

ATTACHMENT A to Subdivision Ordinance Text Amendment
Application

PROPOSED SUBDIVISION TEXT AMENDMENT FOR PROVIDE FOR:

Mixed Use Development to include a single-family Cluster Residential component.

The Chatham County Subdivision Ordinance is amended by adding a new Section 7.8 as follows:

7.8 Single Family Cluster Subdivision in a CD-MU-CR District

As an alternative to conventional layouts, Chatham County encourages the preservation of large, contiguous blocks of land, herein referred to as Conservation Space. Conservation Space (as defined in the Chatham County Conservation Subdivision Guidelines) shall consist of Open Space and Natural Space. When a single family Cluster Development, project voluntarily preserves Conservation Space in accordance with this Section, it shall comply with the following standards:

A. Conservation Space Requirement

A minimum of 40 percent of the project area shall be retained as Conservation Space for a conservation subdivision design. Land required to be protected under other regulatory provisions, such as riparian buffers and floodplain, are permitted to be included in the Conservation Space calculation.

B. Composition of Conservation Space

A maximum of 20% of the required Conservation Space shall be Open Space and a minimum of 80% of such Conservation Space shall be Natural Space, unless it can be demonstrated that no practical alternative exists for preserving that amount of Natural Space. See the Chatham County Conservation Subdivision Guidelines for Conservation Space Selection.

C. Connectivity of Conservation Space

At least 50 percent of the proposed Conservation Space shall consist of a contiguous tract. The Conservation Space should adjoin any neighboring areas of Conservation Space on other parcels whenever practicable.

D. Permitted Uses of Conservation Space

Provided it includes the required divisions of Open Space and Natural Space and otherwise conforms with the Chatham County Conservation Space Guidelines, uses of Conservation Space may include the following:

(1) Conservation

Conservation of natural resources, archeological resources or historical resources

(2) Agriculture

Existing and ongoing bona fide agriculture, horticulture, or silviculture, provided that all applicable best management practices are used to minimize environmental impacts.

(3) Recreation

Active recreational uses of Open Space are permitted, given that active uses such as tennis courts, swimming pools, ball fields, playgrounds, et cetera are limited to a maximum of 5 percent of the total Conservation Space area.

(4) Stormwater Management

Use for stormwater management is permissible consistent with the Chatham County Stormwater Ordinance requirements.

(5) Utility Easements

Easements for drainage, access to utilities, and underground utility lines.

(6) Water, Septic, and Sewer Systems

Shared water, septic and sewer infrastructure is allowed in Open Space, but not in Natural Space areas unless approved by the Environmental Quality Department.

(7) Trails

All trails, provided that Best Management Practices and an approved Trail Management Plan are employed for recreational purposes, such as pedestrian, mountain biking, general recreation and equestrian uses.

E. Prohibited Uses of Conservation Space

(1) Use of Motor Vehicles

(Except for maintenance purposes as provided for in the Open Space Management Plan).

(2) Roads, Parking Lots and Impervious Surfaces

(Except when necessary for access. to active recreational uses).

F. Ownership of Conservation Space

The applicant must identify the current and intended future owner(s) of the Conservation Space who is/are responsible for maintaining such area/facilities. The responsibility for maintaining the Conservation Space and any facilities located thereon shall be borne by the owner unless otherwise specified in a Conservation Space Management Plan approved by the County.

G. Management of Conservation Space

The applicant shall submit a management plan for all proposed Conservation Space. Upon initial approval of the management plan by the County, changes to the plan shall be allowed only when approved by the County Board of Commissioners. The plan shall be referred to as the "Conservation Space Management Plan" and shall include:

- (1)** A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of Conservation Space and all associated facilities;
- (2)** Cost estimates for all maintenance, operation and insurance needs for the Conservation Space, as well as a plan that outlines the means by which funds will be obtained for such expenses;
- (3)** Establishment of criteria for enforcement of the plan.
- (4)** Prior to any clearing or grading of the site, protective fencing should be established around all Natural Space areas. Fencing shall be placed outside the critical root zone or dripline, whichever is greater,

of any trees.

H. Legal Instrument for Permanent Protection

Conservation Space proposed for a CD-MU-CR project shall be protected in perpetuity by a binding legal document that is recorded with the deed upon review and approval by the County. The document shall be one of the following three (3) options:

(1) Permanent Conservation Easement.

A permanent conservation easement in favor of either:

- A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
- A governmental entity with an interest in pursuing goals consistent with the intentions of this Section.

(2) Permanent Restrictive Covenant.

A permanent restrictive covenant for conservation purposes.

(3) Alternative Land Use Restriction.

An equivalent legal tool that provides permanent protection, if approved by the County Attorney. The instrument for permanent protection shall include all use restrictions contained in this section, as well as any additional reasonable restrictions the applicant chooses to place on the use of the open space.

I. Lot and Structure Placement

(1) Lot Size and Density

There is no minimum size for lots in a single family Cluster Residential subdivision within a CD-MU-CR; however the lot size shall be adequate to provide for minimum setbacks and any required infrastructure or services. Density is limited by the Chatham County Watershed Protection Ordinance (Sec. 302) and the Chatham County Zoning Ordinance.

(2) Structure Placement.

a. Setbacks

Structures within a Cluster Residential subdivision should be placed as closely to internal roads as practical. The reviewing agency may reduce the front yard setback to a minimum of five (5) feet when necessary. In such cases, the reviewing agency must take into consideration sound engineering, public safety concerns and community character when applying standards.

Vegetative buffers should be left between new development and existing residential development where possible.

b. Separation

Structures within Cluster Residential 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.

Open space shall be accessible to the largest possible number of lots within the development. To achieve this, the majority of lots should abut open space to provide residents with direct views and access. 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.

J. Private Driveway Easements

Private driveway easements may be used in place of public and/or private roads where proposed to provide access to two (2) or fewer lots. The minimum required easement width is 30 feet and shall have a centerline length of no more than 200 feet. Proposed driveway easements should be clearly identified on all plans and plats with a description of what lots the easement is proposed to serve. Final Plats creating driveway easements must contain a note that conveys maintenance responsibility of the easement to the home owners utilizing it to access their property. The note shall specifically state that the easement(s) must be maintained to allow clear passage for emergency response vehicles. Driveway easements are not subject to the requirements for public or private roads.

K. Public and Private Road Standards

All conservation subdivisions with proposed roads and rights-of-way shall follow the standards in Section 7.2.

L. Review and Approval

The single family Cluster Residential component of all CD-MU-CR projects will be reviewed as a major subdivision.