

ATTACHMENT A to Watershed Ordinance Text Amendment Application

REVISION November 19, 2020

**PROPOSED WATERSHED PROTECTION ORDINANCE TEXT AMENDMENT TO
PROVIDE FOR:**

Cluster Developments in Mixed-Use projects.

The Chatham County Watershed Protection Ordinance is hereby amended as follows:

1. Section 302. Watershed Areas Described,
Subsection: (E) WS-IV Watershed Areas - Protected Area (WS-IV-PA).
(2) Density and Built Upon Limits [Pages 26-27]

is rewritten to read as follows:

(a) Single Family Residential--development^s shall not exceed one (1) dwelling unit per acre, as defined on a project by project basis, except within conservation subdivisions, ~~compact communities, mixed-use projects, or mixed-use cluster residential projects~~ that shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than 40,000 square feet or 65,340 square feet for lots with individual wells and individual wastewater disposal systems, except within an approved cluster development (#6), compact community, conservation subdivision (#12), ~~or mixed-use development.~~

~~(b)~~ All Other Residential and Non-Residential, including Mixed Use Cluster Residential, development shall not exceed twenty-four percent (24%) built upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. Each Mixed Use Cluster Residential district shall be allowed a maximum of 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. In addition, in the portion of the WSIV PA draining to the state designated Cape Fear WSIV PA, non-residential uses may occupy ten percent (10%) of the PA with a seventy percent (70%) built upon area when approved as a special nonresidential intensity allocation (SNIA). The Watershed Administrator is authorized to approve SNIAs consistent with provisions of this ordinance and consistent with plans for the Moncure Megasite Employment Center in the PA, as referenced in the Conceptual Plan Rural Preservation and Targeted Employment, adopted July 15, 2013. Projects must be located within the designated Moncure Megasite Employment Center. Projects must minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed. No residential or nonresidential lot shall be less than 40,000 square feet, except within an approved cluster development (#6), compact community, conservation subdivision (#12), or mixed use cluster residential development.

2. SECTION 109. General Definitions. [Page 11]
is amended by adding a definition^s as follows:

Mixed Use Cluster Residential. A mixed use development that is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses, and includes a Cluster Residential component.

Conservation Space: A Conservation Space is a contiguous block of land preserved as Natural Space (a minimum of 80% of the Conservation Space) and Open Space (a maximum of 20% of the Conservation Space). [see Sec. 7.7 or the Subdivision Regulations.]

3. SECTION 109. General Definitions, “Cluster Development” [Page 6] is amended by rewriting the definition to read as follows:

Cluster Development. The grouping of buildings in order to conserve land and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. “Planned Residential Developments” and “Mixed Use Cluster Residential Conditional Districts” as provided for under the Chatham County Zoning Ordinance and “Planned Unit Developments,” as provided for under the Chatham County Subdivision Regulations, shall each be deemed to be Cluster Development under this Chatham County Watershed Protection Ordinance.

4. Section 303. Cluster Development is amended by rewriting it to read as follows:

Clustering of development is allowed in all Watershed Areas of the County under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of residential lots shall not exceed the number of lots allowed for single family detached developments in Section 302**(b)**. Built upon area or stormwater control requirements of the project shall not exceed that allowed by this ordinance for the watershed area in which the project is located. (#7,13)

(B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(C) The remainder of the tract (in a CD-MU-CR district, “tract” is the single-family residential portion of the tract) shall remain in a vegetated or natural state, or be Conservation Space.

Where the development has an incorporated property owners association, the title of the Conservation Space and open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.