



Established 1771

CHATHAM COUNTY COMMISSIONERS

Mike Dasher, Chairman
Diana Hales, Vice Chair
Karen Howard
Jim Crawford
Franklin Gomez Flores

COUNTY MANAGER

Dan LaMontagne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200

Ordinance of the Chatham County Board of Commissioners

ADOPTING A CONSISTENCY STATEMENT FOR THE APPROVAL OF

County Initiated Text Amendments to the Chatham County Subdivision Regulations

WHEREAS, the Chatham County Board of Commissioners has considered the request by the Chatham County Board of Commissioners to revise the Subdivision Regulations, and finds that the amendment is consistent with the comprehensive plan of Chatham County, Plan Chatham, and finds that the same is reasonable and the public interests are furthered; and

WHEREAS, the Board finds the amendments set forth in the attachment are consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting “Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed-use centers.” and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Chatham County, for the reasons set forth above, the Amendments to the Chatham County Subdivision Regulations are found to be consistent with the Comprehensive Plan of Chatham County, Plan Chatham, and determined to be reasonable and in the public interest.

Adopted this 15th day of February, 2021

Mike Dasher, Chair
Chatham County Board of Commissioners

SIGN HERE

ATTEST:

Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners





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Ordinance of the Chatham County Board of Commissioners

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY

For Multiple Revisions to the Chatham County Subdivision Regulations for Compliance with 160D Statutory Updates

WHEREAS, the Chatham County Board of Commissioners has considered a request by the Chatham County Board of Commissioners to amend the Subdivision Regulations as described in the attachment, and finds that the amendments are consistent with the comprehensive plan of Chatham County, Plan Chatham, as described in the Consistency Statement Resolution; and

WHEREAS, the Board finds the amendments set forth in the attachment are pursuant to the provisions of the Subdivision Ordinance, and would be suitable for the furtherance of the administration of the ordinance; and

WHEREAS, the Board has considered the amendments to the Subdivision Regulations and finds them reasonable, and that the public interest is furthered.

BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

1. All revisions to the Subdivision Regulations set forth in the attachments are approved.
2. This ordinance shall become effective upon its adoption.

Adopted this 15th day of February 2021

Mike Dasher, Chair
Chatham County Board of Commissioners

SIGN HERE

ATTEST:

Lindsay K. Ray, Clerk to the Board
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Redline Amendments: Subdivision Ordinance

SECTION 2 - DEFINITIONS

Land Use Plan – Plan Chatham 2017- Chatham County Comprehensive Plan

Lot Area (Useable) - The area within the lot lines which is a contiguous or non-contiguous area suitable for a septic field, well, house and access. This area does not include public right-of-ways, flood hazard areas, or floodways, or **stormwater devices and associated easements**. Riparian Buffer Areas may be used to meet useable lot area measurement requirements and other development-related regulatory requirements based on property size specified in Section 7.1B.

SECTION 3- SECURITY FOR COMPLETION OF IMPROVEMENTS

B. Adequate Security

(2) A copy of the power of attorney for any countersigning agent shall be attached. **The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued unless the developer determines that the scope of work necessitates a longer duration.** ~~The period in which required improvements must be completed shall be specified by the County prior to the recordation of the final subdivision plat and shall be incorporated in the contract.~~ If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete.

(5) **When requirements of 3.2 B(1) have been met, the performance guarantee shall be returned or released, as appropriate, in a timely manner upon acknowledgement by the county that the improvements for which the performance guarantee is being required are complete. The county shall return Letters of Credit or escrowed funds upon completion of required improvements to the specifications of the county, or upon acceptance of the required improvements, if subject to county acceptance. When required improvements that are secured by a bond are completed to the specification of the county, upon request by the developer, the county shall timely provide written acknowledgement that the required improvements have been completed.**

G. Legal Responsibilities

No Person shall have or may claim any rights under or to any performance guarantee provided pursuant to ordinance or in proceeds of any such performance guarantee other than the following:

1. The County to whom such performance guarantee is provided.
2. The developer at whose request or for whose benefit such performance guarantee is given.
3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.

SECTION 4 - TYPES OF SUBDIVISIONS

D. Expedited Review

This review can only be done once every ten (10) years. If you have residual land and qualify for this review, but you have done it in the last ten (10) years, you will be required to go through the minor subdivision process

and pay the Recreational Fee for the district it is in. This review is connected with the land, not the owner. Furthermore, this review is not a faster process, regardless of its title. An expedited review application and associated fee(s) shall apply and be submitted to the County prior to approval of the plat

5.3 Minor Subdivisions

6. If creating two (2) or more lots a North Carolina Department of Transportation Driveway Permit may be needed.

SECTION 6 - SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

D. Features

(13) ~~Names of all streets existing and proposed~~ See Section 6.4 (B) 9.

SECTION 7- REQUIREMENTS AND MINIMUM STANDARDS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

E. Land Subject to Stormwater Management

Land area that is used by stormwater best management practices, devices, and associated easements shall not be included when calculating the minimum usable lot area.

7.4 Lots

B. Arrangement

(2) One additional subdivision lot may be allowed provided that the lot has frontage on a perpetual easement or private road that extends to meet a public road, if the easement or private road existed prior to October 1, 1975. Proof of the existence of said easement prior to said date and proof of its permanence shall be provided to the Planning Director and certified by the applicant's attorney. A subdivider shall not create any subdivision in the same immediate location that has this type of frontage, for a period of twelve (12) months after receiving approval of a subdivision with this type of frontage, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided. ~~The road shall be widened to 22 feet for a distance of 40 linear feet to provide a pull-out for safe passing and only applies to the newly created lot (see figure 9 for an example of a pull-out). The pull-out shall be constructed prior to obtaining a signed plat and the design and construction of the road shall be certified to be in compliance with these regulations by a licensed engineer.~~

(3) The easement shall not be within one hundred (100) feet of another easement of this type, unless approved by the Board of County Commissioners after considering lot design, land ownership, topography, and other appropriate information. **Easements shall have no connectivity with another access easement.** If additional subdivision lots are to be created and served by the easement, it shall be sixty (60) feet in width and meet other standards required unless a variance is granted.