

Environmental Review Advisory Committee

DRAFT Recommendations for Changes to the **Conservation Subdivision Ordinance and Conservation Subdivision Guidelines**

(Note: any changes shown to the current wording in the Ordinance or Guidelines are in red)

Conservation Subdivision Ordinance

Section numbers refer to [Chatham County Subdivision Regulations](#)

Section 7.7

A. Conservation Space Requirement

A minimum of ~~40~~**50-70 (?)** percent of the project area shall be retained as Conservation Space for a conservation subdivision design. Land required to be protected under other regulatory provisions, such as riparian buffers and floodplain, are not permitted to be included in the Conservation Space calculation.

B. B. Composition of Conservation Space

A maximum of 20% of the required Conservation Space shall be Open Space and a minimum of 80% of such Conservation Space shall be **Natural Space**. See The Chatham County Conservation Subdivision Guidelines for Conservation Space Selection *(Note: see this new definition for Natural Space at end of this document)

C. Connectivity of Conservation Space

~~50~~**100** percent of the proposed Conservation Space shall consist of a contiguous tract, **unless conservation goals as approved by the county would be best met by conserving more than one space**. The Conservation Space should adjoin any neighboring areas of Conservation Space on other parcels whenever practicable.

D. Permitted Uses of Conservation Space

Provided it includes the required divisions of Open Space and Natural Space and otherwise conforms with the Chatham County Conservation Subdivision Guidelines, uses of Conservation Space may include the following:

(1) Conservation

Conservation of natural resources, archeological resources or historical resources

(2) Agriculture

Existing and ongoing bona fide agriculture or horticulture **are permitted in Open Space only** provided that all applicable best management practices are used to minimize environmental impacts. Silvicultural operations cannot be included in Conservation Space.

(3) Recreation Active recreational uses of Open Space are permitted, given that active uses such as tennis courts, swimming pools, ball fields, playgrounds, et cetera are limited to a maximum of 5 percent of the total Conservation Space area.

(4) Stormwater Management

Use for stormwater management is permissible within Open Space consistent with the Chatham County Stormwater Ordinance requirements.

(5) Utility Easements

Easements for drainage, access to utilities, and underground utility lines within Open Space.

(6) Water, Septic, and Sewer Systems

Shared water, septic and sewer infrastructure is allowed in Open Space, but not in Natural Space.

(7) Trails

~~All Trails, provided that Best Management Practices and an approved Trail Management Plan are employed for recreational purposes, such as pedestrian, mountain biking, general recreation and equestrian uses.~~

Trails for pedestrian use are permitted in both Open and Natural Space, provided that Best Management Practices and an approved Trail Management Plan are employed, and that wetlands and stream buffers are undisturbed.

(8) Community Gardens

Community Gardens are permitted consistent with this definition: A community garden is any piece of land where plants are grown and maintained by a group of individuals from the community. Community gardens may produce food for individual consumption or for sale, may be designed for beautification of the community, and may be used for educational purposes. (from Public Health Law Center "Community Garden Policy Reference Guide"). These are allowed in Open Space, but not Natural Space.

F. Ownership of Conservation Space

The applicant must identify the current and intended future owner(s) of the Conservation Space who is/are responsible for maintaining such area/facilities. The responsibility for maintaining the Conservation Space and any facilities located thereon shall be borne by the owner unless otherwise specified in a Conservation Space Management Plan approved by the County.

I. Density Bonuses

The base density for a conservation subdivision is determined by the underlying land use regulation, establishing otherwise allowable unit density (minus any regulated floodplain and riparian buffers, where building is prohibited under Chatham County ordinances) in which the development parcel is located. Permitted housing densities shall not exceed the maximum allowances of any applicable water supply watershed requirements.

Additional suggestions from Jeannie Ambrose:

- Recommend Home Owners Association (HOA) have long-term maintenance plan with funding for open and natural spaces (such as invasive plant removal) and septic infrastructure. Map for recording septic lines, stream crossings, spray field. Record of septic lines crossing individual tracts.

- Establish an easement for open space (intended for community) so it cannot be developed later.
- Requirement for public access to walking trails

***Include definition from Conservation Subdivision Guidelines (4.b.1) for “Natural Areas” in Section 2.2 “Meanings of Common Words” of the Subdivision Ordinance**

Natural space is unimproved land in its naturally occurring state, or preserved to regenerate to in 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.

New Requirement:

All new major subdivisions that are within the designated areas shown in [Chatham County’s Comprehensive Land Use Plan map](#) for conservation lands must be approved Conservation Subdivisions.

Conservation Subdivision Guidelines for Conservation Space Selection
Sections refer to the revised [January 18, 2022 Guidelines](#)

Page 1 Introductory Paragraph:

This guidance document addresses the Conservation Space requirements in Section 7.7, Conservation Subdivision, for developing a conservation subdivision. Conservation Space should be selected with consideration of adjacent properties. The goal of Section 7.7 is to provide an incentive for development in a manner that will establish current, or enable future, connections with other conservation areas. The long term goal is to create large, continuous areas of natural space across Chatham County for the benefit of both human and natural environments.

Conservation subdivisions can benefit the environment by providing habitat for wildlife, naturally filtering storm water, reducing storm water runoff from impervious surfaces, and protecting the natural features of a site. Linking the open space of several conservation design subdivisions can help develop larger and more effective “environmental corridors” within and between communities. Conservation subdivisions can further the goals of maintaining rural and conservation lands included in Chatham County’s Comprehensive Land Use Plan.

Further Questions for the Guidelines:

1. Does there need to be more specific information on corridor size, habitat quality, parameters?
2. Are the current priorities for Primary and Secondary natural areas satisfactory as is, or do they need revising. For example, do we believe Historical and Cultural Resources should be included as Primary Natural Areas?

Additional Resources on Conservation Subdivisions (thanks to Jeannie Ambrose)

- **Durham Co.** [Current Version] 6.2.4. Conservation Subdivision, <https://durham.municipal.codes/UDO/6.2.4>. **50% open space.**

- **Wake Co.** [Current Version] 5-12-Cluster and Open Space Development; 11-25-Density and Impervious Surface Calculations; 16-12-Tree & Vegetation Protection; 16-12-Tree Protection, <https://library.municode.com/search?statelId=33&clientId=10999&searchText=conservation%20subdivisions&contentType=CODES>

- 5-12-4 – Min. Open Space A. Cluster Development and Open Space Development. **Minimum** open space % varies from **10–40%**, depending on zoning district and if served by community water and sewer facilities.

- **2009. AG-742. Conservation Subdivision Handbook, *Guide for NC Communities in the use of Conservation Design for Land Use Planning***, <https://digital.ncdcr.gov/digital/collection/p16062coll9/id/233652>.

- Four examples of conservation subdivisions in NC:

1. **Orange Co.** 1997 ordinance. Open space **at least 33%**. Requires environmental review for each new subdivision. Rural buffer has **33%** open space requirement. • **Creek Wood & North Field**. Total acreage: 450 acres. Open space: **57%**. TLC holds a conservation easement on open space & is responsible for long-term management of the open space (260 acres).

2. **Randolph Co.** 1988 ordinance. Open space **at least 50%**.

- E.g., **Creek's Crossing**. Total acreage: 190 acres. Open space: **53%**.

3. Town of **Davidson**. 2001 ordinance. Open space **at least 42%**. Allows up to 90% of required open space to come from off-site location. Density bonus for public access to trails in development. Environmental inventory is required.

- E.g., **The Woodlands at Davidson**. Total acreage: 80 acres. Open space: **45%**. Wildlife Friendly Development certification. Landscaped with native plants and a list of recommended native species is provided to each new resident. • 2021. Sec. 07.01.21. Neighborhood Edge Open Space Table. **At Least 45%**,

[https://www.ci.davidson.nc.us/DocumentCenter/View/11667/ Complete-Davidson-Planning-Ordinance-20211101](https://www.ci.davidson.nc.us/DocumentCenter/View/11667/Complete-Davidson-Planning-Ordinance-20211101)

4. City of **Hickory**. 2000 ordinance. Open space % **varies by zoning district. At least 20%, up to 50% for R-1 zoning district.** E.g., **Blue Sky Acres**. Total acreage: 17 acres; open space: **21%**

- **Model Piedmont Conservation Ordinances and Incentives Guide** was developed by the Cape Fear Council of Governments. Accompanies the NC Model Natural Resources Conservation Ordinance,
- Most commonly, ordinances specify the proportion of the parcel that must be protected as open space, **often more than 50%** of the site area (Reed et al., 2014).
- 2020, June. Urban Institute, *Housing for NC's Future: Policy Tools that Support Rural, Suburban, and Urban Success*, https://www.urban.org/sites/default/files/publication/102473/housing-for-north-carolinas-future_0.pdf
 - Six Community Types in NC.
 - (p.6.) Chatham/Lee in Group 3. Metropolitan counties with small populations. This group contains seven areas in metropolitan areas that have no county in the state's top quartile of population (figure 4). Group 3 represents over 1 million people with a similar demographic profile to group 2 but with a lower median household income (\$57,000). Relative to groups 1 and 2, group 3 has larger shares of older homes and mobile homes and has a more affordable housing stock.
- Natural and Working Lands Action Plan, EO 80: NC's Commitment to Address Climate Change and Transition to a Clean Energy Economy. DNCR Natural and Working Lands, <https://www.ncdcr.gov/about/nature/division-land-and-water-stewardship/natural-and-working-lands>
- Chapter 6.2. Food Security and Sovereignty. Clustered/Conservation Subdivisions, examples, <https://sustainablecitycode.org/brief/cluster-conservation-subdivision-in-rural-urban-area/>
- Land Use Tool: Cluster Subdivision, <https://planningforhazards.com/cluster-subdivision>
- 2020, April. Agricultural Uses and Zoning, <https://www.sog.unc.edu/resources/legal-summaries/agricultural-uses-and-zoning>