

**ATTACHMENT 2: Proposed Ordinance Amendments**

**Utility Lots:**

Zoning Ordinance

1. Add definition for Minor Utilities and Major Utilities, Section 7, Definitions

*Minor Utility: Any above-ground structures or facilities owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3(23) of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Examples include, but are not limited to, pump stations, community well houses and above ground utility cabinets. Excepted from this definition are Major Utilities.*

*Major Utility: All utility facilities other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, uses such as electrical substations. This definition excludes public utility transmission lines.*

2. Exempt minor utilities from minimum lot size in Sections 10.1-10.10

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

3. Remove existing public utility language in Section 10.13, Table 1: Zoning Table of Permitted Uses and add new public utility categories.

Zoning District	R5	R2	R1	O&I	B-1	NB	CB	RB	IL	IH
<i>Public utility facilities serving regional areas</i>									<i>P</i>	<i>P</i>
<i>Public utility facilities which are designed for and required to serve the</i>	<i>P</i>	<i>P</i>	<i>P</i>							

<i>neighborhood and the uses in the district and nearby areas and which because of specific site criteria are required to locate in the district and which because of their limited scope or size should have minimum impact on other permitted uses when compared to public utility facilities designed and required to serve large areas or regions</i>										
<i>Public utility service and storage yards</i>									<i>P</i>	<i>P</i>
Public utility transmission lines	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Minor Utilities (Any noise producing equipment or generators must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Major Utilities</i>									<i>P</i>	<i>P</i>

Watershed Ordinance

- Add definition for Minor Utilities and Major Utilities to Section 109, Definitions

*Minor Utility: Any above-ground structures or facilities owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3(23) of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Examples include, but are not limited to, pump stations, community well houses and above ground utility cabinets. Excepted from this definition are Major Utilities.*

*Major Utility: All utility facilities other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, electrical substations and wastewater treatment plants. This definition excludes public utility transmission lines.*
- Add subsection (c) to Sections 302, Watershed Areas Described, exempting minor utilities from minimum lot size requirements.

*302 (A)(2)(c); 302 (B)(2)(c); 302 (C)(2)(c); 302 (D)(2)(c); 302 (E)(2)(c); 302 (F)(2)(c); 302 (G)(2)(c); 302 (H)(2)(c)*

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

### Subdivision Regulations

1. Add definition for Minor Utilities and Major Utilities to Section 2, Definitions
2. *Minor Utility: Any above-ground structures or facilities owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3(23) of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Examples include, but are not limited to, pump stations, community well houses and above ground utility cabinets. Excepted from this definition are Major Utilities.*

*Major Utility: All utility facilities other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, electrical substations and wastewater treatment plants. This definition excludes public utility transmission lines.*

3. Add subsection (5) to Section 7.4 Lots (C) Minimum Lot Dimensions and Areas  
*(5) Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area.*
4. Add plat note for the utility lot exception to Section 11 Appendix A: Certification Forms for Initial and Final Approvals, Final Plat.

#### Form 15

*Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area per Section 7.4 Lots (C) (5).*

## **Accessory Dwelling Units:**

### Zoning Ordinance

Modify existing Accessory Dwelling Unit maximum size to 1,500 sq. ft. Section 7, Definitions.

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

### Subdivision Regulations

Add a definition for Accessory Dwelling Unit, similar to the Zoning Ordinance to Section 2, Definitions

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

### Watershed Ordinance

Add a definition for Accessory Dwelling Unit, similar to the Zoning Ordinance to Section 109, General Definitions

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

### Impact Fee Ordinance

1. Replace current Accessory Dwelling Unit definition in Section II, Definitions, with one matching Zoning/Subdivision/Watershed Ordinances.

~~*Accessory Dwelling Unit* - A guest house, garage apartment, in-house apartment, a dwelling unit that is smaller than the principal residential dwelling, but is secondary and incidental to the principal residential use of the property. The accessory dwelling unit is situated on the same lot as the principal residence and may be located within the principal residence or in a separate building. An accessory dwelling unit shall contain no more than 1,000 square feet of heated space and shall not be larger than 2/3 the size of the heated space of the principal residence, whichever is less. An accessory dwelling unit may not be the residence of more than two adult occupants. An accessory dwelling unit must be constructed at the same time as, or subsequent to, the principal residential dwelling unit.~~

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

### **Miscellaneous Amendments:**

#### Zoning Ordinance

1. Add “essential and desirable” finding to the Section 5 Conditional Zoning Districts, 5.3 General Requirements, A. Application
  1. 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.
  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.
  3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.
  4. *The requested amendment is either essential or desirable for the public convenience or welfare.*

5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
  6. Information required on the application form received from the Planning Department.
2. Add 1.5 acre minimum lot size requirement for lots without county water to Section 10 Schedule of District Regulations (10.3; 10.4; 10.5; 10.6; 10.7; 10.8; 10.9) B. Dimensional Requirements.

#### B. Dimensional Requirements

Minimum Required Lot Area- 40,000 square feet *or 65,340 square feet for lots without Public Water and Sewer.*

3. Remove language from the Accessory Structure definition, which allows an accessory structure to be built prior to the principal structure. Section 7, Definitions.

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

#### Subdivision Regulations

1. Add the following forms to Section 11 Appendix A: Certification Forms for Initial and Final Approvals.

#### *Stream Buffers*

##### *Form 16*

*Field location to locate perennial, intermittent and ephemeral stream, perennial water bodies, and wetlands has been completed by Chatham County. This property is not subject to Chatham County riparian buffer requirements.*

##### *Form 17*

*Jurisdictional and permanence of the features shown has been determined by Chatham County. Required buffers were measured landward from the outer limit of jurisdiction. Chatham County Watershed Protection Ordinance provides descriptions of allowable uses within protected buffer areas. This property is subject to Chatham County buffer requirements.*

##### *Form 18*

*This property is subject to the Chatham County Watershed Protection Ordinance and all applicable provisions thereof. Site verification of all surface waters must be conducted by a*

*qualified environmental professional, as described in Section 304(B) of the ordinance, prior to any ground-disturbing activities. Regulated surface waters and protected buffer areas must be depicted on all future development plans.*

#### Form 19

*Jurisdiction and permanence of the features shown has been determined by (insert name of environmental professional). Required buffers were measured landward from the outer limit of jurisdiction. Chatham County Watershed Protection Ordinance provides descriptions of allowable uses within protected areas. This property is subject to Chatham County buffer requirements.*

#### Stormwater

#### Form 20

*Development or redevelopment of a Minor Subdivision or an individual residential lot cumulatively exceeding 20,000 square feet of land disturbance shall comply with Section 165.045 (E) (d) and (e) [formerly Section 400 (5) (d) and (e)] of the Chatham County Stormwater Ordinance.*

2. Amend Section 5 Procedure for Subdivisions, 5.2 Major Subdivisions, C. First Plat, 2. Review of Environmental, Historical Structures and Cemeteries to require applicants produce copies of preliminary federal reports regarding wetlands and streams as well as the required riparian buffer delineations. Add subsection (d), which outlines the submittal requirements for the above mentioned items.

#### (2) Review of Environmental, Historical Structures and Cemeteries Information

Prior to submittal of the First Plat to the Planning Department, the applicant shall submit the required environmental information to the Environmental Quality Department for review. Depending on the number of proposed lots, the applicant is required to submit either general environmental documentation or an Environmental Impact Assessment. *In addition, the applicant is required to submit copies of State, Federal and County reports regarding wetlands, streams and riparian buffer delineations to the Environmental Quality Department if natural water resources and riparian buffers are existing on the property.* At this time the applicant shall also notify the Chatham County Historical Association of the presence of any historical structures or cemeteries on or adjacent to the property.

#### *d. Existing Natural Water Resources and Riparian Buffers Reports*

*(1) The applicant shall submit a copy of the State and Federal reports regarding wetlands and stream delineations.*

*(2) The applicant shall submit a copy of the County report regarding riparian buffer delineations.*

3. Amend Section 6.2 Additional First Plat Information B. Environmental Impact Assessment subsections 4 and 10 to provide consistency with the environmental submittal requirements of First Plat.

4) *Existing Natural Water Resources* ~~Wetlands~~

- *Show on a map riparian buffers (locations and widths), wetlands, and ponds and watercourses (with name and direction of flow). Also show the special flood hazard areas.* ~~Indicate whether wetlands are present, describe the basis for this determination and the identity of the person who made the determination.~~
- *Provide a copy of the State and Federal reports regarding wetlands and stream delineations.* ~~Show identified wetlands on a map, and describe all relevant details, such as acreage, types, delineation, function, etc.)~~
- *Provide a copy of the County report regarding riparian buffer delineations.* ~~If wetlands are to be filled, specify the number of acres that will be affected.~~
- *Provide a table of all anticipated temporary and permanent impacts to existing natural water resources and riparian buffers and discuss how the potential impacts will be avoided and minimized through alternative selection design strategies, construction methods, and long-term maintenance procedures. For unavoidable impacts, describe proposed mitigation.* ~~List all required permits and permitting agencies.~~
- ~~If any diversions/additions/withdrawals of surface water will affect wetlands, describe those activities.~~

10) ~~Surface and Groundwater Resources~~ *and Watershed Area* ~~(discuss separately)~~

- ~~Identify and provide a map of surface waters in the project area. Describe groundwater (aquifers) in the project area.~~
- Discuss any known groundwater quality issues.
- ~~Include names, locations, classifications, and use support ratings for surface waters.~~
- Specify and show on a map the river basin in which the project is located.
- ~~Discuss any known groundwater quality issues.~~
- *List the type(s) of Watershed Area(s) on the property and show on a map.*
- Discuss drinking water sources.

4. Amend Section 3.1B Adequate Security and Section 3.2B Inspection of Improvements to include Registered Landscape Architect.

**B. Adequate Security**

- (1) When seventy-five (75) percent of the improvements based on the total estimated cost of the improvements to be installed have been completed, all weather access for emergency vehicles has been provided, and waterlines are completed and ready for acceptance by the County if public water is available; upon request the County may enter into a contract with the applicant under which the applicant agrees to complete all required improvements. Once the contract has been executed by the County and the applicant and the security required herein is provided, the final plat may be signed and recorded if all requirements of this Ordinance, except the completion of the improvements, have been met. To secure the obligation under the contract, the applicant shall provide any one or a combination of the guarantees set forth below to cover the costs of the uncompleted improvements. The amount of the security shall not be less than 150% of an amount determined by a licensed architect, *registered landscape architect*, registered engineer, surveyor, or licensed contractor acceptable to the County as sufficient to secure to the County the satisfactory construction, installation, and dedication of the incomplete portion of required improvements including labor and material payments. The security shall also assure all lot improvements on the individual lots of the subdivision as required in these regulations.

**B. Certificate of Satisfactory Completion**

- (1) The County will not accept the required improvements, nor will an authorized agent of the County release or reduce said security, until the District Engineer of the North Carolina Department of Transportation (NCDOT), or other appropriate authority, has submitted a certificate stating that all required public street improvements have been satisfactorily completed, or until an engineer, surveyor, *licensed architect*, *registered landscape architect*, or contractor acceptable to the County has certified that all other required improvements have been completed in conformity with the requirements of this ordinance. Upon such certification, the County may thereafter accept the improvements in accordance with the established procedure and release the financial guarantee.

Watershed Ordinance

1. Add 1.5 acre minimum lot size requirement for lots without sewer/water to Section 302 Watershed Areas Described to be consistent with Subdivision Regulations and Zoning Ordinance.

*302 (A)(2)(a); 302 (B)(2)(a); 302 (C)(2)(a); 302 (D)(2)(a); 302 (E)(2)(a); 302 (G)(2)(a); 302 (H)(2)(a)*

No residential lot shall be less than 40,000 square feet *or 65,340 square feet for lots without Public Water and Sewer*, except within an approved cluster development.