

# Chatham County Compact Communities Ordinance

## TABLE OF CONTENTS

<b>Section 1. Enactment</b>	<b>Section 12: Community Design</b>
<b>Section 2. Title</b>	<b>12.1 Performance Standards</b>
<b>Section 3. Purpose</b>	<b>12.2 Streets and Other Specifications</b>
<b>Section 4. Jurisdiction</b>	<b>12.3 Housing</b>
<b>Section 5. Severability</b>	<b>12.4 Appearance</b>
<b>Section 6. Location and Size</b>	<b>12.5 Green Building</b>
<b>6.1 Location</b>	<b>Section 13. Definition of Terms</b>
<b>6.2 Maximum Size</b>	<b>Section 14. Relationship to Existing</b>
<b>6.3 Residential Density</b>	<b>Ordinance</b>
<b>6.4 Maximum Built-upon Area</b>	<b>Section 15. Waiver</b>
<b>6.5 Minimum Commercial Area</b>	<b>Section 16. Effective Date</b>
<b>Section 7. Water and Wastewater</b>	<b>Attachment A.</b>
<b>7.1 Water Provision</b>	<i>Stormwater Management and Maintenance</i>
<b>7.2 Wastewater Treatment</b>	<i>Plan Requirements</i>
<b>Section 8. Stormwater</b>	<b>Attachment B.</b>
<b>8.1 Guiding Principles</b>	<i>Compact Community Design Guidelines</i>
<b>8.2 Stormwater Management Plan</b>	<b>Attachment C.</b>
<b>8.3 Stormwater Controls</b>	<i>Green Building Guidelines</i>
<b>8.4 Stormwater Maintenance</b>	<b>Attachment D.</b>
<b>8.5 Posting of Financial Security</b>	<i>Wastewater Management Guidelines</i>
<b>8.6 Public Filing of Stormwater</b>	<b>Exhibit A.</b>
<b>Documents</b>	N.C. Department of Environment and
<b>Section 9: Buffers</b>	Natural Resources <i>Stormwater Best</i>
<b>9.1 Riparian Buffers</b>	<i>Management Practices Manual (April 1999)</i>
<b>9.2 Perimeter Buffers</b>	<b>Exhibit B.</b>
<b>9.3 Viewshed Buffers</b>	N.C. Department of Transportation
<b>Section 10. Recreation and Open Space</b>	<i>Traditional Neighborhood Development</i>
<b>10.1 Passive Open Space</b>	<i>Guidelines (August 2000)</i>
<b>11.2 Active Recreational Facilities</b>	
<b>Section 11. Community Facilities</b>	
<b>11.1 Impact Assessment</b>	
<b>11.2 Impact Mitigation</b>	

(NOTE: Please check with the Chatham County Planning Department for current versions of exhibit documents)

## **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.

## **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”.

## **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 bikable 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.

## **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.

## **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.

## **SECTION 6. LOCATION AND SIZE**

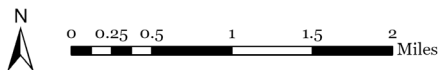
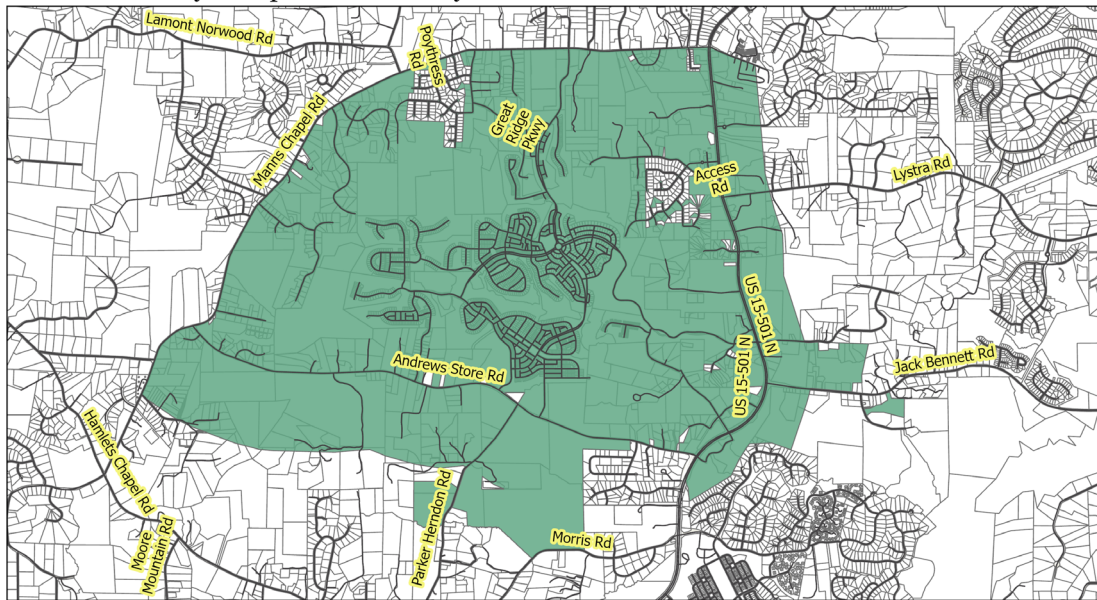
### **6.1 Location**

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

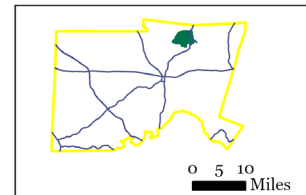
- A. Currently zoned for RA-40 Residential-Agricultural;
- B. Designated as either:
  - WSIII – BW (Balance of Watershed)
  - WS IV – PA (Protected Area)
  - Local Watershed Area (LWA);
- C. Have at least one access point that is within one (1) mile from a four-lane principal or minor arterial, as measured along the centerline of area roadways; and
- 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.15-501 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 map attached hereto and incorporated herein by reference provides a more detailed description and is the controlling definition of this location. (#2)

## Chatham County Compact Community Area



This map was created by the Chatham County Planning Department on 12/8/2025. The coordinate system is NAD 1983 State Plane NC FIPS 3200 (US Feet). The data is derived from the Chatham County GIS Department. Other data sources include: Esri, NASA, NGA, USGS, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community.



### **6.2 Maximum Size**

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

### **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.

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 .

### **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.

## **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. .

## **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.

### **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.

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.

#### **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

## **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.

## **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.

## **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.

## **SECTION 8. STORMWATER**

### **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.

## **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.

## **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.

## **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.

#### **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.

The following are prohibited within riparian buffers:

- Wastewater treatment, disposal, and reuse components, including any wastewater sprayfields. 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 wheel chairs 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.

## **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 <sup>2</sup>
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 <sup>3</sup>	200 feet
	Recreational	200 feet	200 feet	200 feet <sup>3</sup>	0 feet	200 feet
	Agricultural <sup>2</sup>	0 feet	0 feet	0 feet	0 feet	0 feet

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

### **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.

### **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.

### **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.

## **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 pipe lines may be counted toward meeting this requirement. Major aboveground utility easements such as high-tension power lines cannot be counted toward meeting this requirement.

#### **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.

## **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.

## **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 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 unsprayed 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 sprayfield 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 25-year 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.

## **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.

## **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.
- B. Transportation impact assessment.
- 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.

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.

## **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.

## **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.

***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.

**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.

**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.

**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.

**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.

**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.

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

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

**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.

## **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.

### **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.

### **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.

### **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 ( $\frac{2}{3}$ ) 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.

### **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:

**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.

## **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.

## **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.

### **SECTION 15. DEFINITION OF TERMS**

**“Accessory unit”**: A second dwelling unit such as a garage apartment that is located on the same parcel as the main dwelling unit.

**“Affordable”**: Meeting the definition for “affordable housing, ownership” and/or “affordable housing, rental” provided in this ordinance.

**“Affordable housing, ownership”**: Housing that can be purchased by a household with an income no greater than sixty percent (60%) of the current HUD Area Median Family Income by family size, paying no more than thirty percent (30%) of its gross household income towards housing costs, including mortgage principle, mortgage interest, property taxes, and homeowners insurance.

**“Affordable housing, rental”**: Housing that can be rented by a household with an income no greater than forty percent (40%) of the current HUD Area Median Family Income by family size, paying no more than thirty percent (30%) of its gross household income for rent and any required housing fees.

**“Alley”**: A narrow access way along the rear property line of parcels that provides vehicle access and allows for services such as garbage collection, but that is not intended for general traffic circulation.

**“Area median family income”**: The average family income for different family sizes in an area as published annually by the U.S. Department of Housing and Urban Development.

**“Arterial, principal”**: A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

**“Arterial, minor”**: A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. The network would primarily serve traffic.

**“Best Management Practice (BMP)”**: A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**“Bicycle pathways”**: Bike lanes, paths, and trails that provide a safe and accessible place for people to bike throughout the neighborhood.

**“Bona fide farm”**: The use of land for farming meeting one of the following criteria: 1) composing two or more acres on one or more tracts owned or leased by the bona fide farm unit; 2) average annual sales of one thousand dollars (\$1,000) or more for the preceding three (3) years; or a minimum of ten (10) acres of forest land for which a management plan has been prepared; or 3) having a farm land use exemption from the County Tax Supervisor.

**“Buffer”**: An area of natural or planted vegetation measured landward from the normal pool elevation of impounded structures, the bank of each side of streams, the right of way of streets or boundary lines. See also “riparian buffer”.

**“Building”**: Any structure having a roof supported by columns or by walls, and intended for

shelter, housing or enclosure of persons, animals, property, commercial, and/or civic activities. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, makes them one building.

**“Built-upon area”**: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**“Build out”**: The point at which all allowable residential, commercial, and civic structures in the community have been built and certified for occupancy.

**“Certificate of occupancy”**: A document issued by the Chatham County Building Inspector certifying compliance with all applicable state and local laws and authorizing occupancy of a building or structure.

**“Civic-Commercial Component”**: An area of concentrated activity that includes different uses such as living, working, learning, playing, shopping, and eating.

**“Civic use”**: A place for public use or gatherings. Examples include public open spaces such as parks and plazas, as well as schools, libraries, community centers, and athletic facilities.

**“Commercial area”**: Any area where the primary use involves an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**“Common open space”**: An area of land and/or water generally lacking in man-made structures and reserved for enjoyment in its unaltered state, or for recreation, by residents of the compact community and their guests.

**“Compact community”**: A compact development with a mixed-use village center that is approved by the Chatham County Board of Commissioners as meeting the conditions specified in this ordinance.

**“Conditional use district”**: A zoning district requested by the property owner in which all uses are considered a special use.

**“Conservation easement”**: A legal agreement between a landowner and a qualified conservation overseer such as a land trust or government agency that permanently limits a property’s use in order to protect its natural, agricultural, and/or historic features.

**“Corner lot”**: A lot abutting two or more streets at their intersection.

**“Dead-end street”**: A local access street that connects to another street at only one end.

**“Dedication”**: The object or the act of an owner offering property or property rights to the public. Since a transfer of property rights is involved, dedications must be made by written recorded instruments.

**“Developer”**: The owner of land proposed to be developed as a compact community, or his representative.

**“Development”**: Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**“Duplex”**: A single building consisting of two (2) dwelling units that are connected by or share a common wall or ceiling.

**“Dwelling unit”**: A building or portion thereof designed, arranged, or used for living quarters for one household.

**“Easement”**: A right that one party has in or over the land of another party. Easements can be made to accommodate utilities, access, spray irrigation, conservation or other purposes.

**“Ephemeral stream”**: A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water.

- “Fee in lieu”**: A fee charged to a developer in place of requiring the dedication of land to help offset the cost of new development on public infrastructure such as roads, schools, recreational facilities, and fire stations.
- “Fee simple”**: An absolute ownership interest in a given tract of land.
- “Green”**: A public space consisting of grassy areas and trees available for unstructured recreation and bordered by buildings.
- “Gross land area”**: The size of the entire site proposed for development as a compact community.
- “Homeowners association”**: See “property owners association”.
- “Impervious surface”**: Any surface that impedes or prevents natural infiltration of water into the ground, including but not limited to buildings, paved roads, paved parking lots, airport runways, and the like.
- “Infiltration”**: The process of percolating stormwater into the subsoil.
- “Intermittent Stream”**: A stream that flows for only part of the year. It includes a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table.
- “Land-disturbing activity”**: Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.
- “Landfill”**: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the North Carolina General Statutes.
- “Land trust”**: A private, non-profit organization that protects natural resources, cultural resources, or affordable housing through land acquisition, conservation easements, and/or education.
- “Large lot residential development”**: Development on lots of 2 acres or greater.
- “Lot”**: A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development or both.
- “Low impact development design”**: Integrated techniques and practices intended to capture and treat stormwater runoff on site and mitigate the effects of increased stormwater peak rate, volume, velocity, and pollutant loading from development. Examples include vegetated buffers, grassed swales, and bioretention areas.
- “Major collector road”**: A road that provides service to small local communities and links with locally important traffic generators with their rural hinterland.
- “Major utility easements”**: Corridors that legally allow for overhead electric utility lines, gas lines, and other utilities.
- “Minor arterial”**: See “Arterial, minor”.
- “Minor residential street”**: A local access street no greater than 1,000 feet in length that serves no more than twenty (20) dwelling units.
- “Multi-family dwelling”**: A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities. Examples include apartments and sometimes condominiums.
- “Nonalluvial”**: Not related to streams or moving water.
- “1-year, 24-hour storm”**: The surface runoff resulting from a rainfall lasting 24 hours of an intensity expected to be equaled or exceeded on the average of once in 1 year, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- “Open space”**: Land required to be permanently protected for passive recreational uses in accordance with the provisions of this ordinance.
- “Owning entity”**: The party responsible for the maintenance of stormwater structures as provided in the Operation and Maintenance Agreement.

- “Passive open space”**: Land that is left in an open, undeveloped state for recreational activities such as walking and hiking.
- “Pedestrian walkways or pathways”**: Sidewalks, paths, and trails that provide a safe and accessible place for people to walk throughout the neighborhood.
- “Perennial stream”**: A stream or river that flows throughout the year except during extreme droughts. It includes a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year.
- “Perimeter buffer”**: Land that either obscures or significantly softens the external view of the compact community from adjacent properties.
- “Perpetuity”**: Permanently.
- “Principal arterial”**: See “Arterial, principal”.
- “Project”**: A compact community proposed under this ordinance.
- “Property owners association”**: An incorporated association of the property owners in a compact community formed to manage common open space, administer the codes, covenants, and restrictions established for the compact community, and make other community governance decisions vested in it by its articles of incorporation.
- “Public wastewater management utility”**: Persons and corporations, or their lessees, trustees, and receivers, now, or hereafter, furnishing wastewater treatment service to the public for compensation as defined in N.C. General Statutes 62-3.
- “Public water service”**: Persons and corporations, or their lessees, trustees, and receivers, now, or hereafter, furnishing water to fifteen (15) or more residential customers for compensation, or furnishing water to non-residential customers of any number, as defined in N.C. General Statutes 62-3.
- “Qualified conservation overseer”**: A certified, tax-exempt charitable conservation organization or agency eligible to receive and hold conservation easements as approved by the Internal Revenue Service.
- “Reclaimed water”**: Water that as a result of reclamation of wastewater is suitable for direct beneficial use or a controlled use that would not otherwise occur.
- “Registered stormwater professional”**: A professional engineer, landscape architect (to the extent that Chapter 89A of the N.C. General Statutes allow), or surveyor (to the extent that the design represents incidental drainage within a subdivision, as provided in N.C. General Statutes 89 (C)-3(7)).
- “Responsible party”**: The incorporated entity vested with legal responsibility to ensure that a system such as the stormwater management system or sprayfield management system is properly operated and maintained.
- “Riparian buffer”**: A strip of natural or planted vegetation strip of land that lies along a stream, river, or lake and provides such functions as protecting water quality, providing wildlife habitat, and storing flood waters.

- “**Single-family attached dwelling**”: A dwelling unit connected to other dwelling units in the same building designed for and occupied exclusively by one family or household. Examples include duplexes and townhomes.
- “**Single-family detached dwelling**”: A dwelling unit that entirely occupies a separate, individual building designed for and occupied exclusively by one family or household.
- “**Small-lot residential development**”: Development on lots of less than 2 acres in size.
- “**Spray field**”: The area used for disposal of treated wastewater or irrigation with reclaimed water.
- “**Spray field, offsite**”: A spray field that is not physically integrated into the design of the compact community but instead is on an adjacent or nearby parcel of land.
- “**Steep slopes**”: Slopes with a grade of 25% or greater.
- “**Stormwater BMP manual**”: The latest version of the *Stormwater Best Management Practices* manual provided by the North Carolina Division of Water Quality.
- “**Stormwater controls**”: Structural and non-structural techniques, practices, and/or engineered facilities intended to treat stormwater runoff and/or mitigate the effects of increased stormwater peak rate, volume, and velocity due to development. Examples include detention ponds, constructed wetlands, sand filters, vegetated buffers, grassed swales, and bioretention areas.
- “**Stormwater features**”: The system of inlets, conduits, channels, ditches, ponds, and other similar and associated devices which serve to collect, convey, detain, retain, and/or treat stormwater from a given drainage area.
- “**Stormwater management**”: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- “**Stormwater Operation and Maintenance Agreement**”: The legally binding agreement established to implement the Stormwater Operation and Maintenance Plan for the compact community.
- Stormwater Operation and Maintenance Plan**”: The plan that a developer and subsequent parties must follow to ensure that stormwater management controls serve their intended function over time.
- “**Stormwater runoff**”: The direct runoff of water resulting from precipitation in any form.
- “**Stream**”: A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods.
- “**Swale**”: An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and provide some groundwater recharge.
- “**Treatment volume**”: The amount of stormwater runoff included in the first inch of rainfall on a compact community.
- “**Tree**”: A perennial woody plant with single or multiple trunks and few if any branches on its lower part, which at maturity will obtain a minimum six-inch caliber.
- “**Use value assessment**”: The assessment of land based on its natural resource value as farmland, forestland, horticultural land, or conservation land, as opposed to its development value. Such an assessment is available to qualifying properties in all 100 counties in North Carolina. The requirements for qualification are defined in N.C. General Statutes 105-277.2 to 105-277.7.
- “**Viewshed buffer**”: Land that either obscures or significantly softens the external view of the compact community from public roadways that run along the boundary of the development.
- “**Voluntary Agricultural District**”: A special farming district established under the Chatham County Farmland Preservation Program Ordinance.

- “**Walkable**”: Community, streetscape, and building design and scale that provide for convenient, safe, comfortable, and visually interesting pedestrian access and mobility.
- “**Wastewater treatment facility**”: One facility in the larger wastewater management system.
- “**Wastewater management system**”: The collection of facilities that are operated and maintained for the collection, treatment, and safe disposal of wastewater discharged from residential, commercial, and civic properties.
- “**Watershed Administrator**”: An official or designated person of county responsible for administration and enforcement of the *Chatham County Watershed Protection Ordinance*, and of designated sections of this ordinance.
- “**Wetlands**”: Waters as defined by N.C. General Statutes 143-212(6) and areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

#### **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.”

**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.

#### **SECTION 16. EFFECTIVE DATE.**

This ordinance shall become effective April 19, 2004.

Amendments:

March 21, 2005

July 18, 2012

November 18, 2013

June 16, 2014

September 18, 2017

December 20, 2021

## SECTION 17. REVISIONS

April 19, 2004

**Section 6.1 Location** – revised to reduce area and address access – as follows:

### 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;~~
  - ~~B. Designated as either:
    - ~~• WSIII – BW (Balance of Watershed)~~
    - ~~• WS IV – PA (Protected Area)~~
    - ~~• Local Watershed Area (LWA);~~~~
  - ~~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~~
  - ~~D. Are located within the portion of Northeast Chatham County that is:
    - ~~• Bounded by U.S. 15-501 on the east, Andrews Store Road on the south, and Mann’s Chapel Road on the west and north; and/or~~
    - ~~• Within 1,700 feet of U.S. 15-501 on its eastern side, and is south of the U.S. 15-501 intersection with Mann’s Chapel Road, and north of the U.S. 15-501 intersection with Andrews Store Road; and/or~~
    - ~~• 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 the intersection of Andrews Store Road and U.S. 15-501.~~~~
- A. Currently zoned for RA-40 Residential-agricultural;
  - B. Designated as either:
    - WSIII – BW (Balance of Watershed)
    - WSIV – PA (Protected Area)
    - Local Watershed Area (LWA);
  - C. Have at least one access point from a four-lane arterial; and
  - D. Are located within the portion of Chatham County that is:
    - Bounded by U.S. 15-501 on the east, Andrews Store Road on the south, and Mann’s Chapel Road on the west and north; and

- Within 1,400 feet of U.S. 15-501 on its eastern side, and is south of the U.S. 15-501 intersection with Jack Bennett Road (SR 1717) and north of the U.S. 15-501 intersection with Village Way (SR 1718); and
- Within 2,500 feet south, east and west of the intersection of Andrews Store Road (SR 1528) and Parker Herndon Road (SR 1526).

**March 21, 2005**

**Section 6.1**

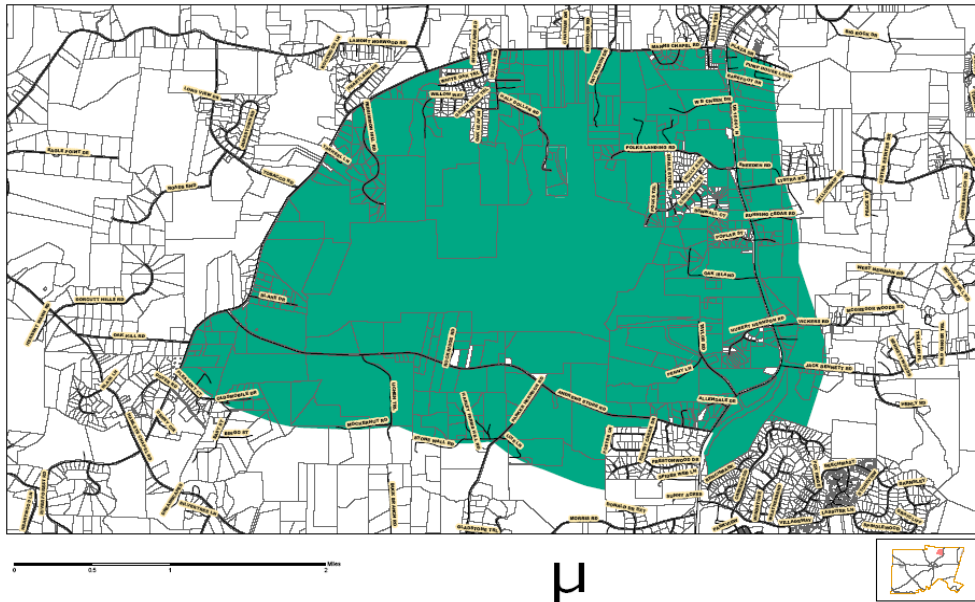
1. That the following text amendment to the Compact Communities Ordinance be approved and accompanying map be incorporated as follows

**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;
- B. Designated as either:
  - WSIII – BW (Balance of Watershed)
  - WS IV – PA (Protected Area)
  - Local Watershed Area (LWA);
- 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
- 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.15-501 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 map attached hereto and incorporated herein by reference provides a more detailed description and is the controlling definition of this location.



**July 18, 2012**

**Section 12.3 Moderately Priced Dwellings** – Section renamed “Moderate Income Residents” and revised to allow a payment-in-lieu of construction option – as follows:

~~**Moderately Priced Dwellings**~~

~~All compact communities shall provide housing for low and moderate income households. These shall be designated as “Moderately Priced Dwellings.”~~

~~Each compact community shall provide one of the following options for Moderately Priced Dwellings:~~

- ~~A. 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.~~
- ~~B. A minimum of ten percent (10%) of the total dwellings in the development shall be sold and affordable to buyers whose household incomes are no 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.~~
- ~~C. 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**

~~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.~~

## **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 construction of affordable housing or land for construction of affordable housing to address the needs of low and moderate income residents of Chatham County 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:

### **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 construction of affordable housing or land for construction of affordable housing to address the needs of low and moderate income persons and families. 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 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 construction of affordable housing or land for construction of affordable housing.

### **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.

**November 18, 2013**  
**Section 12.3 Housing**

**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:

**C. Moderately Priced Dwellings Option**

4. 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
5. 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
6. 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.

#### **D. Payment-in-lieu Option**

3. 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
  
4. 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.

**June 16, 2014**

**Section 7.2 Wastewater Treatment, Section 9.2 Perimeter Buffer, and Section 9.3 Viewshed Buffers amended as follows:**

## **7.2 Wastewater Treatment**

### **General Design Standards**

The following are general wastewater options available for compact communities:

~~Off-site: Send wastewater to existing municipal treatment plants or construct new centralized wastewater treatment facilities;~~

~~Hybrid: Treat wastewater on-site and pipe treated water to an existing municipal treatment plant or new centralized wastewater treatment facilities; or~~

~~On-site: Treat wastewater on-site and distribute treated water onto the land surface via irrigation system(s).~~

*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.*

### **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 comply with all applicable regulations. Compact communities shall:~~ 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:

- ~~• Locate the wastewater treatment facilities and infrastructure within the project boundaries;~~
- Show the location of all ~~spray fields~~ wastewater facilities needed for the compact community at build out in the sketch design submitted to Chatham County.

## **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.*

### **9.3 Viewshed Buffers**

#### **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.*

#### **September 18, 2017**

#### **Section 7.2 Wastewater Treatment, Section 9.2 Perimeter Buffer, and Section 9.3 Viewshed Buffers amended as follows:**

Amend Section 6.2. Maximum Size as follows:

Delete:

No compact community shall include more than two thousand five hundred (2,500) dwelling units.

Add:

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

#### **December 20, 2021**

ATTACHMENT "A"

The parcels highlighted in "yellow" are hereby approved to be included in the expansion of the Compact Community Ordinance map. Those parcel numbers are 2868, 2869, 2867, and 2842.

