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GENERAL SUBDIVISION STANDARDS

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CHAPTER 5 GENERAL SUBDIVISION STANDARDS¹

5.1 GENERAL PROVISIONS

5.1.1 AUTHORITY²

By the authority of [Chapter 160D](#), Article 8 (Subdivision Regulations) of the North Carolina General Statutes, the Chatham County Board of Commissioners exercises the powers and authority to regulate the subdivision of land within its planning and development regulation jurisdiction.

5.1.2 PURPOSE³

- A. The subdivision and development standards of this UDO are adopted to:
1. Protect and provide for the public health, safety, and general welfare of Chatham County;
 2. Provide for the orderly growth and efficient development of the County;
 3. Preserve the County's tree canopy and provide access to open space for residents;
 4. Preserve the County's rural character and agricultural heritage;

¹ The proposed draft of this Chapter authorizes and provides design standards for the following subdivision designs:

- Conventional
- Conservation
- Compact Subdivision to conform with the new zoning districts: Compact Residential, Compact Mixed-Use, and Compact Non-Residential (Significantly Revising the Compact Communities Ordinance).
- Townhome Subdivision (New)
- Non-Residential Subdivision (New)
- Eliminates Planned Unit Development/Planned Residential Development

² This Section carries forward current SR § 1.2: *Authority*.

³ This Section carries forward current SR § 1.3 *Purpose* and adds preservation of tree canopy, open space, and rural character as purposes.

5. Provide for the coordination of subdivision streets with existing or planned streets;
 6. Ensure an adequately planned street system and avoid sharp curves, steep grades, and hazardous intersections;
 7. Provide for safe and adequate public or private water and sewer systems, schools, parks, and playgrounds;
 8. Provide for the dedication of rights-of-way for streets and utilities;
 9. Minimize risk of flood damage through appropriate site design;
 10. Facilitate an orderly system for the design and layout of land;
 11. Provide options for compact and conservation subdivisions that limit the extent of infrastructure, such as roads, required to serve the development, thereby reducing development costs and contributing to the affordability of housing;
 12. Ensure the proper legal description and documentation of ownership and transfers of land;
 13. Provide for the re-subdivision of land;
 14. Avoid overcrowding of the land and extreme concentration of the population;
 15. Provide for the orderly safe flow of traffic and to avoid congestion and traffic hazards;
 16. Provide for the protection of lakes, streams, rivers, and wetlands within the jurisdiction; and
 17. Help implement the Chatham County Comprehensive Plan.
- B. The minimum standards specified in this UDO are adopted and shall be considered as achieving the purposes listed above.

5.1.3 APPLICABILITY⁴

A. **Generally.**

1. This Chapter applies to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
2. The general applicability standard shall be interpreted to mean that any time a single-family detached dwelling is to be situated on a parcel of land, a separate lot shall be created and said lot shall, prior to any construction thereon, be reviewed according to the procedure set forth herein, unless said lot is exempted from the definition of subdivision.

B. **Jurisdiction.** This Chapter applies to subdivision of land within the unincorporated area of Chatham County and outside the extraterritorial jurisdiction of any incorporated municipality as provided in Section 160D-202 of the General Statutes of North Carolina.

C. **Conformity with Zoning Regulations.**

1. Subdivision plats must conform to the applicable zoning regulations for the district where the parcel is located.
2. Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations or other agencies regulations, the more stringent standards shall apply.

D. **Exempt Subdivisions.**

1. This Chapter does not apply to subdivisions of land that meet any of the following criteria, however, exempt subdivisions must confirm

⁴ This Section combines the applicability standards in NCGS § 160D-802 with the current standards of SR § 4.C.: *Exempt Subdivisions*. It also carries forward the current requirements of SR § 1.4: *Jurisdiction* and the consistency between zoning and subdivision standards in SR § 7.6: *Zoning or Other Regulations*.

qualification for the exemption through the exempt subdivision review provided in Section 5.2.6:

- (a) The combination or recombination of portions of previously platted lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as provided in this Chapter;
 - (b) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;
 - (c) The public acquisition by purchase of strips of land for widening or opening streets, other public transportation corridors, or greenways;
 - (d) The division of a tract in single ownership, the entire area of which is not greater than two acres, into not more than three lots if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as provided in this UDO;
 - (e) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes;
 - (f) The division of a tract of land for the dedication of public right of way for widening an existing public street and not involving the creation of new lots, or the extension or creation of a new public street; and
- E. **Easement Plats.** The Subdivision Administrator may review easement plats in accordance with 5.2.6: Exempt Subdivisions.
- F. **Boundary Surveys.** Boundary surveys of existing lots of record do not require review by the Subdivision Administrator if they do not alter any existing lot lines.

5.1.4 APPROVAL REQUIRED⁵

- A. **Generally.** The subdivision of land to which this Chapter applies may only be accomplished by a plat approved as provided in this UDO. A deed is not sufficient to create a subdivision of land.
- B. **Recording of Unapproved Plats Prohibited.** The Register of Deeds will not file or record any subdivision plat required by this Chapter unless the plat is approved in accordance with the regulations set forth in this UDO. When a subdivision of land takes place to which this Chapter applies, a plat shall be prepared and recorded pursuant to the provisions of this UDO.
1. The owner of land shown on a subdivision plat submitted for recording or the owner's authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the jurisdiction of the subdivision regulations of Chatham County.
 2. Whenever land shown on a plat for recordation is within the planning and development jurisdiction of the subdivision regulations of Chatham County but is exempt from the regulations, the owner of the land shown, or the owner's authorized agent, shall sign a statement certifying the basis for the exemption.
- C. **Review by Watershed Administrator.** All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Water Supply Watershed.⁶
- D. **Filing of Plat Required for Sale or Lease.** Lots resulting from the subdivision of land to which this Chapter applies may not be sold, leased, or transferred until:
1. The owner or the owner's authorized agent has obtained approval of the preliminary plat and a final plat as provided in this UDO; and
 2. The approved plats are filed with the Register of Deeds.

⁵ This new Section clarifies the requirement for platting and approval of subdivisions based on staff input and adds the requirement for review by the Watershed Administrator.

⁶ This Paragraph may be relocated to Chapter 12: *Procedures*.

5.1.5 SUMMARY OF AVAILABLE SUBDIVISION DESIGNS⁷

- A. **Generally.** Table 5.1.5-1: *Subdivision Designs Available in Each District* lists the subdivision design options that are allowed in each zoning district.
- B. **Availability of Public Water and Sewer.** The allowance for each subdivision design varies based on the availability of public water and sewer service.

Table 5.1.5-1: Subdivision Designs Available in Each District

District ¹	Public Water & Sewer?	Subdivision Design				
		Conventional	Conservation	Compact	Townhouse	Non-Residential
PP	Yes	X	✓	X	X	✓
	No	X	✓	X	X	✓
AG	Yes	✓	✓	X	X	X
	No	✓	✓	X	X	X
RA	Yes	✓	✓	X	X	X
	No	✓	✓	X	X	X
R5	Yes	✓	✓	X	X	X
	No	✓	✓	X	X	X
R2	Yes	✓	✓	X	X	X
	No	✓	✓	X	X	X
R1	Yes	✓	✓	X	X	X
	No	✓	✓	X	X	X
RV	Yes	X	✓	X	X	✓
	No	X	✓	X	X	✓
OI	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
NB	Yes	✓	X	X	X	✓

⁷ This new Subsection provides a matrix for the availability of subdivision designs by district, with a distinction made for the availability of public water and sewer.

Table 5.1.5-1: Subdivision Designs Available in Each District

District ¹	Subdivision Design					
	Public Water & Sewer?	Conventional	Conservation	Compact	Townhouse	Non-Residential
	No	✓	X	X	X	✓
NC	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
AC	Yes	✓	X	X	✓	✓
	No	✓	X	X	X	✓
CB	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
RB	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
RHC	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
IL	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
IH	Yes	✓	X	X	X	✓
	No	✓	X	X	X	✓
CD-CR	Yes	X	X	✓	✓	✓
	No	X	X	X	X	✓
CD-CMU	Yes	X	X	✓	✓	✓
	No	X	X	X	X	✓
CD-CN	Yes	X	X	✓	X	✓
	No	X	X	X	X	✓

Key: ✓ = the subdivision type is allowed | X = the subdivision type is prohibited

¹ See [2.1.2: Districts Established](#).

5.2 SUBDIVISION TYPES⁸

5.2.1 APPLICABILITY⁹

Subdivisions are classified into the following types. The specific review procedure for the subdivision plat depends upon its classification.

- A. Major Subdivisions;
- B. Minor Subdivisions;
- C. Family Subdivisions;
- D. Expedited Review;
- E. Exempt Subdivisions; and
- F. Recording of Non-Building Lot.

5.2.2 MAJOR SUBDIVISION¹⁰

- A. **Criteria.** The following situations require major subdivision approval:
 - 1. Subdivisions proposing the creation of more than 15 lots; or
 - 2. Any subdivision that proposes to include or requires:
 - (a) Any new street;
 - (b) The creation of any public improvements; or
 - (c) A request for a variance.
- B. **Owners Association Required.**
 - 1. All major subdivisions require the creation of a homeowners' association or property owners' association that is duly formed and authorized pursuant to North Carolina law.

⁸ This Section clarifies and expands SR § 4: *Types of Subdivisions* with clarification of the criteria for each subdivision type.

⁹ This Subsection carries forward the introductory paragraph of SR § 4: *Types of Subdivisions* and adds a list of all proposed subdivision types.

¹⁰ This Subsection changes SR § 4.A.: *Major Subdivisions* by increasing the threshold for a major subdivision from five to 15 or more lots and adds a requirement for an HOA for all major subdivisions.

2. The homeowners' or property owners' association will be responsible for the ownership and ongoing maintenance of common areas, common property, infrastructure, roads, and utilities that are not accepted by a public agency or retained by the developer.

5.2.3 MINOR SUBDIVISIONS¹¹

- A. **Criteria.** A subdivision qualifies for minor subdivision review when it involves the creation of 15 or fewer lots that have access to an existing public street and that does not involve or require a request for a variance.
- B. **Exceptions.** Subdivisions that qualify as family subdivisions, expedited review, or recording of non-buildable lots pursuant to this section may be reviewed under the procedures for the applicable procedure for those subdivision types.
- C. **Availability of Review.** A parcel qualifies for minor subdivision only once every five years. Parcels that have been subdivided using minor subdivision review in the last five years require the major subdivision process. The five-year limitation is measured based on the history of the parcel, regardless of the identity of the current owner.

5.2.4 FAMILY SUBDIVISIONS¹²

A subdivision qualifies for family subdivision review when it proposes the creation of up to five lots and the applicant proposes:

- A. To convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration. This provision only applies where the grantor or decedent already owned the land proposed for subdivision before January 1, 1994; or
- B. To divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

¹¹ This Subsection changes SR § 4.B: *Minor Subdivisions* by increasing the number from less than five to less than 15 lots.

¹² This Subsection relocates the requirements for family subdivisions from § 2.3: *Meaning of Specific Words and Terms* to clarify that this is a subdivision type.

5.2.5 EXPEDITED REVIEW¹³

- A. **Criteria.** A subdivision qualifies for expedited review when it proposes the division of a tract or parcel of land in single ownership if all of the following criteria are met:
1. No part of the tract or parcel to be divided has been divided under this Subsection in the 10 years prior to division;
 2. The entire area of the tract or parcel to be divided is greater than five acres;
 3. After division, no more than three lots result from the division; and
 4. After division, all resulting lots comply with all of the following:
 - (a) The lot dimensions comply with the applicable size requirements of this UDO;
 - (b) The use of the lots conforms with the applicable zoning requirements; and
 - (c) A permanent means of access for ingress and egress is recorded for each lot.
- B. **Availability of Review.** A parcel qualifies for expedited subdivision only once every 10 years. Parcels that have been subdivided using expedited review in the last 10 years require the minor subdivision process and payment of the Recreational Fee for the district the parcel is in. The ten-year limitation is measured based on the history of the parcel, regardless of the identity of the current owner.

5.2.6 EXEMPT SUBDIVISIONS¹⁴

- A. The Planning Department must determine if a plat is exempt from the subdivision regulations under Paragraph 5.1.3D.
- B. An exempt review application and associated fees shall apply and be submitted to the County prior to approval of the plat.

¹³ This Subsection carries forward SR § 4.D.: *Expedited Review*.

¹⁴ This Subsection carries forward the requirement for ministerial review of exempt plats in SR § 4.C.: *Exempt Subdivisions*.

- C. If the Planning Department determines the subdivision qualifies for an exemption, the plat will be exempt from any subdivision regulations.

5.2.7 RECORDING OF NON-BUILDING LOTS¹⁵

- A. Subdivision of lots that are not to be approved for building development may be approved for recording through the exempt subdivision procedure described in Paragraph 5.2.6A.
- B. A non-building lot shall not contain an existing structure.
- C. The owner must acknowledge in writing that the lot is not approved for building development.
- D. Plats for non-building lots shall display a notation stating that the lots are not approved for building development and do not meet the requirements of the subdivision regulations but are approved for recording purposes only.
- E. The owner may change a lot's non-buildable status through the minor subdivision procedure in [Section 12.7: Minor Subdivisions](#).

5.3 GENERAL DESIGN REQUIREMENTS FOR ALL SUBDIVISIONS

5.3.1 APPLICABILITY¹⁶

The standards of this Section apply to all subdivision types and designs unless a different standard is provided for a particular subdivision design in Section 5.4: *Subdivision Designs*.

5.3.2 LOT CONFIGURATION & FRONTAGES¹⁷

- A. **Adequate Building Sites.** Each lot shall contain a building site suitable to meet the district standards for lot size and setbacks provided in [Chapter 2: Zoning Districts](#).

¹⁵ This Subsection carries forward SO § 4.E.: *Recording of Non-Building Lots*.

¹⁶ This Subsection specifies that the general design requirements apply to all subdivisions unless a subdivision design type specifies a different standard.

¹⁷ This Subsection significantly revises current § 7.4 *Lots*. The road and driveway design standards are relocated to Chapter 7: *Infrastructure & Public Improvements*. The revision also eliminates minor subdivision applicability based on road standards to allow the uniform applicability in this Chapter to apply.

- B. **Arrangement.** To the greatest extent practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- C. **Frontage Requirements.**
1. *Public Streets.* Every lot shall have frontage on a public street except as provided below.
 2. *Private Roads.* Subdivision lots may be allowed if every lot has frontage on a private road that meets or exceeds the specifications in **Chapter 7: Infrastructure & Public Improvements.**
 3. *Private Driveways.*
 - (a) One new subdivided lot may be allowed if the lot has frontage on a perpetual easement that extends to meet a public road, if the easement or private road existed prior to October 1, 1975.
 - (b) the private easement must comply with the standards of **Chapter 7: Infrastructure & Public Improvements.**
 - (c) Up to 15 subdivision lots are allowed if every lot has frontage on a private driveway that:
 - (1) Meets or exceeds the private driveway standards specified in **Chapter 7: Infrastructure & Public Improvements;** and
 - (2) The driveway intersects with a public street at an access point authorized by the NCDOT.
- D. **Attached Dwellings.** Lots designated for duplex development (two family dwellings) or other attached residential units may be divided provided that access from each unit to:
1. A public or private road as specified in **Chapter 7: Infrastructure & Public Improvements;** or
 2. A previously platted and recorded private easement that meets the standards specified in **Chapter 7: Infrastructure & Public Improvements.**
- E. **Flag Lots.**
1. The “flagpole” portion of a flag lot must be at least 30 feet in width but does not have to meet the minimum lot width required by **Chapter 2: Zoning Districts** for the district in which the lot is located. The main body of a flag lot must have the minimum width required by the

zoning district. The “flagpole” is the narrow portion of the lot that provides access from the road to the main body of the lot.

2. When two or more flag lots are adjacent to one another, an easement must be provided allowing a single common access. The maximum allowed length of a flag or access strip is 2,500 feet unless it is providing access to previously landlocked property.
- F. **Corner Lots.** Corner lots may be required to have greater area to allow for sight easements required by the NCDOT.

5.3.3 MINIMUM LOT DIMENSIONS & AREAS¹⁸

- A. **Generally.** The size of lots shall comply with the standards for lot size and setbacks provided in [Chapter 2: Zoning Districts](#) for the type of water supply and sewage disposal services.
- B. **Single-Family Residential Lots.** The frontage on street access for major and minor arterials and collectors may be reduced if the average lot frontage equals or exceeds the minimum and the reduction is not less than 1/3 the minimum specified for the district.
- C. **Multi-Family Residential and Other Planned Developments.** In a conditional zoning district, the Board of Commissioners may approve a multi-family, group housing, or other unified and planned development, including unified design and construction of units together with necessary drives and ways of access. The design of the project does not need to include standard streets, lots, and subdivision arrangements, if the departure from these standards can be made consistent with their intent.
- D. **Utilities.** In accordance with [2.1.4: Lots for Minor Utility Uses](#), lots created for the express purpose of minor utilities are exempt from the required minimum lot area.

5.3.4 SEPARATE LOTS REQUIRED FOR BUFFERS

In all subdivisions, the types of buffers listed below must be located on a lot owned by the homeowners’ or property owners’ association:

- A. Cemetery buffers (see [Section 6.2](#));

¹⁸ This Subsection carries forward § 7.4.C.: Minimum Lot Dimension and Areas. The lot widths and dimensions have been moved to Chapter 2: *Zoning Districts*.

- B. Riparian buffers (see [Chapter 8: Watershed Protection](#));

5.3.5 CENTRALIZED MAIL FACILITY

All major subdivisions shall provide a centralized mail facility or facilities as provided in the United States Postal Service's [National Delivery Planning Standards](#).

5.3.6 AGRICULTURE-FRIENDLY DESIGN¹⁹

- A. **Buffers Required.** Proposed major subdivisions and minor subdivisions with six or more lots must install or preserve buffers along any property line where a dwelling unit is proposed adjacent to an existing bona fide farm operation or one that has received an agricultural exemption from the Planning Department to reduce the potential for conflict between residents and farming activities.
- B. **Buffer Standards.** Such buffers shall be either:
1. A Type D buffer as provided in [4.4.7: Transitional Buffers](#), except that it must be at least 75 feet in width; or
 2. A planted, 60-foot Type B buffer as provided in [4.4.7: Transitional Buffers](#).

¹⁹ This new Subsection implements Plan Chatham's Land Use Action Item 03, which recommends that the County modify the subdivision process to provide for "agricultural-friendly developments" in order to preserve rural character and minimize encroachment on existing agricultural operations. This Section requires development to provided buffers as the primary strategy to reduce complaints arising out of incompatibilities between residential and agricultural use.

5.4 SUBDIVISION DESIGNS²⁰

5.4.1 CONVENTIONAL SUBDIVISIONS²¹

- A. **Purpose.** Conventional subdivisions are intended to provide contemporary subdivision outcomes that appeal to some residents of Chatham County. Generally, conventional subdivisions include a hierarchical street system and limited connectivity to and within the development, with many streets ending in cul-de-sacs.
- B. **Applicability.** The standards contained in this Subsection apply to all proposed conventional subdivisions.
- C. **Subdivision Design.** Conventional subdivisions must comply with generally applicable development and design standards, including Section 5.3: *General Design Requirements for All Subdivisions* to achieve a higher level of design, amenities, and open space than is typically associated with a conventional subdivision.
- D. **Sliding Scale Density in AG and RA Districts.**²²
1. *Purpose.* Sliding scale density is intended to:
 - (a) Reduce conflicts between residential development and agricultural operations;
 - (b) Preserve agricultural and forestry lands and rural community character that might be lost through conventional development approaches; and

²⁰ This Section provides for various new and existing subdivision designs. Generally, existing subdivision layouts requirements will remain the same. The draft adds or significantly updates:

- Compact Subdivision to conform with the new zoning districts: Compact Residential, Compact Mixed-Use, and Compact Non-Residential (Significantly Revising the Compact Communities Ordinance)
- Townhome Subdivision (New)
- Non-Residential Subdivision (New).

²¹ This new Subsection clarifies the general applicability of all subdivision and development requirements to conventional subdivisions.

²² These provisions implement *Plan Chatham* Strategy 6.4 using the case study example on page 99 of the plan, though the density is lower than that proposed in *Plan Chatham*. If the County decides to proceed with this approach, Chapter 2: *Zoning Districts* will be revised to reflect that minimum lot area for residential lots in conventional subdivisions is three acres rather than the minimum specified for the district. This sliding scale is also proposed for conservation subdivisions.

- (c) Preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
- 2. *Applicability.* This Paragraph applies to all conventional subdivisions in the AG and RA Districts.
- 3. *Minimum Lot Area.* The minimum lot area for lots resulting from a conventional subdivision in the AG and RA Districts is three acres.
- 4. *Density.* Table 5.4.1-1: *Sliding Scale Density in AG & RA* establishes the maximum density and minimum lot area for conventional subdivisions located in the AG and RA Districts based on the size of the lot proposed for subdivision.

Table 5.4.1-1: Sliding Scale Density in AG & RA	
Area of Lot to be Subdivided	Density (max)
6 ac to 30 ac	1 du per 3 ac
More than 30 ac to 50 ac	1 du per 3 ac for the first 30 ac, then 1 du per 5 ac for the additional acreage
More than 50 ac to 100 ac	1 du per 3 ac for the first 30 ac, then 1 du per 10 ac for the additional acreage
More than 100 ac to 500 ac	1 du per 3 ac for the first 30 ac, then 1 du per 15 ac for the additional acreage
More than 500 ac	1 du per 3 ac for the first 30 ac, then 1 du per 20 ac for the additional acreage

Key: max = maximum allowed | ac = acres | du = dwelling unit

5.4.2 CONSERVATION SUBDIVISIONS²³

- A. **Purpose.** As an alternative to conventional subdivision layouts, Chatham County encourages the preservation of large, contiguous blocks of land, as open space. The purposes of conservation subdivision design are to preserve existing tree canopy, natural land, and rural community character that might be lost through conventional development approaches. Specific objectives are:

²³ This Subsection carries forward § SR Section 7.7: *Conservation Subdivision—Alternative Standards for Development*. Conservation subdivisions will be very similar to the current standards for conservation subdivisions. The proposed draft relocates the substantive requirements for open space use and management in Section 7.7D thru -H to Chapter 6: *Conservation & Open Space* and the road standards of 7.7L thru -M to Chapter 7: *Infrastructure & Public Improvements*.

1. To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate;
 2. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes;
 3. To preserve land for conservation, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains;
 4. To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads;
 5. To provide for the recreational needs of county residents;
 6. To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development; and
 7. To create compact neighborhoods accessible to open space amenities and with a strong identity.
- B. **Applicability.** The standards contained in this Subsection apply to all proposed conservation subdivisions.
- C. **Open Space.**
1. *Required Open Space.* As specified in **Table 6.1.3-1: Minimum Amount of Open Space Required in Conventional Districts**, at least 45% of the project area must be retained as open space.
 2. *Composition of Open Space.*
 - (a) At least 80% of the required open space must be Natural Area, as defined in **Table 6.1.4-1: Types of Open Space**; and
 - (b) A maximum of 20% of the required open space must be another type of open space allowed by **Table 6.1.4-1: Types of Open Space**.
 - (c) **Subsection 6.1.5: Composition of Open Space** specifies areas, such as transitional buffers, that may count towards required open space.
 3. *Connectivity of Open Space.*

- (a) At least 50% of the proposed open space shall consist of a contiguous area.
 - (b) The open space should adjoin any neighboring areas of open space on other parcels whenever practicable.
4. *Use of Open Space.* Subsection 6.1.6: *Uses Allowed in Open Space* specifies the types of uses, such as trails, that may be located in required open space.

D. **Sliding Scale Density in AG and RA Districts.**²⁴

1. *Purpose.* Sliding scale density is intended to:
 - (a) Reduce conflicts between residential development and agricultural operations;
 - (b) Preserve agricultural and forestry lands and rural community character that might be lost through conventional development approaches; and
 - (c) Preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
2. *Applicability.* This Paragraph applies to all conservation subdivisions in the AG and RA Districts.
3. *Density.*
 - (a) Table 5.4.2-1: *Sliding Scale Density in AG & RA* establishes the maximum density for conservation subdivisions located in the AG and RA Districts based on the size of the lot proposed for subdivision.
 - (b) Conservation subdivisions in the AG and RA Districts are not eligible for the density bonus allowed by 5.4.2E, below.

²⁴ These provisions implement *Plan Chatham* Strategy 6.4 using the case study example on page 99 of the plan, though the density is lower than that proposed in *Plan Chatham*. If the County decides to proceed with this approach, Chapter 2: *Zoning Districts* will be revised to reflect that minimum lot area for residential lots in conservation subdivisions is based on this sliding scale rather than the minimum specified for the district. This sliding scale is also proposed for conventional subdivisions.

Table 5.4.2-1: Sliding Scale Density in AG & RA	
Area of Lot to be Subdivided	Density (max)
6 ac to 30 ac	1 du per 3 ac
More than 30 ac to 50 ac	1 du per 3 ac for the first 30 ac, then 1 du per 5 ac for the additional acreage
More than 50 ac to 100 ac	1 du per 3 ac for the first 30 ac, then 1 du per 10 ac for the additional acreage
More than 100 ac to 500 ac	1 du per 3 ac for the first 30 ac, then 1 du per 15 ac for the additional acreage
More than 500 ac	1 du per 3 ac for the first 30 ac, then 1 du per 20 ac for the additional acreage

Key: max = maximum allowed | ac = acres | du = dwelling unit

E. **Density Bonuses.** In zoning districts other than AG and RA, conservation subdivision may increase the number of dwelling units that would be allowed on the overall property by 10%.

1. Calculation of the density bonus is based on the applicable underlying land use regulations dictating allowable development density.
2. The base density for a conservation subdivision is determined by the underlying zoning district density standard as provided in [Chapter 2: Zoning Districts](#), establishing otherwise allowable unit density (minus any riparian buffers, regulated floodplain, and steep slopes as defined in [Chapter 10: Soil Erosion & Sedimentation Control](#)) in which the development parcel is located.
3. Regardless of the allowed density based on the density bonus, permitted housing densities shall not exceed the maximum allowances of any applicable water supply watershed requirements.

F. **Lot Size, Structure Placement, and Transitional Buffer.**

1. *Lot Size.* There is no minimum size for lots in a conservation subdivision; however, the lot size shall be adequate to provide for minimum setbacks and any required infrastructure or services.
2. *Structure Placement.*
 - (a) Structures within a conservation subdivision should be placed as closely to internal roads as practical. During review of the Sketch Plan, the Board of Commissioners may reduce the front yard setback to a minimum of five feet when necessary. In such cases, the Board must take into consideration sound engineering,

public safety concerns, and community character when reducing the front setback specified by the zoning district.

- (b) Structures within conservation subdivisions may be located in the side yard setback required by the zoning district regulations. Structures may be placed as closely together as permitted by the North Carolina State Building Code.

3. *Lot Proximity to Open Space.*

- (a) Open space shall be accessible to the largest possible number of lots within the development. To achieve this goal, the majority of lots should abut open space to provide residents with direct views and access.
- (b) Safe and convenient pedestrian access to the open space from all adjoining lots shall be provided, except in the case of farmland or other resources areas vulnerable to human disturbance.

4. *Transitional Buffer.*

- (a) A Type D buffer is required along the entire project boundary. [See [4.4.7: Transitional Buffers](#)]
- (b) The buffer area can count towards the density bonus calculation, except in areas where the perimeter buffer overlaps an area that is excluded from the density bonus calculation.

G. **Identification of Open Space.** Prior to submittal of a Sketch Plan, the applicant must follow the steps outlined in the County's [Guidelines for Conservation Space Selection](#) to identify and preserve qualifying open space, prepare the On-Site Inventory and Fragmentation Maps, and have those maps approved by the Watershed Protection Director.

H. **Management of Open Space.** Required open space must be managed in accordance with Section [6.4: Long-Term Preservation & Maintenance](#).

5.4.3 COMPACT SUBDIVISIONS²⁵

A. **Applicability.**

²⁵ This Subsection significantly modifies SR § 10: *Compact Communities* and CCCO §§ 6: *Location and Size* and 12: *Community Design*. The proposed compact subdivision design is intended to

1. The compact subdivision design applies to subdivisions in the compact conditional districts (CD-CR, CD-CMU, and CD-CN) as described in [Chapter 2: Zoning Districts](#).
 2. This Subsection supplements the standards in [Chapter 2: Zoning Districts](#), which provide the primary standards for lot area, width, height, and many other aspects of community design for each compact conditional district that will affect compact subdivision design.
- B. **Community Design.** Uses in compact subdivisions must adhere to the following performance standards:
1. All residential units shall be within $\frac{1}{4}$ mile of a neighborhood gathering point, such as a recreational facility, community center, school, or neighborhood park.
 2. Residential units, the town center, and community gathering points must be interconnected using a network of pedestrian and bicycle pathways.
 - (a) At least 33% of the proposed pathways must be completed before final plat approval of the final 50% of the maximum allowable dwelling units in the compact subdivision are built.
 - (b) All pathways must be completed before Final Plat approval of the final 10% of maximum approved dwelling units in the compact subdivision.
 - (c) If the compact subdivision does not include residential dwellings units, all pathways must be constructed at the same time as the adjacent development.
 3. Pedestrian walkways are required on both sides of all streets.
 4. Street trees from [Appendix A: Plant List](#) shall be provided on all streets.
 5. Alleys may be used to provide access to the rear of lots if approved on the site plan approved during the Conditional District Rezoning process (see [Section 12.9: Rezoning \(Conditional Districts\)](#)). The Conditional

conform with the new zoning districts: Compact Residential, Compact Mixed-Use, and Compact Non-Residential. There is one subdivision design for these three types, as much of the dimensional standards are already set out in [Chapter 2: Zoning Districts](#).

District Rezoning application must include specifications for alleys, including width and surfacing materials. Alleys must remain privately owned.

6. Utilities shall be placed underground in order to improve sight lines, open up sidewalks, and minimize the danger of interruptions in utility service during inclement weather.

C. **Overflow or Visitor Parking.**

1. *Off-Street Lots.*

- (a) All compact subdivisions must provide one parking space for every four dwelling units in a separate lot for overflow or visitor parking. The parking lot design must conform with [Section 4.6: Parking](#).
- (b) These spaces should be located in small parking lots interspersed throughout the compact subdivision. At least one parking lot provided by this Paragraph must be located within 500 feet of all residential lots in the compact subdivision.

2. *On-Street Parking.*

- (a) All road segments with 10 or more dwellings must include at least one dedicated on-street parking space for every five dwellings.
- (b) All on-street parking spaces must conform with the NCDOT's [Roadway Design Manual](#)

5.4.4 TOWNHOUSE SUBDIVISIONS²⁶

- A. **Purpose.** The purpose of this Subsection is to establish additional standards for the design and development of townhouse subdivisions.
- B. **Applicability.** The standards contained in this Subsection apply to all proposed townhouse subdivisions.
- C. **Design Standards.**

²⁶ This new Subsection adds standards for townhouse subdivisions for issues such as access, open space, and parking design.

1. *Sublot Access.* Each sublot within a townhouse subdivision shall be provided with driveway access from either a public or private street or an alley. Where a townhome sublot is less than 24 feet wide, access may only be taken from the rear of the sublot.
2. *Front-Loaded Driveway Separation.* Where driveway access is provided to the front of a sublot within a townhouse subdivision, each driveway shall be separated from other driveways by a minimum of eight feet and shall be designed in a manner to provide the maximum practical separation from driveway edge to driveway edge.
3. *Sublot Separation.* The rear property lines of all sublots and exterior side property lines of each individual group of contiguous sublots within a townhouse subdivision shall be separated by a minimum distance of 20 feet.
4. *Sublot Outdoor Living Area.* An outdoor living area shall be provided upon each sublot within a townhouse subdivision in accordance with the following standards:
 - (a) The total outdoor living area must be at least the product of 12 feet multiplied by the width of the lot. For example, a 24-foot-wide lot would require at least a 288 square foot outdoor living area.
 - (b) The minimum depth of any outdoor living area must be six feet.
 - (c) The required total area must be contiguous, except where the total area is divided between the levels of a two-story front porch.
 - (d) Parking areas, sidewalks, walkways, and driveways do not count towards this requirement.
5. *Relationship to Open Space.* In addition to the open space requirements of [Chapter 6: Conservation & Open Space](#), when open space is required as part of a townhouse subdivision, at least 10% of the dwelling units of the overall development must front onto open space that is interior to the development.
 - (a) Streets and buildings should be arranged to frame open space to the maximum extent practicable.
 - (b) Dwelling units that are separated by a street from an open space may be included in the 10% requirement.

- (c) Required open space areas must have a minimum width and depth of at least 40 feet, excluding right-of-way. Areas that are at least 20 feet wide and that have hard surface trails at least five feet wide connecting at least two points in a sidewalk system may also count towards required open space area.
6. *Parking and Garages.*
- (a) Off-Street Parking Areas.
 - (1) Each townhouse development shall provide guest parking areas at a rate of one space for every four dwelling units.
 - (2) Off-street parking areas must be no more than 500 feet from the entrance to any dwelling within the townhouse building that the parking serves.
 - (b) Front-loaded garages must be flush with or recessed from the front façade (habitable area).
 - (c) The parking or storage of trailers, boats, recreational vehicles, or other major recreational equipment must either be prohibited through covenants, rules, and restrictions, or must be provided in a parking area separate from regular automotive parking for the residents. Such parking areas do not count towards required off-street parking spaces.
 - (d) The driveway width shall be no more than 18 feet within the right of way, and 20 feet within the given property.
7. *Solid Waste.* Communal solid waste collection points shall be established for all townhouse subdivisions that provide front-loaded driveway access. Where such facility is required or provided, no subplot shall be located more than 500 feet from the most distant solid waste collection point.

5.4.5 NON-RESIDENTIAL SUBDIVISIONS²⁷

- A. **Purpose.** Non-residential subdivisions are intended to provide subdivision outcomes suitable for commercial, industrial, institutional, and other non-residential developments. Due to the many forms these developments take,

²⁷ This Subsection reorganizes and supplements current SR § 7.4.C.(3).

this Subsection aims to provide maximum flexibility for the applicant to define the desired outcome.

B. Applicability.

1. The standards contained in this Subsection apply to all proposed non-residential subdivisions in addition to the applicable standards of this UDO.
2. This Subsection does not apply to bona fide farm operations.

C. Generally. Properties reserved or platted for commercial, institutional, or industrial purposes shall be adequate in size to provide for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

D. Street Design for Industrial Developments.

1. Each industrial subdivision or area shall utilize at least one collector street for all heavy traffic between the development area and the existing system of streets and roads.
2. Minor industrial streets and individual industrial parcels should be oriented at right angles with the collector and with adjacent railroads.

E. Criteria for Non-Residential Subdivisions. Land shall not be platted for commercial, institutional, or industrial purposes unless the subdivider can demonstrate compliance with this UDO, including the following:

1. A site arrangement that prevents undue interference with through traffic;
2. An integrated parking area as required by [Chapter 4: Development & Design Standards](#); and
3. Spatial, structural, or vegetative buffers, or combination thereof against any adverse effect on any present or future adjacent residences as required by [Chapter 4: Development & Design Standards](#).

5.5 PUBLIC USE & SERVICE AREAS²⁸

5.5.1 RESERVATION OF SCHOOL SITES²⁹

- A. **Land Development Plan.** This UDO provides for the reservation of school sites in accordance with the approved Chatham County Capital Improvement Program. Before approving such a plan, the Board of Education and Board of Commissioners shall determine jointly the specific location and size of each school site to be reserved and shown as part of the plan.
- B. **Notification.** Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the Board of Commissioners shall immediately notify the Board of Education. The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Board of Commissioners of its decision.
- C. **Procedure for Reserved School Site.** If the Board of Education does wish the site to be reserved, the subdivision shall not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date of subdivision approval, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to condemn the site within the 18 months, the land is freed of the reservation.

5.5.2 EASEMENTS, DEDICATIONS, & RESERVATIONS

- A. All easements, dedications, and reservations for utilities and other public infrastructure shall be shown on the plat with notes stating their purpose.
- B. The developer is responsible for the maintenance of all infrastructure until such time as it is accepted into a public system.

5.5.3 UTILITY EASEMENTS

- A. **Utilities Access to Subdivided Lots.** Easements shall be provided for utilities along lot lines where necessary to provide utilities to every platted lot.

²⁸ This Section carries forward current SR § 7.5: *Public Use and Service Areas*. Paragraph 7.5.A(2): *Recreation Sites* is relocated to Chapter 6: *Conservation & Open Space*. Paragraph 7.5.B(3): *Drainage Easements* is removed since Chapter 9: *Stormwater Management* addresses stormwater easements.

²⁹ This is current text in the Subdivision Regulations, with minor revisions for consistency with N.C.G.S. § 160D-804(f).

- B. **Easement Width.** The subdivider and the utility companies shall agree on the width of easements needed.
- C. **Subsurface Sewage Disposal.** Easements for subsurface sewage disposal systems shall be staked prior to approval and shall be designated on the Final Plat as a utility easement and described by bearings and distances and acreage.

5.5.4 PEDESTRIAN EASEMENTS

During the Sketch Plan review process, the Board of Commissioners may require easements along side or rear lot lines up to 20 feet in width to accommodate pedestrian or bicycle traffic to and from schools, neighborhood parks, and other public places if the Sketch Plan does not already include a trail system connecting such areas.

5.5.5 SIGHT DISTANCE EASEMENTS AT INTERSECTIONS

- A. **Required Sight Distance Easement.** Sight distance easements shall be in accordance with the requirements of the NCDOT.
- B. **Identification on Plat.** Triangular sight distance easements at all public and private street intersections shall be shown in dashed lines and so noted on the Final Plat.
- C. **Maintenance.** These easements must remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control devices.

5.5.6 DEDICATION OF WATERWAYS

- A. **Generally.** Lakes, ponds, creeks, and similar areas will be accepted by the County for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system.
- B. **Review Process.** The suitability of such dedicated areas shall be evaluated by the Planning Board prior to being considered for acceptance by the Board of Commissioners.