yard Control* with zoning regulations for junk yards and auto wrecking facilities. Removes registration provisions, since existing junk yards were required to register within 30 days of the original effective date of the Junk Yard Control Ordinance (March 9, 1992) in order to be considered "pre-existing." Relocates definitions to Chapter 19: *Definitions & Acronyms*. Relocates Section 111.09 Enforcement Provisions and Section 111.99 Penalty to Chapter 18: *Enforcement*. Relocates Section 111.10 Relief; Variance; Decision to Chapter 14: *Procedures*. Minor edits to eliminate passive voice. The consultant team is continuing to work with staff on potential revisions to this Subsection.

2. *Health or Safety Nuisance.* A motor vehicle, used machinery, or other used materials may be declared a health nuisance or safety hazard when it is found to be:
 - (a) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;
 - (b) A point of collection for pools or ponds of water;
 - (c) An unsafe concentration of gasoline, oil, or other flammable or explosive materials;
 - (d) So located that there is a danger of the vehicle falling or turning over without assistance;
 - (e) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or through the overturning of heavy items; or
 - (f) An unsafe concentration of car radiators, batteries, or other materials that pose either a hazard of immediate or long-term environmental degradation.
3. *New Junk Yard.* A junk yard established after the original effective date of the Chatham County Junk Yard Control Ordinance (March 9, 1992) or junk yards in existence at the time of the original effective date of the Chatham County Junk Yard Control Ordinance that did not register within the timeframes specified in that ordinance in order to meet the designation of pre-existing.
4. *Pre-Existing Junk Yard.* A junk yard in existence at the time of the original effective date of the Chatham County Junk Yard Control Ordinance (March 9, 1992) that registered within the timeframes specified in that ordinance.
5. *Public Road.* Any road or highway that is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the state highway system.
6. *Residence.* A house, an apartment, a group of homes, or a single room occupied or intended for occupancy as separate living quarters for one or more humans.
7. *School.* Any public or private institution for the teaching of children under 18 years of age that is recognized and approved by the State Board of Education or other appropriate licensing boards.

8. *Service Station.* Any establishment that is maintained and operated for the purpose of making retail sales of fuels, lubricants, air, water, and other items for the operation and routine maintenance of motor vehicles and/or for making mechanical repairs, servicing, and/or washing of motor vehicles and that is used to store not more than six motor vehicles that are not capable of being driven under their own power and that are not actively being restored to operable condition regardless of the length of time that individual motor vehicles are stored or kept at the property. If the service station is listed as a business in the Tax Assessor's Office by January 31 of each year and consists of two acres, six additional motor vehicles as described herein may be allowed.
9. *Vegetation.* All-season or evergreen vegetation shall mean evergreen trees with leaves or foliage at all seasons of the year and shall include, but not be limited to, white pine, southern pine, hemlock, and spruce trees.
10. *Vectors.* An organism that carries disease-causing micro-organisms from one host to another (e.g., rats, mosquitoes, and the like).

D. **Exemptions.** The following uses and activities are exempt from the provisions of this Subsection:

1. Service stations and garages as defined in 3.3.17.C, above;
2. Recycling centers using enclosed structures or solid waste containers, bins, truck trailers, or rolling stock to store materials and equipment; and
3. Salvage material or junk cars located in enclosed buildings.

E. **Development Standards.**

1. *Auto Wrecking Facilities.* All activities associated with an auto wrecking facility shall be conducted within an enclosure at least six feet in height and with an opacity⁴⁶ of at least 60%. The enclosure is subject to the minimum setback requirements of the district.⁴⁷

⁴⁶ Proposed here is to use “opacity” rather than “solidity,” as opacity is a more common metric for fences, walls, and vegetated buffers.

⁴⁷ Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*.

2. *Pre-Existing Junk Yards.* Pre-existing junk yards shall meet the requirements specified in Paragraphs 3.3.17.E.3(d) through 3(f), below.
3. *New Junk Yards.* All new junk yards shall meet the use-specific standards specified below.
 - (a) *Use Separation.* A junk yard shall be located at least 500 feet from a pre-existing church, school, day care center, nursing home, skilled health care facility, hospital, public building, public recreation facility, or residence (excluding the residence of the junk yard owner or operator).
 - (b) *Minimum Lot Area.* A junk yard shall be situated on a parcel at least four acres in area, excluding rights-of-way, that is undivided by public road right-of-way or public dedication.
 - (c) *Driveway Location.* The NCDOT must approve all proposed driveway locations.
 - (d) *Setbacks.* All elements of the use shall be located at least 50 feet from all lot lines.
 - (e) *Fencing.* A junk yard shall have a fence surrounding the entire facility that is at least six feet in height. The fence must be set back at least 20 feet from all lot lines in order to accommodate the screening required by 3.3.17.E.3(f), below.
 - (f) *Additional Screening.*⁴⁸
 - (1) The property owner shall install vegetation between the required fence and all lot lines. The vegetation shall provide a continuous (all-season) opaque screen at least six feet in height within four years of planting the vegetation.
 - (2) Each owner, operator, or maintainer of a junk yard shall utilize good husbandry techniques, such as pruning, mulching, and proper fertilization, so that the vegetation will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

⁴⁸ This Paragraph may be revised once Subsection 4.5.4: *Perimeter & Right-of-Way Screening* is drafted.

(3) All junk and/or inoperable motor vehicles shall be kept within the confines of the fence and vegetative screening at all times unless in motion by transport to or from the site.

(g) *Vehicular Access.* On-site traffic areas shall be provided and arranged in a manner to provide adequate areas to prevent backward movement onto the state maintained road.

F. Maintenance.

1. All junk yards shall be maintained to protect the public from health nuisances and safety hazards.
2. Failure to comply with this Subsection may result in revocation of the Zoning Compliance Permit as well as other penalties and remedies for violation as provided for in [Chapter 17: Enforcement](#).

3.3.18 LAND CLEARING DEBRIS LANDFILLS⁴⁹

- A. In the AG, RA, R5, R2, and R1 Districts, all land clearing debris landfills that exceed two acres in size require a Special Use Permit.
- B. In the RB, RHC, II, and IH Districts, all land clearing debris landfills require a Special Use Permit.

3.3.19 NEIGHBORHOOD RECREATION AMENITIES

- A. **Minimum Setbacks.** When a neighborhood recreation amenity use is located adjacent to a lot that contains or is planned to contain a dwelling unit, all associated structures shall be set back at least 50 feet from the common lot line.
- B. **Screening.** Neighborhood recreation amenity uses shall screening in accordance with [Subsection 4.5.4: Perimeter and Right-of-Way Screening](#).⁵⁰

⁴⁹ These provisions are from the existing definition of “land clearing and inert debris landfill” in ZO Section 7 Definitions.

⁵⁰ This provision may be revised once Subsection 4.5.4: *Perimeter and Right-of-Way Screening* is drafted.

3.3.20 PARKS & RECREATION AREAS

- A. **Minimum Lot Area.** Parks and recreation areas shall be located on a lot that is at least three acres in area.
- B. **Setbacks.** All elements of the use shall be set back a minimum of two times the minimum setback requirement for the district in which the recreation camp or grounds is located.

3.3.21 RECREATION CAMPS & GROUNDS⁵¹

- A. **Minimum Lot Area.**
 - 1. *Residential Districts.* In the RA, R5, R2, and R1 Districts, recreation camps and grounds shall be located on a lot that is at least 20 acres in area.
 - 2. *Non-Residential Districts.* In the PP, AG, RV, NB, CB, RB, and RHC Districts, recreation camps and grounds shall be located on a lot that is at least 10 acres in area.
- B. **Setbacks.** All elements of the use shall be set back at least 100 feet from all lot lines.
- C. **Manager's Residence.** Recreation camps and grounds may have one manager residence. This residence is the only structure on the site that may be used as a permanent residence and must meet the definition of a detached single-family dwelling.
- D. **Cooking Facilities.**
 - 1. Other than in the manager's residence, structures designed or intended for overnight occupancy shall not be equipped with any interior cooking facilities.

⁵¹ Carries forward ZO Section 17.5.B Public and Private Recreation Camps and Grounds and consolidates with the use-specific standards for private recreation camps and grounds in ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*. The current regulations appear to only allow *private* recreation camps and grounds in the non-residential districts, while both public and private recreation camps and grounds are allowed in the residential districts. Proposed here is to allow recreation camps and grounds, whether public or private, in the specified districts.

2. Common cooking and dining facilities may be provided in an accessory structure that is not attached to any structure intended for overnight occupancy.

E. **Parking & Vehicular Access.**

1. Off-street parking areas and interior access roads may be constructed of gravel or pervious material.
2. Recreation camps and grounds are exempt from **Subsection 4.5.3: Parking Lot Landscaping**.

F. **Numbering Required.** Each structure or campsite shall be clearly marked and identified by a numbering system approved by the Chatham County Emergency Management Department.

3.3.22 SCHOOLS, PUBLIC & PRIVATE⁵²

- A. **Minimum Lot Area.** A public or private school shall be located on a lot at least three acres in area.
- B. **Setbacks.** All elements of the use shall be set back from the lot lines at least two times the minimum setback requirement for the district in which the school is located.

3.3.23 SEXUALLY-ORIENTED BUSINESSES⁵³

- A. **Separation Requirements.** Sexually oriented business(es) shall not be located in any building, or portion thereof, that is located within 1,000 feet of a/an:
1. Existing sexually oriented business;
 2. Residential zoning district or any residential land use, including any open space established as part of the residential subdivision approval process;
 3. A place of worship or building that is primarily used for religious worship and related religious activities;

⁵² Carries forward use-specific standards from ZO Section 10.13, Table 1: *Zoning Table of Permitted Uses*.

⁵³ Carries forward ZO Section 17.8 Standards for Sexually Oriented Businesses.

4. K-12 Schools (public, private, or specialty);
 5. Public or private library;
 6. State licensed child care facility; or
 7. A public or private park or recreational area that has been designated for park or recreational activities including, but not limited to, parks, playgrounds, nature trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar land.
- B. **Measurement of Separation Distance.** Measurement shall be made in a straight planar line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

3.3.24 SHOOTING RANGE, OUTDOOR

- A. **Purpose.** Outdoor shooting ranges are a unique land use that present the risk of significant on-site and off-site impacts. The provisions in this Subsection are intended to mitigate potential negative impacts of the use.
- B. **Setbacks.** All elements of the outdoor shooting range must be located at least 300 feet from all lot lines, except that access roads and utilities may be located in the 300-foot setback area.
- C. **Shot Containment.** All personal outdoor shooting ranges shall be designed to contain all of the bullets, shot, arrows, projectiles, and any other debris on the range facility.
- D. **Design.** Design of personal outdoor shooting ranges shall be consistent with the NRA Range Source Book.

3.3.25 SOLAR ENERGY SYSTEMS, LEVEL 2 & LEVEL 3⁵⁴

- A. **Purpose.** This Subsection 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.

⁵⁴ Carries forward a portion of ZO Section 17.6 Standards for Solar Energy Uses. Regulations for Level 1 solar energy systems (formerly called *solar collectors*) are in Subsection 3.5.8. This Subsection

B. Applicability.

1. This Subsection applies to:
 - (a) All new Level 2 and Level 3 solar energy systems (SES); and
 - (b) Any modifications to an existing Level 2 or Level 3 SES that increases the footprint of the SES area or changes the solar panel type (e.g. photovoltaic to solar thermal).
2. This Subsection does not apply to maintenance and repair of existing SES.

C. General Standards for All Level 2 and Level 3 Solar Energy Systems. All level 2 and level 3 solar energy systems shall:

- (a) Comply with all Building and Electrical Codes;
- (b) Not create a visual safety hazard for passing motorists or aircraft; and
- (c) Be removed, at the owner's expense, within 180 days of determination by the Planning Department that the facility is no longer being maintained in an operable state of good repair or is no longer supplying solar power.

D. Height. Collectors and all their components shall not exceed 25 feet in height, as measured from the grade of the base of the collector to its highest point.**E. Setbacks.** All structures and collectors associated with a Level 2 or Level 3 SES shall meet the setbacks specified in Table 3.3.25-1.**Table 3.3.25-1: Setbacks for Level 2 & Level 3 Solar Energy Systems**

SES Type	Site Acreage	Setback (min)	
		From Lot Lines	From Public Road
Level 2 or Level 3	0 ac to 1.99 ac	50 ft	50 ft
Level 2 or Level 3	2.0 ac or more	50 ft	100 ft

Key: min = minimum required | ac = acres | ft = feet

incorporates provisions of the [Template Solar Energy Development Ordinance for North Carolina](#), including requirements to notify airports within five nautical miles of the proposed SES and to submit a decommissioning plan with the permit application. The County's current setback standards for solar farms are carried forward, as they are more restrictive than the template ordinance. The County's current height limit for solar farms is carried forward, as it is less restrictive than the template ordinance (which limits height to 20 ft).

- F. **Buffers.** In cases where buffers do not exist, a Type B buffer shall be installed (see [Section 4.5: Landscaping & Screening](#)).⁵⁵
- G. **Lighting.** If lighting is provided on the site, all light fixtures shall be full cutoff. Motion sensor control is preferred.
- H. **Identification of Owner.** One sign no more than two square feet in area must be placed in a visible location along the property perimeter identifying the owner's name and an all-hours emergency telephone number.
- I. **Airport Notification.**⁵⁶
1. *Notice to Airports Required.* Prior to submittal of the Zoning Compliance Permit or Special Use Permit application, as applicable, the applicant shall notify any airport located within a radius of five nautical miles of the center of the proposed SES. The applicant shall submit proof of delivery of the notification with the permit application.
 2. *Content of Notice.* The notice shall include the following:
 - (a) Location map of the proposed SES;
 - (b) Site acreage and acreage of proposed SES;
 - (c) Type of solar technology;
 - (d) Approximate number of solar panels/modules;
 - (e) Maximum height of the proposed SES;
 - (f) Maximum height of any new utility poles;
 - (g) Contact information for the applicant; and

⁵⁵ The current standard in ZO Section 17.6 Standards for Solar Energy Uses is "[i]n cases where buffers do not exist, a modified version of the Type B buffer as described in Section 12 of the Zoning Ordinance shall be appropriate to the location of the site, the adjacent land use, and the area topography." It is unclear what modifications are allowed, so this provision is revised to simply require a Type B buffer. This provision may be revised in conjunction with the drafting of Section 5.5 *Landscaping & Screening*.

⁵⁶ These provisions are new and are recommended by the [Template Solar Energy Development Ordinance for North Carolina](#). The template ordinance includes requirements to notify military airports as well; however, there are no military airports located within five nautical miles of any location in Chatham County.

- (h) Contact information for the Chatham County Zoning Administrator.
- 3. *Airports in the National Plan of Integrated Airport Systems (NPIAS)*. For airports in the current [NPIAS](#),⁵⁷ the applicant shall notify the [Federal Aviation Administration's Airport District Office](#) with oversight of North Carolina.⁵⁸
- 4. *Airports Not in the NPIAS*. For airports in the current [NPIAS](#), the applicant shall notify the airport owner or manager.

J. **Decommissioning Plan.**

- 1. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the Zoning Compliance Permit or Special Use Permit application, as applicable:
 - (a) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months);
 - (b) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations;
 - (c) Restoration of property to its condition prior to development of the SES;
 - (d) Timeframe for completion of decommissioning activities, not to exceed one year;
 - (e) Description and copy of any lease or any other agreement with the landowner regarding decommissioning;
 - (f) Name and address of person or party responsible for decommissioning; and
 - (g) Plans and schedule for updating this decommissioning plan.

⁵⁷ As of November 2022, the only NPAIS airport in Chatham County is the Siler City Municipal Airport. However, the Raleigh Executive Jetport at Sanford-Lee County, which is also in the NPAIS, is located within five miles of the Chatham County line and could be affected by the construction of SES in certain portions of the County.

⁵⁸ As of November 2022, this is the Memphis Airport District Office.

2. Prior to the final electrical inspection, the applicant shall provide evidence that the decommissioning plan was recorded with the Chatham County Register of Deeds.

3.3.26 TOBACCO RETAILERS⁵⁹

A. Purpose.

1. According to the [Centers for Disease Control & Prevention](#) and the [American Lung Association](#), while adult smoking rates have significantly declined over the past 50 years, smoking remains the leading cause of preventable disease, disability, and death in the United States.⁶⁰
2. [Data](#) shows disparities in tobacco use, with higher smoking rates among low income people; black, indigenous, and people of color; people living with disabilities or mental health disorders; people with less education; rural populations; and populations in the Southern and Midwestern United States.⁶¹
3. [Research](#) demonstrates that the presence of tobacco retailers in proximity to schools leads to increased smoking among youth.⁶²

⁵⁹ Use regulations for tobacco retailers are proposed pursuant to input from Public Health Department staff. This is one of a number of provisions the UDO will propose related to improving health and increasing equity in the land development and zoning process. See: https://changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf and <https://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-licensing-and-zoning-2016.pdf>. Use-specific standards could also include a limitation on hours of operation or a requirement for tobacco retailers to be located in a multi-tenant commercial building (i.e., a shopping center).

⁶⁰ Centers for Disease Control & Prevention, "Current Cigarette Smoking Among Adults in the United States," https://www.cdc.gov/tobacco/data_statistics/fact_sheets/adult_data/cig_smoking/index.htm; American Lung Association, "Trends in Cigarette Smoking Rates," <https://www.lung.org/research/trends-in-lung-disease/tobacco-trends-brief/overall-tobacco-trends>.

⁶¹ Centers for Disease Control & Prevention, "Health Equity in Tobacco Prevention and Control," <https://www.cdc.gov/tobacco/stateandcommunity/best-practices-health-equity/pdfs/bp-health-equity.pdf>.

⁶² ChangeLab Solutions, "Tobacco Retailer Density: Place-Based Strategies to Advance Health and Equity," https://changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf.

4. Studies show that adults are more likely to abstain from smoking after quitting when tobacco retailers are not located in close proximity to residential areas.⁶³
5. The purpose of this Subsection, therefore, is to impose separation and location requirements for tobacco retailers in order to protect and promote the public health, safety, and general welfare and reduce health disparities related to tobacco use.

B. **Minimum Separation Between Uses and Districts.** A new tobacco retailer shall be located at least 1,320 feet from:

1. Any lot zoned RA, R5, R2, R1, or CD-CR; and
2. Any of the following land uses, regardless of whether the use is located in the incorporated or unincorporated area of Chatham County:
 - (a) An existing tobacco retailer;
 - (b) Any lot containing a dwelling unit;
 - (c) Any lot containing a day care center, preschool, or school;
 - (d) Any lot containing a park or playground; and
 - (e) Any lot containing a hospital, inpatient care facility, nursing home, or convalescent home.

⁶³ Reitzel LR, Cromley EK, Li Y, et al. The effect of tobacco outlet density and proximity on smoking cessation. Am J Public Health. 2011; 101(2): 315-20. Available: <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2010.191676>.

3.4 ACCESSORY USES & STRUCTURES⁶⁴

3.4.1 APPLICABILITY

- A. This Section applies to any subordinate use of a building or other structure or use of land that is:
 - 1. Conducted on the same lot as the principal use to which it is related; and
 - 2. Clearly incidental to, and customarily found in connection with, the principal use or structure.
- B. Where a principal use or structure is allowed by the use tables in Section 3.2: Principal Use Tables, such use includes customary accessory uses and structures subject to this Section.
- C. Any principal use allowed in a district is also allowed as an accessory use.
 - 1. Any standards in Section 3.3: Use-Specific Standards for Principal Uses apply to the use whether it is established as the principal use or as an accessory use.
 - 2. Section 3.4: Accessory Uses & Structures also applies to all accessory uses.

3.4.2 MAJOR & MINOR ACCESSORY USES & STRUCTURES DEFINED

- A. **Generally.** For the purposes of this Section, accessory uses and structures are categorized as major or minor depending on their characteristics.
- B. **Major Accessory Uses and Structures.**
 - 1. Major accessory uses and structures are substantial uses and structures that are generally obvious from outside the parcel and vary by district.
 - 2. Examples of major residential accessory uses and structures include detached garages and carports, storage sheds, workshops, utility

⁶⁴ This Section carries forward, consolidates, clarifies, and augments existing regulations for accessory uses. Proposed is to categorize accessory uses and structures as “major” or “minor” depending on their characteristics. This allows the UDO to prescribe different setbacks and height for major vs. minor accessory uses and structures.

buildings, gazebos, stables, private kennels, tennis courts, swimming pools, barns and stables, and antennas (ham radio, CB, TV).

3. Examples of major commercial and industrial accessory uses and structures include detached garages, storage buildings, utility buildings, garbage dumpster surrounds and pads, and storage tanks.

C. Minor Accessory Uses and Structures.

1. Minor accessory uses and structures include uses and structures that are not unique to a particular land use.
2. Examples include mailboxes; flagpoles; fences; well houses; landscape features; fruit, vegetable, and ornamental gardens; driveways; parking areas; swing sets, play houses, and play equipment, including basketball goals; and satellite dishes.

3.4.3 ZONING COMPLIANCE PERMIT REQUIRED

- A. Prior to the establishment of a major accessory use, an applicant must receive zoning compliance approval (see [Section 13.2: Zoning Compliance Permits](#)).
- B. Major accessory uses must comply with all applicable provisions of this Section, in addition to any applicable standards in Section 3.5: Use-Specific Standards for Accessory Uses & Structures.
- C. Unless otherwise specified in Section 3.4.5: Accessory Use Table, minor accessory uses do not require zoning compliance approval, but must comply with all applicable provisions of this Section.
- D. When the associated principal use requires a Special Use Permit (SUP), all proposed accessory uses and structures must be shown on the associated site plan. Any proposed accessory uses and structures not shown on the site plan require approval of a revised SUP site plan (see [Section 13.3: Special Use Permits](#)) and a revised Zoning Compliance Permit.
- E. All permits required from other local and state agencies (e.g., Chatham County Central Permitting, Chatham County Environmental Health, North Carolina Department of Transportation) must be obtained prior to the issuance of the Zoning Compliance Permit.⁶⁵

⁶⁵ This Paragraph is carried forward from ZO Section 16 Home Occupations.

3.4.4 DIMENSIONAL STANDARDS⁶⁶

All accessory uses and structures are subject to the setbacks and height specified in Table 3.4.4-1: *Dimensional Standards for Accessory Uses & Structures*, unless otherwise specified in Section 3.5: Use-Specific Standards for Accessory Uses & Structures.

Table 3.4.4-1: Dimensional Standards for Accessory Uses & Structures

Accessory Use or Structure	Setbacks (min)	Height (max)
Major accessory uses & structures	Same as zoning district	Same as zoning district
Minor accessory uses & structures, unless otherwise listed	10 ft	15 ft
Fences	0 ft	15 ft
Well houses	0ft	0ft

Key: min = minimum required | max = maximum allowed | ft = feet

3.4.5 ACCESSORY USE TABLE⁶⁷**Table 3.4.5-1: Accessory Use Table**

Accessory Use or Structure	Use-Specific Standards	Zoning Compliance Permit Required	Allowed Districts or Associated Principal Use
Major Accessory Uses & Structures (as defined in Section 3.4.2), unless otherwise listed	None	Yes	All districts
Minor Accessory Uses & Structures (as defined in Section 3.4.2), unless otherwise listed	None	No	All districts
Accessory Dwelling Units	None	Yes	RA, R5, R2, R1, CD-CR, CD-MU
Backyard Chicken Keeping	3.5.1	No	Single-family detached dwelling unit

⁶⁶ This Subsection carries forward the required setbacks for accessory buildings and structures in ZO Section 10: *Schedule of District Regulations*, but eliminates the provision allowing telephone booths to be located in required yards if they are at least 10 feet from the lot line since there are few (if any) telephone booths remaining in the County.

⁶⁷ This Subsection is new since the October 20, 2022 draft of Section 4.4: *Accessory Uses & Structures*.

Table 3.4.5-1: Accessory Use Table			
Accessory Use or Structure	Use-Specific Standards	Zoning Compliance Permit Required	Allowed Districts or Associated Principal Use
Child Care Center Located in a Residence	3.5.2	Yes	RA, R5, R2, R1, CD-CR, CD-MU
Electric Vehicle Charging Points	None	No	All districts
Family Child Care Homes	3.5.3	Yes	RA, R5, R2, R1, CD-CR, CD-MU
Farmstands	3.5.4	Yes	AG, RA, R5, R2, RV, RHC
Home Occupations	3.5.5	Yes, with exceptions	Dwelling unit
Outdoor Play Equipment (e.g., swing sets, playhouses, basketball goals, tennis courts)	None	No	AG, RA, R5, R2, R1
Outdoor Play Equipment (e.g., swing sets, playhouses, basketball goals, tennis courts)	None	Yes	PP, RV, OI, NB, CB, RB, RHC, IL, IH
Personal Outdoor Shooting Ranges	3.5.6	Yes	All districts
Private Use Airports	3.5.7	Yes	All districts
Recreational Vehicles	3.5.8		RA, R5, R2, R1, CD-CR
Solar Energy Systems, Level 1	3.5.9	No	All districts
Spray irrigation of tertiary tested wastewater (reclaimed water)	None	No	All districts

3.5 USE-SPECIFIC STANDARDS FOR ACCESSORY USES & STRUCTURES⁶⁸

3.5.1 BACKYARD CHICKEN KEEPING

- A. **Maximum Number of Chickens Allowed.** Up to 12 chickens are allowed per lot.
- B. **Roosters Prohibited.** It is unlawful to keep a rooster, defined as a male chicken of at least one year of age.
- C. **Enclosure Required.**
 - 1. Chickens shall be kept in an outdoor enclosure that contains the birds on the property and prevents predation.
 - 2. Coops, cages, and outdoor enclosures shall be located in the rear yard.

3.5.2 CHILD CARE CENTER LOCATED IN A RESIDENCE

- A. **Applicability.** A child care center located in a residence is allowed as an accessory use to a dwelling unit in the RA, R5, R2, R1, CD-CR, and CD-CMU zoning districts if it meets the requirements of this Subsection and receives a Special Use Permit (see [Section 13.3: Special Use Permits](#)).
- B. **License Required.** At all times, a child care center located in a residence shall have a valid license from the North Carolina Department of Health and Human Services, Division of Child Development and Early Education.
- C. **Maximum Number of Children.** A child care center located in a residence may serve up to 15 children.
- D. **Minimum Lot Area.** A child care center located in a residence must be located on a lot at least one acre in area.
- E. **Minimum Setbacks.** All elements of the use shall be set back a minimum of two times the minimum yard requirement for the district in which the child care center located in a residence is located.

⁶⁸ Uses may be added or removed from this Section during drafting.

3.5.3 FAMILY CHILD CARE HOMES⁶⁹

- A. **Applicability.** A family child care home is allowed as an accessory use to a dwelling unit in the RA, R5, R2, R1, CD-CR, and CD-CMU zoning districts
- B. **License Required.** At all times, a family child care home shall have a valid license from the North Carolina Department of Health and Human Services, Division of Child Development and Early Education.
- C. **Maximum Number of Children.** Pursuant to N.C.G.S. [§ 110-86\(3\)b](#), N.C.G.S. [§ 110-91\(7\)b](#), and [10A NCAC 09.0102](#), a family child care home shall not serve more than eight children, up to five of whom may be preschool-aged.
- D. **Minimum Lot Area.** A family child care home must be located on a lot at least one acre in area.
- E. **Minimum Setbacks.** All elements of the use shall be set back a minimum of two times the minimum yard requirement for the district in which the family child care home is located.⁷⁰

3.5.4 FARMSTANDS

- A. **Location.**
 - 1. Farmstands may be located within required right-of-way screening areas (see [Subsection 4.5.4: Perimeter and Right-of-Way Screening](#)).
 - 2. Farmstands shall be located at least 10 feet from the edge of the right-of-way.
- B. **Vehicular Access.** Farmstands shall provide safe ingress and egress. Vehicles must be able to enter and exit the site without using a right-of-way for maneuvering area.

⁶⁹ This use is renamed from “day care centers in the principal residence” to align with State requirements. The number of children allowed is reduced from 15 to 9, also to align with State requirements. The minimum required lot area and setbacks are carried forward from ZO Section 10.13.

⁷⁰ This Paragraph was revised since the October 20, 2022 draft of Section 4.4: *Accessory Uses & Structures* to remove the term “high intensity activity areas” and clarify all elements of the use are subject to greater setbacks.

3.5.5 HOME OCCUPATIONS⁷¹

A. **Applicability.**

1. This Subsection applies to any occupation, profession, or business activity that is customarily conducted, incidental, and subordinate to the use of a dwelling unit for dwelling purposes. A home occupation is carried on by a resident of the dwelling unit and does not change the residential character of the dwelling unit.
2. A home occupation is allowed as an accessory use to a dwelling unit in any zoning district if it meets the requirements of this Subsection.
3. This Subsection does not apply to child care centers located in a residence, which are subject to the provisions in 3.5.2: Child Care Center Located in a Residence.
4. This Subsection does not apply to family child care homes, which are subject to the provisions in 3.5.3: Family Child Care Homes.

B. **Zoning Compliance Permit.**⁷²

1. Except as provided by this Subsection, home occupations use may not be initiated, established, or maintained without a valid Zoning Compliance Permit (see [Section 13.2: Zoning Compliance Permits](#)).
2. After a Zoning Compliance Permit has been issued for a home occupation, it must be renewed whenever there is a change in the type of use or the intensity of the approved use.
3. Zoning Compliance Permits for home occupations are not transferrable.

C. **Exempt Home Occupations.**⁷³ The activities listed in Paragraphs 3.5.5.C.1 through 3.5.5.C.5, below, are not required to obtain a Zoning Compliance

⁷¹ This Subsection carries forward the provisions for home occupations in ZO Section 16 and adds a third tier of home occupations for small lots. Additional performance standards are proposed, such as a limitation on the number of daily client visits and hours of operation. This Subsection does not carry forward provisions for signs, which will be addressed in Section 5.8: *Signs*.

⁷² In order to streamline the zoning-related procedures, this Section proposes to require a Zoning Compliance Permit rather than a separate Home Occupation Permit.

⁷³ This Paragraph allows the least intensive uses without a permit in order to match resident's expectations, improve compliance, and alleviate permitting administration for staff. The scope of this list can be modified as needed.

Permit, if all persons engaged in the home occupation reside on the premises:

1. Internet retail sales, such as the sale or resale of clothing and goods through online marketplaces;
2. Artists, sculptors, and composers, with no retail sales on the premises except through internet retail sales;
3. Craft work, such as jewelry-making and pottery, with no retail sales on the premises except through internet retail sales;
4. Home offices with no client visits to the home; and
5. [Home-based food businesses](#) approved by the North Carolina Department of Agriculture & Consumer Services, Food & Drug Protection Division. Catering kitchens located in a structure that is accessory to a dwelling are not considered home-based food businesses and are subject to the provisions of this Subsection.

D. Types of Home Occupations.

1. Home occupations are classified as one of the following three types:
 - (a) Rural home occupations;
 - (b) Large lot home occupations; or
 - (c) Small lot home occupations.
2. Rural home occupations are allowed on lots at least three acres in area and may be more intensive than other types of home occupations. Rural home occupations typically are not compatible on small lots near other residences, and may require an outdoor storage area for goods and materials associated with the business.
3. Large lot home occupations are allowed on lots that are one acre to three acres in area. Large lot home occupation uses may be more intensive than small lot home occupations, but less intensive than rural home occupations.
4. Small lot home occupations are allowed on lots that are one acre or less in area. Stricter performance standards apply for small lot home occupation uses.

- E. **Performance Standards.** Home occupations shall comply with the performance standards set forth in Table 3.5.5-1: *Home Occupation Performance Standards*.

Table 3.5.5-1: Home Occupation Performance Standards

Performance Standard	Type of Home Occupation		
	Rural	Large Lot	Small Lot
The use is clearly incidental and secondary to residential occupancy and does not change the character of the premises.	●	●	●
The use is conducted entirely within the principal dwelling or entirely within an accessory building.	X	●	●
If conducted within the principal dwelling, not more than 25% of the heated living space (excluding basements) of the principal dwelling is used for the conduct of the home occupation. Basements may also be used for home occupations in addition to the 25% of heated living space.	●	●	●
If conducted within an accessory building, the accessory building does not exceed 2,500 square feet. If multiple accessory buildings are used, the total combined square footage does not exceed 2,500 square feet. Basements may also be used for home occupations in addition to accessory buildings.	●	X	X
If conducted within an accessory building, the accessory building does not exceed 1,000 square feet. If multiple accessory buildings are used, the total combined square footage does not exceed 1,000 square feet. Basements may also be used for home occupations in addition to accessory buildings.	X	●	●
Buildings, material storage, and operations meet the setback requirements specified in Paragraph 3.5.5.F, below.	●	X	X
Storage of goods and materials occurs inside an enclosed building and does not include flammable, combustible, or explosive materials.	X	●	●
Displays of merchandise are not visible from the street.	●	●	●

Table 3.5.5-1: Home Occupation Performance Standards

Performance Standard	Type of Home Occupation		
	Rural	Large Lot	Small Lot
The driveway is located and improved such that it provides all weather access and does not interfere with other traffic using said drive. A commercial driveway permit may be required to ensure traffic hazards are minimized.	●	●	X
There is no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation.	X	●	●
The use involves up to 3 non-resident employees working on-site, with a maximum of 4 total employees working on-site.	●	●	X
The use involves up to 1 non-resident employee working on-site.	X	X	●
Client visits occur between 6:00 a.m. and 9:00 p.m.	●	●	X
Client visits occur between 8:00 a.m. and 8:00 p.m.	X	X	●
Parking is provided off-street in an area other than a required front yard.	●	●	X
Parking is provided only in the driveway.	X	X	●
Any commercial vehicle associated with the home occupation is not parked outside of an enclosed building on a regular basis, except those used primarily as passenger vehicles. ⁷⁴	X	●	●
Any equipment or process used does not create visual or audible interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.	●	●	●
Dust, vibration, glare, fumes, odors, or electrical interference do not create a nuisance off the premises, and all operations conform with Chatham County Code Chapter 92: Noise Regulations .	●	X	X
Dust, noise, vibration, glare, fumes, odors, or electrical interference are not detectable to the normal senses beyond the lot line.	X	●	●

⁷⁴ The proposed definition of *passenger vehicle* is “a motor vehicle, except for motorcycles and mopeds, designed for carrying 10 or fewer passengers and used primarily for the transportation of people.”

Table 3.5.5-1: Home Occupation Performance Standards

Performance Standard	Type of Home Occupation		
	Rural	Large Lot	Small Lot
No traffic is generated by the use in greater volumes than would normally be expected in a residential neighborhood.	●	●	●
Deliveries and pickups are made by carriers that typically serve residential areas and do not block traffic circulation.	●	●	●
Visual screening of outdoor storage areas is provided as required by Paragraph 3.5.5.G, below.	●	●	X
Public facilities and utilities are adequate to safely accommodate equipment used for the home occupation.	●	●	●

Key: ● = the performance standard applies | X = the performance standard does not apply |
sf = square feet

F. **Setbacks for Rural Home Occupations.**

1. Except as provided in 3.5.5.F.2, below, all buildings, material storage areas, and operations shall be located at least:
 - (a) 50 feet from side and rear lot lines; and
 - (b) 40 feet from the front lot line or the edge of the road right of way, whichever is greater.
2. Noise-generating operations, as determined by staff, shall be located at least 100 feet from side and rear lot lines.

G. **Visual Screening Standards for Rural and Large Lot Home Occupations.**

1. To lessen the impact on adjacent properties, visual screening of outdoor storage areas shall be installed to provide a minimum a 15-foot wide opaque screen.
2. This may include, but is not limited to, a 6-foot high opaque fence and/or the planting of vegetation that at a minimum provides a continuous all season opaque screen at least 6 feet in height within 4 years of planting.
3. Plants shall comply with the minimum size standards specified in [Section 4.5: Landscaping & Screening](#).

3.5.6 PERSONAL OUTDOOR SHOOTING RANGES

- A. **Applicability.** This Subsection applies to non-commercial accessory outdoor shooting ranges used for shooting events or by non-profit clubs. This Subsection does not apply to the use of an accessory shooting range by the property owner.
- B. **Setbacks.** All elements of the outdoor shooting range must be located at least 300 feet from all lot lines, except that access roads and utilities may be located in the 300-foot setback area.
- C. **Shot Containment.** All personal outdoor shooting ranges shall be designed to contain all of the bullets, shot, arrows, projectiles, and any other debris on the range facility.
- D. **Design.** Design of personal outdoor shooting ranges shall be consistent with the NRA Range Source Book.

3.5.7 PRIVATE-USE AIRPORTS⁷⁵

- A. A private-use airport is allowed as an accessory use in any zoning district if it meets the requirements of this Subsection.
- B. An applicant proposing to construct, alter, activate, or deactivate a private-use airport must notify the Federal Aviation Administration (FAA) in accordance with [14 CFR Part 157: Notice of Construction, Alteration, Activation, and Deactivation](#).⁷⁶
- C. Prior to the issuance of a Zoning Compliance Permit for the use, a private-use airport owner shall:

⁷⁵ This use is added pursuant to staff input. This would include drones, ultralights, single-engine planes, and small dual engine planes flown as an accessory use (i.e., there's a home or business on the property). The use may include associated structures (e.g., hangars), may involve land clearing for runways, and may generate noise impacts. While this is typically associated with personal (private property owner) use, it could also include municipal use (e.g., drone use by local governments).

⁷⁶ When private-use airport owners notify the FAA about a new private-use airport, the airport is included the FAA's aeronautical information databases used "in the dissemination of aviation information to the public, preparation of government and private industry aeronautical charts and related flight information publications...and the planning and programming of various programs within the FAA" ([FAA Advisory Circular 150/5300-19](#)). This can provide protection of private-use airports from encroachments, such as telecommunications towers and utility lines.

1. Provide a copy of the FAA's determination to the Zoning Administrator; and
2. Demonstrate compliance with any conditions placed on the airport by the FAA.

3.5.8 RECREATIONAL VEHICLES⁷⁷

- A. **Use as Permanent Dwelling Prohibited.** In order to provide for the public health, safety, and welfare, the use of a recreational vehicle (RV) for permanent habitation is prohibited. Recreational vehicles are not designed nor intended for permanent habitation, therefore an RV cannot be considered as a primary residence.
- B. **RV Storage on Residential Lots.**
1. An RV may be stored on a residential lot if the vehicle:
 - (a) Is unoccupied;
 - (b) Is not used to store any materials, items, pets, farm animals, or the like; and
 - (c) Is not stored within any required setback.
 2. An RV stored in accordance with this Section shall:
 - (a) Have its wheels and axels remain at all times;
 - (b) Maintain proper insurance and registration and be fully licensed and ready for highway use;
 - (c) Not support any accessory structures such as, but not limited to, decks, porches, and awnings; and
 - (d) Not be connected to any permanent utility service. The use of extension cords for cleaning and/or repair is allowed on a temporary basis.
- C. **Limited Temporary Occupation Allowed.**

⁷⁷ Carries forward and reorganizes ZO Section 8.1.4: Regulation of Recreational Vehicles (RV's), with minor revisions to remove redundancies. This Subsection was added since the October 20, 2022 draft of Section 4.4: *Accessory Uses & Structures*

1. A Recreational Vehicle may be utilized for temporary occupation for no more than 180 days, if:
 - (a) The RV is used during the construction of a single-family dwelling or placement of modular or manufactured home; or
 - (b) The RV is used while a damaged/destroyed home is being replaced due to damage by fire, flood, hurricane, tornado, or other emergency event or natural disaster; and
 - (c) Use of the RV ceases within 30 days of issuance of a certificate of occupancy for the principal dwelling.
2. Extensions of the 180-day time period may be granted by the Zoning Administrator when work is ongoing with a valid building permit.

3.5.9 SOLAR ENERGY SYSTEMS, LEVEL 1⁷⁸

- A. **Applicability.** Level 1 solar energy systems (SEs) are allowed as an accessory use in any zoning district.
- B. **Roof-Mounted Solar Energy Systems.** A roof-mounted SES:
 1. Shall not extend beyond the exterior perimeter of the building on which the system is mounted or built;
 2. Is not subject to any screening requirements that apply to rooftop mechanical equipment;⁷⁹ and

⁷⁸ Carries forward a portion of ZO Section 17.6 Standards for Solar Energy Uses. The regulations for solar farms are carried forward in Subsection 3.3.25. Revises terminology to align with the [Template Solar Energy Development Ordinance for North Carolina](#). The County could consider offering incentives (or implementing requirements) for new buildings to include features that make it easier and less expensive to install solar panels in the future. According to Appendix B in the template ordinance, “[t]he American Planning Association recommends that...local governments require the installation of solar ‘stub-ins’ on rooftops of appropriate new construction and building renovation. Stub-ins and their installation are very affordable and can significantly reduce the cost of installing a solar system in the future.” The template ordinance provides a link to Energy Star specifications: https://www.energystar.gov/partner_resources/residential_new/related_programs/rerh.

⁷⁹ This provision will be removed if the UDO does not require screening for rooftop mechanical equipment.

3. Is not subject to the height limit for the zoning district in which it is located.⁸⁰

C. **Ground-Mounted Solar Energy Systems.**

1. A ground-mounted SES shall meet the minimum setbacks for the zoning district in which it is located; and
2. The maximum height for a ground-mounted SES is 20 feet, as measured from the grade of the base of the collector to its highest point.⁸¹

⁸⁰ This new provision is intended to encourage the use of roof-mounted solar collectors. Alternatively, the County could consider allowing a limited encroachment beyond the maximum height (e.g., 5 to 15 feet).

⁸¹ Proposed here is to increase the maximum height for ground-mounted solar energy systems from 15 feet to 20 feet, in accordance with the [Template Solar Energy Development Ordinance for North Carolina](#).

3.6 TEMPORARY USES & STRUCTURES⁸²

3.6.1 PURPOSE

Temporary uses and structures are allowed in accordance with the provisions of this Section, which are intended to minimize or mitigate potential negative impacts of such uses and structures on the surrounding area and to provide safe and convenient access to permitted temporary uses and structures.

3.6.2 EXEMPTIONS

The following uses are exempt from the requirements of this Section :

- A. Lawful picketing and demonstrations; and
- B. Weddings, receptions, parties, and similar private, non-commercial events held on private property.

3.6.3 ZONING COMPLIANCE PERMIT REQUIRED⁸³

- A. Prior to the establishment of a temporary use, an applicant must receive zoning compliance approval if required by Subsection 3.6.5: Temporary Use Table (see [Section 13.2: Zoning Compliance Permits](#)). Temporary uses that do not require zoning compliance approval must comply with all applicable provisions of this Section.
- B. In addition to the requirements of [Section 13.2: Zoning Compliance Permits](#), zoning compliance applications for temporary uses shall be accompanied by a site plan depicting, at a minimum, the following items as applicable:
 - 1. Location of the temporary use and associated temporary structures;
 - 2. Location of permanent structures;
 - 3. Location and number of parking spaces;
 - 4. Location of vehicular access(es) to the site;

⁸² This Section carries forward, consolidates, and expands existing regulations for temporary uses. Adds provisions for common temporary uses, such as seasonal tree and pumpkin sales lots, mobile vending, and filming and production activities. Uses may be added or removed from this Section during drafting.

⁸³ Paragraphs 4.6.3.B and 4.6.3.C may be relocated to Section 14.2: *Zoning Compliance Permits*.

5. Type, size, and location of all temporary signs associated with the temporary use;
 6. Location and description of all temporary lighting;
 7. Location of restroom facilities; and
 8. Method of solid waste disposal.
- C. For temporary uses that require zoning compliance approval and where the applicant anticipates minimal or no resulting impact on surrounding properties, the Zoning Administrator may, following a pre-application meeting with the applicant, waive any or all of the site plan submittal requirements. In making a determination in this regard, the Zoning Administrator shall consider the factors listed below and shall provide a written notice of decision to the applicant identifying the basis of the decision:
1. Nature of the proposed temporary use;
 2. Location of the proposed site;
 3. Use of surrounding properties;
 4. Capacity of the transportation network to adequately serve the proposed temporary use; and
 5. Public safety.

3.6.4 PROPERTY OWNER CONSENT REQUIRED

- A. The applicant proposing a temporary use must obtain permission from the property owner to operate at the proposed location.
- B. For temporary uses that require zoning compliance approval, the applicant shall provide with the zoning compliance application written permission from the property owner to operate at the proposed location.

3.6.5 TEMPORARY USE TABLE

A. Generally.

1. Temporary uses and structures are allowed for the length of time and in the locations specified in Table 3.6.5-1: *Temporary Use Table*, if the use complies with all applicable provisions in this Section.

2. Certain temporary uses, classified as “limited temporary uses,” are also subject to additional standards in Section 3.7: *Use-Specific Standards for Temporary Uses & Structures*. Table 3.6.5-1: *Temporary Use Table* provides a cross-reference to these standards where applicable.
3. In conditional zoning districts, allowable temporary uses are specified in the rezoning ordinance establishing the district and any amendments thereto. If not expressly allowed by the rezoning ordinance, temporary uses are prohibited.

B. Classification of New & Unlisted Temporary Uses.⁸⁴

1. The Zoning Administrator may determine that an unlisted temporary use is allowed as a permitted use or limited use, if sufficiently similar in nature and impact to a permitted or limited temporary use listed in Table 3.6.5-1: *Temporary Use Table*.
2. The Zoning Administrator shall use the following criteria to make this determination:
 - (a) Whether the temporary use or structure:
 - (1) Meets the purpose and intent of the zoning district in which it is proposed to be located;
 - (2) Is allowed as a principal use in the zoning district in which it is proposed to be located;
 - (3) Is prohibited by other County codes or ordinances;
 - (4) Is compatible with other uses allowed in the zoning district in which it is proposed to be located;
 - (b) Whether similar temporary uses or structures are allowed in the same zoning district; and
 - (c) Whether similar temporary uses or structures have use-specific standards that should be applied to the proposed use.

⁸⁴ This new section authorizes the Zoning Administrator to classify new and unlisted temporary uses. Provides criteria to assist the Zoning Administrator in making determinations regarding new and unlisted uses.

Table 3.6.5-1: Temporary Use Table

Temporary Use	Use-Specific Standards	Zoning Compliance Required?	Maximum Duration of Use (per site)	Allowed Location(s)
Construction-related offices and storage (other than real estate sales offices)	None	Yes, if the use is not located on the same project site as the associated construction.	No maximum, if the associated construction has an active building permit. Must be removed within 30 days of issuance of a final certificate of occupancy.	All districts, if the use is located on or adjacent to the associated project site. RB, RHC, IL, and IH if the use is not located on or adjacent to the associated project site.
Commercial filming and film production activities (outdoor) ⁸⁵	None	Yes	No maximum	All districts
Farmers' and artisans' markets	Subsection 3.7.1	No	No maximum	All districts
Laydown & storage yards	Subsection 3.7.1	Yes, if the use is not located on the same site as the associated construction.	No maximum, if the associated construction is active. Must be removed within 30 days of issuance of a final certificate of occupancy or completion of the utility or road project.	All districts if the use is located on or adjacent to the associated construction site. RB, RHC, IL, and IH if the use is not located on or adjacent to the associated construction site.
Mobile food vending	Subsection 3.7.3	No	No maximum, but mobile food units shall not remain on-site overnight	RV, OI, NB, CB, RB, RHC

⁸⁵ This Section does not regulate commercial filming and film production activities that occur inside a building (this use is allowed in any building in any zoning district).

Table 3.6.5-1: Temporary Use Table

Temporary Use	Use-Specific Standards	Zoning Compliance Required?	Maximum Duration of Use (per site)	Allowed Location(s)
Mobile retail vending	Subsection 3.7.3	Yes	No maximum, but mobile retail units shall not remain on-site overnight	RV, NB, CB, RB, RHC
Open-air sales and displays from a temporary building or structure ⁸⁶	None	Yes	No maximum	CB, RB, IL, IH; NB, with approved SUP (see Section 13.3)
Parking areas	Subsection 3.6.6.A	No	Same as associated temporary use	All districts, if the parking area serves an allowed temporary use
Portable classrooms	None	Yes	No maximum	All districts that allow schools
Portable office units (other than construction-related offices or real estate sales offices)	None	Yes	1 year, with annual renewals upon a showing of good cause ¹	RV, OI, NB, CB, RB, RHC
Real estate sales offices	None	Yes	No maximum, but must be removed once 100% of the dwelling units in the development have initially sold	All districts, if the office is located in the same development as the units offered for sale

⁸⁶ Carries forward the provisions in the use table (ZO Section 10.13) for this use.

Table 3.6.5-1: Temporary Use Table

Temporary Use	Use-Specific Standards	Zoning Compliance Required?	Maximum Duration of Use (per site)	Allowed Location(s)
Seasonal farmstands ⁸⁷	Subsection 3.7.4	No	195 cumulative days per calendar year ⁸⁸	All districts
Seasonal sales—trees or pumpkins	None	No	60 consecutive days per occurrence; up to 2 occurrences per calendar year	AG, RV, OI, NB, CB, RB, RHC; any district, if the use is located on the same site as a school or place of worship
Special events on private property	None	No, but submittal of a Special Events Notification Form is required	14 consecutive days per event; up to 4 events per calendar year	All districts
Special events on public property	None	No, but submittal of a Special Events Notification Form is required	As specified by the property owner	Public facilities and public rights-of-way
Temporary living quarters associated with a special event	None	No, but submittal of a Special Events Notification Form is required	Up to 5 days longer than the duration of the associated special event ⁸⁹	All districts

⁸⁷ The accessory use table allows permanent farmstands in the AG, RA, R5, R2, RV, and RHC Districts. The principal use table allows farm markets in the AG, RA, R5, and R2 Districts, which is a larger scale use than a farmstand.

⁸⁸ The typical growing season in Chatham County is approximately 195 days per year (<https://chatham.ces.ncsu.edu/chatham-county-climate/>).

⁸⁹ The current use table allows temporary living quarters associated with a special event to remain on-site for up to five days longer than the duration of the event, but not more than 30 total days in any 12 month period for any one individual event. Since this table proposes to limit the duration of individual special events on private property to 14 days, there is no need to carry forward the 30-day limit. However, if the maximum duration for special events is increased, the 30-day limit may be added back in if appropriate.

Table 3.6.5-1: Temporary Use Table

Temporary Use	Use-Specific Standards	Zoning Compliance Required?	Maximum Duration of Use (per site)	Allowed Location(s)
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¹ The applicant must satisfactorily demonstrate a rational basis for the extension of a Zoning Compliance Permit for a temporary portable office unit. Examples of “good cause” include events and conditions beyond the applicant’s reasonable control, such as natural disasters, certain construction delays, an inability to obtain sufficient project financing due to economic and market conditions, or scarcity of labor or materials.

3.6.6 DEVELOPMENT & DESIGN STANDARDS

A. **Parking.**

1. All temporary uses shall provide off-street parking as needed to adequately serve the use.
2. Parking may be located on the same site as the temporary use or may be located off-site, if the off-site parking area provides safe, accessible pedestrian access to the site on which the temporary use is located, and the property owner provides written permission.
3. To determine whether the amount of parking provided is adequate, the Zoning Administrator shall consider the ratios specified in **Section 4.7: Parking & Loading** as well as the operational characteristics of the proposed temporary use.

B. **Lighting.** Lighting associated with a temporary use or structure shall be shielded or directed away from adjoining properties and streets in order to minimize light trespass and glare.

C. **Temporary Structures.** Temporary structures shall:

1. Meet all applicable principal structure setback requirements for the district in which the temporary use is located, unless otherwise specified in Section 3.7: Use-Specific Standards for Temporary Uses & Structures;
2. Not be located within a required buffer or screening area, unless otherwise specified in Section 3.7: Use-Specific Standards for Temporary Uses & Structures; and
3. Meet all applicable Building and Fire Code requirements.

3.7 USE-SPECIFIC STANDARDS FOR TEMPORARY USES & STRUCTURES

3.7.1 FARMERS' & ARTISANS' MARKETS

- A. **Setbacks.** Temporary farmers' and artisans' markets are not subject to principal structure setback requirements.
- B. **Market Manager Required.** All temporary farmers' and artisans' markets shall have a market manager authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
- C. **Trash & Recycling Receptacles.** A temporary farmers' and artisans' market shall:
 - 1. Provide trash and recycling receptacles for patron use; and
 - 2. Remove all trash and recycling from the site each day.

3.7.2 LAYDOWN & STORAGE YARDS

- A. **Generally.** A laydown or storage yard must be associated with one or more specific projects with an approved land disturbance, building, or demolition permit or an approved utility or road construction project.
- B. **Access.**
 - 1. A laydown and storage yard must have direct vehicular access to a public or private street.
 - 2. Proposed curb cuts require approval of an encroachment permit by the NCDOT.
- C. **Emergency Access.** A laydown and storage yard must meet design and construction standards for fire and emergency apparatus access.

3.7.3 MOBILE VENDING⁹⁰

- A. **Applicability.**
 - 1. This Subsection applies to all mobile vending uses, except:

⁹⁰ These new standards are intended to apply to mobile food vendors and mobile retail vendors.

- (a) Mobile vendors that are part of an approved special event;
 - (b) Mobile vendors that actively move throughout their business hours, generally stopping only to make a sale;
 - (c) Mobile food vendors that actively move to multiple sites during one meal time;
 - (d) Mobile vendors hired to cater or serve a private event; and
 - (e) Temporary food establishments, as defined by N.C.G.S. [§ 130A-247\(13\)](#).⁹¹
2. This Subsection does not apply to mobile service providers that provide services upon request by the occupant of a lot (e.g., mobile pet grooming, vehicle windshield repair) and that do not make sales or offer services to walk-up or drive-up customers.

B. Location. A mobile food unit or mobile retail unit:

- 1. May operate on a privately owned lot in the zoning districts specified in Subsection 3.6.5: Temporary Use Table;
- 2. Shall not operate while parked in a public right-of-way, unless approved by the NCDOT;
- 3. Is not subject to principal structure setback requirements;
- 4. Shall minimally affect required parking for the principal business(es) on the lot; and
- 5. Shall not obstruct emergency access lanes, fire lanes, loading areas, driveways, sidewalks, or other vehicular or pedestrian access to or within a lot.

C. Trash & Recycling Receptacles. A mobile food vendor shall:

- 1. Provide trash and recycling receptacles for patron use; and
- 2. Remove all trash and recycling from the site each day.

⁹¹ This exempts a temporary food establishment, defined by N.C.G.S. [§ 130A-247\(13\)](#) as “an establishment not otherwise exempted from this part pursuant to G.S. 130A-250 that (i) prepares or serves food, (ii) operates for a period of time not to exceed 30 days in one location, and (iii) is affiliated with and endorsed by a transitory fair, carnival, circus, festival, public exhibition, or agritourism business.”

- D. **Additional Permitting Requirements for Mobile Food Units.** All mobile food units require a permit from the Chatham County Public Health Department, [Division of Environmental Health](#).

3.7.4 SEASONAL FARMSTANDS

- A. **Location.** A seasonal farmstand:
1. Shall be located on the same lot as a farm, dwelling unit, or business;
 2. Is not subject to principal structure setback requirements, but must be located at least 15 feet from the edge of a right-of-way; and
 3. May be located within required right-of-way screening areas (see [Subsection 4.5.4: Perimeter and Right-of-Way Screening](#)).
- B. **Vehicular Access.** Seasonal farmstands shall provide safe ingress and egress. Vehicles must be able to enter and exit the site without using a right-of-way for maneuvering area.

3.8 WIRELESS TELECOMMUNICATIONS FACILITIES⁹²

3.8.1 AUTHORITY & PURPOSE

- A. **Enactment.** This Section is enacted pursuant to the general police power granted by North Carolina General Statute [§ 153A-121](#).⁹³
- B. **Short Title.** This Section shall be known and may be cited as the “Wireless Telecommunications Facilities Ordinance” except as referred to herein where it shall be known as “this Section.”
- C. **Purpose & Legislative Intent.**
1. The purpose of this Section is to provide for the public health, safety, and welfare by ensuring that residents, businesses, and public safety operations in Chatham County have reliable access to wireless telecommunications networks and state of the art mobile broadband communications services, while also ensuring that this objective is accomplished according to Chatham County’s planning standards where applicable.
 2. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with N.C.G.S. [§ 160D-930](#) and with all applicable federal laws, including without limitation Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, which, among other things, creates a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures, Chatham County adopts these comprehensive wireless telecommunications regulations.
 3. By enacting the regulations in this Section, it is Chatham County’s intent to ensure the County has sufficient wireless infrastructure to support its public safety communications and to ensure access to

⁹² This Section carries forward the current Chatham County Wireless Telecommunications Facilities Ordinance, last updated in April 2019, with minor updates to reflect its transition from a stand-alone ordinance to a part of the UDO. Proposed revisions are shown in strike-through. Staff and the consultant team are currently reviewing this Section for legal compliance and to confirm it accommodates small wireless facilities.

⁹³ Corrected N.C.G.S. reference (was 150A-121).

reliable wireless communications services throughout all areas of the County.

D. Definitions & Terms.

1. *Abandonment.* Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this Section.
2. *Accessory Equipment.* Any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.
3. *Administrative Approval.* Approval that the Zoning Administrator is authorized to grant after Administrative Review.
4. *Administrative Review.* Non-discretionary evaluation of an application by the Zoning Administrator. This process is not subject to a public hearing. The procedures for Administrative Review are established in Section 3.8.2: Permits.
5. *Antenna.* Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
6. *Base Station.* A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.
7. *Carrier on Wheels or Cell on Wheels (COW).* A portable self-contained Wireless Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.
8. *Collocation.* The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term 'collocation' does not

include the installation of new utility poles or wireless support structures.

9. *Concealed Wireless Facility.* Any tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
 - (a) *Antenna Attachments.* Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure; and
 - (b) *Freestanding.* Freestanding concealed towers usually have a secondary, obvious function which may include church steeple, bell tower, clock tower, light standard, flagpole, or tree.
10. *Electrical Transmission Tower.* An electrical transmission structure used to support high voltage overhead power lines. The term does not include any Utility Pole.
11. *Equipment Compound.* An area surrounding or near the base of a Wireless Support Structure, within which are located Wireless Facilities.
12. *Existing Structure.* A Wireless Support Structure, erected prior to the application for collocation or substantial modification under this Section, that is capable of supporting the attachment of Wireless Facilities, including, but not limited to, Electrical Transmission Towers, buildings, and Water Towers. The term does not include any Utility Pole.
13. *Fall Zone.* The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
14. *Monopole.* A single, freestanding pole-type structure supporting one or more Antennas. For the purposes of this Section, a Monopole is not a Tower or a Utility Pole.
15. *Ordinary Maintenance.* Ensuring that Wireless Facilities and Wireless Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a Wireless Support Structure's foundation or of the Wireless Support Structure itself. Ordinary Maintenance includes

replacing Antennas of a similar size, weight, shape, and color and Accessory Equipment within an existing Equipment Compound and relocating the Antennas to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Substantial Modifications.

16. *Public Safety Service Provider.* Public Safety Service Providers means and includes Federal, State, local, tribal emergency public safety, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.
17. *Replacement Pole.* Pole of equal proportions and of equal height or such other height that would not constitute a Substantial Modification to an Existing Structure in order to support Wireless Facilities or to accommodate Collocation. Requires removal of the Wireless Support Structure it replaces.
18. *Substantial Modification.* The mounting of a proposed Wireless Facility or Wireless Facilities on a Wireless Support Structure that:
 - (a) Increases the existing vertical height of the Wireless Support Structure by:
 - (1) More than 10%; or
 - (2) The height of one additional Antenna array with separation from the nearest existing Antenna not to exceed 20 feet, whichever is greater; or
 - (b) Involves adding an appurtenance to the body of a Wireless Support Structure that protrudes horizontally from the edge of the Wireless Support Structure more than 20 feet, or more than the width of the Wireless Support Structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the Antenna from inclement weather or to connect the Antenna to the tower via cable); or
 - (c) Increases the square footage of the existing Equipment Compound by more than 2,500 square feet.
19. *Tower.* A lattice-type, guyed, or freestanding structure that supports one or more Antennas.
20. *Utility Pole.* A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric

cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

21. *Water Tower.* A water storage tank, a standpipe, or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
 22. *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.
 23. *Wireless Support Structure.* A freestanding structure, such as a Monopole or Tower, designed to support Wireless Facilities. This definition excludes Utility Poles.
 24. *Wireless Telecommunication Permit.* A permit for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Section. Wireless Telecommunication permits are granted by the Board of Commissioners in accordance with the standards for granting Special Use Permits set forth in the Chatham County Zoning Ordinance and in accordance with [Section 13.3: Special Use Permits](#).
- E. **Jurisdiction.** The provisions of this Section are applicable to all unincorporated areas of Chatham County, exclusive of the municipalities located therein and their extraterritorial jurisdiction areas.
- F. **Abrogation.** This Section is not intended to repeal, abrogate, annul, impair, or interfere with any other provision of the Unified Development Ordinance.
- G. **Severability.** Should any subsection, paragraph, sentence, or clause of this Section be held invalid or unconstitutional, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Section which can be given effect without the invalid provision.

3.8.2 PERMITS

- A. **Approvals Required for Wireless Facilities & Wireless Support Structures.**
1. *Administrative Review and Approval.* The following types of applications are subject to the review process as provided in Section

3.8.2.B: *Administrative Review & Approval Process* and design requirements of 3.8.2.D: *General Standards & Design Requirements* . No other type of zoning or site plan review is necessary:

- (a) New Wireless Support Structures that are less than 60 feet in height in any zoning district;
 - (b) New Wireless Support Structures that are up to 199 feet in height in any general use Industrial District or properties coded as industrial uses by Chatham County Tax Record if not within one and a half (1.5) miles of another tower unless need can be demonstrated;
 - (c) Concealed Wireless Facilities that are 60 feet or less in height in any zoning district;
 - (d) Concealed Wireless Facilities that are 150 feet or less in any zoning district except residential districts;
 - (e) Substantial Modifications (see definition); and
 - (f) Collocations.
2. *Wireless Telecommunications Permit.* Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance shall be permitted in any district upon the granting of a Wireless Telecommunications Permit from the Board of Commissioners in accordance with the standards for granting Conditional Use Permits set forth in the Chatham County Zoning Ordinance.
3. **Exempt from All Approval Processes.** The following are exempt from all Chatham County's approval processes and requirements under this ordinance:
- (a) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this ordinance.
 - (b) Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures as defined in this Ordinance;
 - (c) Wireless Facilities placed on Utility Poles; and

- (d) COWs placed for a period of not more than one hundred twenty (120) days at any location within the County or after a declaration of an emergency or a disaster by the Governor.

B. Administrative Review & Approval Process.

1. *Content of Application Package for New Sites.* All Administrative Review application packages must contain the following:
 - (a) Commercial Building Permit application form signed by applicant and required fees;
 - (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms; and
 - (c) Site plans detailing proposed improvements. Drawings must depict improvements related to the applicable requirements, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements as required by the Central Permitting Department and any other approving body or department if applicable.
 - (d) Documentation from a licensed professional engineer of calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance.
2. *Content of Application Package for Other Sites/Facilities.* All Administrative Review application packages must contain the following items. Additional information may be required upon request, including:
 - (a) Commercial Building Permit application form signed by applicant and required fees;
 - (b) For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.
 - (c) For substantial modifications, drawings depicting the improvements along with their dimensions.

- (d) All requests for new towers shall identify at least one wireless tenant that intends to locate on the proposed tower at time of application for building permit. If a wireless tenant is not identified, then the building permit shall not be issued.

3. *Procedure & Timing.*

- (a) *Applications for Collocation, Monopole or Replacement Pole, a Concealed Wireless Facility, a Substantial Modification.* Within 30 days of the receipt of an application for a Collocation, a Monopole or Replacement Pole, a Concealed Wireless Facility, a Substantial Modification, the Planning Department will:
 - (1) Review the application for conformity with this Ordinance. An application under this Section is deemed to be complete unless the Planning Department notifies the applicant in writing (for purposes of clarification, written responses may be made via electronic notification or US Postal Service mail), within 10 calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take 10 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 10 calendar days, the application shall be reviewed and processed within 30 calendar days from the initial date the application was received. If the applicant requires a period of time beyond 10 calendar days to cure the specific deficiencies, the 30 calendar days deadline for review shall be extended by the same period of time;
 - (2) Make a final decision to approve the Collocation application or approve or disapprove other applications under 3.8.2.B.2: *Content of Application Package for Other Sites/Facilities*; and
 - (3) Advise the applicant in writing of its final decision. If the Planning Department denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
 - (4) Failure to issue a written decision within 30 calendar days shall constitute an approval of the application.

- (b) *Applications for New Wireless Support Structures That Are Subject to Administrative Review and Approval.* Within 45 calendar days of the receipt of an application for a New Wireless Support Structure that is subject to Administrative Review and Approval under this Ordinance, the Planning Department will:
- (1) Review the application for conformity with this Ordinance. An application under this Section is deemed to be complete unless the Planning Department notifies the applicant in writing (for purposes of clarification, written responses may be made via electronic notification or US Postal Service mail), within 15 calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the application shall be reviewed and processed within 45 calendar days from the initial date the application was received. If the applicant requires a period of time beyond 15 calendar days to cure the specific deficiencies, the 45 calendar days deadline for review shall be extended by the same period of time;
 - (2) Make a final decision to approve or disapprove the application; and
 - (3) Advise the applicant in writing of its final decision. If the Planning Department denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
 - (4) Failure to issue a written decision within 45 calendar days shall constitute an approval of the application.

C. **Wireless Telecommunication Permit Process.**

1. *Wireless Telecommunication Permit Standards.* Any Wireless Facility or Wireless Support Structures not meeting the requirements of 3.8.2.A.1: *Administrative Review and Approval* or 3.8.2.A.3: *Exempt from All Approval Processes*, may be permitted in all zoning districts upon the granting of a Wireless Telecommunication Permit, subject to:

- (a) The submission requirements of 3.8.2.C.2: *Content of Wireless Telecommunication Permit Application Package*, below; and
 - (b) The applicable standards of 3.8.2.C.2: *Content of Wireless Telecommunication Permit Application Package*, below; and
 - (c) The requirements for a Special Use Permit as established by [Section 13:3: Special Use Permits](#).
2. *Content of Wireless Telecommunication Permit Application Package.* All Wireless Telecommunication permits, application packages for any applicable wireless facility or wireless support structures must contain the following:
- (a) Completed Wireless Telecommunication Permit Application Permit application and required fees;
 - (b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms;
 - (c) Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials;
 - (d) Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure;
 - (e) Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four directions within the surrounding areas;
 - (f) A statement that the proposed Wireless Support Structure will be made available for Collocation to other service providers provided space is available and consistent with Subsection 3.8.2: Permits.
 - (g) Proposed towers may not be located closer than one and one-half (1.5) miles from an existing tower unless need can be demonstrated. The Applicant shall provide a map of all other towers located within three miles of the proposed tower location, along with information as to the heights of all such other towers.
 - (h) All requests for new towers shall identify at least one wireless tenant that intends to locate on the proposed tower at time of

application for building permit. If a wireless tenant is not identified, then the building permit shall not be issued.

- (i) Notwithstanding the above, telecommunication towers may not be placed in any “Major Wildlife Areas” identified in the [Inventory of Natural Areas and Wildlife Habitats of Chatham County, North Carolina](#), 1992.
3. *Procedure and Timing.* Within 150 calendar days of the submittal deadline of an application under 3.8.2.C: *Wireless Telecommunication Permit Process*, the County will:
- (a) Complete the process for reviewing the application for conformity with ordinances applicable to Special Use Permits.
 - (b) Make a final decision to approve or disapprove the application; and
 - (c) Advise the applicant in writing of the final decision. If the Board of Commissioners denies an application, it must provide written justification of the denial.
 - (d) Failure to issue a written decision within 150 calendar days shall constitute an approval of the application.

D. General Standards & Design Requirements.

1. *Design.*
- (a) Wireless Support Structures shall be subject to the following:
 - (i) Shall be engineered and constructed to accommodate a minimum number of Collocations based upon their height:
 - (i) Support structures 60 to 100 feet shall support at least two telecommunications providers;
 - (ii) Support structures greater than 100 feet but less than 150 feet shall support at least three telecommunications providers;
 - (iii) Support structures greater than 150 feet in height shall support at least four telecommunications carriers.

- (2) The Equipment Compound area surrounding the Wireless Support Structure must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with 3.8.2.D.1(a), above.
2. Concealed Wireless Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
3. Upon request of the Applicant, the County may waive the requirement that new Wireless Support Structures accommodate the Collocation of other service providers if County finds that Collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.
4. *Setbacks.*
 - (a) Unless otherwise stated herein, Wireless Support Structures and Wireless Support Facilities shall be set back from all property lines a distance equal to its engineered fall zone or 50 feet, whichever is greater. An easement can be acquired on an adjoining property to meet the engineered fall zone setback requirement. The easement language must be reviewed and approved by the County Attorney.
 - (b) For towers greater than 100 feet, a setback of 50% of the Wireless Support Structure tower height is required from adjoining property lines and right-of-way. When adjoining parcels are zoned IL, Light Industrial, or IH, Heavy Industrial, the minimum setback shall never be less than the distance equal to its engineered fall zone or 50 feet, whichever is greater. Provided however, the setback limit shall never be less than the distance equal to its engineered fall zone or 50 feet, whichever is greater. An easement can be acquired on an adjoining property to meet the engineered fall zone setback requirement. The easement language must be reviewed and approved by the County Attorney. The setback requirement also applies to Wireless Support Facilities.
5. *Height.*

- (a) In residential zoning districts and properties coded as residential uses by Chatham County Tax Record, Wireless Support Structures shall not exceed a height equal to 199 feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the County shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request, the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Board of Commissioners.
- (b) No towers may exceed a height greater than 300 feet. However, Public Safety Service Providers may construct towers exceeding 300 feet when the following conditions are met:
 - (1) The tower is required to and will provide for the public health, safety, and welfare by ensuring that public safety and emergency service responders in Chatham County have reliable access to state of the art telecommunication services.
 - (2) No other tower for co-location of emergency communication equipment is reasonably available.
 - (3) The tower will significantly enhance public service communication in the county and reduce the proliferation of towers throughout the county.
 - (4) The Tower does not exceed 400 feet.
- 6. *Lot Size.* The lot size required for wireless facilities should at a minimum provide the space needed for the access road, tower base, equipment, and setback buffers. Lots created for the sole purpose of locating wireless facilities are not required to comply with otherwise required minimum lot size standards.
- 7. *Aesthetics.*
 - (a) *Lighting and Marking.*
 - (1) Wireless Facilities or Wireless Support Structures shall not be illuminated unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

- (2) The desired tower color is gray or natural colors for concealed towers. Towers that are painted alternating patterns are not permitted unless required by the FCC or the FAA.
 - (b) All lighting, other than required by the FAA, must conform to **Section 4.6: Outdoor Lighting.**
- 8. *Signage.* Signs located at the Wireless Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which Wireless Facilities are located (e.g., approved signage at locations on which Concealed Facilities are located).
- 9. *Accessory Equipment.*
 - (a) Accessory Equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Facility or Wireless Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.
 - (b) If the site is designed for or equipped with on-site generators for electric power supply, then a retention basin for liquids shall be provided that is designed according to recommendations of the County Fire Marshal and/or the County Emergency Operations Office.
- 10. *Fencing.*
 - (a) Ground mounted Accessory Equipment and Wireless Support Structures shall be secured and enclosed with a fence not less than six feet in height as deemed appropriate by the County.
 - (b) The County may waive the requirement of 3.8.2.D.10(a) if it is deemed that a fence is not appropriate or needed at the proposed location.
- 11. *Landscaping.*
 - (a) Sites in heavily wooded locations are strongly preferred. If the site is not heavily wooded, a continuous all-season opaque screen of at least six feet in height and spaced to obscure the security

fence within four years of planting shall be placed around the boundaries of the site (excluding the access road). Vegetation shall be not less than two feet in height at the time of planting. It is not the intention that the existing vegetation be removed to then be replaced by the described buffer; substantial vegetation may be supplemented to achieve the desired screening.

- (b) If the tower site is in an open field with no residence within 1,700 feet, where the effect of buffering would yield a ring of vegetation around the tower base in an open field, then this requirement may be reduced or eliminated. If the site is heavily wooded, and a reasonable assurance can be provided that the site will remain that way, the screening planting requirements may be reduced or eliminated. If at a later date, the site changes from a heavily wooded site, the planting screen described above may be required.

3.8.3 MISCELLANEOUS PROVISIONS

A. **Abandonment & Removal.**

1. If a Wireless Support Structure is Abandoned, and it remains Abandoned for a period in excess of 12 consecutive months, the County may require that such Wireless Support Structure be removed only after first providing written notice to the owner of the Wireless Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Wireless Support Structure within 60 days of receipt of said written notice.
2. In the event the owner of the Wireless Support Structure fails to reclaim the Wireless Support Structure within the 60 day period, the owner of the Wireless Support Structure shall be required to remove the same within six months thereafter. The County may ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

- B. **Multiple Uses on a Single Parcel or Lot.** Wireless Facilities and Wireless Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

3.8.4 WIRELESS FACILITIES & WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE

- A. Wireless Facilities and Wireless Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.
- B. **Activities at Non-Conforming Wireless Support Structures.** Notwithstanding any provision of this Ordinance:
1. Ordinary Maintenance may be performed on a Non-Conforming Wireless Support Structure or Wireless Facility.
 2. Collocation of Wireless Facilities on an existing non-conforming Wireless Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in 3.8.2.B: *Administrative Review & Approval Process*; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.
 3. Substantial Modifications may be made to non-conforming Wireless Support Structures utilizing the Wireless Telecommunication Permit process defined in 3.8.2.C: *Wireless Telecommunication Permit Process*.

3.8.5 ENFORCEMENT & REMEDIES

- A. **Enforcement Officer.** The Chatham County Planning Director shall administer and enforce the provisions of this Section. Such plans and applications as are finally approved shall be incorporated into any permit.
- B. **Violations.** Any violation of this Ordinance or the terms of any tower permit shall be subject to the enforcement remedies and penalties set forth in this Subsection and as by law provided. Each day's violation of any provision of this Section or the terms of any tower permit shall constitute a separate and distinct offense.
- C. **Enforcement Procedure.** Upon finding a violation of this Section, the enforcement officer shall notify the owner and service provider(s) of the nature of the violation and measures necessary to remedy the violation.
- D. **Failure To Comply.** Upon failure of the owners and/or service provider(s) to comply with a notice of corrective action, the owner and service provider(s) shall be subject to such remedies and penalties as may be provided herein.

- E. **Remedies.** Any one or all of the following procedures may be used to enforce the provisions of this Section:
1. *Injunction.* Violations may be enjoined, restrained, abated, or mandated by injunction.
 2. *Civil Penalties.* Any person who violates this ordinance shall be subject to assessment of a civil penalty in the amount of \$50.00 per day for the first violation. If the same violation occurs on the same property within six after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply. If the same violation occurs on the same property within six years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200.00 per day shall automatically apply. If the same violation occurs on the same property within six years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense.
 3. *Stop Work.* Whenever any tower is being constructed, erected, altered, or repaired in violation of this ordinance or the terms of its permit, the work may be immediately stopped by the authorized code enforcement official/s as allowed by North Carolina General Statutes.
 4. *Revocation of Permit.* A permit may be revoked for any substantial departure from the terms of the approved application including false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of any applicable state, federal, or local law may also be revoked.
 5. *Criminal Penalties.* Any violation of this Section shall be a misdemeanor or infraction as provided in N.C.G.S. [§ 14-4](#).
- F. **Variances.** An application for a variance from the strict terms of this ordinance shall be submitted in writing to the Board of Adjustment prior to the issuance of a permit in the same manner as applications for variances in zoning matters. A variance may be granted in the same manner and upon the same grounds as set forth in [Section 13.10: Variances](#).
- G. **Judicial Review.** Except as otherwise provided, appeals by persons aggrieved by a decision of the Board of Adjustment or the Board of Commissioners upon any application for a variance or permit shall be to a court of competent jurisdiction in the nature of a writ of certiorari. The procedure shall be the

same as set forth for Special Use Permit applications in [Section 13.3: Special Use Permits](#).