

**AN ORDINANCE AMENDING
THE CHATHAM COUNTY
ZONING ORDINANCE**

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

1. That the following sections of the Zoning Ordinance be amended as shown below.

(Note: All amendments are in italic and all deletions are indicated with a strikethrough. The italic is only added for emphasis and is not to be incorporated into any amendments as approved by the Board of Commissioners.)

Section 4. DISTRICTS ESTABLISHED (pgs. 1-3)

In order to achieve the purposes of this Ordinance as set forth above, the jurisdictional area subject to this Ordinance is hereby divided into districts of which there shall be 14 with the designation and purposes as listed below:

RA-5 Residential - Agricultural District

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

~~CU~~CD-RA-5 Residential - Agricultural District

Identical to the RA-5 District except that *approval of* a conditional ~~use permit~~ *zoning district* is required as a prerequisite to any use or development, as provided for in this Ordinance.

RA-90 Residential - Agricultural District

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

~~CU~~CD-RA-90 Residential - Agricultural District

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

RA-40 Residential - Agricultural District

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

CUCD-RA-40 Residential - Agricultural District

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

O&I Office and Institutional District

Primarily for office and institutional type uses along with residences.

CUCD-O&I Office and Institutional District

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

B-1 General Business District

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

CUCD-B-1 General Business District

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

Ind-L Light Industrial District

Primarily for wholesale activities, warehouses, and light manufacturing operations which do not involve heavy processing activities and which are not likely to create noise, smoke, dust, vibration, heat, odor or other obnoxious effects, controlled or uncontrolled.

CUCD-Ind-L Light Industrial District

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

Ind-H Heavy Industrial District

Primarily for manufacturing operations involving heavy manufacturing processes such as dyeing, chemical mixing, melting, and stamping but which control such processes so as not to exceed the environmental performance standards of this Ordinance. Ind-H also permits all uses as permitted in the Ind-L District.

CUCD-Ind-H Heavy Industrial District

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

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

A compact residential development with a mixed commercial use village center ~~with that~~ *is approved as a conditional ~~use-permit~~ zoning district that* is required as a prerequisite to any use or development, as provided in the Compact Communities Ordinance.

CD-MU – Mixed Use

A mixed use development that provides for an integration of diverse but compatible uses into a single development, that is approved as a conditional zoning district as a prerequisite to any use or development, as provided for in this Ordinance.

SECTION 5. CONDITIONAL ~~USE~~ ZONING DISTRICTS (pg. 3)

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

5.1 Purpose (pg. 3)

It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the conditional ~~use~~ zoning district is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. *Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.*

Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties. A conditional zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available in a reasonable time period.

5.2 General Requirements (pg. 4)

Application

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

Minimum Standards

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

5.3 Uses Within District (pg. 4)

Within a conditional ~~use zoning~~ district, only those uses listed (*or determined to be equivalent uses*) as permitted uses or conditional uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to *approval of a conditional use permit zoning district rezoning* authorized by the Board of Commissioners as provided herein.

5.4 Conditions (pg. 4)

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

In approving a reclassification of property to a conditional zoning district, the Planning Department and Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the rezoning may include dedication to the County or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

5.5 Non-compliance with District Conditions (pg. 4)

Any violation of a use or condition included in the approval of a conditional ~~use zoning~~ district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a conditional ~~use zoning~~ district is permitted only subject to the specified conditions.

5.6 Procedure (pg. 4)

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

5.7 Plans and other information to accompany application

A. Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted in compliance with Section 5.2, Section 17, and as provided below. The application shall include a site plan, drawn to scale, and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

- 1. A boundary survey and vicinity map showing the property's total acreage, its current and proposed zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;*
- 2. All existing and proposed easements, reservations, and rights-of-way;*
- 3. The location of all existing structures;*
- 4. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;*
- 5. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;*
- 6. All yards, buffers, screening, and landscaping required by these or other regulations or proposed by the applicant;*
- 7. All existing and proposed points of access to public streets;*
- 8. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County.*
- 9. Proposed phasing, if any;*
- 10. Generalized traffic, parking, and circulation plans;*
- 11. Proposed provision of utilities;*
- 12. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;*

13. *Proposed number, location, size, and design elements of proposed signs;*
14. *Lighting plan indicating illumination intensities on the project site as well as indicating where any light will be incident upon adjacent properties and the intensity thereof; and*
15. *The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations;*

B. The Planning Director has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

C. In the course of evaluating the proposed use, the Planning Director, Planning Board, or Board of Commissioners may request additional information from the applicant. This information may include the following:

1. *Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;*
2. *Existing and general proposed topography;*
3. *The location of significant trees on the subject property;*
4. *Scale of buildings relative to abutting property;*
5. *Height of structures;*
6. *Exterior features of the proposed development;*
7. *Environmental Impact Assessment, if the development is over two acres in size, pursuant to Chapter 113A of the North Carolina General Statutes, and addressing the following areas:*
 - a. *The environmental impact of the proposed action;*
 - b. *Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;*
 - c. *Mitigation measures proposed to minimize the impact;*
 - d. *Alternatives to the proposed action;*
 - e. *The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity;*
 - f. *Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.*
8. *A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following:*
 - a. *Existing traffic conditions within the study area boundary, as determined by the North Carolina Department of Transportation;*
 - b. *Traffic volumes generated by the proposed development, and other approved developments within the vicinity, and including the morning peak, afternoon or evening peak, and average annual traffic levels;*
 - c. *The distribution of existing and proposed trips through the street network;*

- d. *Analysis of capacities of intersections located within the study area boundary;*
 - e. *Recommendations for improvements designed to mitigate traffic impacts of the proposed development and to enhance pedestrian access to the development from the public right-of-way;*
 - f. *Other pertinent information including but not limited to accidents, noise, and impacts on air quality and other natural resources; and*
9. *Any other information needed to demonstrate compliance with these regulations.*

D. The site plan and any supporting text shall constitute part of the application for all purposes under this section.

5.8 Required Community Meeting

The applicant is required to hold a community meeting at least 30 days prior to the application deadline for a conditional zoning district rezoning. A written report of the community meeting must be included as part of the application packet. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement, or public or private right-of-way. Notice may be sent to additional parties by the applicant. At a minimum the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant. Earlier notice may be provided by the applicant. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting. In the event the applicant has not held at least one meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of the meeting held or a report filed pursuant to this section shall be considered by the Board of County Commissioners, but shall not be subject to judicial review.

5.9 Effect of Approval

A. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.

B. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to section 5.10.

C. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.

D. Any conditional zoning district shall have vested rights pursuant to Section 17.11.

5.10 Alterations to Approval.

A. Except as provided in Section 5.10(B), changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as amendments to these regulations and shall be processed in accordance with the procedures in this Ordinance.

B. The Planning Director shall have the delegated authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 1,000 square feet, whichever is less. For residential development increases in density are not allowed as an administrative change.

The Planning Director, however, shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Board of Commissioners action is deemed appropriate under the circumstances. If the Planning Director declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

5.11 Review of approval of a conditional zoning district.

It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the application, the Planning Board may examine the progress made toward developing the property in accordance with the approved application and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved application and conditions, the Planning Board shall forward to the Board of Commissioners a report, which may recommend that the property be classified to another district.

7.2 Definitions (pg. 7)

~~Conditional Use – A use which is permitted in a district only if a conditional use permit therefore is expressly authorized by the Board of Commissioners.~~

Conditional Zoning District – A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the

rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

7.2 Definitions (pg. 9)

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

7.2 Definitions

Multi-Family Dwelling - A residential use consisting of a building designed or constructed to contain more than one dwelling unit, including apartments.

8.9 Fees (pg. 15)

Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, ~~conditional use permits~~, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board of Commissioners. Fees established in accordance herewith shall be paid upon submission of an application or notice of appeal. (#28)

10.1 RA-5 Residential – Agricultural District (pg. 20)

B. Conditional Uses

The following uses are ~~conditional uses~~ *only permitted within a conditional zoning district* and are ~~only permitted~~ subject to the ~~issuance approval~~ *approval* of a ~~conditional use permit~~ *Zoning Ordinance amendment* by the Board of Commissioners as provided for in Section ~~15~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ *approving* a ~~conditional use permit~~ *zoning district* the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.2 RA-90 Residential – Agricultural District (pg. 24)

B. Conditional Uses

The following uses are ~~conditional uses~~ *only permitted within a conditional zoning district* and are ~~only permitted~~ subject to the ~~issuance approval~~ *approval* of a ~~conditional use permit~~ *Zoning Ordinance amendment* by the Board of Commissioners as provided for in Section ~~15~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set

forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ approving a conditional ~~use-permit~~ zoning district the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.3 RA-40 Residential – Agricultural District (pg. 28)

B. Conditional Uses

The following uses are ~~conditional-uses~~ only permitted within a conditional zoning district and are ~~only permitted~~ subject to the ~~issuance approval~~ of a ~~conditional use-permit~~ Zoning Ordinance amendment by the Board of Commissioners as provided for in Section ~~45~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ approving a conditional ~~use-permit~~ zoning district the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.4 Office and Institutional District (pg. 30)

B. Conditional Uses

The following uses are ~~conditional-uses~~ only permitted within a conditional zoning district and are ~~only permitted~~ subject to the ~~issuance approval~~ of a ~~conditional use-permit~~ Zoning Ordinance amendment by the Board of Commissioners as provided for in Section ~~45~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ approving a conditional ~~use-permit~~ zoning district the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.5 Business District (pg. 33)

B. Conditional Uses

The following uses are ~~conditional-uses~~ only permitted within a conditional zoning district and are ~~only permitted~~ subject to the ~~issuance approval~~ of a ~~conditional use-permit~~ Zoning Ordinance amendment by the Board of Commissioners as provided for in Section ~~45~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ approving a conditional ~~use-permit~~ zoning district the Board of Commissioners may impose such

additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.6 Ind-L – Light Industrial District (pg. 37)

B. Conditional Uses

The following uses are ~~conditional uses~~ *only permitted within a conditional zoning district* and are ~~only permitted~~ subject to the ~~issuance approval~~ *approval* of a ~~conditional use permit~~ *Zoning Ordinance amendment* by the Board of Commissioners as provided for in Section ~~15~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ *approving* a conditional ~~use permit~~ *zoning district* the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.7 Ind H – Heavy Industrial District (pg. 40)

B. Conditional Uses

The following uses are ~~conditional uses~~ *only permitted within a conditional zoning district* and are ~~only permitted~~ subject to the ~~issuance approval~~ *approval* of a ~~conditional use permit~~ *Zoning Ordinance amendment* by the Board of Commissioners as provided for in Section ~~15~~ 17. Certain uses as listed in the subsection may be subject to certain specific conditions as set forth in Section 15 and if permitted by the Board of Commissioners shall be subject to any such conditions as may be listed for that use. In addition, in ~~granting~~ *approving* a conditional ~~use permit~~ *zoning district* the Board of Commissioners may impose such additional conditions and safeguards that the Board may deem as reasonable and appropriate.

10.9 CD-MU – Mixed Use

A. Purpose

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

B. Minimum Size

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

C. Maximum Net Density and Built Upon Area Allowed

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

D. Net Land Area Computation

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

- 1. Land to be dedicated or set aside for public and private street right-of-way. As an option to measuring projected street right-of-way the developer may subtract 20% gross area as street right-of-way allowance regardless of the amount of land actually required for streets.*
- 2. Any area of the property located within a Special Flood Hazard Area, consistent with the Chatham County Flood Damage Prevention Ordinance.*
- 3. Any area classified as wetlands or wooded swamp by the U.S. Army Corp of Engineers.*
- 4. Water areas over one (1) acre.*
- 5. Other areas determined by the Planning Director, Planning Board, or Board of Commissioners to be unbuildable due to either physical features or regulatory authority. Typical zoning setback areas shall be considered to be buildable for purposes of this determination.*

E. Permitted Uses

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

*RA-40 Residential Agricultural district;
O&I Office and Institutional district;
B-1 General Business; and
Ind-L Light Industrial.*

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

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

F. Dimensional and Off-Street Parking Requirements

1. Standard dimensional and off-street parking requirements shall not apply. Proposed lot sizes, setbacks, building heights, and off-street parking must be specified on the site plan or accompanying text for a conditional rezoning application and be approved by the Board of Commissioners.

2. No building shall have a height greater than sixty (60) feet.

3. Exterior Boundary Setbacks

A setback of fifty (50) feet shall apply to all residential and non-residential buildings and structures along the exterior boundary of the mixed use development including any existing street right-of-way.

G. Signage

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

SECTION 15. SPECIFIC STANDARDS FOR CONDITIONAL USES PERMITS (pg. 60)

~~Permits for conditional uses as provided for in this Ordinance may be authorized by the Board of Commissioners in certain circumstances and subject to certain procedures as set forth herein. Two types of conditional uses are provided for in this Ordinance. In some zoning districts certain listed uses are permitted only as conditional uses. In the conditional use zoning districts no use is permitted except pursuant to a conditional use permit.~~

15.1-15.4 Procedure Reserved. (pgs. 60-62)

~~Requests for conditional use permits as authorized by this Ordinance shall be processed and considered in the same procedure as set forth in this Ordinance for rezoning requests and the voting procedure shall be the same as that required in zoning matters. In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board of Commissioners should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied. (#14) Conditional use permits may include time limits for expiration if specified criteria are not met.~~

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

- ~~1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.~~
- ~~2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.~~
- ~~3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.~~
- ~~4. The requested permit will be consistent with the objectives of the Land Development Plan.~~
- ~~5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations. (#17)~~

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

~~15.2 Plans~~

~~Final plans for any development to be made pursuant to any conditional use permit shall be submitted to the Planning Department for review prior to the issuance of any permits. Such review shall be for the purpose of determining compliance with the permit conditions and other Ordinance requirements.~~

~~15.3 Violations~~

~~Any violation of a term or condition of a conditional use permit shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.~~

~~15.4 Changes or Amendments~~

~~Upon request by the property owner, the Board of Commissioners may change or amend any conditional use permit, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this Ordinance for the original issuance of a conditional use permit. No proposal to amend or change any conditional use permit shall be considered within 12 months of the date of the original authorization of such permit or within 12 months of the hearing of any previous proposal to amend or change any such permit.~~

15.5 Specific Conditions for Conditional Uses Listed in Residential Districts (pg. 62)

The minimum requirements for the zoning district in which a conditional use is located shall be the minimum requirements for such conditional use. In addition, for the following conditional uses, which are listed as conditional uses in the residential districts, the listed conditions shall be imposed along with any additional conditions the Board of Commissioners may attach in the ~~granting approval~~ of a conditional use ~~zoning district amendment permit~~.

15.5 Specific Conditions for Conditional Uses Listed in Residential Districts (pg. 64)

C. Planned Residential Development

~~6. Special Design Requirements for Group Developments Within Planned Residential Developments In any case within a planned residential development where one or more residential structures containing three or more dwelling units on a single plot, or a townhouse residential development or unit ownership development, the following additional special standards shall apply:~~

~~Land Space and Building Arrangement~~

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

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

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

6. *Permitted Uses – The uses allowed in a Planned Residential Development may be selected from the permitted or conditional uses listed for the RA-40 zoning district. Multi-family dwellings may also be permitted within a Planned Residential Development. The proposed uses must be indicated in the application for a Planned Residential Development.*

17.2 Amendment Initiation (pg. 68)

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

17.3 Procedure for Submission and Consideration of Applications for Amendment (pgs. 68-69)

A. Submitted to the Planning Department

All applications for amendments to this Ordinance shall be in writing, signed and filed with the Planning Department. *A digital copy of the application and all accompanying materials shall be submitted for all zoning amendments in a format prescribed by the Planning Department.*

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

application. Completed applications shall be received a minimum of 30 days prior to the public hearing at which the proposed amendment is scheduled to be heard.

Before filing an application for the reclassification of property, the applicant is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

B. Contents of Application

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

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment.
2. A legal description of such land.
3. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.
4. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof.
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
7. Information required on the application form received from the Planning Department.
8. *In addition to items 1 through 7 above, applications for conditional zoning districts shall also include all applicable materials as required in Section 5.7 and a community meeting report as specified in Section 5.8.*

C. Conditional Use District Rezoning

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

D. Conditional Zoning District Community Meeting

Applications for a conditional zoning district amendment shall hold a community meeting pursuant to Section 5.8.

17.8 Board of County Commissioners Receives Recommendation of Planning Board

The Board of County Commissioners shall not consider the adoption of the proposed amendment until after the Planning Board makes a recommendation, or fails to make a recommendation within the time allowed.

In considering any application to reclassify property to a conditional zoning district the Board of Commissioners should consider:

(1) Whether the proposed reclassification is consistent with the objectives of all adopted land use plans;

(2) Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;

(3) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater treatment; and

(4) Whether the proposed reclassification will adversely affect known archeological, environmental, historical, or cultural resources.

17.11 Vested Rights (pg. 71)

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

(#1)

An approved conditional zoning district shall automatically have vested rights for two (2) years, provided however, that an applicant may request a vesting of up to five (5) years. The approved plans and conditions for these districts constitute, for purposes of G.S. 153A-344.1, site specific development plans.

SECTION 21. EFFECTS UPON OUTSTANDING CONDITIONAL USE PERMITS (pg. 75)

Nothing herein contained shall require any change in the plans, size or designated use of any valid conditional use permit which has been granted by the Board of Commissioners prior to the time of the adoption of this Ordinance. It is the intent of this Ordinance that all outstanding valid conditional use permits shall survive the same as if such permits, as issued and including any and all limitations and conditions, were each and every one fully described and set out herein.

21.1 Cancellation by surrender of a Conditional Use Permit.

(1) Any conditional use permit, which has been previously approved, may be offered for surrender by the property owner or his agent by submitting a written application to the Planning Director.

(2) The Planning Director will accept the offer of surrender and cancel the conditional use permit if all of the following conditions are met: (a) there are no existing zoning violations on the conditional use permit; and (b) the property is undeveloped or the existing use is permitted in the underlying zoning district.

(3) Approval of the application will result in the conditional use permit being cancelled and the property becoming subject to the existing underlying zoning district. Upon cancellation of the conditional use permit, any expansion of an existing use or any new development must conform to the all the requirements of the underlying zoning district.

(4) Following the cancellation, the designation of the previously approved conditional use permit will be removed from the Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

21.2 Termination of a Conditional Use Permit.

Any conditional use permit, which does not meet the conditions for cancellation established by Section 21.1, can be terminated by a reclassification of the property in accordance with the procedures set forth in Section 17. The granting of a zoning re-classification will terminate the previously approved conditional use permit.

21.2 Modification of an approved Conditional Use Permit.

In certain limited circumstances, modifications of an approved conditional use permit may be allowed by the Planning Director. Changes of detail which do not affect the basic relationship of the conditional use permit to the standards and requirements of the Ordinance under which it was approved, affect the conditions attached to the approval of the conditional use permit, or require a variance of the standards of the underlying zoning district may be authorized by the Planning Director.

21.3 Violations of an approved Conditional Use Permit

Any violation of a term or condition of a conditional use permit shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

2. This ordinance shall become effective upon its adoption.

Adopted this ____ day of (month), 2005.

COUNTY OF CHATHAM

BY: _____
Chair

ATTEST:

Clerk