

18

SUBMITTAL REQUIREMENTS

Public Review Draft | June 24, 2024

RECODE
CHATHAM | UNIFIED
DEVELOPMENT
ORDINANCE

CONTENTS

CHAPTER 18 SUBMITTAL REQUIREMENTS..... 4

18.1 GENERAL PROVISIONS 4

18.1.1 PURPOSE 4

18.1.2 FORMAT OF APPLICATIONS 4

18.1.3 AUTHORIZATION OF AGENT 4

18.1.4 APPLICATION CHECKLISTS..... 4

18.1.5 PERMITS REQUIRED BY OTHER AGENCIES..... 5

18.1.6 FEES..... 5

18.2 HISTORICAL & CULTURAL RESOURCES DOCUMENTATION 5

18.3 ENVIRONMENTAL DOCUMENTATION 7

18.4 ENVIRONMENTAL IMPACT ASSESSMENTS 7

18.4.1 PURPOSE 7

18.4.2 APPLICABILITY..... 7

18.4.3 EXEMPTIONS 8

18.4.4 EIA SUBMITTAL REQUIREMENTS 9

18.4.5 ROLE OF EIA IN DEVELOPMENT REVIEW PROCESS 15

18.5 TRAFFIC IMPACT ANALYSES 16

18.5.1 PURPOSE 16

18.5.2 APPLICABILITY..... 16

18.5.3 DEVELOPMENT PHASING & REDEVELOPMENT 17

18.5.4 THRESHOLDS & TYPE OF ANALYSIS REQUIRED 17

18.5.5 ROLE OF TIA IN DEVELOPMENT REVIEW PROCESS 20

18.6 SPECIAL STUDIES 20

18.6.1 PURPOSE 20

18.6.2 APPLICABILITY 20

18.6.3 PROCEDURE 22

CHAPTER 18 SUBMITTAL REQUIREMENTS¹

18.1 GENERAL PROVISIONS

18.1.1 PURPOSE

This Chapter establishes the information applications must include to be considered complete for review under [Chapter 12: Procedures](#).

18.1.2 FORMAT OF APPLICATIONS

- A. **Digital Copies Required.** The applicant shall submit one complete digital copy of all application materials in accordance with the [Digital Document Submission Guidelines](#).
- B. **Paper Copies May Be Required by Staff.** The applicant shall also provide paper copies of all application materials if requested by the Planning Department. Applicants should submit double-sided copies whenever practical.²

18.1.3 AUTHORIZATION OF AGENT

If an agent of a property owner submits any application on the owner's behalf, the application must include a signed [Authorized Agent for Legal Representation Form](#) or the owner must sign the application.

18.1.4 APPLICATION CHECKLISTS

The Planning Department maintains application submittal requirements checklists for each type of procedure described in [Chapter 12: Procedures](#). Each application must include all elements required by this Chapter, Chapter 12, and the applicable checklist.

¹ See discussion of proposed changes in the [Audit Report](#) (pp.95-97).

² Last sentence carries forward a portion of SR 6.1 *First Plat*.

18.1.5 PERMITS REQUIRED BY OTHER AGENCIES³

- A. **Proof of Permits to be Provided With Application.** The applicant for any procedure established in [Chapter 12: Procedures](#) must submit one complete digital (PDF) copy of all final approvals required from any other local, state, and/or federal permitting agencies. All approvals must be demonstrated to be up-to-date and in effect.
- B. **Permit Not Issued at Time of Application.** In cases where final permitting agency approval has not been rendered at the time a County application is submitted, the applicant shall provide one complete digital (PDF) copy of the application submitted to other permitting agencies. Once final approval is received, the applicant shall provide one complete digital (PDF) copy of the permit to County staff prior to the start of operations.

18.1.6 FEES⁴

- A. Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice, and similar matters may be charged to applicants to process the applications for the procedures established in [Chapter 12: Procedures](#).
- B. The fee amounts are set forth in the County's annual budget or are established by resolution of the Board of Commissioners. The Planning Department maintains a [fee schedule](#) for UDO-related applications and other administrative fees.
- C. An applicant must pay all applicable fees at the time of application submittal.

18.2 HISTORICAL & CULTURAL RESOURCES DOCUMENTATION⁵

- A. **Purpose.** The documentation required by this Section is intended to identify historical and cultural resources on a proposed development site early in the development process so they can be catalogued and preserved, if possible.

³ This Section states that, when a proposed development or use requires approval by another local, state, or federal agency, the applicant must provide proof of such approval (or pending approval) in conjunction with the relevant County application.

⁴ Carries forward and consolidates ZO Section 8.9 *Fees* and SR Section 1.15 *Fees* with minor edits to simplify the language.

⁵ This new requirement implements recommendations from the Chatham County Historical Association.

- B. **Applicability.** This Section applies to:
1. Any Major Subdivision Sketch Plan application for a proposed development with 49 or fewer lots that does not require submittal of an Environmental Impact Assessment (see 18.4: Environmental Impact Assessments); and
 2. All Minor Subdivision applications.
- C. **Baseline Historical & Cultural Resources Survey Map.** The applications subject to this Section must include a Baseline Historical & Cultural Resources Survey Map that contains:
1. Tax parcel identification numbers for all parcels making up the subject property and those for all adjacent properties;
 2. Locations and approximate extents of known cemeteries or burial sites on the subject property and within 100 feet of all lot lines;
 3. Approximate locations of structures (e.g., buildings, houses, barns, sheds, and other outbuildings) on the subject property; specifically label structures noted on the maps of the North Carolina State Historic Preservation Office database (HPOWEB) and the County's GIS;
 4. The locations of features such as old road traces, foundations, walls, chimneys, wells, water courses, and disturbed areas; and
 5. Old deed and survey/plat references on the map.
- D. **Additional Requirements for Major Subdivision Sketch Plan Applications.** In addition to the Baseline Historical & Cultural Resources Survey Map, all Major Subdivision Sketch Plan applications subject to this Section must include:
1. A short description of the subject property, including significant finds during the field survey, including photos of all items noted on the Baseline Historical & Cultural Resources Survey Map;
 2. The approximate age and conditions of any structures;
 3. Thorough documentation of cemeteries/burial sites, ideally by a professional archaeologist using the N.C. Cemetery Site Form. Alternatively, the applicant may use the [Citizen's Cemetery Form](#). The Chatham County Historical Association can assist with documentation; and

4. If applicable, describe specific cemetery and burial site protection measures to be employed, including the required cemetery buffer (see [Section 6.2: Cemetery Buffers](#)), and indicate how the cemetery will be maintained in accordance with [Section 6.4: Long-Term Preservation & Maintenance](#).

18.3 ENVIRONMENTAL DOCUMENTATION

- A. **Applicability.** This Section applies to any Conditional District Rezoning application and any Major Subdivision Sketch Plan application for a proposed development with 49 or fewer lots that does not require submittal of an Environmental Impact Assessment (see 18.4: Environmental Impact Assessments).
- B. **Environmental Documentation Required.** All applications subject to this Section must include the information required by the [General Environmental Documentation Submittal Form](#) developed by the Watershed Protection Department.

18.4 ENVIRONMENTAL IMPACT ASSESSMENTS⁶

18.4.1 PURPOSE

As authorized by N.C.G.S. [§ 113A-8 Major development projects](#), the County requires Environmental Impact Assessments (EIA) to determine the effect new major developments may have on natural, historical, and cultural resources. EIAs are used as information in the development review process for certain conditional zoning districts and major subdivisions.

18.4.2 APPLICABILITY

- A. An Environmental Impact Assessment (EIA) is required in conjunction with any of the application types specified in 18.4.2B.1 through 18.4.2B.4, below, if the proposed development:
 1. Consists of 10 or more contiguous acres in extent; and
 2. Disturbs 10 or more acres.

⁶ Carries forward and consolidates ZO Section 11.3 *Environmental Impact Assessment* and SR Section 6.2.B *Environmental Impact Assessment* (Additional First Plat Information).

- B. The following application types require submittal of an EIA if the proposed development meets the threshold specified in 18.4.2A, above:
1. A Conditional District Rezoning application for a new conditional district;
 2. A Conditional District Rezoning application that involves a physical expansion of the project approved under an existing Conditional Zoning District.
 - (a) A physical expansion that is less than 10 contiguous acres in extent or disturbs less than 10 acres is subject to this Section, if substantial work has not begun on the approved project and the expansion together with the approved project will exceed 10 contiguous acres in extent and disturbs 10 or more acres.
 - (b) Physical expansion means the addition of new property or acreage to an area covered by an existing Conditional Zoning District.
 - (c) This requirement also applies to conversions of existing Conditional Use Zoning Districts to Conditional Zoning Districts;
 3. A Major Subdivision Sketch Plan application for a non-residential development, excepting bona fide farm activities; and
 4. A Major Subdivision Sketch Plan application for a residential development that will include 50 or more lots or 50 or more dwelling units, whether detached or attached single-family residences or in a multi-family structure or structures.

18.4.3 EXEMPTIONS

- A. A project for which a detailed statement of the environmental impact of the project is required pursuant to N.C.G.S. [§ 113A-4\(2\)](#) or [42 U.S.C. § 4332\(C\)](#), or for which a functionally equivalent permitting process is required by federal or State law, regulation, or rule, is exempt from the requirement of this Section if a copy of any such detailed statement of environmental impact or of any application(s) for a functionally equivalent permitting process on which an exemption is claimed is provided to the County in conjunction with the application that would otherwise require an EIA.
- B. A project for which no environmental document is required pursuant to N.C.G.S. [§ 113A-12](#) is exempt from the requirements of this Section.

18.4.4 EIA SUBMITTAL REQUIREMENTS⁷

The Environmental Impact Assessment document must include the following information, as applicable:

A. **Proposed Project Description and Need.**

1. Describe the overall project in detail, including all proposed phases;
2. Provide a project location map showing surrounding areas;
3. Provide a project site plan showing existing and proposed facilities;
4. Describe how this project fits into larger plans or connects with adjacent projects;
5. List and describe any public facilities or public benefits provided by the project;
6. Discuss the land acreage to be disturbed during each phase;
7. List square footage and height (in stories) of new buildings;
8. Describe proposed uses of all buildings and proposed facilities;
9. Show number of parking spaces in parking lots and decks;
10. Show areas to be cleared, graded, filled, paved, and landscaped;
11. Show connections to existing utility and sewer lines or new utilities;
12. Show wastewater management systems on a map;
13. Show proposed areas of impervious and semi-pervious surfaces; and
14. Show and describe any proposed stormwater control devices.

B. **Alternatives Analysis.**

1. Discuss and compare all reasonable development alternatives (site selection, facility layout, utilities, stormwater management, construction methods, open space preservation, any other pertinent alternative considerations); and

⁷ This Subsection carries forward the current submittal requirements without edits, since an attorney and the County's Environmental Review Advisory Committee developed the requirements.

2. Discuss how the preferred alternative was selected and its benefits relative to other alternatives (including a no-build alternative, if applicable).

C. **Existing Environment and Project Impacts.**

1. *Generally.* For each resource topic below, describe:
 - (a) Existing resources and conditions;
 - (b) Anticipated direct impacts (short-term construction impacts, and long-term operation impacts);
 - (c) Discuss how potential impacts to the resource will be avoided and minimized through alternative selection, design strategies, construction methods, and long-term maintenance procedures;
 - (d) For unavoidable impacts, describe whether any compensatory mitigation is planned or required.
2. *Geography.*
 - (a) Discuss the geographic setting, geology, and topography of the project area and adjacent areas;
 - (b) Provide a topographic map of the property and surrounding area, use the County GIS website topography (2-foot contour interval) data at a scale appropriate for the project size (e.g., 1 inch = 100 feet).
 - (c) Identify any 100-year floodplains (FEMA Special Flood Hazard Areas) on or adjacent to the property. If present, provide an appropriate-scale map of these flood-prone areas defined by the [N.C. Floodplain Mapping Program](#);
 - (d) Show areas that will be graded or filled and provide estimated cut/fill volumes; and
 - (e) If the project includes pond or dam work, show areas that will be flooded.
3. *Soils and Prime Farmlands.*
 - (a) Identify dominant soils in the project area (County GIS or NRCS website) and show on a map;

- (b) Discuss any soil constraints (fill, wetland soils, septic suitability, slopes, etc.), and indicate those areas on a map;
 - (c) Describe any soil disturbance or contamination expected as a result of this project;
 - (d) If contamination is expected, discuss containment plans and procedures;
 - (e) If soil will be relocated, specify the number of square yards/feet to be moved and its relocation site;
 - (f) Describe runoff management plans for the project;
 - (g) If soil disturbance is proposed, describe the off-site impacts expected from this activity;
 - (h) Provide a map of any prime or unique farmland soils in the project or service areas, and include references used to make this determination; and
 - (i) Describe impacts to prime or unique farmland soils, including acreage estimates of lost farmland soils and retained farmland soils.
4. *Land Use.*
- (a) Provide a map showing current use of land on the site and surrounding properties;
 - (b) Discuss how the current land use fits into the surrounding area (conservation, development, ecological function, etc.);
 - (c) Provide the current zoning of the project site and the surrounding area;
 - (d) Discuss how the proposed uses fit into the intended land use of the area (e.g., conservation, development, ecological function, quality of life); and
 - (e) Indicate whether zoning or local land use plans will need to be changed after project completion.
5. *Existing Natural Resources.*

- (a) Depict on a map riparian buffers (locations and widths), wetlands, ponds, watercourses (with name and direction of flow), and special flood hazard areas;
 - (b) Provide a copy of the State and Federal reports regarding wetlands and stream delineations;
 - (c) Provide a copy of the County report regarding riparian buffer delineations; and
 - (d) 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.
6. *Public Lands and Scenic, Recreational, and State Natural Areas.* Provide a map of County or municipal parks, scenic, recreational, or state natural areas (SNHAs, State or Federal Forests, etc.) on or adjacent to the site/project area.
7. *Areas of Archaeological or Historical Value.*⁸
- (a) Include the Baseline Historical & Cultural Resources Survey Map described in 18.2: Historical & Cultural Resources Documentation;
 - (b) Discuss any archaeological or historical studies of the project location and provide relevant references;
 - (c) Describe and identify on a map any structures (e.g., walls, buildings, etc.) on the site and provide estimated ages of those structures;
 - (d) Provide a full description of the on-site field reconnaissance survey conducted for the entire site by a qualified expert (e.g., a cultural resource firm);
 - (e) Indicate the approximate age and conditions of any existing structures;

⁸ Incorporates additional items recommended by the Chatham County Historical Association (in (a), (d), (e), (f), (g), and (i)).

- (f) Describe through field notes, measurements, and digital photos any items (or remains of any items) identified during the field survey, or during the title search and/or aerial photo analysis, as well as any other items of potential historic or cultural interest, such as graves, evidence of Native American habitation, old foundations, walls, road traces, disturbed sites, etc.;
 - (g) If the project area includes cemeteries or burial sites, include complete documentation of those sites on the State Cemetery Site Form;
 - (h) Describe all impacts to any archaeological or historical resources in the proposed project area;
 - (i) Describe, if applicable, specific measures to be employed to protect and maintain cemeteries and burial sites, including buffers, fencing, signs, etc. A certified professional archaeologist should determine the extent of cemeteries to ensure that all graves are included within the protected area—especially if fencing or nearby land disturbance for roads, paths, or structures could possibly impact the site. If cemeteries are to be maintained by an HOA, specify the requirements and resources the HOA will have to maintain the site;
 - (j) Describe plans for demolishing or rebuilding any structures; and
 - (k) Provide relevant correspondence with the Chatham County Historical Association and N.C. State Historic Preservation Office.
8. *Air Quality.*
- (a) Describe the project's impacts on ambient air quality;
 - (b) Describe plans for any open burning during or after construction;
 - (c) Indicate the number of proposed parking spaces, if applicable;
 - (d) Describe whether the project will increase odor levels, or the likelihood of odor complaints; and
 - (e) Provide a copy of any required traffic studies.
9. *Noise Levels.*
- (a) Discuss current noise levels; use a benchmark, if possible;

- (b) Describe any increases in noise levels expected from this project;
 - (c) Specify the distance at which the increased noise will be heard;
 - (d) Discuss whether surrounding properties will be affected by noise levels; and
 - (e) If commercial uses are proposed, specify the hours of operation.
10. *Light Levels.* Describe exterior lighting plans for the project, including how lighting will impact adjacent residents and wildlife.
11. *Surface and Groundwater Resources and Watershed Area.*
- (a) Describe groundwater (aquifers) in the project area;
 - (b) Discuss any known groundwater quality issues;
 - (c) Specify and show on a map the river basin in which the project is located;
 - (d) List the type(s) of Watershed Area(s) on the property and show a map; and
 - (e) Discuss drinking water sources.
12. *Fish and Aquatic Habitats.*
- (a) Describe fish and aquatic habitats in and adjacent to the site/project area; and
 - (b) Discuss impacts to fish and aquatic life and their habitats, including a map showing those habitats.
13. *Wildlife and Natural Vegetation.*
- (a) Describe and provide a map of natural community types on and adjacent to the site/project area;
 - (b) List the species of dominant plants and animals observed on the site that typify those communities;
 - (c) Evaluate and discuss whether suitable habitat exists for rare, threatened, and/or endangered species, as described by the N.C. Natural Heritage Program;

- (d) If wildlife will be displaced, discuss any limitations of adjacent areas to support them;
- (e) Identify, list, and describe the distribution of the invasive species present on the site [see [Appendix B: Invasive Plants](#)]; and
- (f) If forests will be cleared, discuss the extent of planned deforestation, and specify the forestry methods to be used, including BMPs.

14. *Hazardous Materials.*

- (a) List all hazardous materials to be stored or introduced during construction or operation; and
- (b) For each hazardous material, other than in de minimis quantities or for routine housekeeping purposes, describe the procedures to be used to ensure their proper management, storage, and disposal.

- D. **References.** Provide references to additional reports, materials, etc. as needed.
- E. **Exhibits (maps, figures, tables, photos, etc.).** Include any exhibits relevant to the information required by this Subsection.
- F. **State and Federal Permits Required.** Include a list of any required state or federal permits.

18.4.5 ROLE OF EIA IN DEVELOPMENT REVIEW PROCESS

The Board of Commissioners receives the EIA and all related comments from reviewing bodies (see [Chapter 12: Procedures](#)) as information only. The information presented may be used only to determine compliance with specific development standards established in this UDO.

18.5 TRAFFIC IMPACT ANALYSES⁹

18.5.1 PURPOSE

- A. A traffic impact analysis is a specialized engineering study that evaluates the effects of a proposed development on the surrounding transportation network. These analyses range in detail and complexity depending on the type, size, and location of the proposed development.
- B. Reviewing and decision-making bodies use a traffic impact analysis in their evaluation of a proposed development.

18.5.2 APPLICABILITY

- A. **Application Types.** A Level 1 or Level 2 Analysis is required in conjunction with all of the following application types if the proposed development meets the thresholds specified in 18.5.4: Thresholds & Type of Analysis Required:
 - 1. A Conditional District Rezoning application for a new conditional district;
 - 2. A Conditional District Rezoning application that involves a physical expansion of the project approved under an existing Conditional Zoning District;
 - 3. A Major Subdivision Sketch Plan application for a non-residential development, excepting bona fide farm activities; and
 - 4. A Major Subdivision Sketch Plan application for a residential development.
- B. **Exception.** When an applicant has already completed a traffic impact analysis for the proposed development through another approval process, an additional traffic impact analysis is not required. For example, if the applicant completes an analysis as part of a conditional district rezoning, another analysis is not required for a major subdivision sketch plan for the same development.

⁹ ZO Section 5.3B(3) [Conditional Zoning Districts] allows the County to request an applicant provide a TIA. This Section proposes to require TIAs for conditional districts and major subdivisions. The NCDOT already requires TIAs for developments that are projected to generate 3,000+ average daily trips.

18.5.3 DEVELOPMENT PHASING & REDEVELOPMENT

A. **Phased Developments.**

1. Development projects shall not be phased or subdivided in order to avoid the requirement to conduct a traffic impact analysis. The Zoning Administrator may consider two or more developments represented as separate projects to be a single development for the purposes of traffic impact analysis. This determination shall consider the following factors, which may indicate a common development effort:
 - (a) Unified ownership or common management of the developments;
 - (b) Voluntarily shared infrastructure or infrastructure that is specifically designed to accommodate both developments;
 - (c) A reasonable closeness in time between the construction of one development and the submission to the County of an application for a subsequent development;
 - (d) A common advertising scheme or promotional plan for the developments; and
 - (e) Any information provided by the applicants indicating the development projects are not being phased or subdivided to avoid the requirements of this Section.
2. In phased developments, a traffic impact analysis is required if:
 - (a) The projected vehicle trip generation for the proposed phase meets the minimum threshold requirements; or
 - (b) The projected vehicle trip generation for the proposed phase, in addition to the trips associated with earlier phases, meets the minimum threshold requirements.

- B. **Redevelopment.** For redevelopment projects, trip generation thresholds are defined as the number of net new trips projected to be generated by the proposed development over and above the number of trips generated by the current use of the site.

18.5.4 THRESHOLDS & TYPE OF ANALYSIS REQUIRED

A. **Thresholds.**

1. A Level 1 or Level 2 traffic impact analysis is required based on the number of average daily trips (ADT) the proposed development is projected to generate, as indicated in Table 18.5.4-1: *Type of Analysis Required*.
2. Prior to final approval of the associated application, the Board of Commissioners may require a development that is projected to generate less than 3,000 ADT to conduct a Level 2 analysis if the proposed development:
 - (a) Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed development indicated by factors other than ADT;
 - (b) Affects a location with a high vehicle crash history;
 - (c) Takes place at a high congestion location;
 - (d) Creates the fourth leg of an existing signalized intersection; or
 - (e) Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

Table 18.5.4-1: Type of Analysis Required

Type of Analysis	Threshold
Level 1 – Trip Generation Memo	≥ 500 ADT to < 3,000 ADT
Level 2 – Traffic Impact Analysis	≥ 3,000 ADT

Key: ADT = average daily trips

- B. **Land Uses Unknown at Time of Application Submittal.** When the final land uses are unknown at the time of application submittal, the applicant shall submit an analysis for a likely mix of land uses based on:
 1. The uses allowed in the zoning district; and
 2. The applicant’s analysis of the market.
- C. **Level 1 Analysis – Trip Generation Memo.**
 1. *Purpose.* A Level 1 analysis is intended as information for review and decision-making bodies and to identify whether further analysis is needed based on unique site attributes or development characteristics.
 2. *Contents.* A trip generation memo includes, at a minimum, all of the following information, as applicable:

- (a) General site information (location, acreage, current and proposed zoning);
- (b) Existing and proposed use(s);
- (c) Square footage of existing and proposed non-residential structures;
- (d) Number and type of existing and proposed dwelling units;
- (e) Description of all known land uses and structures located on the site for the five years preceding the date of the trip generation memo, regardless of whether the land use or structure still exists on-site;
- (f) Existing and proposed trips associated with the site;
- (g) Description of anticipated impacts on the transportation network and site access points; and
- (h) A list of all previous traffic impact analyses conducted for the site.

D. **Level 2 Analysis – Traffic Impact Analysis.**

1. *Purpose.* A Level 2 analysis is intended:
 - (a) As information for the review and decision-making bodies;
 - (b) To quantitatively assess the nature and extent of the proposed development's impact on the transportation network; and
 - (c) To identify transportation improvements (and their associated costs) that would offset the proposed development's impact on the transportation network.
2. *Contents.* A Level 2 Analysis:
 - (a) Must follow [NCDOT Traffic Impact Analysis requirements](#) and include consideration for non-motorized and public transportation; and
 - (b) Is prepared in consultation with the NCDOT District Engineer.

- E. **Preparation by Professional Engineer Required.** A professional engineer registered in the State of North Carolina that specializes in transportation and has experience preparing TIAs must prepare the Level 1 or Level 2 analysis.

18.5.5 ROLE OF TIA IN DEVELOPMENT REVIEW PROCESS

- A. The Board of Commissioners receives the TIA as information only. The information presented may be used only to determine compliance with specific development standards established in this UDO.
- B. However, as specified in 18.5.4A: *Thresholds*, the Board of Commissioners may require a development that is projected to generate less than 3,000 ADT to conduct a Level 2 analysis.

18.6 SPECIAL STUDIES¹⁰

18.6.1 PURPOSE

- A. In the administration of this UDO, reviewing and decision-making bodies occasionally will consider proposed land uses with the potential to have unusually significant impacts on adjacent lands and resources and other members of the community.
- B. In those cases, additional study is needed to demonstrate how the potential negative impact of these uses will be mitigated.
- C. A special study is used to help determine whether a use is consistent with the findings required by 12.11.8.C.

18.6.2 APPLICABILITY¹¹

- A. This Section applies to the following land uses, which must be located in a conditional zoning district (see [Chapter 3: Use Regulations](#)):

¹⁰ This Section carries forward ZO Section 17.9 *Additional Information for Certain Special Use Permits*. and *requires* a special study for the listed land uses (the current language appears to provide discretion for the County to determine whether a study is required for these uses).

Since the release of the Public Review Draft of Chapter 3: *Use Regulations*, staff and the consultant team have proposed to eliminate the Special Use Permit (SUP) process. All uses currently designated as "S" (Special Uses) in Section 3.2: *Principal Use Tables* will instead require rezoning to a conditional use district. This will necessitate revisions to Chapter 2: *Zoning Districts* to establish another type of conditional use zoning district. This also will change the process to establish these uses from a quasi-judicial procedure to a legislative procedure.

¹¹ This Section applies to all land uses subject to ZO Section 17.9 *Additional Information for Certain Special Use Permits*, except:

1. All restricted industrial uses¹²;
 2. Aviation/aerospace equipment, engine, and instrument manufacturing and/or assembly;
 3. Coal or coke yards;
 4. Cosmetics and perfume manufacturing;
 5. Electric light or power generating station;
 6. Flammable liquids - bulk plants and storage;
 7. Garbage and waste incinerators (except hazardous waste);
 8. Mining;
 9. Natural gas compressor station;
 10. Non-metallic mineral product manufacturing;
 11. Oil and gas exploration, development and production;
 12. Pharmaceutical products manufacturing;
 13. Sanitary landfill, excluding the burning of trash outdoors; and
 14. Semiconductor manufacturing.
- B. This Section also applies to an application for any use that must be established via a conditional zoning district (see [3.2: Principal Use Tables](#)) and that is subject to 18.4: Environmental Impact Assessments.

-
- Heavy manufacturing, processing, or assembly uses not otherwise listed in the use table, which is replaced by the general “heavy industrial uses” use classification and is a permitted use in the IH District;
 - Light manufacturing, processing, or assembly uses not otherwise listed in the use table, which is replaced by the general “light industrial uses” use classification and is a permitted use in the IL and IH Districts; and
 - Laboratories for research and testing, which is replaced in the use table by the new use “research and development facility” and is a permitted use in all the districts in which it is allowed.

¹² The proposed definition of *restricted industrial uses* is land uses that “involve the use, storage, production, or processing of dangerous materials or substances that present immediate or long-term physical or chemical hazards, such as fire, explosion, corrosion, or toxicity, and that are used or stored in sufficient quantities such that accidental release or explosion may affect life, health, property, or the environment beyond the immediate perimeter of the facility...”

18.6.3 PROCEDURE

- A. Prior to submittal of a Conditional District Rezoning application (see [Section 12.11](#)) that involves one or more of the uses subject to this Section, the applicant must meet with the Zoning Administrator to determine the scope of the required special study and select a consultant.
 - 1. Chatham County will retain the services of a consultant that is mutually acceptable to the County and the applicant to conduct the special study.
 - 2. The applicant must pay a fee as part of the Conditional District Rezoning application for the reasonable costs of the consulting services incurred by the County.
- B. The completed special study becomes part of the Conditional District Rezoning application.