

Compact Communities Adherence Validation for Herndon Farms

An Active-Adult Compact Community

Below is a section-by-section narrative of the Developer's acknowledgement and requirements for adherence to the Compact Communities Ordinance.

SECTION 1. ENACTMENT

This ordinance is enacted pursuant to the authority granted by the General Statutes of North Carolina in the following chapters: Chapter 153A, Article 6 for the purpose of promoting the public health, safety, or welfare; Chapter 113A for the purpose of assessing environmental impacts; Chapter 143, Article 21 for the purpose of protecting water supply watersheds; Chapter 460, Title III of the 1987 Session Laws regarding mitigating financial impacts on public facilities; and Chapter 153A, Article 18, Sections 153A-330 to 153A-335 and Chapter 153A, Article 18, Sections 153A-340 to 153A-348 for the regulation of development. This ordinance establishes supplementary regulations to allow for the development of compact communities in Chatham County.

- **The Developer understands and acknowledges the purpose, goals, and history of this Ordinance.**

SECTION 2. TITLE

This ordinance shall be known and be cited as the "Compact Communities Ordinance" except as referred to herein where it shall be known as "this ordinance".

- **The Developer will use the abbreviation CCO when referring to this Ordinance.**

SECTION 3. PURPOSE

This ordinance is found to be necessary and appropriate in order to:

- A. Help implement the *Chatham County Land Conservation and Development Plan*;
 - B. Protect Chatham County's rural character by adequately buffering compact communities from neighboring properties and roadways;
 - C. Promote new communities that support mixed-use development, anchored by a village center composed of commercial, civic, and residential uses that add to Chatham County's tax base, help residents meet their daily needs, and preserve Chatham County's small town atmosphere;
 - D. Allow for compact village-style development surrounded by protected green space, at a size that is easily walkable and bikeable by residents of all ages;
 - E. Help meet the need for community facilities such as schools, stations for police, fire and EMS, recreation facilities, solid waste/recycling collection centers, libraries, and community centers on sites that are physically integrated into the community;
 - F. Ensure sustainable water provision and wastewater treatment in a way that does not create a future economic burden for the taxpayers of Chatham County;
 - G. Protect Chatham County's water quality and water resources, minimize its energy use, reduce household transportation costs, and protect its air quality;
 - H. Establish a grid network of streets that provides multiple connections to different destinations, includes safe places for pedestrians and bicyclists to travel throughout the community, and allows for efficient transit service when and if it becomes available;
 - I. Include a mix of housing types that are architecturally consistent, designed to promote safe, walkable neighborhoods, and affordable to a range of residents in Chatham County;
 - J. Include neighborhood parks, active recreation areas, and larger open spaces throughout the community that are linked together by sidewalks and trails;
 - K. Provide greater environmental, economic, and social benefits to Chatham County when compared with conventional development.
- **The Developer believes the Herndon Farms project meets or exceeds the intended purpose of the CCO and adds a much needed and desirable senior community to Chatham County.**

- **The following point by point narrative of the CCO, the accompanying submission of the required five findings narrative and exhibits support this assertion.**

SECTION 4. JURISDICTION

The provisions of this ordinance shall be applicable in all zoned areas of Chatham County, exclusive of the municipalities located therein and their extraterritorial jurisdictions, subject to the location provisions contained in Section 6.1 of this ordinance.

- **The Developer acknowledges this Section as applicable to the Herndon Farms Project.**

SECTION 5. SEVERABILITY

Should any section, sentence or clause of this ordinance be held invalid or unconstitutional, such decision shall not affect, impair or invalidate the validity of the remaining parts of this ordinance that can be given effect without the invalid provision.

- **The Developer acknowledges this Section as applicable to the Herndon Farms Project**

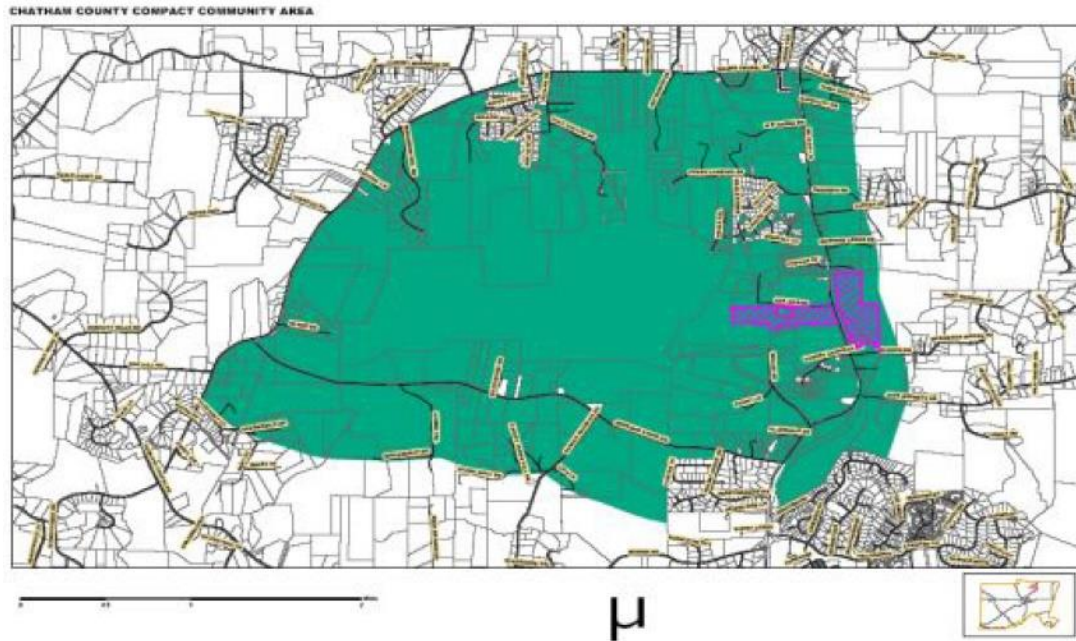
SECTION 6. LOCATION AND SIZE

6.1 Location

Compact communities shall only be allowed in areas that meet all of the following conditions:

- A. Currently zoned for RA-40 Residential-Agricultural;

- **All the parcels which collectively make up the project site for Herndon Farms, are currently zoned R-1 (R40).**
 -
- B. Designated as either:
- WSIII – BW (Balance of Watershed)
 - WS IV – PA (Protected Area)
 - Local Watershed Area (LWA)
- **Herndon Farms is in the Jordan Lake WS IV-PA watershed area.**
- C. Have at least one access point that is within one (1) mile from a four-lane principal or minor arterial, as measured along the centerline of area roadways; and
- **Herndon Farms has 2 access points on 15-501. See Exhibit B.3 Site Plan.**
- D. Are located within the portion of Northeast Chatham County that is generally described as follows:
- In the area of U.S. 15-501 on the east, Andrews Store Road on the south, and Mann’s Chapel Road on the west and north;
 - Within 1,700 feet of U.S. 15-501 on its eastern side, and is south of the U.S.15501 intersection with Mann’s Chapel Road, and north of a line one-half mile south of Andrews Store Road; and
 - Within one-half mile of Andrews Store Road on its southern side and is east of the intersection with Andrews Store Road and Mann’s Chapel Road and is west of a line 1700 feet east of U.S. 15-501.



- **The above map shows that the project site for Herndon Farms (highlighted/outlined and hashed) is within the approved location for compact communities (as indicated in green).**

6.2 Maximum Size

No compact community shall include more than two thousand six hundred fifty (2,650) dwelling units.

- **There are 161 residential units planned in Herndon Farms.**

6.3 Residential Density (Maximum and Minimum)

Each compact community shall be allowed a maximum overall residential density of no more than two (2) dwelling units for each acre of gross land area in the project. Accessory units shall count as one half (1/2) a dwelling unit for the purposes of this calculation. Spray fields located off the project area shall not count as part of the project for the purposes of the maximum residential density calculation.

- **Acres in Project= 97.86**
- **Maximum allowed density (Gross)= 195 Dwelling Units**
- **Planned residential dwelling units= 161**
- **See Exhibit for B.7.7 for calculation areas.**

The minimum net residential density shall be at least five (5) units per net acre as measured by the total number of residential units divided by the total area excluding community facilities, street rights of way, buffers, open space, and non-residential areas.

- **Residential acres in Project= 16.3 Acres**
- **Residential Units= 161**
- **Density= 10.06**
- **See Exhibit for B.7.7 for calculation areas.**

6.4 Maximum Built-upon Area

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

- **Exhibit B.2 shows preliminary calculated impervious area in the project to be 19.7%.**
 - **Final impervious will be stated on the final plat and not exceed the 24% limit.**
- **Once the final plat is approved, a tracking system of impervious area will be submitted so that impervious can be tracked by the Chatham County Planning and Inspection offices.**

6.5 Minimum Commercial Area

Each compact community shall include not less than one hundred thousand (100,000) square feet of commercial development.

At least twenty-five percent (25%) of the total planned commercial area) shall be developed before seventy-five percent (75%) of the maximum allowable dwelling units shall receive final subdivision plat approval.

At least fifty percent (50%) of the total planned commercial area) shall be developed before ninety percent (90%) of the maximum allowable dwelling units shall receive final plat approval.

- **Herndon Farms has a planned 120–140-unit congregate care facility of 140,000 square feet and a daycare of 10,000 square feet for a total of 150,000 square feet. The CCO requires a minimum of 100,000 square feet. Both of these uses are specified as permitted uses in commercial type districts as per Exhibit B.7.9, Table 10.13. of the Chatham County Zoning Ordinance.**

SECTION 7. WATER AND WASTEWATER

7.1 Water Provision

Each compact community shall be served by public water provided by Chatham County that is adequate to serve the reasonable needs of the community and that complies with all applicable regulations of the County.

- **Exhibit I verifies that Chatham Utilities has the capacity and acknowledges the Developer's request.**

7.2 Wastewater Treatment

General Design Standards

Wastewater treatment shall occur at centralized wastewater treatment facilities either on-site or at existing, previously permitted off-site facilities as permitted by the State of North Carolina Department of Environmental and Natural Resources (NCDENR). Spray irrigation may occur off-site provided that said use conforms to the uses allowed in the applicable zoning district.

- **The entire treatment system will be contained within the development.**

Wastewater collection, treatment, distribution, and storage systems for compact communities must apply technologies approved by the State of North Carolina, with facilities and operating programs approved by the State of North Carolina, and with operations that are effectively monitored by the State.

- **The Developer will comply with this Section for the Herndon Farms Project.**

Location, Ownership, and Sizing of Wastewater Facilities and Spray Fields

Compact communities shall be served by wastewater collection, treatment, distribution, and storage systems that are adequate to serve the reasonable needs of the community and service area (as defined by the North Carolina Utilities Commission) and comply with all applicable regulations. The wastewater facilities may also serve neighboring areas. Compact communities shall:

- Show the location of all wastewater facilities needed for the compact community at build out in the sketch design submitted to Chatham County.

In the determination of adequacy, the County may consider any alternatives that provide reserve capacity in the wastewater system above the state required minimum, including but not limited to the following:

- Increasing the amount of wet weather storage to provide reserve capacity;
 - Setting aside additional open space acreage for future spray irrigation to provide reserve capacity; and/or
 - Limiting spray irrigation on a certain portion of open space acreage during specified times in order that the remaining capacity of the acreage to accept wastewater spray results in reserve capacity.
- **Wet weather storage is planned to be approximately 25% greater than requirements.**
 - **There is almost 50% more land application capacity above needed area.**

Wastewater Treatment System Operation and Management

Wastewater collection, treatment, distribution and storage systems for compact communities shall be managed by an operator appropriately licensed by the State of North Carolina.

Provisions shall be made for sludge management and odor control that eliminates to the maximum extent possible, adverse impacts to the compact community's residents and neighbors.

- **Where applicable, these requirements will be met by Herndon Farms. Our designated operator is Aqua America,**

Financial Guarantee

A financial guarantee shall be required if final subdivision plat approval is requested prior to completion. Any such financial assurance shall satisfy the requirements of the subdivision regulations.

- **Where applicable, these requirements will be met by Herndon Farms.**

Public Filing of Wastewater Documents

To allow for ongoing public review, the developer of each proposed compact community shall furnish Chatham County an as-built copy of the plans and specifications for wastewater treatment facilities, infrastructure, and disposal or irrigation system, including all documents related to the location, sizing, ownership, and management of the disposal and irrigation sites used for the compact community, as well as any operational performance reports and data for water quality monitoring conducted for the treatment, disposal, and irrigation facilities and receiving waters surrounding them prior to final plat approval. The developer shall require the operator of such systems to furnish the County with copies of any approved plans modifying said systems and to notify the County and the residents of the compact community of any violations or citations issued in connection with the operation within 30 days thereof.

- **Exhibits J.1 shows the preliminary location of the wastewater treatment facility and spray/drip areas for the wastewater treatment system.**
- **The wastewater treatment facility and the land applications systems will be permitted by the NC Division of Water Quality and meet all existing regulations required for this permit. The current technical details and permit information is contained in Exhibit J to J.6.**
- **The wastewater treatment system is currently planned to be owned and managed by Aqua America, a licensed NC Public Utility Company. Aqua will be responsible for maintenance of the plant, sludge, debris disposal and the land application systems.**
- **After completion of the wastewater treatment plant and disposal systems, as-built plans will be submitted to the County and provided to NCDEQ as per permit requirements.**

SECTION 8. STORMWATER

- **Developer's response to all points under the stormwater section is summarized end of the entire Section 8. The preliminary stormwater plans are supplied as Exhibits B.6.1, B.6.2 and B.6.3.**

8.1 Guiding Principles

Compact communities are strongly encouraged to use low impact development design techniques as part of the stormwater management system. Low impact development design techniques emphasize the use of many smaller integrated stormwater controls that are distributed throughout the site, near the source of each impact. Some references for how to learn more about low impact development design are included in Attachment A.

A compact community shall not discharge stormwater received during and after development at a rate or volume greater than that discharged prior to development in order that adjacent properties shall not be unreasonably burdened with surface waters as a result of the development. Likewise, compact communities shall not unreasonably impede the natural flow of surface waters from adjacent properties across the development, thereby unreasonably causing substantial damage to such properties.

8.2 Stormwater Management Plan

The developer for each proposed compact community shall have a Stormwater Management Plan approved by Chatham County prior to approval of a final subdivision plat. This plan shall include the information specified in the *Stormwater Management and Maintenance Plan Requirements* displayed in Attachment A of this ordinance. The plan shall be certified to be in conformity with the North Carolina Stormwater BMP Manual by a North Carolina registered stormwater professional.

8.3 Stormwater Controls

Engineered stormwater management controls required in the approved Stormwater Management Plan shall be designed and constructed in order to satisfy the following requirements:

- Control and treat the first inch of stormwater runoff from the project site and from any offsite drainage routed to an on-site control structure;
- Ensure that the draw down time for this treatment volume is a minimum of forty-eight (48) hours and a maximum of one hundred and twenty (120) hours; and
- Maintain the discharge rate for the treatment volume at or below the pre-development discharge rate for the 1-year, 24-hour storm.

8.4 Maintenance and Upkeep of Stormwater Controls

The developer for each proposed compact community shall have a Stormwater Operation and Maintenance Plan approved by Chatham County prior to approval of a final subdivision plat. This plan shall include the information specified in the *Stormwater Management and Maintenance Plan Requirements* in Attachment A of this ordinance. Maintenance and upkeep of stormwater controls shall be consistent with *Stormwater Best Management Practices* as documented by the State of North Carolina.

The developer of each compact community and all subsequent owning entities and parties responsible for the stormwater management system shall have an annual maintenance inspection conducted by a certified professional engineer on each control structure in the compact community. The maintenance inspection shall assess whether the structure is functioning according to its design specifications, and recommend any repairs needed to ensure that it meet these specifications. The maintenance inspection report shall detail any functional deficiencies in each control structure and how they are to be fixed, along with any other relevant information. The professional engineer shall submit a copy of each maintenance inspection report to Chatham County within thirty (30) days after the inspection is completed.

The maintenance, repairs, or reconstruction recommended in the maintenance inspection report shall be made within thirty (30) days of the completion of the report. A professional engineer shall submit a maintenance repair report to Chatham County within thirty (30) days after the repairs are made.

- **Herndon Farms will adhere to these guidelines.**

8.5 Posting of Financial Guarantee

All engineered stormwater controls shall be conditioned upon adequate financial assurance in favor of the compact community's property owner's association for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the control structures for not less than ten (10) years after completion that shall be satisfactory to the County Attorney and approved by the Board of Commissioners.

- **This assurance will be provided.**

8.6 Public Filing of Stormwater Documents

To allow for ongoing public review, the developer of each proposed compact community shall submit to Chatham County a copy of the final version of the Stormwater Management Plan, Stormwater Operation and Maintenance Plan, Stormwater Operation and Maintenance Agreement, and stormwater control designs used in the compact community. These documents shall be submitted in electronic and hard copy format to the Chatham County Public Works Department prior to final plat approval for the project. In addition, the developer and all subsequent owning entities and responsible parties of the stormwater management system shall submit any updates to these documents within thirty (30) days of when the documents are updated.

- **The CCO encourages the use of low impact development design principles. The preliminary stormwater plans are provided in Exhibits B.6.1, B.6.2 and B.6.3. Herndon Farms will utilize the most update technologies to meet or exceed all County and State stormwater control requirements and obtain the appropriate permits before the final plat is submitted.**
- **As-built documents, maintenance plans, and financial guarantees will be provided at each appropriate benchmark in the construction schedule.**
- **In addition to the preliminary stormwater plans provided, the following are features of the development that significantly reduce stormwater runoff:**

- Homes are currently planned be built on slabs and will not have gutters. This feature will significantly slow rainwater runoff as it will have more time to be absorbed by the landscape and reduce velocity of runoff for each lot.
- One purpose of a compact community is to concentrate development and make it easier to control environmental impacts such as stormwater.
- The 30% open space required by the CCO, and exceeded by Herndon Farms, reduces runoff potential as compared to other developments.
- The 24% impervious limit, of which the impervious area of Herndon Farms is less than, reduces runoff potential as compared the other developments.
- The following controls will be considered when designing the stormwater management system and implemented, when possible, into the final stormwater, site, and landscape plans:
 - Portions of the parking will be pervious. Shown in the site plan Exhibit B.3.
 - The parking around the Pavilion may be switched to pervious before final plat.
 - When practical, final stormwater plans will incorporate turn down curbing or curb cuts.
 - The project is planned to be balanced to approximately 5% grade. When practical, swales and berms will be incorporated into the landscape to additionally slow runoff and reduce cost. Exhibit B.6.4 EPA Document.

SECTION 9: BUFFERS

9.1 Riparian Buffers

In all residential, commercial, and civic areas in each compact community, vegetative buffers of the following widths shall be permanently protected along each side of the following streams:

- At least one hundred (100) feet along all perennial streams;
 - At least fifty (50) feet along all intermittent streams;
 - At least fifty (50) feet along all ephemeral streams shown on the Soil Survey maps and having a drainage area of more than twenty-five (25) acres;
 - At least thirty (30) feet along all ephemeral streams shown on the Soil Survey maps and having a drainage area of between ten (10) acres and twenty-five (25) acres.
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- **Where applicable, these requirements will be met by Herndon Farms.**

Uses Within the Buffer

No new development is allowed in the buffer area except for the following:

- Water dependent structures;
- Other structures such as flag poles;
- Signs and security lights which result in only diminutive increases in impervious area;
- Projects such as road crossings and greenways where no practical alternative exists;
- Desirable artificial stream bank or shoreline stabilization, as determined by Chatham County.

These activities should minimize built-upon surface area, direct runoff away from the surface waters (except sheet flow directed into a buffer), and maximize the utilization of stormwater best management practices.

To avoid a loss of effectiveness in protecting streams, the stream buffer shall remain in natural undisturbed vegetation, except as provided below.

Clearing, grading or other land disturbing activities that would reduce the effectiveness of the buffer shall be revegetated.

Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer.

Crossings by streets, driveways, culverts, railroads, recreational features, intakes, docks, utilities, bridges or other facilities shall be designed to minimize the amount of intrusion into the buffer.

- **Where applicable, these requirements will be met by Herndon Farms.**

The following are prohibited within riparian buffers:

- Wastewater treatment, disposal, and reuse components, including any wastewater spray fields. Water and sewer lines are allowed to cross the buffer if no available alternative exists, provided that they are designed to minimize disturbance to the buffer (e.g. by running under bridges or crossing at right angles to the extent possible).
- Receiving areas for toxic or hazardous waste or other contaminants;
- Hazardous or sanitary waste landfills;
- Stormwater features, except in limited circumstances in buffers along ephemeral streams if the developer implements low impact development design techniques and/or other stormwater controls that meet or exceed the stormwater treatment and management performance provided by fully functioning ephemeral stream buffers in that location.

Stream buffers can be used for passive recreational activities with very low impact walking trails, with no impervious surface. Highly erosive activities such as use by bicycles should be discouraged. The service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, shall be located outside the buffer.

Horses and motorized all-terrain vehicles are prohibited within the buffer, except for maintenance vehicles, emergency vehicles, and motorized wheelchairs for disabled persons.

Unpaved trails running parallel to the stream shall be located at least thirty (30) feet from the edge of the stream.

Paved trails up to eight (8) feet in width are allowed along any streams provided they are at least fifty (50) feet from the edge of perennial and intermittent streams, and provided that the buffer as a whole is extended a distance equal to the width of the trail. Bicycles are expressly allowed on paved trails.

Water oriented recreational facilities, such as boat or fishing piers shall require an approved use permit from the Watershed Administrator.

Clearing and re-vegetating the stream buffer for the purposes of improving its pollutant removal efficiency may be permitted, except within thirty (30) feet of a stream.

Invasive species listed by the North Carolina Botanical Garden may be removed from the buffer.

Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized. Plantings shall consist primarily of native species.

Tracked or wheeled vehicles are not permitted within the riparian buffer, except for the purpose of maintaining utility corridors and providing emergency services. Bicycles are expressly allowed on paved trails.

- **Exhibit B.7.1, page 5 shows the wetlands and streams with the appropriate buffers. Exhibit B.7.12.a is the stream delineation letter from the USACE.**

9.2 Perimeter Buffer

Perimeter buffers shall be utilized to minimize the impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use along the edge of the compact community and the existing land use in the adjacent property at any point along the perimeter.

Chatham County may allow a reduction in the perimeter buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design or topography. In addition, Chatham County may allow a reduction in the perimeter buffer from fifty-one percent (51%) up to one hundred percent (100%) after giving the adjoining landowners an opportunity to comment and Chatham County determines that the impact of the compact community is adequately mitigated by the community design or topography. A developer of a Compact Community may request of the Board of Commissioners such a waiver or reduction at any time.

Table 9.2 Width of Vegetative Perimeter Buffers

		Land Use Adjacent to Compact Community Perimeter				
		Residential – large lot	Residential – small lot	Commercial	Recreational	Agricultural ²
Compact Community Perimeter Land Use	Residential large lot	0 feet	0 feet	0 feet	0 feet	0 feet
	Residential - small lot	100 feet	100 feet	0 feet	0 feet	100 feet
	Commercial	200 feet	200 feet	0 feet	200 feet ³	200 feet
	Recreational	200 feet	200 feet	200 feet ³	0 feet	200 feet
	Agricultural ²	0 feet	0 feet	0 feet	0 feet	0 feet

¹ The perimeter buffer requirements only apply to areas along the boundary of the compact community where no public road exists. In areas where a public road forms the boundary of the compact community, then the viewshed buffer requirements specified in Section 9.3 apply instead.

² Any bona fide farming operation, including land enrolled in the use value assessment program for agricultural, horticultural, forest, or conservation purposes, or part of a Voluntary Agricultural District.

³ A barrier that assures the safety of recreational activity participants in the compact community may be substituted for a buffer at the discretion of Chatham County.

- **Herndon Farms will request a 50% reduction in the perimeter buffer and a 50% reduction to some sections of the viewshed buffer. As shown in Exhibit B.3. A detailed description of elevation differentials and vegetative augmentation is described in the Perimeter Wavier Request Exhibit W.3.**

Dedication of the Buffer

The perimeter buffers required in this section only apply to areas along the boundary of the compact community where no public road exists. In areas where a public road forms the boundary of the compact community, then the viewshed buffer requirements specified in Section 9.3 apply instead. Once the perimeter buffer has been delineated, a deed restriction satisfactory to the County Attorney shall be filed with the Chatham County Register of Deeds that permanently protects this land as a buffer and identifies the maintenance responsibility that rests with the homeowners association.

- **Herndon Farms will adhere to these guidelines.**

Perimeter Buffer Vegetation and Land Uses

To the extent practicable, existing native forest vegetation shall be utilized for the perimeter buffer. Farms, pastures, and other traditional rural land uses owned by the developer or protected with a permanent conservation easement may be used to meet this requirement. Topographic features such as hills, valleys, and planted berms owned by the developer may also be used to meet this requirement.

Vegetative plantings in the buffer shall produce the effect of a natural forested area, using native species. The planting does not have to be opaque but should function to significantly soften the visual impact of buildings, both initially and in the longer term. The visual buffering provided by vegetative plantings shall be effective in all seasons.

- **The proposed 50' perimeter buffer will not be graded but will have additional plantings with native plants to provide a natural looking transition to neighboring properties.**

9.3 Viewshed Buffers

Viewshed buffers shall be utilized in order to minimize the impacts of compact communities on pre-development roadway views.

The developer shall map all roadway views into the project and delineate a continuous buffer of at least one hundred (100) feet in width. The buffer shall be measured at right angles to the edge of the roadway right of way into the compact community.

The Chatham County Board of Commissioners may allow a reduction in the viewshed buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design, topography, and/or guidelines for outdoor lighting such as those included in the proposed Chatham County lighting ordinance.

Dedication of the Buffer

Once the viewshed buffer has been delineated, a deed restriction satisfactory to the County Attorney shall be filed with the Chatham County Register of Deeds that permanently protects this land as a buffer and identifies the maintenance responsibility that rests with the homeowners association.

Viewshed Buffer Vegetation and Land Uses

To the extent practicable, existing native forest vegetation shall be utilized for this buffer, except that this requirement is optional for the developer where the use adjoining the applicable roadway is a commercial, institutional, or office use. Farms, pastures, and other traditional rural land uses owned by the developer or protected with a permanent conservation easement may be used to meet this requirement. Topographic features such as hills, valleys, and planted berms owned by the developer may also be used to meet this requirement. Before any native vegetation is removed, a revised landscaping plan detailing what is proposed to be removed and the extent and type of replanting must be reviewed by the Chatham County Planning Department and the Chatham County Appearance Commission. Selective removal may be recommended in lieu of clearing the site of all existing native forested or vegetated areas.

Vegetative plantings in the buffer shall produce the effect of a natural forested area, using native species. The planting does not have to be opaque but should function to significantly soften the visual impact of buildings, both initially and in the longer term. The visual buffering provided by vegetative plantings shall be effective in all seasons.

- **The Viewshed buffer along Highway 15-501 will be 100' for the majority of the frontage. The Developer will request a 50% reduction for a portion from the project's northern entry on the east side to the northern most boundary on the east side of the project, as per the site plan, Exhibit B.3. This section is the back of the detached residential units with a private alleyway that will not be lighted. There is an approximately 20' elevation difference from the first floor of the units and 15-501 street level which will further mitigate the reduced viewshed buffer for this section. In addition, even though the indicated viewshed buffer in this section is requested to be 50' the effective buffer is much more than 100' for the majority of 15-501 viewshed buffer because of the design of this section of the site.**

SECTION 10. RECREATION AND OPEN SPACE

10.1 Passive Open Space

Amount of Open Space Required

Each compact community shall permanently protect a minimum of thirty percent (30%) of the gross project area as open space in order to maintain rural character and provide for passive recreation.

All of the land in neighborhood parks, active recreation, perimeter buffer, viewshed buffer, streams, wetlands, natural buffers, and major below-ground utility easements such as underground pipelines may be counted toward meeting this requirement. Major aboveground utility easements such as high-tension power lines cannot be counted toward meeting this requirement.

- **Exhibits J.1 and J.2 show the open space areas and calculations by Arcadia Engineering. These exhibits show that the open space is approximately 39.5 acres of the 97.86 acres submitted for the**

compact community approval. This gives the project 40% open space. The required open space is 30%. This does not include approximately 8 acres taken up by the Duke Power easement. While this area is not allowed under the CCO to qualify as open and not used for construction, this area will be used as pasture, dog park and pervious parking.

Use of Local and Regional Open Space Plans

Priority for protection as open space shall be given to lands identified in the *Chatham County Inventory of Natural Areas and Wildlife Habitats*, *Chatham County Parks and Recreation Master Plan*, and the *Triangle GreenPrint Regional Open Space Assessment*. Nonalluvial wetlands including seeps, bogs, and vernal pools shall also be systematically inventoried in each proposed compact community and shall be given priority for conservation.

The Chatham County Planning Director and the Chatham County Parks & Recreation Director shall be consulted when making the determination as to which lands in the compact community are shown in the plans and inventories listed above, and which lands shall be protected.

If the developer thinks that any of the lands identified in these documents that are found in the compact community cannot be protected, he/she shall provide a written technical justification to the Chatham County Planning Board from an appropriately certified professional as to why not, and propose that they not be included as open space.

- **There are no protected lands in the development. A small portion of the Bennett Mountain SMHA is in the western most portion of the west side of the development. This area will remain forested and be part of the project's trail system and open area.**

Open Space Plan

At the time of submission of an application for sketch design, the developer shall submit an open space plan showing the network of passive open space, recreational facilities, and neighborhood parks in the compact community.

- **Open space areas are shown on Exhibits J.1 and J.2, and amenities are also shown on the proposed landscape plans Exhibit B.4.**

Ownership and Maintenance of Open Space

All lands designated as open space land shall not be further subdivided, and shall include no permanent buildings or structures, except in connection with uses permitted thereon. In addition, all of these lands shall be:

- A. Deeded to an incorporated property owners association for permanent protection as open space; or
- B. Granted to a non-profit land trust or other qualified conservation overseer for permanent protection as open space; or
- C. Conveyed to Chatham County for permanent protection as open space, provided that the land is accepted by Chatham County.

If open space is granted to an incorporated property owners association or to Chatham County, a deed restriction satisfactory to the County Attorney shall be filed with the Chatham County Register of Deeds that permanently restricts the use of the land to passive open space. If granted to a non-profit land trust or other qualified conservation overseer, a conservation easement shall be granted that protects the land in perpetuity as open space.

When the open space is transferred from the developer to one of the three types of recipients listed above, the transfer shall include specific contractual arrangements to provide for the ongoing maintenance of these lands.

- **Open space, community amenities, sidewalks, landscaping including gardens, and any other common element will be owned**

and maintained by the residents of Herndon Farms through a homeowner's association. The entity will most likely be named the Herndon Farms Homeowners Association or HFHOA. The Developer will setup and operate this entity until the project is mostly completed and it will meet the requirements for community control and ownership as stated throughout the CCO.

Open Space Uses

To protect water quality and help ensure that passive recreational uses can be maintained on open space in the compact community even in wetter years, developers must select one of the following two options:

- A. Designate twenty percent (20%) of the open space in the compact community as unsprayable with wastewater or reclaimed water. The location of this area can be rotated so that all areas can be irrigated as necessary to keep them healthy, but the spray field must be sized with this assumption so that even in wetter years there is always dry, open land appropriately located and suitable for passive recreational uses such as throwing a football or playing catch. Wetlands and riparian buffers designated in this ordinance cannot be counted toward meeting this twenty percent (20%) requirement; or
- B. Base the size of all irrigation ponds and wet weather storage ponds used in the wastewater or reclaimed water irrigation system on a mass water balance based upon the following data:
 - Monthly precipitation from the 80th percentile year or greater for a recent 25year period;
 - Potential evapotranspiration; and
 - Soil drainage.

These data must be taken from, or representative of, the proposed site for the compact community.

To help eliminate any potential conflicts between irrigation of reclaimed water and use of active recreational areas in the compact community, a management plan shall be developed for all active recreational areas that includes the following:

- A spray schedule for any reclaimed water used to irrigate it; and
- A public education program that includes written brochures, permanent postings in prominent public locations, and/or other appropriate means determined by Chatham County to educate potential users about the proper uses of reclaimed water and to notify them that the water is not potable.

The use of recreational motorized vehicles such as motorcycles or all-terrain vehicles shall be prohibited within open space.

- **The reclaimed wastewater system that uses portions of the open space will be designed to not interfere with the designated passive open space uses as per the CCO guidelines for an effluent land application management plan.**

10.2 Active Recreational Facilities

Land dedication and fees in lieu of dedication for active recreational facilities shall be provided in accordance with the applicable Chatham County regulations.

The County shall consult with the Chatham County Parks & Recreation Director and the Chatham County Planning Director before selecting which option to use in meeting these requirements.

Any land proposed for dedication for active recreation shall be physically integrated into the design of the community and be easily and safely accessible by pedestrians.

- **Herndon Farms will use the fee in lieu option to meet this requirement. In addition, the townhomes' currently planned price point is below Chatham County's moderately home price level.**

SECTION 11. COMMUNITY FACILITIES

11.1 Impact Assessment

The developer of each compact community shall conduct each of the following impact assessments:

- A. Fiscal impact assessment. This shall address all fiscal impacts on the county including those related to schools, police protection, fire protection, emergency medical services, and all other county services.
 - **This assessment is Exhibit D, Fiscal Impact Assessment**
- B. Transportation impact assessment.
 - **This Assessment is Exhibit E., Traffic Report**
- C. Environmental impact assessment. Where potential negative impacts have been identified, it shall be the responsibility of the developer to provide plans and methods of how such impacts may be alleviated or minimized to the satisfaction of the Board of County Commissioners.
 - **This Assessment is Exhibit F.**

Chatham County shall provide study parameters and criteria to be used. Chatham County shall also require the developer to pay for a consultant(s) selected by Chatham County to conduct a peer review of each impact assessment.

All impact assessments by the developer shall be completed and submitted with sketch plan submission for each proposed compact community.

The peer review results shall be available prior to the Planning Board's deliberations.

- **All assessments and reports have been peer reviewed and accepted and fees paid.**

11.2 Impact Mitigation

The developer of each compact community shall satisfy the impacts created by the development for adequate public facilities and identified in the assessments required in Section 11.1 above. These impacts may be satisfied by providing fees or dedicating land sufficient to offset the impact of the development on schools, parks, recreational facilities, police protection, fire protection, emergency services, libraries, community centers, recycling and waste collection centers, and/or other public facilities.

Any land proposed for dedication shall be physically integrated into the design of the community and be easily and safely accessible by pedestrians.

- **The Fiscal Impact Assessment indicates a net fiscal benefit to the County of about \$479,000.**
- **The Traffic Study reveals little impact to the traffic flow in the area of the project. This is primarily because the project is predominantly for retirees, who generally have fewer members per household. In addition, a bus stop along 15-501 is planned to be installed to help future traffic impact.**
- **The Environmental Impact Assessment shows all the different mitigations to manage stormwater, wastewater and other development impacts.**

SECTION 12. COMMUNITY DESIGN

12.1 Performance Standards

The intent of this ordinance is to encourage a vibrant mix of residential, civic, retail, office, and open space uses that adhere to the following performance standards:

Performance Standards:

Town center. Each project shall include an identifiable town center (not necessarily located in the geographic center of the project) -- a square, a green, and/or transit stop with shops, retail, and offices that are connected to the mix of residential uses in a practical way.

- **The intention of the CCO requirement for a town center is to create an enriching place that draws residents from the entire County, where residents both inside and outside the development enjoy going, spending time, and creating community. The suggested content of the town center is listed as retail, office, green space, transit stop, etc. The Developer has concentrated on creating community-focused space rather than small retail-focused space for a number of important reasons:**
- **The Developer feels that the residents of this community and Chatham are best served through community-oriented shared space. This will foster a vibrant social option that will draw unique visits to the area and will complement, not compete with the commercial uses in the surrounding developments. Town centers in the surrounding developments will have their own unique character, allowing each to thrive in connection with one another.**
- **Creating multiple small retail and office “pockets” dilutes the success of other commercial areas that are often underpopulated. Dotted the landscape with small commercial centers often results in uniformity of use and the County becomes “the land of the strip malls,” wiping out the rural character many Chatham residents expressly wish to preserve. As clearly and repeatedly expressed in Plan Chatham, Herndon Farms is designed to create a unique character reflective of the urban culture of the community and the surrounding County.**

- **Dilution of commercial demand is of particular concern, the Developer has spoken at length with existing and planned adjacent communities, who have made it clear of their concerns that multiple commercial centers each containing retail will tend to dilute existing commercial traffic rather than adding additional commercial traffic.**
- **The commercial areas surrounding Herndon Farms currently encompasses medical, retail, restaurant, veterinary services, and self-storage. This leaves space for the Herndon Farms town center to fulfill the second intent of the ordinance and focus on community-building design through green space and alternative uses not currently represented.**
- **What is not well represented in the surrounding commercial areas is space for outdoor events such as farmers' markets, craft shows, live-music events, and other small-scale festivals, such as the uses that can occur at the proposed for Herndon Farms' "Community Event Center". Seasonally and locally oriented farm stands are attractive to individuals in Chatham County as many people move to the County for the rural lifestyle. On any given day, the Herndon Farms Community Event Center will attract individuals inside and outside the community to spend time with the community's farm animals, enjoy the products produced on the farm or possibly from surrounding agricultural operations, and enjoy the Herndon Farms atmosphere. Accessible parking is an integral part of the design, as will be the community transit stop.**

Housing mix and development pattern. Each project shall provide a mix of three housing types: single-family detached dwellings; single-family attached dwellings such as duplexes and townhouses; and multi-family dwellings such as apartments. The inclusion of rental housing as part of the multi-family component is strongly encouraged. The three housing types shall be fully integrated into the overall project design, with the highest residential densities occurring adjacent to civic-commercial uses, extending to

lower residential densities at the periphery of the development. The use of a grid pattern of streets for the majority of the development is required to the extent feasible, based on topographic considerations.

- **Herndon Farms has 92 single family units, 16 duplex units, 34 detached row units and 19 attached moderately priced townhomes.**
- **The layout for the development best suits the parcel sizes, lot sizes, graded topography, and potential buffer requirements.**
- **The multifamily housing specification is met by the congregate care facility. As part of the commercial area of the project, this facility will house 140 to 200 seniors.**

Commercial component. Each project shall include a commercial area or areas to serve the community, with establishments that are less than ten thousand (10,000) square feet in size allowed inside the community, and larger establishments allowed on the periphery in proximity to a four-lane principal or minor arterial. All commercial establishments shall be pedestrian accessible to community residents.

- **Herndon Farms has a proposed 120,000-140,000 square foot congregate care building planned for the commercial.**
- **A 10,000 square foot children's daycare also directly connects to these access points.**

Community/neighborhood gathering points. All residential units shall be within walking distance of a neighborhood gathering point, such as an active recreational facility, community center, school, or neighborhood park.

- **The community center, community event center and both commercial buildings are accessible via sidewalks.**

Open Space. The design must, to the extent possible, preserve and protect prominent and/or significant natural features and, where appropriate, utilize them as areas for passive recreation. In addition, open space must be integrated into the plan for

development, and include some flat dry land that is appropriate for passive recreational activities such as playing catch and throwing a football. To the extent practicable, the open space shall also be designed to connect with existing or planned open space on adjacent parcels to help form a connected network of open space throughout the county.

- **The three pasture areas, two on the east section and one on the west section, are intended as passive open space, although the areas are not counted towards the 30% open space requirements as they are in Duke Power's easement.**

Passive and active recreational opportunities. Each project shall include the provision of both passive and active recreational opportunities. Small playgrounds and neighborhood parks shall be scattered throughout the community within walking distance of most homes.

- **Because Herndon Farms is a 55+ community is not slated to have children's' playgrounds other than the private playgrounds on the daycare property. However, the farm animals, dog park, pastures, wooden areas on the west side, and gardens will be open to individuals outside the community and these areas will be easily accessible along the planned trails, sidewalks, and adjacent parking areas.**

Interconnectivity. Residential units, the town center, and community gathering points must be interconnected not only by roadways, but also through a network of pedestrian and bicycle pathways. At least thirty-three percent (33%) of these pathways must be completed before final plat approval of the final fifty percent (50%) of the maximum allowable dwelling units in the compact community are built One hundred percent (100%) of the pathways must be completed before final plat approval of the final ten percent (10%) of maximum approved dwelling units in the compact community.

- **Developer understands and will comply as needed for this Section.**

Narrow streets. Streets shall be relatively narrow, with trees. Pedestrian walkways may be required on both sides of the street.

- **As per Exhibit B.3. the development's interior roads will meet NCDOT road specifications and dedicated to the state upon completion. The Developer noted in a meeting with Chatham that there were some issues with emergency vehicles accessing some areas of the Briar Chapel's narrow streets. The Herndon Farms site engineers have sought to alleviate this issue with standard streets, sidewalks on both sides, and purposes turndown curbs for emergency rollover. In addition, meetings with the Chatham County Fire Department resulted in some streets being further widened and turn radiuses increases.**

Transit. Park-and-ride spaces shall be set aside and identified in parking lots in the commercial center(s).

- **The Developer engaged Chatham County Transit in discussion on optimal transit stop placement. It was mutually concluded that a bus stop be located on 15-501 and connected to the Community Event Center. This was based on the likely ridership for the various transit options offered through Chatham Transit. Exhibit E.2 and E.2.1 is the support letter from Chatham Transit and the purposed bus shelter. Concerns from Chatham County Planning and NCDOT about the location were expressed, so an alternative location is shown within the development in Exhibit B.3.**

Botanical preservation and diversity. A landscape master plan shall be submitted with initial application for development. The developer shall be required to identify and retain major trees, and to identify and preserve natural areas, to the extent practicable.

- **Exhibit B.4 are the proposed Landscape Plans. Buffers will be augmented with native NC plants to blend into neighboring properties. In addition, a number of specimen native plants that**

are transplantable have already been identified for transplanting within the project. In particular, a number of American hollies, red maple and oaks.

- The entire west portion of the property except for the wastewater treatment and holding pond will be left in its current state.

12.2 Streets and Other Specifications

Streets

All streets shall be public and constructed to North Carolina Department of Transportation (NCDOT) standards. Upon completion, the streets shall be offered for dedication to the NCDOT for maintenance. In exceptional circumstances, a very limited number of private roads may be allowed as dead-end minor residential streets for lengths not more than one thousand (1,000) feet in order to address topographic characteristics of a site.

Developers are strongly encouraged to use NCDOT's *Traditional Neighborhood Development Guidelines* displayed in Exhibit B of this ordinance when designing the street system.

Alleys and private roads shall be dedicated to the incorporated property owners association or equivalent entity for the compact community.

- **Developer understands and will comply as needed for this Section.**

Building Height

No building in the compact community shall have a height greater than sixty (60) feet. Chatham County may require buildings to have a lower height if it deems appropriate to help preserve the small-town character of the development.

- **Developer understands and will comply as needed for this Section. No building is currently planned to be over 60 feet and the residential sections are not planned to have any building height over 35 feet.**

Additional Guidelines

Additional guidelines and options for how to meet the standards in this section are included in the *Compact Community Design Guidelines* contained in Attachment C of this ordinance.

12.3 Housing

Construction Standards

Manufactured homes built to the U.S. Department of Housing and Urban Development Code are not permitted in compact communities. Factory-built modular homes constructed to the standards of the North Carolina Building Code are permitted, provided that the site and building design, and exterior finishes and materials are compatible with surrounding dwellings.

- **All homes are planned to be site-built and meet or exceed all NC Building Codes.**

Accessory Dwellings

Accessory dwellings are encouraged on lots containing single-family detached housing.

Each accessory dwelling shall count as one half ($\frac{1}{2}$) a dwelling unit toward the maximum allowable number of dwelling units for the project.

There may be not more than one accessory dwelling unit per lot.

The accessory dwelling unit may be attached or detached.

Each accessory dwelling unit shall not exceed one thousand (1,000) square feet or two-thirds (2/3) of the heated space in the principal dwelling unit, whichever is more limiting.

Accessory dwellings shall be designed to be harmonious with the primary dwelling on the same lot and with neighboring dwellings.

- **Developer understands and will comply as needed for this Section.**

Moderate Income Residents

All compact communities shall either (i) provide housing for low and moderate-income households as provided in Subsection A below, or (ii) enter into a contract with the County which provides for payments to the County to be used to fund (a) construction of affordable housing or land for construction of affordable housing to address the needs of low and moderate income residents of Chatham County, (b) programs which are designed to address family violence and issues related to the abuse of women, including without limitation buildings and facilities for such programs, (c) programs which are designed to address the needs of adults with intellectual and developmental disabilities, including without limitation buildings and facilities for such programs, and (d) programs which are designed to address the needs of low and moderate income persons, including without limitation buildings and facilities for such programs, as provided in Subsection B below. A "low-income person" is a person or family whose income is fifty percent (50%) or less of the Area Median Family Income and a "moderate income person" is a person or family whose income is eighty percent (80%) or less of the Area Median Family Income.

Each compact community shall address the needs of low and moderate income persons by either the Moderately Priced Dwelling Option or the Payment-in-lieu Option:

- **The Developer has chosen the payment lieu option in addition to providing 19 town homes that will be offered at a lower price point than the other residential units in the community.**

A. Moderately Priced Dwellings Option

1. A minimum of five percent (5%) of the total residential units in the development shall be held by and be affordable to buyers whose household incomes are no greater than sixty percent (60%) of the Area Median Family Income by family size if title to the lots so designated is donated to a nonprofit community agency designated by the County whose mission is to expand and preserve housing for low-income households. The designated agency(ies) will hold title to the land in perpetuity and lease it to qualifying households. The agency(ies) have a right of first refusal to purchase any home constructed by the qualifying family at any time the owner decides to sell it; or
2. A minimum of ten percent (10%) of the total dwellings in the development shall be sold and affordable to buyers whose household incomes are not greater than sixty percent (60%) of the Area Median Family Income by family size. The sale price and incomes of buyers shall remain limited according to the terms of this ordinance for at least thirty (30) years; or
3. Upon approval of Chatham County, the developer may meet this provision through an alternative means, provided that it does both of the following at a minimum:
 - Ensure the development and sale of moderately priced dwellings in a manner equivalent to that in Option A or Option B above; and
 - Ensure that at least 5% of the total dwellings in the compact community are affordable housing.

Compliance with Moderately Priced Dwellings Option

The subdivision preliminary and final plats for each compact community shall designate the lots for Moderately Priced Dwellings, and the developer, builder(s), and purchaser(s) shall be bound by this restriction according to the terms of this ordinance.

Upon final plat approval, the applicant shall execute and record a deed restriction satisfactory to the County Attorney binding the applicant and all other parties that receive title to the property on all lots for dwellings designated as "Moderately Priced."

Moderately Priced Dwelling unit lots shall be incorporated into the compact community in proportion to the development of dwelling unit lots without affordable housing restrictions.

Subsequent final residential subdivision phase plats shall not be approved until such time as completion of at least 90% of the affordable units in preceding residential phases.

B. Payment-in-lieu Option

1. A compact community developer may provide assistance to low and moderate income residents of Chatham County by entering into a contract with the County that provides a payment-in-lieu of lots within the development to fund (i) construction of affordable housing or land for construction of affordable housing to address the needs of low and moderate income persons and families, (ii) programs which are designed to address family violence and issues related to the abuse of women, including without limitation buildings and facilities for such programs, (iii) programs which are designed to address the needs of adults with intellectual and developmental disabilities, including without limitation buildings and facilities for such programs, and (iv) programs which are designed to address the needs of low and moderate income persons, including without limitation buildings and facilities for such programs. The payment to be made shall be calculated on a per lot basis based on the market value of a buildable single-family lot within the compact community. The per lot rate shall be based on the greater of an appraisal made by a North Carolina certified appraiser approved by the County, or the average primary building site value for the most recent tax valuation made by the County. Any appraisal cost shall be paid by the developer; or
2. A compact community developer may provide assistance to low and moderate income residents as well as other residents of Chatham County by entering into a contract with the County that provides payment to the County based on a formula mutually agreeable to the County and the developer to fund (i) construction of affordable housing or land for construction of affordable

housing, (ii) programs which are designed to address family violence and issues related to the abuse of women, including without limitation buildings and facilities for such programs, (iii) programs which are designed to address the needs of adults with intellectual and developmental disabilities, including without limitation buildings and facilities for such programs, and (iv) programs which are designed to address the needs of low and moderate income persons, including without limitation buildings and facilities for such programs.

Compliance with Payment- in-lieu Option

The compliance with the payment-in-lieu option shall be memorialized by a contract between the County and the applicant or any developer holding a conditional use permit previously issued under the Compact Communities Ordinance. A contract entered into under this provision shall not supersede the provisions of a previously issued conditional use permit unless the contract expressly so provides. No contract shall be entered into under this provision until the public hearing and procedural requirements for the issuance or amendment of a conditional use permit have been complied with.

- **As stated previously, the Developer has chosen the payment lieu option in addition to providing 19 town homes that will be offered at a lower price point than the other residential units in the community.**

12.4 Appearance

All standards in the *Chatham County Design Guidelines for Commercial, Industrial, and Conditional Use Projects* shall apply to compact communities.

As part of the project review process, the developer of each compact community shall submit integrated Architectural Guidelines and Contextual Guidelines for review by Chatham County.

Utilities shall be placed underground in order to improve sight lines, open up sidewalks, and minimize the danger of interruptions in utility service during inclement weather.

Storage areas and loading areas reached by rear alleyways in storefront neighborhoods shall be opaquely screened.

- **Developer understands and will comply as needed for this Section. Details of compliance will be provided at final plat submission.**

12.5 Green Building

Energy Conservation and Renewable Energy

No compact community development shall deny or prohibit the installation of solar panels, either electric or thermal.

Additional guidelines for energy conservation and green building are included in the *Green Building Guidelines* contained in Attachment C of this ordinance.

- **Developer intends to cover the proposed pavilion with solar panels, install solar panels over the wastewater treatment plant, and encourage homeowners to install solar systems.**
- **All water fixtures will meet or exceed the EPA's WaterSense Program. This requirement is the bases for the 50% flow reduction request from NCDEQ.**

SECTION 14. RELATIONSHIP TO EXISTING ORDINANCES.

It is the intent of the Board of Commissioners that this ordinance shall supplement the Chatham County Zoning, Subdivision, and Watershed Protection Ordinances with respect to Compact Communities as defined therein.

To the extent the provisions of this ordinance are the same in substance as previously adopted provisions of the Chatham County Zoning, Subdivision, and Watershed Protection Ordinances, they shall be considered as continuations thereof and not as new enactments, unless as otherwise specified.

To the extent the provisions of this ordinance conflict with any other ordinance or law or where the provisions hereof impose conflicting regulations, the most restrictive provision or the one which imposes the highest standards or requirements shall prevail, except as otherwise specified.”

- **Developer understands and will comply as needed for this Section.**

Section 15. Waiver. With the approval of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein.

Waivers Requested

- 1. Partial viewshed buffer reduction from 100' to 50' as indicated on Exhibit B.3 Site Plan.**
- 2. Perimeter buffer reduction from 100' to 50'.**
- 3. Commercial mix as proposed. Developer seeks to avoid small retail that would compete with existing nearby developments.**