

Brief Answers to Questions About the

“Conditional District, Mixed Use, Compact Residential” Text Amendment
Proposal¹

What is proposed?

A Zoning Ordinance text amendment (and corresponding amendments to the Subdivision and Watershed Ordinances), that would allow the Commissioners to zone selected sites for walkable mixed-use communities that must include small clustered single-family lots and a large Conservation Space (at least 40% of the total area), as well as two or more other uses such as stores, offices and other residential.

Is there a similar type of development in Chatham County now?

Governors Village is a mixed-use walkable community with small single-family lots. Also, the inn, restaurant, store, office and Camden Park (very small residential lots) area of Fearington is mixed-use and walkable including small single-family residential lots. Except, that neither of them includes a large Conservation Space, although that area of Fearington has large Open Spaces (park & pasture), but no Natural Area.

The area of Governors Village bounded by Mt. Carmel Church Road, Old Fearington Road and Whippoorwill, is approximately 150 acres, but does not include 40% (60 acres) of Conservation Space. Assuming that it has 12 acres of Open Space, if 48 acres had been preserved as Natural Area (meeting the Conservation Space Selection Guidelines), then Governors Village may qualify as a CD-MU-CR community.

What is a “Conservation Space?”

As described in the existing regulations, “Conservation Space” is land that includes “Natural Space” (at least 80%) and “Open Space” (no more than 20%). So, for instance, in a 100 acre community, of the 40 acre Conservation Space, 32 acres must be preserved as Natural Space, and no more than 8 of those acres qualifying as Open Space. Natural Space is “unimproved land in its naturally occurring state, or preserved to regenerate to its naturally occurring state, unaltered by human activity, and preserved to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of an area.” Open Space allows low- impact amenities such as natural or landscaped green space, trails, playgrounds, ball fields, pavilions and the like.

The areas to be preserved as Conservation Space must be selected as provided in the “Chatham County Conservation Subdivision Guidelines for Conservation Space Selection.” For instance, “Primary Natural Areas” are preserved first, and an on-site inventory map and a map illustrating all land within one mile, are used in selecting the Conservation Space.

Conservation Space must be “owned and maintained through a Homeowner’s association, a land conservancy or unit of government.”

¹ This proposal does not “re-zone” any property. It enables the County to later rezone property with conditions.

What is a “Conditional District?”

In a Conditional District the County imposes predetermined standards and conditions specific to the property. Thereby, the County can ensure that the project will meet the goals of the Comprehensive Plan and is compatible with the uses of neighboring properties. (see, Zoning Ordinance, Sec. 5.1).

Why does VBG propose these text changes?

The existing Mixed-Use ordinance allows for many types of commercial development, it allows only apartments or townhomes, but does not have provisions for single-family lots, as part of the residential component. This text amendment would allow clustered stand-alone single-family homes to be included in a Mixed-Use community—on the condition that at least 40% is set aside as Conservation Space.

Is a mixed-use compact residential project envisioned in the “Plan Chatham, Comprehensive Plan” adopted by Chatham County in 2017?

Yes, in fact the plan specifically (and repeatedly) calls for community centers, single family and other residential (not to exceed 60% of land area), open spaces, compact residential with a mix of detached and attached residential units within one mile of the community centers, etc. (*See CP pages 46 & 47*) Recommends ordinances to 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. (*See CP pages 62 & 63.*)

Finally, it suggests creating a “set of mixed-use zoning districts.” (*Action Item 1.2.*) Please note, there is no suggestion that implementation of these recommendations wait until the County has a UDO.

Why are these amendments needed when the Compact Community Ordinance (Briar Chapel) allows for mixed-use including residential development?

The CCO is for very large developments—Briar Chapel is about 1600 acres, and the CCO was designed specifically for it. Many variances would be required for a medium size (50 to 250 acres) walkable mixed-use community with single family residential, with 40% conservation space.

Why not wait until the County drafts and adopts a Unified Development Ordinance?

First, the Comprehensive Plan is the official County land use policy statement. That plan was adopted after extensive stakeholder, public, staff and Commissioner study. The UDO is not to be a new policy statement, but a new framework for regulating development. Meanwhile, the existing ordinances need to be amended to provide for walkable compact communities—before the recommended locations are otherwise developed.

The UDO will likely create districts for walkable compact communities as envisioned by the Comprehensive Plan, but the adoption of a UDO will be at some time in the future. The Comprehensive Plan recommends the adoption of ordinances for such communities. The existing zoning, subdivision and watershed ordinances accommodate medium density, mixed-use development. However, the existing Mixed-Use zoning designation does not provide for including stand-alone single-family homes medium density. The CD-MU-CR zoning provides for medium density residential provided that at least 40% is dedicated Conservation Space.

The CD-MU-CR zoning is a responsible mechanism for Chatham County to: 1) follow the recommendations of the Comprehensive Plan, and 2) encourage the creation of desirable mixed-use communities that will be built—as a better alternative to the current commercial and residential developments.

Why do the Subdivision Regulations need to be amended?

A new section, “7.8 Single Family Cluster Subdivision in a CD-MU-CR District” requiring Conservation Space and other standards is needed to implement the mixed-use and conservation standards for mixed use in the subdivision of the single-family lots. This section tracks the provisions of section 7.7 Conservation Subdivisions.

Why does the Watershed Ordinance need to be amended?

The CD-MU-CR district limits the BUA to 24% of the total project, the same BUA limitation as in the Watershed Ordinance. However, the WO generally limits single-family residential on the basis of units per acre, with no BUA limitation for single family residential. The proposed Watershed Text amendment has been revised to make it clear that Section 302(b) All Other Residential (the 24% max BUA plus the 2 DU/acre limitations) applies here, not 302(a) Single Family Residential.

Does the Watershed amendment jeopardize the water quality protections of the ordinance in Watershed Area IV?

No, for two reasons: 1) the total BUA is limited to 24%--unchanged; and 2) 40% of the total project is set aside as Conservation Space, with ownership dedication for permanent protection. By comparison, typical single-family subdivisions are not required to preserve any land, except for stream buffers that may be divided up with the individual lots and deeded to individual lot owners.

What assurance does the County have that sewer will be properly handled?

The developer of a CD-MR-CR project would be required to have adequate and safe sewage disposal approved by the North Carolina Department of Environmental Quality, just like every other project. This is true regardless of the zoning classification.

Will these types of developments be allowed anywhere in Chatham County?

No. These walkable mixed-use communities will only be allowed where the Chatham County Board of Commissioners finds justification for rezoning to allow for them. The Chatham

County Comprehensive Plan calls for them in only a few locations in the County. Generally, it is the land use plan that guides the County in locating zoning districts, not the Zoning Ordinance. For instance, the location of Heavy Industrial districts is not limited by the Zoning Ordinance.

Why can't projects like this be developed under existing zoning, subdivision and watershed ordinances?

One option would be to propose a residential conservation subdivision and a separate commercial development on adjoining, but separate parcels. That does not accomplish the goals and is not feasible. Consider: 1) those ordinances have been on the books for years—but no one has proposed a walkable mixed use single family residential community; 2) the existing ordinances do not allow for medium density development—it is not feasible to set aside 40% conservation space and be able to develop only 1.1 DU/acre on small lots; 3) So few lots would not function like a true mixed-use community; 4) there is no required conservation land associated with the commercial development. Our proposed Mixed-Use zoning category will require 40% conservation space across the entire gross acreage of the project.

Only communities that are an economically feasible alternative will be developed. The current CD-MU zone has not attracted any mixed use with cluster single family residential development. It is simply not economically attractive to set aside 40% Conservation Space to have, say, 55 tiny cluster lots, rather than 50 one acre lots.

A second option would be to use the Compact Community Ordinance, written specifically for Briar Chapel. This ordinance would require an inordinate number of waivers for projects in the 50 to 250-acre size range.

The CD-MU-CR is a more straight forward, less complicated way of providing for this type of desirable community recommended by the Comprehensive Plan.

Will the proposed CD-MU-CR district allow townhomes, apartments above stores and other residential in addition single-family homes?

Yes, subject to the following restrictions:

1. no more than 24% BUA on the entire site; and
2. non-residential uses must account for 20% of the BUA.

Is the proposed Compact District-Mixed Use-Compact Residential zone a major departure or rewrite of the existing ordinances?

No. In fact, the CD-MU-CR draft tracks the existing CD-MU zone. It provides that:

1. The mixed-use compact residential community must include small lot clustered single-family homes. That concept already exists in Governors Village and the Camden Park section of Fearington;
2. Forty percent of the gross acreage of the community (including the commercial, office, etc.) must be dedicated as Conservation Space, which must meet the existing standards for location, ownership and allowed use; and
3. Protection of the watershed by limiting the overall impervious (built upon area) to 24% of the gross acreage; as well as limiting the dwelling units to two per acre—exactly as allowed in Briar Chapel.