

## ANNOTATED UDO OUTLINE

WORKING DRAFT | JUNE 24, 2024



**CLARION**

# INTRODUCTION

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This document provides an outline to structure Chatham County’s revised zoning and land development ordinances. The new Unified Development Ordinance (UDO) will consolidate the following 13 ordinances into a single document, providing a more user-friendly structure than the existing ordinances and making key information easier to find and understand.

1. Zoning Ordinance (ZO)
2. Subdivision Regulations (SR)
3. Compact Communities Ordinance (CCO)
4. Fire Prevention & Protection Ordinance (FPPO)<sup>1</sup>
5. Flood Damage Prevention Ordinance (FDPO)
6. Hazardous Waste Management Ordinance (HWMO)<sup>2</sup>
7. Junk Yard Control Ordinance (JYCO)
8. Moratorium Ordinance (MO)<sup>3</sup>
9. Off-Premise Signs Ordinance (OPSO)
10. Soil Erosion & Sedimentation Control Ordinance (SESCO)
11. Stormwater Ordinance (SO)
12. Watershed Protection Ordinance (WPO)
13. Wireless Telecommunications Facilities Ordinance (WTFO)

The principles described in this Introduction guide the outline and UDO drafting.

**Organization.** The UDO is arranged logically by topic:

Similar subjects are arranged together by chapter—e.g., procedures, development standards, nonconformities—rather than scattered throughout the code, to the extent possible.

The more commonly used parts of the code are placed up front.

Material of a more technical nature, which is needed to provide effective standards and guidance for applicants and permitting officials, resides towards the rear of the code.

**Code Length.** Many believe a shorter code is more user-friendly. This may make the UDO quicker to review, but not necessarily easier to use during the development

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<sup>1</sup> Note only a portion of this ordinance will be relocated to the UDO (see Section 4.3: *Fire Protection*).

<sup>2</sup> During drafting, the consultant team will work closely with the County attorney to determine whether State law preempts the County from regulating hazardous waste facilities.

<sup>3</sup> Note this ordinance will be replaced with provisions specified in the North Carolina General Statutes (see Subsection 12.1.12: *Moratoria*).

review process. A longer code will answer many of the questions that arise during development review; a shorter code typically leaves questions unanswered—leading to frustration for the applicant and the reviewer.

That said, a development code should not be longer than necessary. The UDO will tame code length by using succinct sentences written in the active voice, consolidating similar requirements where possible, and consolidating long lists of standards into matrices.

The current ordinances often use long paragraphs, which makes them difficult to read and confusing at times. Several sections of the current ordinances present numerical standards in sentences (e.g., ZO Section 15: *Regulations Governing Signs*, SR Section 7.4: *Lots*, and WPO Section 302: *Watershed Areas Described*). This format also is difficult to read and can add to the length of the code.

The alternative is a matrix, or table, of development standards. Matrices minimize the length of the code and help readers compare standards side-by-side. The current codes use a matrix format to present many numerical standards (e.g., ZO Section 14.1: *Off-Street Parking Requirements*, SR Section 7.3: *Blocks*, and SESCO Section 164.16: *Design and Performance Standards*). Where appropriate, matrices will be added to present other standards and requirements.

**Cross-References.** The UDO will balance the use of cross-references (as opposed to repeating standards throughout) with the goal of keeping like materials together. This reduces text length and minimizes the potential for inconsistencies when the UDO is amended. However, it does require the reader to consult multiple sections of the ordinance.

**Right-Sized, Objective Standards.** Standards are “right-sized” to regulate only what is needed. This not only reduces volume, but also reduces budget and staffing needs. Some code writers use “aspirational” language rather than prescriptive standards (i.e., “should” vs. “shall”). However, this type of standard can be difficult to enforce and can create inconsistencies in how it is administered. The UDO will use clear, objective standards, particularly when administrative (staff) approval is required.

**Graphics.** Graphics will illustrate the text language. The existing codes contain a handful of graphics, primarily in the Zoning Ordinance and Subdivision Regulations. The revised codes will carry forward existing graphics where possible.

Graphics can be very time-consuming to produce, so we typically save most graphics for the final document. Photographs of local examples also could be used to illustrate how a development standard works or what a particular use looks like. Note that graphics also add to code length, but improve clarity and usability.

**Formatting and Numbering.** We will prepare the UDO using Microsoft Word. The *UDO Drafting Rules & Style Guide* establishes drafting rules, including formatting, capitalization, and punctuation. The UDO Style Template (“CCNC UDO Template.dotx”) establishes the document’s design, including fonts, headers, footers, and page numbering.

The development-related ordinances do not appear in the County’s online code on the American Legal website. This offers flexibility to establish an organization and numbering system unique to the UDO. The Annotated Outline proposes using a numbering scheme based on International Standard ISO 2145, where:

1. Arabic numerals (1, 2, 3, ...) are used for the first three “heading” levels (chapter, section, subsection);
2. The main divisions (first-level headings or “chapters”) are numbered continuously starting from 1;
3. Each main division is divided further into subdivisions (second-level or “sections”), which are equally continuously numbered. This is continued for a third level of subdivision (“subsections”); and
4. A full stop [“.”] is placed between numbers that designate subdivisions of different levels. No full stop is placed after the number or letter that designates the final subdivision.<sup>4</sup>

The Chatham County UDO will be organized as shown in the example below. This numbering system allows for future additions to the UDO without the need to “reserve” section numbers at the end of each chapter, section, or subsection.

**1 Title** (“Chapter”)

**1.1 Title** (“Section”)

**1.1.1 Subtitle** (“Subsection”)

**A. Topic** and text (“paragraph”)

1. *Subtopic* and text (“subparagraph”)

(a) Text (avoid use of this level where possible)

(1) Text (avoid use of this level where possible)

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<sup>4</sup> Wikipedia, ISO 2145; available: [https://en.wikipedia.org/wiki/ISO\\_2145](https://en.wikipedia.org/wiki/ISO_2145)

# ANNOTATED OUTLINE

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The Annotated Outline is a “blueprint” for the UDO drafting stage, but does not represent the final outline for the UDO. During drafting, chapters, sections, and subsections may be added, removed, or reorganized.

The outline uses the UDO Style Template mentioned above. It identifies each chapter and most sections in each chapter. In some cases, subsections and their titles are also identified.

The outline includes brief descriptions of the intent of the chapters, sections, or subsections, and indicates the current ordinance sections that are relocated to that particular chapter, section, or subsection. In many instances, existing language and standards will be carried forward. Antiquated language and inconsistencies will be addressed as the UDO is drafted. The outline also includes footnotes to describe proposed changes in more detail.

For reference, the current zoning and development ordinances are available online:

<https://www.chathamcountync.gov/government/departments-programs-i-z/planning/ordinances-regulations>

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# HOW TO USE THIS UDO

*This introductory portion explains how to read the Unified Development Ordinance and how to determine applicable requirements.*

**LAND DEVELOPMENT & ZONING IN NORTH CAROLINA**

**LAND DEVELOPMENT & ZONING IN CHATHAM COUNTY**

**HOW TO READ THIS UDO**

**DETERMINING THE REGULATIONS FOR A SPECIFIC SITE**

**DETERMINING WHICH PROCEDURES APPLY**

# CHAPTER 1 INTRODUCTION

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## 1.1 TITLE

*Provides the full name of the ordinance (“Chatham County Unified Development Ordinance”), in addition to any abbreviated titles (e.g., “UDO”).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 1 TITLE  
SR SECTION 1.1 TITLE

## 1.2 PURPOSE

*Describes the reasons for the Unified Development Ordinance and what it accomplishes (e.g., implementing the Comprehensive Plan; protecting property values, natural resources, and agricultural land).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO PAGE 1  
SR SECTION 1.3 PURPOSE

## 1.3 AUTHORITY

*Recites authority for UDO, including N.C.G.S. Chapter 160D.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO PAGE 1  
SR SECTION 1.2 AUTHORITY

## 1.4 APPLICABILITY

*Describes the area of jurisdiction for zoning and land development. Carries forward and clarifies, as needed, the State-mandated exemption for bona fide farms.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 2 JURISDICTION  
ZO SECTION 3 BONA FIDE FARM EXEMPT  
SR SECTION 1.4 JURISDICTION



## 1.5 RELATIONSHIP TO PLANS

*Defines the relationship between the UDO and adopted plans, such as Plan Chatham and the Chatham County-Town of Cary Joint Land Use Plan.*

## 1.6 RELATIONSHIP TO OTHER REGULATIONS

*Cross-references other applicable County Code Chapters or policy documents.*

## 1.7 WATER & SEWER REQUIREMENTS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.7 WATER AND SEWER REQUIREMENTS

## 1.8 SEVERABILITY

*Carries forward existing text.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 26 VALIDITY

SR SECTION 1.9 SEPARABILITY

## 1.9 REPEAL OF PREVIOUS ORDINANCES

*Provides that zoning and land development regulations in effect prior to the effective date of the new UDO are repealed.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 24 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE

SR SECTION 1.5 ENACTMENT

SR SECTION 1.11 RESERVATIONS

## 1.10 PERMIT CHOICE & VESTED RIGHTS

*Cross-references N.C.G.S. [§ 160D-108](#).*

## 1.11 EFFECTIVE DATE

*Establishes effective dates for the new UDO, consistent with state law.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 24 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE  
ZO SECTION 27 EFFECTIVE DATE  
SR SECTION 1.5 ENACTMENT

## 1.12 TRANSITIONAL PROVISIONS

*Addresses the transition from the previous ordinances in effect prior to the effective date of the UDO.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 24 REENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE  
ZO SECTION 27: EFFECTIVE DATE  
SR SECTION 1.5: ENACTMENT  
SR SECTION 1.10 SAVING PROVISION

### 1.12.1 GENERALLY

### 1.12.2 APPLICATIONS IN PROGRESS

### 1.12.3 APPROVALS GRANTED PRIOR TO EFFECTIVE DATE

### 1.12.4 VIOLATIONS CONTINUE

# CHAPTER 2 ZONING DISTRICTS

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## 2.1 GENERAL PROVISIONS

### 2.1.1 INTRODUCTION

*Introduces and explains the zoning districts, and establishes general standards. This includes a cross-reference to the Use Table in Chapter 3.*

### 2.1.2 DISTRICTS ESTABLISHED

*Establishes the zoning districts. A table will classify the districts as conventional, conditional, or legacy districts.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 4 DISTRICTS ESTABLISHED

### 2.1.3 ZONING MAP & OTHER OFFICIAL MAPS

*Formally establishes the zoning map and cross-references the procedures for amendments. Incorporates by reference flood insurance rate maps, watershed boundary maps, and other maps officially adopted or promulgated by state and federal agencies that relate to the zoning and land development process.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 6.1 ZONING MAP

ZO SECTION 6.2 INCORPORATION BY REFERENCE

### 2.1.4 LOTS FOR MINOR UTILITY USES

*Carries forward current provisions for minor utility lots in the Dimensional Standards for each conventional district.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTIONS 10.1.B, 10.2.B, 10.3.B, 10.4.B, 10.6.B, 10.7.B, 10.8.B, 10.9.B, AND 10.10.B

## 2.2 CONVENTIONAL DISTRICTS<sup>5</sup>

*Carries forward current zoning districts and adds new districts to implement Plan Chatham goals. Renames the current residential districts to better align with the Future Land Use & Conservation Plan Map designations.*

### 2.2.1 PP, PARKS & PROTECTED LANDS DISTRICT<sup>6</sup>

### 2.2.2 AG, AGRICULTURAL DISTRICT<sup>7</sup>

### 2.2.3 RA, AGRICULTURAL RESIDENTIAL DISTRICT<sup>8</sup>

### 2.2.4 R5, CONSERVATION RESIDENTIAL DISTRICT<sup>9</sup>

### 2.2.5 R2, RURAL RESIDENTIAL DISTRICT<sup>10</sup>

### 2.2.6 R1, SUBURBAN RESIDENTIAL DISTRICT<sup>11</sup>

### 2.2.7 RV, RURAL VILLAGE DISTRICT<sup>12</sup>

### 2.2.8 OI, OFFICE & INSTITUTIONAL DISTRICT

### 2.2.9 NB, NEIGHBORHOOD BUSINESS DISTRICT

### 2.2.10 NC, NEIGHBORHOOD CENTER DISTRICT

### 2.2.11 AC, ACTIVITY CENTER DISTRICT

### 2.2.12 CB, COMMUNITY BUSINESS DISTRICT

### 2.2.13 RB, REGIONAL BUSINESS DISTRICT

### 2.2.14 RHC, RURAL HIGHWAY COMMERCIAL DISTRICT<sup>13</sup>

<sup>5</sup> Each Conventional District will include a purpose statement, table of dimensional standards, cross-reference to Chapter 4: *Use Regulations*, and additional district-specific standards as applicable.

<sup>6</sup> New district proposed to implement the “Park/Protected Lands” Future Land Use & Conservation Map designation and address Focus Group input. See [Audit Report](#) p. 58.

<sup>7</sup> One of two new districts proposed to implement the “Agriculture” Future Land Use & Conservation Map designation and address Focus Group input. See [Audit Report](#) pp. 29-31.

<sup>8</sup> One of two new districts proposed to implement the “Agriculture” Future Land Use & Conservation Map designation and address Focus Group input. See [Audit Report](#) pp. 29-31.

<sup>9</sup> Renames the current R5 District to better reflect its purpose, which is to implement the “Conservation” Future Land Use & Conservation Map designation. Other changes to the district (e.g., to allowed uses or dimensional standards) may be proposed during Module 1.

<sup>10</sup> Renames the current R2 District to align it with the “Rural” Future Land Use & Conservation Map designation. Other changes to the district (e.g., to allowed uses or dimensional standards) may be proposed during Module 1.

<sup>11</sup> Renames the current R1 District to better reflect its position in the hierarchy of residential zoning districts (i.e., higher density and smaller lot size than other residential districts). Other changes to the district (e.g., to allowed uses or dimensional standards) may be proposed during Module 1.

<sup>12</sup> New commercial district proposed to help implement the “Rural” Future Land Use & Conservation Map designation and address Focus Group concerns with the limitations of the current R1 zoning in these areas. See [Audit Report](#) p. 60.

<sup>13</sup> New commercial district proposed to help implement the “Rural” Future Land Use & Conservation Map designation and address Focus Group concerns with the limitations of the current R1 zoning in these areas. See [Audit Report](#) p. 60.

**2.2.15 IL, LIGHT INDUSTRIAL DISTRICT****2.2.16 IH, HEAVY INDUSTRIAL DISTRICT****INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 4 DISTRICTS ESTABLISHED

ZO SECTION 10 SCHEDULE OF DISTRICT REGULATIONS

COMPACT COMMUNITIES ORDINANCE

**2.3 CONDITIONAL DISTRICTS<sup>14</sup>***Reduces the number of conditional zoning districts from eleven to four.***2.3.1 GENERAL PROVISIONS****2.3.2 CD-CR, COMPACT RESIDENTIAL CONDITIONAL DISTRICT<sup>15</sup>****2.3.3 CD-CMU, COMPACT MIXED USE CONDITIONAL DISTRICT<sup>16</sup>****2.3.4 CD-CN, COMPACT NON-RESIDENTIAL CONDITIONAL DISTRICT<sup>17</sup>****INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 5 CONDITIONAL ZONING DISTRICTS

ZO SECTION 10 SCHEDULE OF DISTRICT REGULATIONS

**2.4 LEGACY DISTRICTS***Maintains B1 and CD-B1 as legacy districts and designates all existing conditional districts as legacy districts.<sup>18</sup> Property currently zoned in a legacy district will remain as zoned, unless and until the property owner requests or the County initiates a rezoning. Property cannot be rezoned to a legacy district, and existing legacy districts cannot be expanded.*

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<sup>14</sup> The [Audit Report](#) recommends limiting the use of conditional zoning districts (see p. 59).

<sup>15</sup> New district proposed to implement the MU-1 (Mixed Use 1 District) recommended in *Plan Chatham* Land Use Action Item 1.2 (p. 145). Incorporates, and revises as needed, the current standards for Planned Residential Developments (PRD).

<sup>16</sup> New district proposed to implement the MU-2 recommended in *Plan Chatham* Land Use Action Item 1.2 (p. 145). Incorporates some of the current standards from the Compact Communities Ordinance (CCO).

<sup>17</sup> New district proposed to implement the MU-3 recommended in *Plan Chatham* Land Use Action Item 1.2 (p. 145). Incorporates some of the current standards from the Mixed Use Conditional District (CD-MU).

<sup>18</sup> The [Audit Report](#) recommends limiting the use of conditional zoning districts (see p. 59).

**2.4.1 GENERAL PROVISIONS**

**2.4.2 B1, GENERAL BUSINESS DISTRICT**

**2.4.3 CD-B1, GENERAL BUSINESS CONDITIONAL DISTRICT**

**2.4.4 CD-CB, COMMUNITY BUSINESS CONDITIONAL DISTRICT**

**2.4.5 CD-CC, COMPACT COMMUNITIES CONDITIONAL DISTRICT<sup>19</sup>**

**2.4.6 CD-IL, LIGHT INDUSTRIAL CONDITIONAL DISTRICT**

**2.4.7 CD-IH, HEAVY INDUSTRIAL CONDITIONAL DISTRICT**

**2.4.8 CD-MU, MIXED USE CONDITIONAL DISTRICT**

**2.4.9 CD-NB, NEIGHBORHOOD BUSINESS CONDITIONAL DISTRICT**

**2.4.10 CD-O&I, OFFICE & INSTITUTIONAL CONDITIONAL DISTRICT**

**2.4.11 CD-R5, RESIDENTIAL CONDITIONAL DISTRICT**

**2.4.12 CD-R2, RESIDENTIAL CONDITIONAL DISTRICT**

**2.4.13 CD-R1, RESIDENTIAL CONDITIONAL DISTRICT**

**2.4.14 CD-RB, REGIONAL BUSINESS CONDITIONAL DISTRICT**

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 5 CONDITIONAL ZONING DISTRICTS

ZO SECTION 10 SCHEDULE OF DISTRICT REGULATIONS

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<sup>19</sup> Proposed here is to replace the CD-CC with a new set of three compact community districts (see Sections 2.2 and 2.3).

# CHAPTER 3 USE REGULATIONS<sup>20</sup>

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## 3.1 GENERAL PROVISIONS

*Explains the intent and applicability of this Chapter—i.e., to establish the uses allowed in each zoning district, to add supplemental regulations that apply to certain uses, to clarify issues relating to uses (e.g., permitted accessory uses), and to implement state and federal law regarding certain land uses.*

### 3.1.1 PURPOSE

### 3.1.2 APPLICABILITY

### 3.1.3 OTHER APPLICABLE REGULATIONS & PERMITTING REQUIREMENTS

### 3.1.4 RELATIONSHIP OF RESIDENTIAL BUILDINGS TO LOTS

*Carries forward current provisions related to multiple principal dwellings on a lot.*

## 3.2 PRINCIPAL USE TABLES

*Carries forward, consolidates, and audits the list of uses permitted in each zoning district. Adjusts uses in districts as needed.*

### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 10 SCHEDULE OF DISTRICT REGULATIONS (FIRST PARAGRAPH)

ZO SECTION 10.13 TABLE 1: ZONING TABLE OF PERMITTED USES

### 3.2.1 INTRODUCTION

*Carries forward explanation of how to read the use table.*

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<sup>20</sup> The use-specific standards for principal, accessory, and temporary uses are provided in their own sections (rather than as a subsection under the use type) so that each individual use will have its own numbered subsection. This makes the standards easier for users to locate and cite.

### 3.2.2 CLASSIFICATION OF NEW & UNLISTED USES<sup>21</sup>

*Authorizes the Zoning Administrator to classify new and unlisted principal uses. Provides criteria to assist the Zoning Administrator in making determinations regarding new and unlisted uses.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.1 RELATIONSHIP OF BUILDINGS TO LOT  
ZO SECTION 8.6 INTERPRETING PERMITTED USES

### 3.2.3 PREEMPTION

*Specifies that uses regulated by the State of North Carolina and exempt from local control are allowed, subject to state regulations.*

### 3.2.4 DESCRIPTIONS OF PRINCIPAL USE CATEGORIES

*Describes the 16 use categories into which all principal uses are divided.*

### 3.2.5 ACCOMMODATIONS & LODGING PRINCIPAL USES

### 3.2.6 AGRICULTURE & HORTICULTURE PRINCIPAL USES

### 3.2.7 ARTS, ENTERTAINMENT, & RECREATION PRINCIPAL USES

### 3.2.8 BUSINESS, PROFESSIONAL, SCIENTIFIC, & TECHNICAL PRINCIPAL USES

### 3.2.9 GOVERNMENT PRINCIPAL USES

### 3.2.10 HEALTHCARE PRINCIPAL USES

### 3.2.11 HEAVY COMMERCIAL, MANUFACTURING, & INDUSTRIAL PRINCIPAL USES

### 3.2.12 INSTITUTIONAL & CIVIC PRINCIPAL USES

### 3.2.13 NATURAL RESOURCES EXTRACTION PRINCIPAL USES

### 3.2.14 MIXED PRINCIPAL USES

### 3.2.15 RESIDENTIAL PRINCIPAL USES

### 3.2.16 RETAIL, SERVICE, AND FOOD & BEVERAGE PRINCIPAL USES

### 3.2.17 TRANSPORTATION, WAREHOUSING, & STORAGE PRINCIPAL USES

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<sup>21</sup> This is a significant change from the current provisions in ZO Section 8.6: *Interpreting Permitted Uses*, which states “[a]ny use that is not specifically listed in a district shall be deemed to be prohibited.” Proposed here is to establish a process for the Zoning Administrator to determine whether and how unlisted uses are allowed, including rules for determining whether an unlisted use simply falls within the definition of a permitted use or requires a Special Use Permit. This business-friendly approach allows the County to quickly accommodate new and emerging land uses that are similar to other types of uses already allowed. When an unlisted use is unlike any other use already listed in the use table, the Planning Board and Board of Commissioners could consider allowing the use through a UDO text amendment.



**3.2.18 UTILITY PRINCIPAL USES****3.2.19 VEHICLE-RELATED PRINCIPAL USES****3.2.20 WASTE MANAGEMENT PRINCIPAL USES****3.3 USE-SPECIFIC STANDARDS FOR PRINCIPAL USES**

*Carries forward current use-specific standards and adds uses recommended in the [Audit Report](#) (p. 65). Uses may be added or removed from this Section during drafting.*

**3.3.1 APPLICABILITY****3.3.2 AMUSEMENTS, OUTDOOR****3.3.3 ANIMAL HUSBANDRY, SPECIALIZED****3.3.4 BED & BREAKFAST HOMES & INNS****3.3.5 BOARDING & BREEDING KENNELS****3.3.6 CHURCHES & OTHER PLACES OF WORSHIP****3.3.7 CORNER STORES****3.3.8 COTTAGE COURTS****3.3.9 EMERGENCY OPERATIONS FACILITIES****3.3.10 EVENTS CENTER****3.3.11 FAMILY CARE HOMES****3.3.12 FARM MARKETS****3.3.13 GAS STATIONS<sup>22</sup>****3.3.14 HAZARDOUS WASTE FACILITIES<sup>23</sup>****3.3.15 HUNTING OR FISHING CLUBS****3.3.16 INERT DEBRIS LANDFILLS****3.3.17 JUNKYARDS & AUTO WRECKING FACILITIES<sup>24</sup>**

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<sup>22</sup> This Subsection proposes to add use-specific regulations for gas stations, such as separation requirements between gas stations and between gas stations and other uses, such as dwellings. This Subsection is added pursuant to public input received following completion of the Audit Report.

<sup>23</sup> During drafting, the consultant team will work closely with the County attorney to determine whether State law preempts the County from regulating hazardous waste facilities.

<sup>24</sup> Consolidates Chatham County Code Chapter 111: *Junk Yard Control* with other zoning and development-related regulations. Modernizes current standards and updates for compliance with State law as needed.

**3.3.18 LAND CLEARING DEBRIS LANDFILLS****3.3.19 NEIGHBORHOOD RECREATION AMENITIES****3.3.20 PARKS & RECREATION AREAS****3.3.21 RECREATION CAMPS & GROUNDS****3.3.22 SCHOOLS, PUBLIC & PRIVATE****3.3.23 SEXUALLY-ORIENTED BUSINESSES****3.3.24 SHOOTING RANGES, OUTDOOR****3.3.25 SOLAR ENERGY SYSTEMS, LEVEL 2 & LEVEL 3****3.3.26 TOBACCO RETAILERS<sup>25</sup>****INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.1.4 REGULATION OF RECREATIONAL VEHICLES (RVS) [RELATIONSHIP OF BUILDINGS TO LOT]

ZO SECTION 17.5 SPECIFIC CONDITIONS FOR CONDITIONAL USES LISTED IN RESIDENTIAL DISTRICTS

ZO SECTION 17.6 STANDARDS FOR SOLAR ENERGY USES

ZO SECTION 17.7 STANDARDS FOR EVENTS CENTER LIMITED

ZO SECTION 17.8 STANDARDS FOR SEXUALLY ORIENTED BUSINESSES

CHATHAM COUNTY CODE CHAPTER 111: JUNK YARD CONTROL

**3.4 ACCESSORY USES & STRUCTURES**

*Carries forward, consolidates, clarifies, and augments existing regulations for accessory uses.*

**3.4.1 APPLICABILITY****3.4.2 MAJOR & MINOR ACCESSORY USES & STRUCTURES DEFINED****3.4.3 ZONING COMPLIANCE PERMIT REQUIRED****3.4.4 DIMENSIONAL STANDARDS****3.4.5 ACCESSORY USE TABLE**

<sup>25</sup> Use regulations for tobacco retailers are proposed pursuant to input from Public Health Department staff. This is one of a number of provisions the UDO will propose related to improving health and increasing equity in the land development and zoning process. Use regulations could include a minimum separation distance between tobacco retailers and/or between tobacco retailers and other uses, such as dwellings and schools. See:

[https://changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco\\_Retail\\_Density-Factsheet\\_FINAL\\_20190131.pdf](https://changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf)

## 3.5 USE-SPECIFIC STANDARDS FOR ACCESSORY USES & STRUCTURES<sup>26</sup>

### 3.5.1 BACKYARD CHICKEN KEEPING

### 3.5.2 CHILD CARE CENTER LOCATED IN A RESIDENCE

### 3.5.3 FAMILY CHILD CARE HOMES

### 3.5.4 FARMSTANDS

### 3.5.5 HOME OCCUPATIONS

### 3.5.6 PERSONAL OUTDOOR SHOOTING RANGES

### 3.5.7 PRIVATE-USE AIRPORTS<sup>27</sup>

### 3.5.8 RECREATIONAL VEHICLES

### 3.5.9 SOLAR ENERGY SYSTEMS, LEVEL 1<sup>28</sup>

#### CURRENT COUNTY CODE SECTIONS TO INCLUDE:

ZO SECTION 16 HOME OCCUPATIONS

ZO SECTION 17.6 STANDARDS FOR SOLAR ENERGY USES

## 3.6 TEMPORARY USES & STRUCTURES

### 3.6.1 PURPOSE

*Carries forward, consolidates, and expands existing regulations for temporary uses. Adds provisions for common temporary uses, such as seasonal tree and pumpkin sales lots, mobile vending, and filming and production activities.*

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<sup>26</sup> Uses may be added or removed from this Section during drafting.

<sup>27</sup> This use is added pursuant to staff input. This would include drones, ultralights, single-engine planes, and small dual engine planes flown as an accessory use (i.e., there's a home or business on the property). The use may include associated structures (e.g., hangars), may involve land clearing for runways, and may generate noise impacts.

<sup>28</sup> Note the recent N.C. Supreme Court ruling regarding solar access:

<https://energynews.us/2022/06/21/n-c-supreme-court-rules-in-favor-of-solar-access-against-homeowners-association/>. Staff noted “[t]he Audit Report mentions solar in the clean energy section, with more of a focus on solar farms and parking lot covers, but also suggests ‘incentives for passive solar uses’ in building design and ‘increased height allowances to accommodate energy generation systems like rooftop solar panels.’ With this ruling, a lot more homes in our county will be eligible to build solar on their rooftops, so specifically tailoring incentivization toward those newly eligible homes and new developments could have a huge impact on energy use in the County.”

### **3.6.2 EXEMPTIONS**

### **3.6.3 ZONING COMPLIANCE PERMIT REQUIRED**

### **3.6.4 PROPERTY OWNER CONSENT REQUIRED**

### **3.6.5 TEMPORARY USE TABLE**

*Adds a use table to provide criteria for temporary uses.*

### **3.6.6 DEVELOPMENT & DESIGN STANDARDS**

*Specifies requirements for structures, parking, and lighting.*

## **3.7 USE-SPECIFIC STANDARDS FOR TEMPORARY USES & STRUCTURES<sup>29</sup>**

### **3.7.1 FARMERS' & ARTISANS' MARKETS**

### **3.7.2 LAYDOWN & STORAGE YARDS**

### **3.7.3 MOBILE VENDING**

### **3.7.4 SEASONAL FARMSTANDS**

## **3.8 WIRELESS TELECOMMUNICATIONS FACILITIES**

*Carries forward the current Chatham County Wireless Telecommunications Facilities Ordinance, last updated in April 2019.*

### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

CHATHAM COUNTY WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

### **3.8.1 AUTHORITY & PURPOSE**

### **3.8.2 PERMITS**

### **3.8.3 MISCELLANEOUS PROVISIONS**

### **3.8.4 WIRELESS FACILITIES & WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE**

### **3.8.5 ENFORCEMENT & REMEDIES**

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<sup>29</sup> Uses may be added or removed from this Section during drafting.

# CHAPTER 4 DEVELOPMENT & DESIGN STANDARDS

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## 4.1 GENERAL PROVISIONS

### 4.1.1 PURPOSE

### 4.1.2 APPLICABILITY

### 4.1.3 ACCESS TO PROPERTY

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

ZO SECTION 8.4 ACCESS TO PROPERTY

## 4.2 BUILDING DESIGN<sup>30</sup>

*Adds new architectural standards for non-residential, mixed use, and multi-family buildings in certain zoning districts and/or certain geographic areas.*

### 4.2.1 PURPOSE

### 4.2.2 DESIGN PRINCIPLES

### 4.2.3 APPLICABILITY

### 4.2.4 BUILDING ORIENTATION

### 4.2.5 PEDESTRIAN ENTRY & ACCESS

### 4.2.6 BUILDING FRONTAGE TYPES

### 4.2.7 ROOFS

### 4.2.8 WALL PLANES

### 4.2.9 BUILDING COMPOSITION

### 4.2.10 SIGN BAND AREA

### 4.2.11 WINDOW OPENINGS

### 4.2.12 EXTERIOR MATERIALS

### 4.2.13 HIGH-VISIBILITY CORNER SITES

### 4.2.14 ROOF-MOUNTED UTILITY & SERVICE AREAS

### 4.2.15 AUTO-ORIENTED CANOPY STRUCTURES

### 4.2.16 OUTDOOR DISPLAY & STORAGE

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<sup>30</sup> See discussion of proposed standards in the [Audit Report](#) (pp. 77-78).

## 4.2.17 SOLAR ENERGY SYSTEMS

### 4.3 FIRE PROTECTION

*Includes portions of County Code Chapter 93: Fire Prevention and Protection. County staff will identify which provisions should be relocated.*

#### 4.3.1 PURPOSE

#### 4.3.2 APPLICABILITY

#### 4.3.3 PROHIBITED PARKING

#### 4.3.4 PERMITS REQUIRED

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

PORTIONS OF CHAPTER 93: FIRE PREVENTION AND PROTECTION

### 4.4 LANDSCAPING & SCREENING<sup>31</sup>

*Carries forward and augments landscaping and screening requirements.<sup>32</sup>*

#### 4.4.1 PURPOSE

#### 4.4.2 APPLICABILITY

#### 4.4.3 LANDSCAPE PLAN

#### 4.4.4 GENERAL LANDSCAPING STANDARDS

#### 4.4.5 BUILDING FOUNDATION LANDSCAPING

#### 4.4.6 PARKING LOT LANDSCAPING

#### 4.4.7 TRANSITIONAL BUFFERS

#### 4.4.8 SCREENING OF SITE FEATURES

#### 4.4.9 LANDSCAPING MAINTENANCE

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.1 UN-NUMBERED LAST SENTENCE (RELATIONSHIP OF BUILDINGS TO LOT)

ZO SECTION 12 LANDSCAPING AND BUFFERING STANDARDS

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<sup>31</sup> The use of the term “screening” rather than “buffering” is intended to clearly distinguish these standards from riparian buffer requirements as well as convey the intent of these standards, which is to screen certain land uses from one another.

<sup>32</sup> See discussion of proposed changes in the [Audit Report](#) (pp. 73-76).

## 4.5 LIGHTING<sup>33</sup>

*Carries forward and modernizes current exterior lighting regulations. Provides standards tailored to different areas of Chatham County.*

### 4.5.1 PURPOSE

### 4.5.2 APPLICABILITY

### 4.5.3 EXEMPTIONS

### 4.5.4 PROHIBITED EXTERIOR LIGHTING

### 4.5.5 EXTERIOR LIGHTING DESIGN PRINCIPLES

### 4.5.6 GENERAL STANDARDS FOR ALL EXTERIOR LIGHTING

### 4.5.7 LIGHTING ZONES

### 4.5.8 LIGHTING LEVELS

### 4.5.9 LIMITS TO OFF-SITE IMPACTS

### 4.5.10 ADDITIONAL LIGHTING STANDARDS FOR CERTAIN LAND USES

### 4.5.11 PERMANENT SIGN AND BILLBOARD LIGHTING

### 4.5.12 LANDSCAPE LIGHTING

### 4.5.13 HOLIDAY/FESTIVE LIGHTING

### 4.5.14 STREET LIGHTING

### 4.5.15 EXTERIOR LIGHTING PLAN REQUIRED

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 13 LIGHTING

## 4.6 PARKING & LOADING<sup>34</sup>

### 4.6.1 PURPOSE

### 4.6.2 APPLICABILITY

### 4.6.3 PARKING PLAN REQUIRED

### 4.6.4 PARKING RATIOS

*Updates/modernizes existing parking ratios as needed.*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 14.1. OFF-STREET PARKING REQUIREMENTS

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<sup>33</sup> See discussion of proposed changes in the [Audit Report](#) (p. 79).

<sup>34</sup> See discussion of proposed changes in the [Audit Report](#) (pp. 80-81).

#### **4.6.5 PARKING LOT IMPROVEMENT, DESIGN, AND LOCATIONAL REQUIREMENTS**

*Specifies parking space surfacing and marking requirements, parking space dimensions, parking lot layout requirements, and cross-references the Building Code for accessible parking space requirements. Cross-references parking lot landscaping requirements in 4.4.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 14.1. OFF-STREET PARKING REQUIREMENTS

ZO SECTION 14.2 PARKING LOT IMPROVEMENT, DESIGN, AND LOCATIONAL REQUIREMENTS

#### **4.6.6 ELECTRIC VEHICLE CHARGING STATIONS**

*Adds requirements for the installation of EV charging stations in new parking lots, as recommended in the [Audit Report](#) (p. 81).*

#### **4.6.7 ALTERNATIVE PARKING PLANS**

*Carries forward and significantly expands provisions allowing shared parking. Authorizes applicants to submit alternative parking plans to meet the requirements of this Section (e.g., shared parking plans, remote parking plans, parking demand studies).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 14.1. OFF-STREET PARKING REQUIREMENTS

#### **4.6.8 VEHICLE QUEUING**

*Establishes requirements for vehicle queuing spaces for uses with drive-through facilities.*

#### **4.6.9 BICYCLE PARKING**

*Adds new requirements for bicycle parking in certain developments.*

#### **4.6.10 OFF-STREET LOADING**

*Carries forward and expands off-street loading requirements as needed.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 14.3 OFF-STREET LOADING REQUIREMENTS



## 4.7 SIGNS<sup>35</sup>

*Comprehensively revises the sign regulations to ensure they align with best practices, changes in land development policy, and current case law.*

### 4.7.1 PURPOSE

### 4.7.2 APPLICABILITY

### 4.7.3 CONTENT NEUTRALITY

### 4.7.4 EXEMPT SIGNS

### 4.7.5 PROHIBITED SIGNS

### 4.7.6 GENERAL SIGN STANDARDS

### 4.7.7 SIGN DISTRICTS & INTERPRETATION OF TABLES

### 4.7.8 PERMANENT SIGNS

### 4.7.9 INCIDENTAL SIGNS

### 4.7.10 TEMPORARY SIGNS

### 4.7.11 BILLBOARDS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 13.12 PERMANENT SIGN AND BILLBOARD LIGHTING

ZO SECTION 15 REGULATIONS GOVERNING SIGNS

CHATHAM COUNTY OFF-PREMISE SIGNS ORDINANCE

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<sup>35</sup> See discussion of proposed changes in the [Audit Report](#) (p. 82).

# CHAPTER 5 GENERAL SUBDIVISION STANDARDS<sup>36</sup>

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## 5.1 GENERAL PROVISIONS

*This Chapter carries forward and revises, as needed, the current Subdivision Regulations.*

### 5.1.1 AUTHORITY

### 5.1.2 PURPOSE

### 5.1.3 APPLICABILITY

### 5.1.4 APPROVAL REQUIRED

### 5.1.5 SUMMARY OF AVAILABLE SUBDIVISION DESIGNS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SECTION 8.4 ACCESS TO PROPERTY

SR SECTION 1.4 JURISDICTION

## 5.2 SUBDIVISION TYPES

### 5.2.1 APPLICABILITY

### 5.2.2 MAJOR SUBDIVISIONS

### 5.2.3 MINOR SUBDIVISIONS

### 5.2.4 FAMILY SUBDIVISIONS

### 5.2.5 EXPEDITED REVIEW

### 5.2.6 EXEMPT SUBDIVISIONS

### 5.2.7 RECORDING OF NON-BUILDING LOTS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 4 TYPES OF SUBDIVISIONS

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<sup>36</sup> See discussion of proposed changes in the [Audit Report](#) (pp. 44-56).

## 5.3 GENERAL DESIGN REQUIREMENTS FOR ALL SUBDIVISIONS

- 5.3.1 APPLICABILITY
- 5.3.2 LOT CONFIGURATION & FRONTAGES
- 5.3.3 MINIMUM LOT DIMENSIONS & AREAS
- 5.3.4 SEPARATE LOTS REQUIRED FOR BUFFERS
- 5.3.5 CENTRALIZED MAIL FACILITY
- 5.3.6 AGRICULTURE-FRIENDLY DESIGN

## 5.4 SUBDIVISION DESIGNS

*Carries forward current conventional and conservation subdivision types. Adds agricultural-friendly subdivisions to implement Plan Chatham recommendations. Adds compact subdivisions to align with the three new compact zoning districts. Adds townhouse subdivisions to address the unique characteristics of townhouse developments.*

- 5.4.1 CONVENTIONAL SUBDIVISIONS
- 5.4.2 CONSERVATION SUBDIVISIONS
- 5.4.3 COMPACT SUBDIVISIONS
- 5.4.4 TOWNHOUSE SUBDIVISIONS
- 5.4.5 NON-RESIDENTIAL SUBDIVISIONS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

- SR SECTION 7.3 BLOCKS
- SR SECTION 7.4 LOTS
- SR SECTION 7.6 ZONING OR OTHER REGULATIONS
- SR SECTION 7.7 CONSERVATION SUBDIVISION—ALTERNATIVE STANDARDS FOR DEVELOPMENT
- SECTION 8.4 ACCESS TO PROPERTY
- SR SECTION 9 SPECIAL DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENTS
- SR SECTION 10 COMPACT COMMUNITIES

## **5.5 PUBLIC USE AND SERVICE AREAS**

### **5.5.1 RESERVATION OF SCHOOL SITES**

### **5.5.2 EASEMENTS, DEDICATIONS, & RESERVATIONS**

### **5.5.3 UTILITY EASEMENTS**

### **5.5.4 PEDESTRIAN EASEMENTS**

### **5.5.5 SIGHT DISTANCE EASEMENTS AT INTERSECTIONS**

### **5.5.6 DEDICATION OF WATERWAYS**

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SR SECTION 7.5 PUBLIC USE AND SERVICE AREAS

# CHAPTER 6 CONSERVATION & OPEN SPACE<sup>37</sup>

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## 6.1 OPEN SPACE

### 6.1.1 PURPOSE

### 6.1.2 APPLICABILITY

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 7.5.A(2) PUBLIC USE AND SERVICE AREAS (RECREATION SITES)

### 6.1.3 MINIMUM AMOUNT OF OPEN SPACE REQUIRED

### 6.1.4 TYPES OF OPEN SPACE

### 6.1.5 COMPOSITION OF OPEN SPACE

### 6.1.6 SELECTION OF NATURAL AREA FOR PRESERVATION

### 6.1.7 LOCATION & DESIGN OF OPEN SPACE

### 6.1.8 OPEN SPACE PLAN REQUIRED

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 7.5.A(2) PUBLIC USE AND SERVICE AREAS (RECREATION SITES) \

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<sup>37</sup> This Chapter consolidates and modernizes existing conservation and open space requirements. See discussion of proposed changes in the [Audit Report](#) (pp. 25-28).

## 6.2 CEMETERY BUFFERS

### 6.2.1 PURPOSE

### 6.2.2 APPLICABILITY

### 6.2.3 CEMETERY BUFFER STANDARDS

## 6.3 TREE PROTECTION<sup>38</sup>

### 6.3.1 FINDINGS & PURPOSE

### 6.3.2 APPLICABILITY

### 6.3.3 TREE SAVE AREAS

### 6.3.4 REMOVAL OF TREES

### 6.3.5 APPLICATION REQUIREMENTS

### 6.3.6 TREE PROTECTION DURING CONSTRUCTION

### 6.3.7 PLANT MATERIAL INSTALLATION

### 6.3.8 USE OF TREE SAVE AREAS

### 6.3.9 APPEALS

## 6.4 LONG-TERM PRESERVATION & MAINTENANCE

### 6.4.1 PURPOSE

### 6.4.2 APPLICABILITY

### 6.4.3 GENERALLY

### 6.4.4 PERMANENT PROTECTION REQUIRED

### 6.4.5 MAINTENANCE STANDARDS

### 6.4.6 FAILURE TO MAINTAIN CONSERVATION & OPEN SPACE

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<sup>38</sup> *The Chatham County Board of Commissioners recently appointed a working group to draft tree protection regulations for the County. This Chapter will incorporate the [Tree Protection Ordinance Working Group's](#) draft language, as well as provisions from the Chatham County Appearance Commission's Design Guidelines. See discussion of proposed standards in the [Audit Report](#) (pp. 73-76).*

# CHAPTER 7 INFRASTRUCTURE & PUBLIC IMPROVEMENTS

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## 7.1 APPLICABILITY & GENERAL REQUIREMENTS

*This Chapter carries forward requirements for developers to install infrastructure in new developments.*

### 7.1.1 REQUIRED IMPROVEMENTS BY DEVELOPMENT TYPE

### 7.1.2 COMPLETION OF IMPROVEMENTS

### 7.1.3 COSTS OF IMPROVEMENTS

### 7.1.4 ACCEPTANCE OF DEDICATION OFFERS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.4 ACCESS TO PROPERTY

## 7.2 STREET IMPROVEMENTS

### 7.2.1 ACCESS REQUIRED

### 7.2.2 STREET CLASSIFICATIONS

### 7.2.3 CONNECTIVITY REQUIRED

### 7.2.4 DEDICATIONS & DESIGN FOR EXISTING & FUTURE STREETS

### 7.2.5 STREET ALIGNMENT & NAMING

### 7.2.6 PUBLIC STREETS

### 7.2.7 PRIVATE STREETS

### 7.2.8 PRIVATE DRIVEWAYS

### 7.2.9 REVIEW BY THE DEPARTMENT OF TRANSPORTATION

## **7.3 OTHER REQUIRED IMPROVEMENTS**

### **7.3.1 MONUMENTS & LOT MARKERS**

### **7.3.2 PEDESTRIAN & MULTIMODAL SYSTEMS**

### **7.3.3 STREET NAME SIGNS & TRAFFIC SIGNS**

### **7.3.4 UTILITIES**

### **7.3.5 WASTEWATER SYSTEMS**

### **7.3.6 WATER SUPPLY SYSTEMS**

### **7.3.7 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.7 WATER AND SEWER REQUIREMENTS

SR SECTION 7.2 RURAL ROADS

SR SECTION 8 DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

## **7.4 PERFORMANCE GUARANTEES FOR COMPLETION OF IMPROVEMENTS**

### **7.4.1 APPLICABILITY**

### **7.4.2 GENERALLY**

### **7.4.3 FORM OF PERFORMANCE GUARANTEE**

### **7.4.4 AMOUNT OF PERFORMANCE GUARANTEE**

### **7.4.5 COVERAGE OF PERFORMANCE GUARANTEE**

### **7.4.6 DURATION OF PERFORMANCE GUARANTEE**

### **7.4.7 EXTENSION OF PERFORMANCE GUARANTEE**

### **7.4.8 RETURN OR RELEASE OF PERFORMANCE GUARANTEE**

### **7.4.9 FAILURE TO COMPLETE IMPROVEMENTS**

### **7.4.10 LEGAL RESPONSIBILITIES**

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 3 SECURITY FOR COMPLETION OF IMPROVEMENTS

SR SECTION 8.1.I GUARANTEE IN LIEU OF COMPLETED IMPROVEMENTS

## **7.5 INSPECTION OF IMPROVEMENTS**

### **7.5.1 GENERAL PROCEDURE**

### **7.5.2 RELEASE OR REDUCTION OF PERFORMANCE GUARANTEE**



# CHAPTER 8 WATERSHED & RIPARIAN BUFFER PROTECTION

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*This Chapter carries forward and revises, as needed, the current Watershed Protection Ordinance.*

## 8.1 PURPOSE

- 8.1.1 GENERAL
- 8.1.2 PURPOSE

## 8.2 APPLICABILITY

- 8.2.1 GENERAL
- 8.2.2 EXCEPTIONS

## 8.3 WATERSHED AREAS

- 8.3.1 WATERSHED AREAS CLASSIFICATION
- 8.3.2 INTERPRETATION & AMENDMENT OF WATERSHED AREA BOUNDARIES

## 8.4 WATERSHED INTENSITY AND USE STANDARDS

- 8.4.1 INTENSITY STANDARDS
- 8.4.2 USE STANDARDS
- 8.4.3 USE REGULATIONS

## 8.5 WATERSHED DEVELOPMENT STANDARDS

- 8.5.1 STORMWATER MANAGEMENT
- 8.5.2 CONSERVATION SUBDIVISION
- 8.5.3 VEGETATED SETBACKS

## 8.5.4 PUBLIC HEALTH REGULATIONS

## 8.6 RIPARIAN BUFFER STANDARDS

### 8.6.1 APPLICABILITY

### 8.6.2 BUFFERS ESTABLISHED

### 8.6.3 VEGETATION & ACTIVITIES WITHIN THE RIPARIAN BUFFER ON LANDS OUTSIDE THE JORDAN LAKE WATERSHED CREATED AFTER DECEMBER 2, 2008, OR THAT ARE PROPOSED TO BE SUBDIVIDED IN CONNECTION WITH A DEVELOPMENT PROPOSAL UNDER THIS ORDINANCE

### 8.6.4 VEGETATION AND ACTIVITIES WITHIN THE RIPARIAN BUFFER ON LOTS OUTSIDE THE JORDAN LAKE WATERSHED THAT WERE CREATED BEFORE DECEMBER 2, 2008, AND THAT ARE NOT CURRENTLY PROPOSED TO BE SUBDIVIDED

### 8.6.5 VEGETATION & ACTIVITIES WITHIN THE RIPARIAN BUFFER ON LANDS WITHIN THE JORDAN LAKE WATERSHED

### 8.6.6 MITIGATION

## 8.7 ADMINISTRATION

### REVIEW & DECISION-MAKING BODIES

### 8.7.2 PROCEDURES

## 8.8 ENFORCEMENT

### 8.8.1 GENERAL

### 8.8.2 CIVIL PENALTIES

### 8.8.3 CRIMINAL PENALTIES

# CHAPTER 9 STORMWATER MANAGEMENT<sup>39</sup>

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## 9.1 AUTHORITY & PURPOSE

*This Chapter carries forward and revises, as needed, the current Stormwater Ordinance.*

### 9.1.1 STATUTORY AUTHORITY

### 9.1.2 FINDINGS OF FACT

### 9.1.3 STATEMENT OF PURPOSE

### 9.1.4 APPLICABILITY & JURISDICTION

### 9.1.5 OTHER APPLICABLE REGULATIONS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SO ARTICLE 1 AUTHORITY AND PURPOSE

SO SECTION 402 RIPARIAN BUFFER REQUIREMENTS

SO SECTION 406 FLOODPLAIN REQUIREMENTS

## 9.2 STORMWATER DESIGN STANDARDS

### 9.2.1 PURPOSE

### 9.2.2 DESIGN MANUALS

### 9.2.3 REDEVELOPMENT

### 9.2.4 GENERAL DESIGN STANDARDS

### 9.2.5 STORMWATER QUALITY SYSTEMS

### 9.2.6 STORMWATER QUANTITY SYSTEMS

### 9.2.7 STORMWATER CONVEYANCE SYSTEMS

### 9.2.8 ALTERNATIVE DESIGN STANDARDS

### 9.2.9 SINGLE-FAMILY RESIDENTIAL LOT STANDARDS FOR STORMWATER MANAGEMENT

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SO SECTION 400 STORMWATER DESIGN STANDARDS

SO SECTION 401 DESIGN MANUALS

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<sup>39</sup> Recode Chatham may significantly revise or further reorganize this Chapter and related provisions. See discussion of proposed changes in the [Audit Report](#) (pp. 36-38).

## 9.3 STORMWATER APPROVAL, PLAN SUBMITTAL, & REVIEW

### 9.3.1 STORMWATER APPROVAL

### 9.3.2 STORMWATER MANAGEMENT PLAN

### 9.3.3 AS-BUILT & FINAL PLAT APPROVAL

### 9.3.4 STORMWATER PERMITS

### 9.3.5 STORMWATER PERMIT TRANSFER

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

SO SECTION 403 STORMWATER PERMIT, PLAN SUBMITTAL AND REVIEW  
SO SECTION 405 AS-BUILT AND FINAL PLAT REQUIREMENTS

## 9.4 MAINTENANCE & INSPECTIONS

### 9.4.1 OPERATION & MAINTENANCE AGREEMENT

### 9.4.2 INSPECTIONS

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

SO ARTICLE 5 MAINTENANCE AND INSPECTIONS

## 9.5 ILLICIT DISCHARGES

### 9.5.1 PROHIBITED & ALLOWED DISCHARGES

### 9.5.2 ILLICIT CONNECTIONS

### 9.5.3 SPILLS & ACCIDENTAL DISCHARGES

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

SO ARTICLE 7 ILLICIT DISCHARGES

## 9.6 STORMWATER UTILITY SERVICE FEE

### 9.6.1 AUTHORITY

### 9.6.2 PURPOSE

### 9.6.3 JURISDICTION

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

SO ARTICLE 8 STORMWATER UTILITY SERVICE FEE

## 9.7 ADMINISTRATION

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO ARTICLE 3 ADMINISTRATION AND PROCEDURES

## 9.8 VARIANCES & APPEALS

### 9.8.1 VARIANCES

### 9.8.2 APPEALS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO SECTION 404 VARIANCES  
SO SECTION 602 APPEALS

## 9.9 VIOLATIONS & ENFORCEMENT

### 9.9.1 GENERALLY

### 9.9.2 CIVIL PENALTIES

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO SECTION 600 GENERAL  
SO SECTION 601 CIVIL PENALTIES

## 9.10 DEFINITIONS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO ARTICLE 2 DEFINITIONS

## 9.11 CHATHAM COUNTY RAINFALL DATA

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO APPENDIX A CHATHAM COUNTY RAINFALL DATA

## 9.12 CURVE NUMBERS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO APPENDIX B CURVE NUMBERS

## 9.13 GUIDELINES FOR THE 10% RULE

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SO APPENDIX D 10% RULE GUIDELINES

# CHAPTER 10 SOIL EROSION & SEDIMENTATION CONTROL<sup>40</sup>

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## 10.1 GENERAL PROVISIONS

*This Chapter carries forward and revises, as needed, the current Soil Erosion and Sedimentation Control Ordinance.*

### 10.1.1 TITLE

### 10.1.2 PURPOSE

### 10.1.3 SCOPE & EXCLUSIONS

### 10.1.4 ADDITIONAL MEASURES

### 10.1.5 SEVERABILITY

### 10.1.6 EFFECTIVE DATE

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.1 TITLE

SESCO SECTION 164.2 PURPOSE

SESCO SECTION 164.4 SCOPE AND EXCLUSIONS

SESCO SECTION 164.17 ADDITIONAL MEASURES

SESCO SECTION 164.23 EFFECTIVE DATE

## 10.2 BORROW & WASTE AREAS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.7 BORROW AND WASTE AREAS

## 10.3 OPERATION IN SURFACE WATERS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.8 OPERATION IN SURFACE WATERS

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<sup>40</sup> Staff is currently working on revisions to the Soil Erosion and Sedimentation Control Ordinance, and those revisions will be incorporated into this Chapter. In addition, Recode Chatham may significantly revise or further reorganize this Chapter and related provisions. See discussion of proposed changes in the [Audit Report](#) (pp. 39-42).

## 10.4 EXISTING UNCOVERED AREAS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.9 EXISTING UNCOVERED AREAS

## 10.5 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.5 MANDATORY STANDARDS

## 10.6 SLOPE STANDARDS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.6 SLOPE STANDARDS

## 10.7 DESIGN & PERFORMANCE STANDARDS FOR EROSION & SEDIMENTATION CONTROL DEVICES

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.16 DESIGN AND PERFORMANCE STANDARDS

## 10.8 RESPONSIBILITY FOR MAINTENANCE

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.18 RESPONSIBILITY FOR MAINTENANCE

## 10.9 EROSION & SEDIMENTATION CONTROL PLANS

### 10.9.1 PLAN REQUIRED

### 10.9.2 BASIC CONTROL OBJECTIVES

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.10 EROSION AND SEDIMENTATION CONTROL PLANS

## 10.10 LAND-DISTURBING PERMITS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.12 PERMITS



## 10.11 RESIDENTIAL LOT DISTURBANCE PERMITS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.13 RESIDENTIAL LOT DISTURBANCE PERMITS

## 10.12 CERTIFICATES OF COMPLIANCE & COMPLETION

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.25 CERTIFICATES OF COMPLIANCE AND COMPLETION

## 10.13 FEES

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.14 FEES

## 10.14 PLAN APPEALS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.19 PLAN APPEALS

## 10.15 INSPECTIONS & INVESTIGATIONS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.20 INSPECTIONS AND INVESTIGATIONS

## 10.16 INJUNCTIVE RELIEF

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.21 INJUNCTIVE RELIEF

## 10.17 PENALTY

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.99 PENALTY

## 10.18 RESTORATION AFTER NON-COMPLIANCE

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SESCO SECTION 164.22 RESTORATION AFTER NON-COMPLIANCE

## 10.19 DEFINITIONS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SESCO SECTION 164.3 DEFINITIONS

# CHAPTER 11 FLOOD DAMAGE PREVENTION<sup>41</sup>

## 11.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, & OBJECTIVES

*This Chapter carries forward and revises, as needed, the current Flood Damage Prevention Ordinance.*

### 11.1.1 STATUTORY AUTHORIZATION

### 11.1.2 FINDINGS OF FACT

### 11.1.3 STATEMENT OF PURPOSE

### 11.1.4 OBJECTIVES

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

FDPO ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

## 11.2 GENERAL PROVISIONS

### 11.2.1 LANDS TO WHICH THIS CHAPTER APPLIES

### 11.2.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

### 11.2.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

### 11.2.4 COMPLIANCE

### 11.2.5 ABROGATION & GREATER RESTRICTIONS

### 11.2.6 INTERPRETATION

### 11.2.7 WARNING & DISCLAIMER OF LIABILITY

### 11.2.8 PENALTIES FOR VIOLATION

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

FDPO ARTICLE 3 GENERAL PROVISIONS

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<sup>41</sup> See discussion of proposed changes in the [Audit Report](#) (p. 43).

## 11.3 ADMINISTRATION

### 11.3.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

### 11.3.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, & CERTIFICATION REQUIREMENTS

### 11.3.3 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

### 11.3.4 CORRECTIVE PROCEDURES

### 11.3.5 VARIANCE PROCEDURES

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

FDPO ARTICLE 4 ADMINISTRATION

## 11.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

### 11.4.1 GENERAL STANDARDS

### 11.4.2 SPECIFIC STANDARDS

### 11.4.3 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

### 11.4.4 STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

### 11.4.5 FLOODWAYS AND NON-ENCROACHMENT AREAS

### 11.4.6 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

### 11.4.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

FDPO ARTICLE 5 PROVISIONS FOR FLOOD HAZARD REDUCTION

## 11.5 LEGAL STATUS PROVISIONS

### 11.5.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE PREVIOUS FLOOD DAMAGE PREVENTION ORDINANCE

### 11.5.2 EFFECT UPON OUTSTANDING BUILDING PERMITS

### 11.5.3 SEVERABILITY

### 11.5.4 EFFECTIVE DATE

### 11.5.5 ADOPTION

#### INCLUDES CURRENT COUNTY CODE SECTIONS:

FDPO ARTICLE 6 LEGAL STATUS PROVISIONS

## 11.6 DEFINITIONS

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
FDPO ARTICLE 2 DEFINITIONS

# CHAPTER 12 PROCEDURES<sup>42</sup>

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## 12.1 GENERAL PROVISIONS

### 12.1.1 PURPOSE

*Consolidates most UDO procedures and maps each with a common workflow. Some procedures, such as those related to Soil Erosion and Sedimentation Control, will remain with related provisions in their own chapters.*

### 12.1.2 APPLICABILITY

*Specifies this Chapter applies for all zoning and land development procedures.*

### 12.1.3 SUMMARY OF PROCEDURES

*Summarizes, in a table format, the various zoning and land development procedures.*

### 12.1.4 GENERAL PROCEDURAL REQUIREMENTS & AUTHORITY

*Establishes general rules for application submittal and describes procedure workflow elements.*

### 12.1.5 PRE-SUBMITTAL MEETINGS

*Establishes pre-submittal meeting requirements for certain types of applications.*

### 12.1.6 SUFFICIENCY REVIEW

*Clarifies what constitutes a complete application and specifies a review process for staff to make a completeness determination. This works in conjunction with the submittal requirements in Chapter 18.*

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<sup>42</sup> See discussion of proposed changes in the [Audit Report](#) (pp. 83-94).

### 12.1.7 APPLICATION AMENDMENTS

*States that unless otherwise specified for a particular application type, an applicant may submit additional information or amend any application only in response to communications from County staff that the application is incomplete.*

### 12.1.8 COMMUNITY MEETINGS

*Carries forward and expands requirements for community meetings for certain types of applications.*

### 12.1.9 NOTICE PROVISIONS

*Establishes general rules for notification and publication.*

### 12.1.10 EARLY GRADING PERMITS

*Establishes a procedure for developers to obtain grading permits prior to issuance of a final development approval.*

### 12.1.11 MODIFICATION OF APPROVED MAJOR SUBDIVISION APPLICATIONS

*Establishes criteria for what constitutes minor and major changes to approved major subdivision applications. Applies to major subdivisions and administrative major subdivisions.*

### 12.1.12 MORATORIA

*Replaces the current Chatham County Moratorium Ordinance with the provisions specified in [N.C.G.S. 160D-107](#). Alternatively, may simply cross-reference the State statute to limit the need for UDO text amendments if the statute changes.*

## 12.2 APPEALS OF ADMINISTRATIVE DECISIONS

*Carries forward and consolidates the procedures for appealing staff decisions to the Board of Adjustment.*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 18 BOARD OF ADJUSTMENT

ZO SECTION 20.3 DUTIES OF ZONING ADMINISTRATOR, ZONING OFFICIAL, BOARD OF ADJUSTMENT, AND COURTS AS TO MATTERS OF APPEAL

SR SECTION 1.13 VARIANCES AND APPEALS

SO SECTION 602 APPEALS

JYCO SECTION 111.10 RELIEF; VARIANCE; DECISION

## 12.3 COMPREHENSIVE PLAN ADOPTION

*Establishes a procedure for adoption of a new comprehensive plan.*

## 12.4 MAJOR SUBDIVISION SKETCH PLAN

*Renames Concept Plans as Sketch Plans to align with N.C.G.S. Chapter 160D. Revises the procedure to require review and action by the Planning Board and Board of Commissioners.*

### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 5.1 GENERAL PURPOSE (PROCEDURE FOR SUBDIVISIONS)

## 12.5 MAJOR SUBDIVISION PRELIMINARY PLAT & CONSTRUCTION PLAN

*Renames First Plats as Preliminary Plats to align with N.C.G.S. Chapter 160D. Revises the procedure to require administrative review and action, with appeals to the Board of Adjustment as provided in N.C.G.S. Chapter 160D. Carries forward the procedure for approval of a major subdivision construction plan and combines it with preliminary plat. Cross-references the Chatham County Road Name Ordinance, which is administered by the Emergency Management Department.*

### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 5.1 GENERAL PURPOSE (PROCEDURE FOR SUBDIVISIONS)

SR SECTION 5.1 GENERAL PURPOSE (PROCEDURE FOR SUBDIVISIONS)

SR SECTION 5.2 MAJOR SUBDIVISION

## 12.6 MAJOR SUBDIVISION FINAL PLAT

*Carries forward the procedure for approval of a major subdivision final plat.*

### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 5.1 GENERAL PURPOSE (PROCEDURE FOR SUBDIVISIONS)

SR SECTION 5.2 MAJOR SUBDIVISION

## 12.7 ADMINISTRATIVE MAJOR SUBDIVISION SKETCH PLAN

*Establishes a new procedure for approval of subdivisions resulting in 6 to 15 lots.*



## 12.8 ADMINISTRATIVE MAJOR SUBDIVISION PRELIMINARY PLAT & CONSTRUCTION PLAN

*Establishes a new procedure for approval of subdivisions resulting in 6 to 15 lots.*

## 12.9 ADMINISTRATIVE MAJOR SUBDIVISION FINAL PLAT

*Establishes a new procedure for approval of subdivisions resulting in 6 to 15 lots.*

## 12.10 MINOR SUBDIVISIONS

*Carries forward and revises, as needed, the procedure for approval of a minor subdivision.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SR SECTION 5.1 GENERAL PURPOSE (PROCEDURE FOR SUBDIVISIONS)  
SR SECTION 5.3 MINOR SUBDIVISIONS

## 12.11 EXEMPT SUBDIVISIONS

*Carries forward and revises, as needed, the procedure for approval of exempt subdivisions.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
SR SECTION 4.C EXEMPT SUBDIVISIONS

## 12.12 REZONINGS (CONVENTIONAL DISTRICTS)

*Carries forward and revises, as needed, the procedure for rezoning.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
ZO SECTION 19 AMENDMENT TO ZONING ORDINANCE

## 12.13 REZONINGS (CONDITIONAL DISTRICTS)

*Carries forward and revises, as needed, the procedure for rezoning to a conditional district.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**  
ZO SECTION 5 CONDITIONAL ZONING DISTRICTS  
ZO SECTION 19 AMENDMENT TO ZONING ORDINANCE

## 12.14 SPECIAL USE PERMIT AMENDMENTS

*Establishes a procedure for amendment of existing, approved Special Use Permits.*

## 12.15 UDO INTERPRETATIONS

*Establishes a formal process to obtain the UDO Administrator's interpretation of a particular UDO provision or set of provisions.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 20.3 DUTIES OF ZONING ADMINISTRATOR, ZONING OFFICIAL, BOARD OF ADJUSTMENT, AND COURTS AS TO MATTERS OF APPEAL

## 12.16 UDO TEXT AMENDMENTS

*Carries forward the procedure for amending ordinance text.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 19 AMENDMENT TO ZONING ORDINANCE  
SR SECTION 1.12 AMENDMENTS

## 12.17 VARIANCES

*Carries forward the procedure for requesting variances from the Board of Adjustment.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 18 BOARD OF ADJUSTMENT  
SR SECTION 1.13 VARIANCES AND APPEALS  
JYCO SECTION 111.10 RELIEF; VARIANCE; DECISION

## 12.18 ZONING COMPLIANCE PERMITS<sup>43</sup>

*Clarifies the procedure for receiving zoning compliance approval.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 13.16 PERMITTING AND APPROVAL PROCESS (LIGHTING)  
ZO SECTION 20.2 CERTIFICATE OF ZONING COMPLIANCE  
ZO SECTION 16 HOME OCCUPATIONS

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<sup>43</sup> Anticipated to incorporate site plan review for new development, home occupation permits, sign permits, junkyard permits, manufactured home parks and subdivisions without improvements, and any other administrative permit process that involves zoning review.

JYCO 111.06 PROCEDURES; REGISTRATION AND PERMITTING

# CHAPTER 13 REVIEWING & DECISION-MAKING BODIES

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## 13.1 ELECTED & APPOINTED BODIES<sup>44</sup>

*Specifies role of each elected and appointed body with respect to UDO approval processes and administration. Cross-references other County Code sections where relevant (e.g., County Code §§ 31.01 through 31.07: Community Appearance Commission).*

### 13.1.1 PLANNING BOARD

### 13.1.2 BOARD OF ADJUSTMENT

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 18 BOARD OF ADJUSTMENT

ZO SECTION 20.3 DUTIES OF ZONING ADMINISTRATOR, ZONING OFFICIAL, BOARD OF ADJUSTMENT, AND COURTS AS TO MATTERS OF APPEAL

### 13.1.3 APPEARANCE COMMISSION

### 13.1.4 ENVIRONMENTAL REVIEW ADVISORY COMMITTEE

## 13.2 ADMINISTRATIVE BODIES<sup>45</sup>

*Specifies role of each administrative body with respect to UDO administration and approval processes.*

### 13.2.1 CENTRAL PERMITTING & INSPECTIONS DIRECTOR

### 13.2.2 COUNTY MANAGER

### 13.2.3 ENVIRONMENTAL HEALTH DIRECTOR

### 13.2.4 ENVIRONMENTAL QUALITY DIRECTOR

### 13.2.5 FIRE MARSHAL

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<sup>44</sup> Some appointed bodies may be removed from this Section if they do not have a distinct role in the administration of the UDO.

<sup>45</sup> The intent is to include “or their designee” in the definition of each of these bodies (other than TRC). This allows for internal delegation of responsibilities without having to amend the UDO.

- 13.2.6 FLOODPLAIN ADMINISTRATOR**
- 13.2.7 MANAGEMENT INFORMATION SYSTEMS DIRECTOR**
- 13.2.8 PLANNING DIRECTOR**
- 13.2.9 STORMWATER ADMINISTRATOR**
- 13.2.10 SUBDIVISION ADMINISTRATOR**
- 13.2.11 TECHNICAL REVIEW COMMITTEE**
- 13.2.12 WATERSHED PROTECTION DIRECTOR**
- 13.2.13 ZONING ADMINISTRATOR**
- 13.2.14 CONFLICTS OF INTEREST**

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

- ZO SECTION 8.10. CONFLICTS OF INTEREST
- ZO SECTION 20.1 ZONING ADMINISTRATOR
- ZO SECTION 20.3 DUTIES OF ZONING ADMINISTRATOR, ZONING OFFICIAL, BOARD OF ADJUSTMENT, AND COURTS AS TO MATTERS OF APPEAL
- SO ARTICLE 3 ADMINISTRATION AND PROCEDURES

# CHAPTER 14 NONCONFORMITIES

## 14.1 GENERAL PROVISIONS

### 14.1.1 PURPOSE

*This is a comprehensive section to deal with existing situations, ranging from permits in progress to more comprehensively addressing different types of nonconformities (uses, lots, structures, and site improvements).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9 NON-CONFORMING SITUATIONS

### 14.1.2 APPLICABILITY

*Specifies this chapter applies throughout unincorporated Chatham County.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.2 CONTINUATION OF NON-CONFORMING SITUATIONS

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS

### 14.1.3 AUTHORITY TO CONTINUE

### 14.1.4 MINOR REPAIRS & MAINTENANCE

### 14.1.5 VESTED RIGHTS

## 14.2 NONCONFORMING LOTS

*Allows the reasonable development of a lot that does not meet the minimum lot size regulations.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.3 NON-CONFORMING LOTS OF RECORD

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS

ZO SECTION 9.8 BUILDING ON SUBDIVISION LOTS OF RECORD

## 14.3 NONCONFORMING SITE ELEMENTS

*Establishes rules for the review and redevelopment of sites that are nonconforming as to landscaping, parking, or other development standards.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS  
 ZO SECTION 12.6 APPLICABILITY (LANDSCAPING AND BUFFERING STANDARDS)  
 ZO SECTION 13.17 NONCONFORMITIES (LIGHTING)

### **14.3.1 APPLICABILITY**

### **14.3.2 NONCONFORMING EXTERIOR LIGHTING**

### **14.3.3 NONCONFORMING LANDSCAPING OR BUFFERS**

### **14.3.4 NONCONFORMING PARKING OR LOADING FACILITIES**

### **14.3.5 NONCONFORMING SIGNS**

*Carries forward rules for the continuation, expansion, alteration, and reestablishment of signs that are nonconforming as to the requirements in Section 4.7.*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS  
 ZO SECTION 15.2 NON-CONFORMING SIGNS

## **14.4 NONCONFORMING STRUCTURES**

*Carries forward rules for the continuation, expansion, alteration, and reestablishment of structures that are nonconforming as to the district dimensional standards (setback, building height, or lot coverage).*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS  
 ZO SECTION 9.5 RECONSTRUCTION LIMITATIONS  
 ZO SECTION 9.6 CHANGE IN KIND OF NON-CONFORMING USE

### **14.4.1 APPLICABILITY**

### **14.4.2 CHANGES TO A NONCONFORMING STRUCTURE**

### **14.4.3 CHANGE OF USE IN A NONCONFORMING STRUCTURE**

## **14.5 NONCONFORMING USES**

*Carries forward rules for the continuation, expansion, and reestablishment of uses that are not allowed in a district, or that would require discretionary review under the new regulations.*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 9.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS  
 ZO SECTION 9.5 RECONSTRUCTION LIMITATIONS  
 ZO SECTION 9.6 CHANGE IN KIND OF NON-CONFORMING USE

ZO SECTION 9.7 DISCONTINUANCE OF NON-CONFORMING USES

**14.5.1 APPLICABILITY**

**14.5.2 CONTINUATION OF NONCONFORMING USES**

**14.5.3 LIMITED USES**

**14.5.4 EXTENSION OF NONCONFORMING USE**

**14.5.5 CHANGE OF NONCONFORMING USE**

**14.5.6 CHANGES TO A STRUCTURE CONTAINING A NONCONFORMING USE**



# CHAPTER 15 ENFORCEMENT

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## 15.1 PURPOSE

*Introductory section.*

## 15.2 VIOLATIONS

*Specifies types of violations (e.g., use not allowed, permits not obtained, violation of conditions, etc.).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 5.6 NON-COMPLIANCE WITH DISTRICT CONDITIONS  
ZO SECTION 8.3 REDUCTION OF LOT AND YARD AREAS PROHIBITED  
ZO SECTION 17.3 VIOLATIONS (SPECIAL USE PERMITS)  
ZO SECTION 23.3 VIOLATIONS OF AN APPROVED SPECIAL USE PERMIT  
SR SECTION 1.14 PROHIBITED ACTS, ENFORCEMENT, AND PENALTIES

### 15.2.1 GENERALLY

### 15.2.2 TYPES OF VIOLATIONS

## 15.3 ENFORCEMENT PROCEDURES

*Specifies responsibility for enforcement actions, notification, cure periods, and enforcement actions.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 20 ENFORCEMENT  
SR SECTION 1.10 SAVING PROVISION  
SR SECTION 1.14 PROHIBITED ACTS, ENFORCEMENT, AND PENALTIES  
JYCO SECTION 111.09 ENFORCEMENT PROCEDURES

### 15.3.1 RESPONSIBILITY FOR ENFORCEMENT

### 15.3.2 NOTICE OF VIOLATION

### 15.3.3 ACTION BY ZONING ADMINISTRATOR OR SUBDIVISION ADMINISTRATOR

### 15.3.4 INSPECTIONS AUTHORIZED

### 15.3.5 IMMEDIATE ENFORCEMENT

## 15.4 REMEDIES & PENALTIES

*Specifies procedures for withholding or revoking permits, and penalties for violations consistent with state law.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 21 PENALTY FOR VIOLATIONS

SR SECTION 1.14 PROHIBITED ACTS, ENFORCEMENT, AND PENALTIES

JYCO SECTION 111.99 PENALTY

### 15.4.1 GENERALLY

### 15.4.2 ISSUANCE OF A STOP WORK ORDER

### 15.4.3 WITHHOLDING ACCEPTANCE OF APPLICATIONS

### 15.4.4 WITHHOLDING OF A DEVELOPMENT APPROVAL

### 15.4.5 REVOCATION OF A DEVELOPMENT APPROVAL

*Allows revocation of permit if materially incorrect information was provided, if the applicant fails to comply with a condition, or if the permit or approval was issued in error.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 21 PENALTY FOR VIOLATIONS (REVOCATION OF DEVELOPMENT APPROVALS)

### 15.4.6 CIVIL CITATIONS

### 15.4.7 INJUNCTIONS & ORDERS OF ABATEMENT

### 15.4.8 OTHER REMEDIES

# CHAPTER 16 RULES OF INTERPRETATION & MEASUREMENT

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## 16.1 GENERAL RULES OF INTERPRETATION

*Recites general rules for interpreting the UDO (such as the singular includes the plural, text supersedes graphics, UDO standards are minimum requirements, etc.).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 7.1 GENERAL PURPOSE (DEFINITIONS)  
ZO SECTION 25 INTERPRETATION, PURPOSE, AND CONFLICT  
SR SECTION 1.6 INTERPRETATION  
SR 2.2: MEANING OF COMMON WORDS

## 16.2 CONFLICTING PROVISIONS

*Describes how to resolve conflicts in County Codes, or between the UDO and state law or administrative procedures, federal law, or private restrictions.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 25 INTERPRETATION, PURPOSE, AND CONFLICT  
SR SECTION 1.7 CONFLICT WITH PUBLIC PROVISIONS  
SR SECTION 1.8 CONFLICT WITH PRIVATE PROVISIONS  
SR SECTION 7.6 ZONING OR OTHER REGULATIONS

## 16.3 INTERPRETATION OF ZONING MAP & WATERSHED AREA BOUNDARIES

*Includes rules for interpreting the zoning map and cross-references the standards for interpreting the watershed areas.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 6.3 INTERPRETATION OF BOUNDARIES  
WPO SECTION 306 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

### 16.3.1 INTERPRETATION OF ZONING MAP

### 16.3.2 INTERPRETATION OF WATERSHED AREA BOUNDARIES

## 16.4 RULES OF MEASUREMENT<sup>46</sup>

*This Section establishes rules for measurement or calculation of UDO standards, such as lot area and height.*

### 16.4.1 PURPOSE

### 16.4.2 BUILT-UPON AREA

### 16.4.3 DENSITY

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

CCO SECTION 6.3 RESIDENTIAL DENSITY (MAXIMUM AND MINIMUM)

### 16.4.4 GROSS FLOOR AREA

### 16.4.5 HEIGHT

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.8. HEIGHT LIMITATION EXCEPTIONS

### 16.4.6 LOT AREA

### 16.4.7 LOT DEPTH

### 16.4.8 LOT WIDTH

### 16.4.9 NET LAND AREA

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 10.12.D NET LAND AREA COMPUTATION (CD-MU MIXED USE)

ZO SECTION 17.5.C.4 NET LAND AREA COMPUTATION (PLANNED RESIDENTIAL DEVELOPMENT)

CCO SECTION 6.3 RESIDENTIAL DENSITY (MAXIMUM AND MINIMUM)

### 16.4.10 SETBACKS

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.2 OPEN SPACE REQUIREMENTS

### 16.4.11 VISUAL SCREENING

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<sup>46</sup> If additional metrics are added during drafting (e.g., floor area ratio), we will revise this Section to include an explanation of how to measure or calculate it.

# CHAPTER 17 DEFINITIONS & ACRONYMS

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## 17.1 DEFINITIONS

*Carries forward, consolidates, revises, and adds definitions for terms and phrases used in the UDO.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 7 DEFINITIONS

ZO SECTION 13.2 ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) CUTOFF CLASSIFICATIONS (LIGHTING)

ZO SECTION 13.3 DEFINITIONS (LIGHTING)

ZO SECTION 15.1 DEFINITIONS (SIGNS)

CCO SECTION 13 DEFINITION OF TERMS

SR SECTION 2 DEFINITIONS

## 17.2 ACRONYMS

*Defines acronyms used in the UDO (e.g., NCDOT, North Carolina Department of Transportation).*

# CHAPTER 18 SUBMITTAL REQUIREMENTS<sup>47</sup>

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## 18.1 GENERAL PROVISIONS

### 18.1.1 PURPOSE

### 18.1.2 FORMAT OF APPLICATIONS

*Establishes requirements and specifications for filing applications.*

### 18.1.3 AUTHORIZATION OF AGENT

*Requires agents of property owners to submit forms verifying authorization to submit an application on the owner's behalf. Cross-references County form "Authorized Agent for Legal Representation Form."*

### 18.1.4 APPLICATION CHECKLISTS

Checklists and forms for most types of applications will be maintained outside the UDO. This Section will include references to these checklists.

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 5.3. GENERAL REQUIREMENTS (CONDITIONAL ZONING DISTRICTS)  
SR SECTION 6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

### 18.1.5 PERMITS REQUIRED BY OTHER AGENCIES

*Requires applicants to submit copies of permits or applications required by agencies other than the County.*

### 18.1.6 FEES

*Specifies or cross-references, as appropriate, all UDO-related fees.*

#### **INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 8.9 FEES  
SR SECTION 1.15 FEES

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<sup>47</sup> See discussion of proposed changes in the [Audit Report](#) (pp.95-97).

## 18.2 HISTORICAL & CULTURAL RESOURCES DOCUMENTATION

*New requirement for subdivision applicants to submit a Baseline Historical & Cultural Resources Survey Map, which implements a recommendation from the Chatham County Historical Association.*

## 18.3 ENVIRONMENTAL DOCUMENTATION

*Requires applicants for conditional districts and major subdivisions with 49 or fewer lots that do not require submittal of an EIA to submit the County's "General Environmental Documentation Submittal Form."*

## 18.4 ENVIRONMENTAL IMPACT ASSESSMENTS

*Carries forward current requirements for an EIA to be submitted in conjunction with conditional zoning district applications and certain size subdivision applications.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 11.3 ENVIRONMENTAL IMPACT ASSESSMENT

SR SECTION 6.2.B ENVIRONMENTAL IMPACT ASSESSMENT (ADDITIONAL FIRST PLAT INFORMATION)

### 18.4.1 PURPOSE

### 18.4.2 APPLICABILITY

### 18.4.3 EXEMPTIONS

### 18.4.4 EIA SUBMITTAL REQUIREMENTS

### 18.4.5 ROLE OF EIA IN DEVELOPMENT APPROVAL PROCESS

## 18.5 TRAFFIC IMPACT ANALYSES

*Carries forward and updates current requirements for traffic impact analyses (TIAs) and ensures consistency with NCDOT requirements. Clarifies the role of TIAs in the development approval process.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 5.3B(3) [CONDITIONAL ZONING DISTRICTS]

**18.5.1 PURPOSE**

**18.5.2 APPLICABILITY**

**18.5.3 DEVELOPMENT PHASING & REDEVELOPMENT**

**18.5.4 THRESHOLDS & TYPE OF ANALYSIS REQUIRED**

**18.5.5 ROLE OF TIA IN DEVELOPMENT REVIEW PROCESS**

**18.6 SPECIAL STUDIES**

*Carries forward ZO Section 17.9 Additional Information for Certain Special Use Permits.*

**18.6.1 PURPOSE**

**18.6.2 APPLICABILITY**

**18.6.3 PROCEDURE**

**APPENDIX A: PLANT LIST**

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*Carries forward Chatham County Appearance Commissions' Recommended Plant List.*

**APPENDIX B: INVASIVE PLANT LIST**

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*Carries forward Chatham County Appearance Commissions' Invasive Plant List.*

**APPENDIX C: PLAT CERTIFICATES**

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**INCLUDES CURRENT COUNTY CODE SECTIONS:**

SR SECTION 1.4.C [JURISDICTION]

SR SECTION 11 APPENDIX A: CERTIFICATION FORMS FOR INITIAL AND FINAL APPROVAL