

JUSTIFICATION FOR
PROPOSED ZONING, SUBDIVISION AND WATERSHED ORDINANCE
AMENDMENTS

To Provide for

***Mixed Use Districts that include a single-family Cluster Residential component
where the Comprehensive Plan proposes to have Compact Residential and
Community Centers***

Vickers Bennet Group, LLC seeks approval of a text amendment to the Zoning Ordinance, and corresponding amendments to the Subdivision and Watershed Ordinances, to allow “Mixed Use” (as provided in the current ordinances) to include single-family cluster residential homes as part of the community.

REQUIRED CONTENTS

The Zoning Ordinance requires that the following items be addressed:

1. **If a change in the zoning map is proposed, a map showing the land to be covered.**
No change in the zoning map is required. The Chatham County Comprehensive Plan, *Future Use and Conservation Plan*, shows the areas where such Mixed Use, Cluster Residential communities may be located, upon such Conditional District rezoning applications being approved.
2. **A legal description of the area to be rezoned.**
No rezoning is applied for.
3. **The alleged error in the ordinance, if any, which would be remedied by the proposed amendment, with detailed descriptions of the error and reasons how the proposed amendment would correct the same.**
These amendments are not proposed to correct any errors in the ordinances.
4. **The changed or changing conditions, if any, ... which make the amendments necessary to the promotion of the public health, safety and general welfare.**
The proposed amendments are in accord with the Chatham County Comprehensive Plan (aka “Land Use Plan”) and will promote the general welfare to the extend the Comprehensive Plan does.
5. **The manner if which the proposed amendments will carry out the intent and purpose of the adopted Land Use Plan [now the Comprehensive Plan] or part thereof.**

The Chatham County Comprehensive Plan (the “Plan”) envisions mixed-use to be a significant land-use designation to be used in Chatham County. In fact, the Plan calls for “zoning districts that accommodate mixed-use development at various scales” and an “update of the ordinances” to implement its goals and objectives.

These amendments to the Zoning, Subdivision and Watershed Protection ordinances provide for mixed use communities, including single family cluster residential, all in conformity with the land-use vision outlined in the 2017 Chatham County Comprehensive Plan.

Provisions of the Plan that justify the proposed text amendments are as follows:

2017 Chatham County Comprehensive Plan

Objective #3 of Plan Chatham (page 41)

3. Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

- Reduce impacts to natural resources and systems.
- Lessen infrastructure burden and long-term cost of providing services.
- Reinforce towns as residential and commercial centers of the County.
- Strive to locate 70% of new development within ETJs or designated County centers.
- Potential metric: Percentage of new development within ETJs or designated County centers

Chatham Future Land Use Descriptions (Page 46 + 47)

Specific areas along the 15-501 corridor have been designated (within the approved Comprehensive Plan) for higher density residential (Compact Residential) and both regional and neighborhood business / mixed use nodes. The existing subdivision ordinance lacks mechanisms to achieve the objectives described in the approved Comprehensive Plan (noted below).

COMMUNITY CENTER (Page 47)

- Retail hubs located along key roadway corridors; these centers accommodate regional retail tenants complemented by local-serving commercial development.
- Allow flexibility to provide a variation and mix of centers at quadrant intersections.
- Mix of uses include retail, restaurants, services, and office uses (+/-125-400K SF commercial).
- Residential uses can include as much as 60% of land area and can include single family homes, patio/cottage homes and attached units.
- Buildings: 2+ stories (or comparable) are common
- Streets: A network of local streets + private drives with few access points to adjacent arterials and collectors
- Public/open space: Plazas, greens, enhanced stormwater management.
- Locations:

- Briar Chapel Commercial Area (Planned): Intersection of Andrews Store Rd and 15-501
- Chatham Downs, Polk Center, and Williams Corner: Intersection of Lystra Rd and 15-501

COMPACT RESIDENTIAL

- Mix of detached and attached residential units complemented by a variety of open spaces. Mix of uses include single family detached and attached units and some multifamily units. Community centers, amenities, recreational uses, schools, and churches may be part of the fabric.
- Buildings: Mostly 1- and 2-story, some 3 story
- Streets: connected system of local and collector streets with access to surrounding development
- Public/open space: Range of types (from large natural resource areas to small pocket parks and gardens)
- Locations:
 - Current extent of Compact Communities Ordinance within 1 mile of community centers (transit potential)
 - Wastewater service (private or proposed public)
 - In close proximity to Employment Centers, but not in conflict with industrial operations
 - In areas not in conflict with high value natural resources

NOTE: The Zoning test amendment provides that CD-MU-CR can only be located in Community Center and Compact Residential land use areas.

LAND USE, Recommendations and Strategies (Page 62-64)

Recommendation 01

Concentrate future growth in compact, walkable development located in municipalities as well as existing and planned growth areas.

Land Use Policy 2

Direct development of any intensity requiring public utilities and other urban services to planned growth areas.

► Strategy 2.1

Allow areas within and near Community and Neighborhood Centers, as shown on the Future Land Use Map, to be developed for larger scale commercial, office and mixed-use developments.

► Strategy 2.2

Allow areas within and near Community and Neighborhood Centers and within Compact Residential areas to be developed for Compact Communities, conventional subdivisions, and planned unit developments.

► Strategy 2.3

Allow areas designated as Village Centers and Crossroad Communities, as shown on the Future Land Use Map, to be developed for residential, commercial and some light industrial purposes if appropriately designed to be in keeping with historic development patterns.

Land Use Policy 3

Facilitate well-designed, walkable, mixed use communities that fit the character and scale of Chatham County within areas indicated as suitable on the Future Land Use Map including within

and near Community and Neighborhood Centers, Village Centers, in Crossroad Communities and within Compact Residential Areas.

► Strategy 3.1

Revise regulatory framework to require design elements in mixed use communities that respect the traditional development patterns of Chatham County and the piedmont of North Carolina, reduce the cost of infrastructure, protect farmland and open space and encourage biking, walking and transit usage (see design details call out).

► Strategy 3.2

Establish a revised set of zoning districts that accommodate mixed-use development at various scales.

- Small scale mixed use
- Consider adding residential as a conditional use in the Neighborhood Business zoning district. This would allow for mixed use infill at a small scale near Centers and in Villages and Crossroads Communities.
- Mixed Residential
- Utilize the provisions of the existing Planned Residential Development (PRD) option with minor updates.
- Mostly residential with some supporting retail.
- Borrow applicable provisions from the Compact Communities Ordinance (CCO)
- Allow this type of development in areas designated as Centers
- Modify performance standards and remove redundancies
- Mostly nonresidential with some complementary residential
- Modify the minimum area and maximum area to be devoted to nonresidential uses.
- Amend the exterior boundary setback requirement and strengthen screening requirements.

ACTION PLAN, IMPLEMENTATION STEPS, Land Use Action Items

Priority Projects, Plans, Programs (Pages 146-146)

Overall Action Item

Revise the regulatory framework through an update of the County ordinances and regulations.
Create a Unified Development Ordinance by making amendments concurrently to ensure such changes work in concert and administration of the updated ordinances is streamlined.

Action Item 01

Facilitate well-designed mixed-use development in appropriate locations.

1.1 Allow more residential uses in some of the nonresidential districts. Single-family attached dwellings are permitted in O&I. Multi-family dwellings (apartments and condominiums) would be appropriate in this district, as well as in NB and B-1 under certain circumstances. This would effectively enable mixed-use development on small sites (less than 50 acres), particularly sites targeted for infill development in areas designated as Centers.

- Add Multi-family Dwelling as a use in the Zoning Table of Permitted Uses.
- Consider allowing Multi-family Dwelling as a conditional use (CU) in O&I, NB, and B-1.
- Define the specific criteria for granting a conditional use permit for multi-family dwellings

in the non-residential districts identified as appropriate.

- Establish a maximum percentage of area (gross land area in the project and/or total non-residential floor area) to be devoted to residential units.

1.2. Create a set of mixed-use zoning districts.

Circumstances differ across the County, and while a mix of uses may be appropriate in various locations, the specific conditions and range of uses may be different for each. Adopted regulations include the CD-MU and the Planned Residential District (PRD) in the Zoning Ordinance and the Compact Communities Ordinance (CCO). Each provide a starting point for the creation of three new districts to be incorporated into the Zoning Ordinance as a way of more effectively facilitate mixed-use development as is appropriate for Chatham County now and in the future.

- MU-1 – For residential mixed-use development, utilize the provisions of the existing PRD.
- MU-2 – For mixed-use development that is predominantly residential with some supporting neighborhood retail, borrow applicable provisions from the CCO. Modifications and additions may include but not be limited to the following:

- Allow this type of development in areas designated as Centers rather than sites “currently zoned for RA-40 Residential-Agricultural,” including sites that are in locations other than those defined in 6.1.D of the CCO.
- Modify buffer and setback requirements to ensure such requirements accomplish intended mitigation of potential impacts while not impeding connectivity to adjacent compatible development.
- Reduce open space requirement to a minimum of 25% and refer (or repeat) standards in the Conservation Design section of the Subdivision Regulations for determining open space to meet this requirement.
- Alter performance standards;
- to ensure maximum flexibility to be responsive to market conditions, particularly with respect to commercial development (i.e., provisions pertaining to Town Center and Commercial Component).
- to be clear about expectations (revisit “performance” for Transit, Narrow Streets, and Botanical Preservation and Diversity).
- to remove redundancies. For example, remove the maximum built-upon provision, provided the Watershed Protection Ordinance addresses this requirement.
- Specific amendments could include the following:
- Expand extent of Compact Communities Ordinance so that it can be applied to appropriate areas and sites within the County.
- Clarify locational requirements for nonresidential areas within a Compact Community.
- Clarify # of dwelling units allowed
- Revise parking / street standards

6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendments.

The Comprehensive Plan “Compact Residential” and “Community Center” areas are continuing to development. However, there have been no medium sized (50 to 250 acres) Mixed Use Conditional Districts with single family residential because that is not allowed in the current ordinance.

Unless a mixed use, single family district is created soon, all the land in those areas will be consumed for other uses—and many of the objectives of the Comprehensive Plan will be preempted.

7. Information required on the application form.

Application forms and proposed text amendments are attached.