



COUNTY COMMISSIONERS

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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

WHEREAS, the Chatham County Board of Commissioners has considered the request to add standards for Sexually Oriented Businesses to the Zoning Ordinance, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the consistency statement resolution; and

WHEREAS, the Board finds that the standards set forth in the amendment are appropriate to address the secondary impacts of sexually oriented businesses; and

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

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The county is not claiming an error in the ordinance; and

No. 2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. The Board of Commissioners implemented zoning in areas of the county that were unzoned. The county prohibited sexually oriented businesses in zoned areas of the county until zoning was implemented countywide, which necessitated the need to address them in the zoning ordinance; and

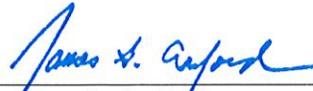
No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. The consistency statement resolution provides recommendations from the Land Conservation and Development Plan including the protection of residential areas and preservation of community character; and

No. 4: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. These standards are reasonable and further the interest of the county in protecting neighborhoods from the negative secondary effects of sexually oriented businesses; and

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

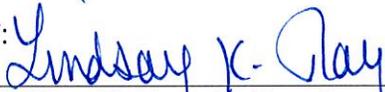
1. The request amend the Chatham County Zoning Ordinance as identified in Attachment "A" is approved and the ordinance is amended accordingly.
2. This ordinance shall become effective upon its adoption.

Adopted this 15th day of August 2016



James G. Crawford, Chairman
Chatham County Board of Commissioners

ATTEST:



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



ATTACHMENT "A"

7.2. Definitions

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

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

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

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

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

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

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

Adult Motel - A hotel, motel or similar commercial establishment that offers accommodation to the public for any form of consideration and:

(a) Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public rights-of-way that advertises the availability of this adult type of photographic reproductions; or (b) Offers a sleeping room for rent for a period of time that is less than six hours; or (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve hours.

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

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

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

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

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

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

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

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

state of nudity or semi-nude, or activities between two or more persons when one or more of the persons is in a state of nudity or semi-nude.

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

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

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

Section 10.13

Table 1: Zoning Table of Permitted Uses

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
Sexually Oriented Businesses (follow Section 17.8)										P

17.8 Standards for Sexually Oriented Businesses

(A) Separation Requirements

1. Sexually oriented business(es) shall not be located in any building, or portion thereof, that is:

(a) Within 1,000 feet of an:

(i) Existing sexually oriented business.

- (ii) Residential zoning district or any residential land use including any open space established as part of the residential subdivision approval process,*
 - (iii) A place of worship or building which is used primarily for religious worship and related religious activities,*
 - (iv) Pre K-12 School (public, private, or specialty),*
 - (v) Public or private library,*
 - (vi) State licensed child care facility, or*
 - (vii) A public or private park or recreational area which has been designated for park or recreational activities including but not limited to: a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar land.*
- (b) Measurement shall be made in a straight planar line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.*