

**ATTACHMENT A to Zoning Text Amendment Application**  
*Revised October 7, 2020*

*The revisions to the March 29<sup>th</sup> proposal are tracked and explanatory notes are included*

**PROPOSED ZONING TEXT AMENDMENT TO PROVIDE FOR:**

**Mixed Use, Conditional District to include a single-family Cluster Residential component – CD-MU-CR**

**The Chatham County Zoning Ordinance is hereby amended as follows:**

**SECTION 5.2 Conditional Zoning Districts, D. Mixed Use Districts** (page 6) is amended by adding the definition of **CD-MU-CR**, so that sub-section D is as follows:

**D. Mixed Use Districts**

Approval of a conditional zoning district shall be required as a prerequisite to any use or development, as provided for in this Ordinance, for the following districts:

**CD-CC Compact Community** – a compact residential development with a mixed commercial use village center. See the Compact Communities Ordinance for more information.

**CD-MU Mixed Use** – a mixed use development that provides for an integration of diverse but compatible uses into a single development.

**CD-MU-CR Mixed Use, Cluster Residential** – a mixed use development that provides for an integration of diverse but compatible uses into a single development that includes a single-family Cluster Residential component.

**SECTION 7.2 DEFINITIONS.** is amended by inserting, in alphabetical order, the following definitions:

**Cluster Development** - The grouping of buildings in order to conserve land and provide for innovation in the design of the project.

**Cluster Residential** – A Cluster Development of grouped single family lots.

**SECTION 10 SCHEDULE OF DISTRICT REGULATIONS** is amended as follows:

1. Subsection “**10.12**” is renumbered to be subsection “**10.12(a) CD-MU Mixed Use**”;  
and
2. A new subsection **10.12(b)** is added as follows:

**10.12(b) CD-MU-CR Mixed Use Cluster Residential**

**A. Purpose**

The purpose of the Mixed Use Cluster Residential Conditional District is to permit flexibility in the Ordinance by providing for a mix of residential, commercial, and light industrial, including single family cluster residential uses to be developed in accordance

with a unified development plan. These developments should be unified by distinguishable design features and provide pedestrian connections between all uses. Mixed use developments should provide a more efficient use of land while providing more on-site amenities and preserving open space. The mix of uses shall be designed to be mutually supporting so that traffic congestion is minimized and pedestrian circulation is enhanced.

**B. Minimum Size**

In order to qualify for a Mixed Use Cluster Residential District, the gross acreage for the development shall be a minimum of 50 acres and a maximum of 250 acres.

**C. Maximum ~~Net Density and Built Upon Area~~ and Residential Density Allowed**

~~Within a Mixed Use Cluster Residential district, the net density and built upon area for any portion of the development shall not exceed the requirements of the underlying watershed district as provided in the Watershed Protection Ordinance and identified on the most recently adopted “Watershed Protection Map of Chatham County, North Carolina”.~~

To maintain a base level of watershed protection, the overall maximum built upon or impervious area for a Mixed Use Cluster Residential district shall be no greater than twenty-four percent (24%) of the total project area.

*NOTE: This tracks CCO 6.4. Also, a maximum of 24% is the requirement of the Watershed Protection Ordinance for “WS-IV Watershed Areas.”*

Each Mixed Use Cluster Residential district shall be allowed a maximum overall density of no more than two (2) single family cluster residential units for each acre of gross land area in the project. Accessory units shall count as one half (1/2) a unit for the purposes of this calculation.

*NOTE: This tracks CCO 6.3*

**~~D. Net Land Area Computation~~**

*NOTE: With the change to have 24% maximum BUA apply to whole project this definition is no longer needed.*

**E.D. Permitted and Required Uses**

The Mixed Use Conditional Zoning Cluster Residential district shall include a single-family Cluster Development component. [see Sections 109 and 303 Cluster Development of the Watershed Protection Ordinance] The other uses allowed within the Mixed-Use district may be selected from the permitted uses or conditional uses from the following districts: R-1 Residential district

- O&I Office and Institutional District
- NB Neighborhood Business District

CB Community Business District  
RB Regional Business District  
IND-L Light Industrial District

The site plan must show, and the final development must include, a single-family Cluster Development project and ~~Open Conservation~~ Space (~~see Watershed Protection Ordinance section see section 7.8 of the Chatham County Subdivision Regulations - Single Family Cluster Subdivision in a CD-MU-CR District~~), and uses from at least two (2) of the zoning districts listed above. Multi-Family Dwellings shall also be permitted in the mixed use section. Uses may be mixed within a building or within the development and the site plan must identify the location of the proposed uses.

*NOTE: Conversation Space, as defined in both the Subdivision Ordinance and the Conservation Guidelines, includes both Open Space and Natural Space, and limits Open Space to 20% of the Conservation Space. This edit is to correct that mistake.*

At a minimum, twenty percent (20%) of the total Built Upon Area (BUA) of the development must be occupied by or used primarily for non-residential uses, provided that ~~at no time shall~~ the cumulative amount of land ~~developed-designated~~ for non-residential purposes on the site plan shall not exceed the cumulative amount of land ~~developed-designated~~ for residential purposes.

*NOTE: This language is from the CCO for a very large development where the commercial is far from the residential. The goal of keeping those ratios in balance is best established on the site plan. There is no reason for the developer and the County to be burdened with tying the time of construction and permitting to the ratio.*

#### **F. Location**

~~A Mixed-Use Cluster Residential Conditional District shall be allowed only in areas designated as Compact Residential Area or Community Center Area on the Chatham County Comprehensive Plan, Future Land Use and Conservation Plan.~~

*NOTE: There were concerns and objections to this provision. Of course, the County will consider the Land Use Plan in determining re-zoning applications.*

#### **G.E. Cluster Area and Density**

Single Family Cluster Development shall be that portion of the CD-MU-CR project dedicated to clustered single-family lots and Conversation Space as required by the Subdivision Ordinance, Sec. 7.8.~~open space area as provided in the Watershed Protection Ordinance, Sec. 303. The total number of single family residential lots shall not exceed two (2) dwellings per acre Net Land Area of the CD-MU-CR project.~~

*NOTE:*

- *Single family units/acre is moved to section C above.*
- *The Subdivision Text Amendment defines “Conversation Space, Natural Space and Open Space” and details the compositions and uses of those areas. The Watershed Ordinance’s references to “vegetated or natural state, or open space,” is not as specific. This edit is not substantive.*

#### **H.F. Dimensional and Off-Street Parking Requirements**

Standard dimensional and off-street parking requirements shall not apply. Proposed lot sizes, setbacks, building heights, and off-street parking must be specified on the site plan or accompanying text for a conditional rezoning application and be approved by the Board of Commissioners. In no circumstances shall a building have a height greater than sixty (60) feet.

#### **I.G. Exterior Boundary Setbacks**

A setback of one hundred (100) feet shall apply to all residential and non-residential buildings and structures along the exterior boundary where adjacent to a Residential District or a residential portion of a Conditional District or any existing residential property. A setback of fifty (50) feet shall apply where adjacent to non-residential districts, including non-residential portions of Conditional Districts; ~~or~~ any existing non-residential properties; or where adjacent to a public road right-of-way that is one-hundred (100) feet in width or more.

*NOTE: This would apply where adjacent to very wide public roads, such as 15-501.*

#### **J.H. Signage**

Any proposed signage shall not exceed the standards set forth in this Ordinance for the respective zoning district from which a use is taken. All signs shall use a coordinated color, style, and lettering scheme.