

# **RECODE CHATHAM** | UNIFIED DEVELOPMENT ORDINANCE

Chatham County, NC

Board of Commissioners & Planning Board Meetings

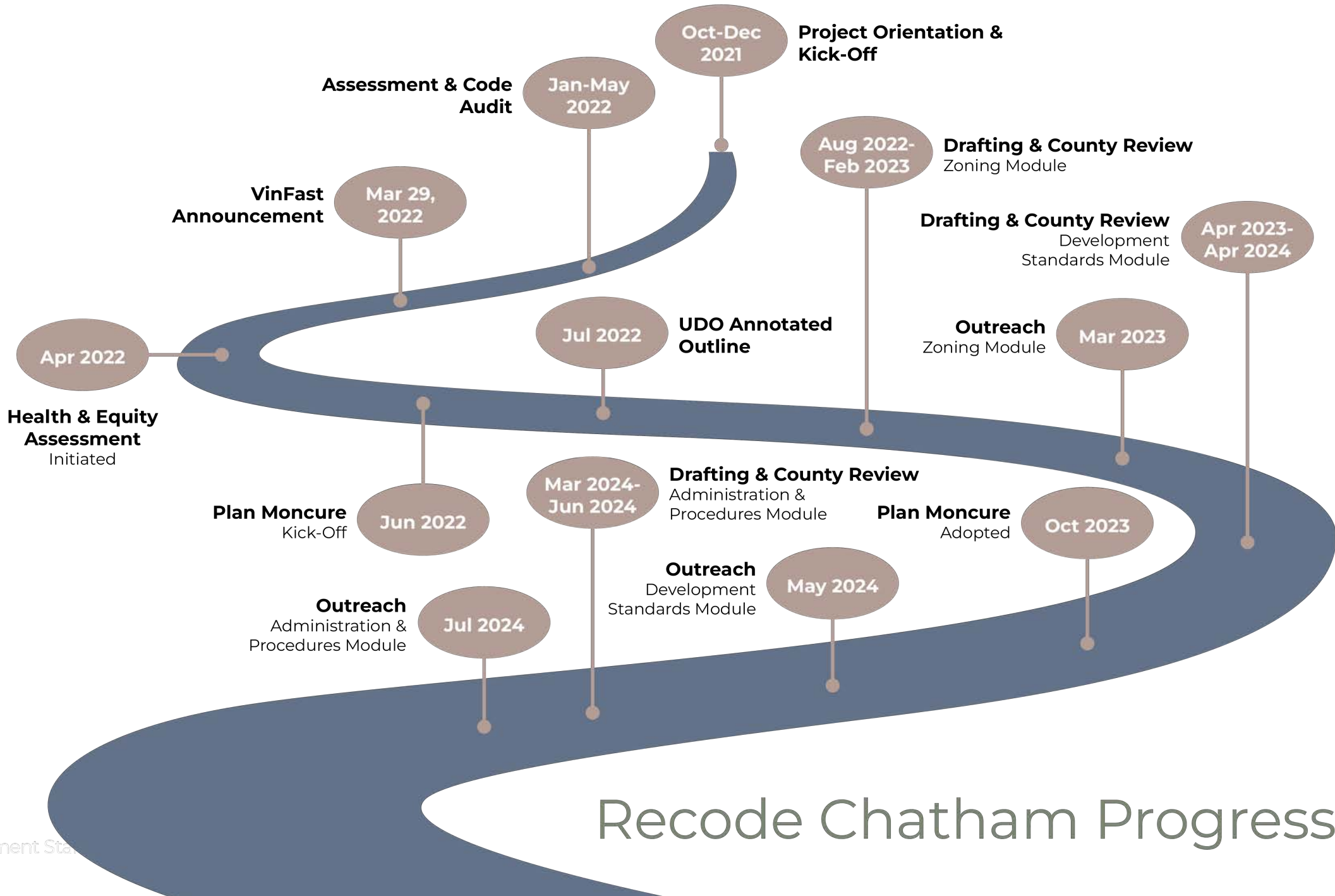
Review of Administration & Procedures Module | July 15-16, 2024



# AGENDA

- Recode Chatham Progress
- UDO Scope of Work & Anticipated Schedule
- Review of Administration & Procedures Module
- Next Steps





# Recode Chatham Progress

# UDO SCOPE OF WORK

## **Stage 4: Adoption**

*Zoning Module • Development Standards Module • Procedures Module • Definitions Module*

## **Stage 3: Code Drafting**

*~~Zoning Module • Development Standards Module •~~ **Procedures Module • Definitions Module***

## **Stage 2: Assessment**

*~~Code Audit • Drafting Blueprint (Annotated Outline)~~*

## **Stage 1: Project Orientation**

*~~Focus Group Listening Sessions • Document Review~~*



2024



- Following adoption of the UDO, the consultant team will:
- » Prepare the final UDO, with any edits required by the BOC;
  - » Prepare an Administrative Manual; and
  - » Conduct a training session with frequent code users.

# ANTICIPATED SCHEDULE

# UDO ORGANIZATION

- **Chapter 1: *Introduction***
- **Chapter 2: *Zoning Districts***
- **Chapter 3: *Use Regulations***
- **Chapter 4: *Development & Design Standards***
- **Chapter 5: *General Subdivision Standards***
- **Chapter 6: *Conservation & Open Space***
- **Chapter 7: *Infrastructure & Public Improvements***
- **Chapter 8: *Watershed Protection***
- **Chapter 9: *Stormwater Management***
- **Chapter 10: *Soil Erosion & Sedimentation Control***
- **Chapter 11: *Flood Damage Prevention***
- **Chapter 12: *Procedures***
- **Chapter 13: *Reviewing & Decision-Making Bodies***
- **Chapter 14: *Nonconformities***
- **Chapter 15: *Enforcement***
- **Chapter 16: *Rules of Interpretation & Measurement***
- **Chapter 17: *Definitions & Acronyms***
- **Chapter 18: *Submittal Requirements***

# ANNOTATED OUTLINE

- Drafting “blueprint”
- Working document that is updated as the UDO takes shape
- Shows structure of UDO and where current code provisions are anticipated to be located

## CHAPTER 1 INTRODUCTION

### 1.1 TITLE

*Provides the full name of the ordinance (“Chatham County Unified Development Ordinance”), in addition to any abbreviated titles (e.g., “UDO”).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 1 TITLE  
SR SECTION 1.1 TITLE

### 1.2 PURPOSE

*Describes the reasons for the Unified Development Ordinance and what it accomplishes (e.g., implementing the Comprehensive Plan; protecting property values, natural resources, and agricultural land).*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO PAGE 1  
SR SECTION 1.3 PURPOSE

### 1.3 AUTHORITY

*Recites authority for UDO, including N.C.G.S. Chapter 160D.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO PAGE 1  
SR SECTION 1.2 AUTHORITY

### 1.4 APPLICABILITY

*Describes the area of jurisdiction for zoning and land development. Carries forward and clarifies, as needed, the State-mandated exemption for bona fide farms.*

**INCLUDES CURRENT COUNTY CODE SECTIONS:**

ZO SECTION 2 JURISDICTION  
ZO SECTION 3 BONA FIDE FARM EXEMPT  
SR SECTION 1.4 JURISDICTION



# RECODE CHATHAM

 | UNIFIED  
DEVELOPMENT  
ORDINANCE

## About the Project

Chatham County is undertaking Recode Chatham, a project to rewrite its land-use regulations that include zoning and subdivision regulations based on the policy direction in the Plan Chatham Comprehensive Plan, adopted in 2017. The project will result in a new Unified Development Ordinance (UDO) that serves as the primary regulatory document guiding all development and land use within the county.

The UDO will be a user-friendly document for residents, elected officials, appointed boards, and the development community with a streamlined development review process tailored uniquely to Chatham County. The goal is that the UDO will develop clear procedures and guidelines that are simple, flexible, and easily administered.

[www.recodechathamnc.org](http://www.recodechathamnc.org)



# Documents & Work Products

## UDO Administration & Procedures Module (June 25, 2024)

[Chapter 12: Procedures](#)

[Chapter 13: Reviewing & Decision-Making Bodies](#)

[Chapter 14: Nonconformities](#)

[Chapter 15: Enforcement](#)

[Chapter 16: Rules of Interpretation & Measurement](#)

[Chapter 17: Definitions & Acronyms \(working draft\)](#)

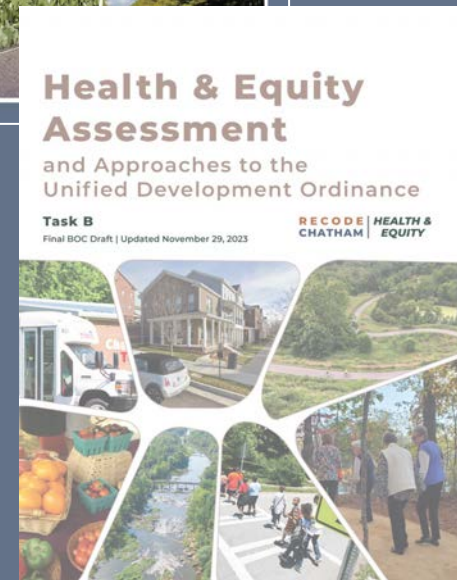
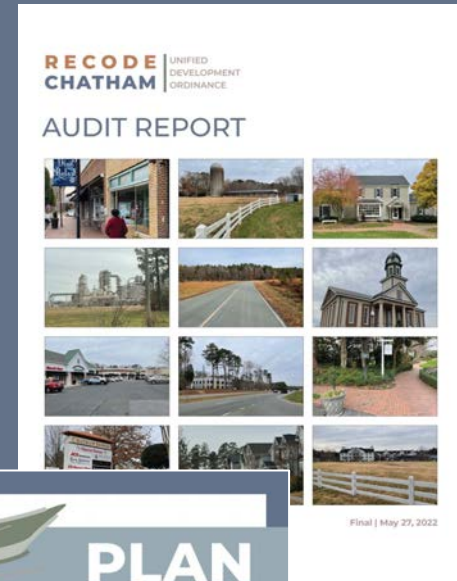
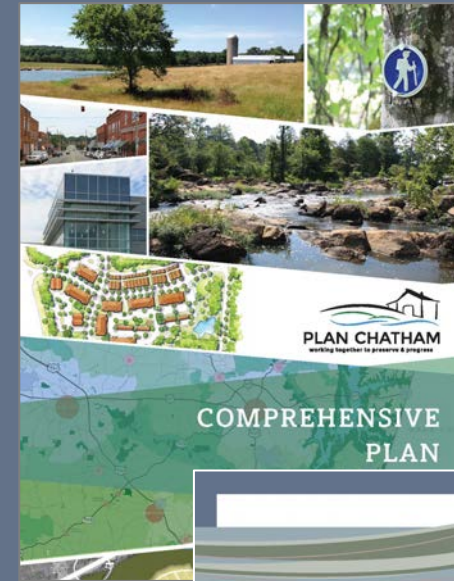
[Chapter 18: Submittal Requirements](#)

[Annotated Outline \(June 24, 2024\)](#)

[www.recodechathamnc.org](http://www.recodechathamnc.org)

# WHAT GUIDES THE INITIAL UDO DRAFTS?

1. *Plan Chatham & Plan Moncure*
2. The input of the Focus Groups, community, Planning Board, Board of Commissioners, and County advisory committees (*Audit Report*)
3. Draft *Health & Equity Assessment*
4. Direction from staff and Planning Board UDO Subcommittee as we go





# ADMINISTRATION & PROCEDURES MODULE REVIEW

**Chapter 12: *Procedures***

**Chapter 13: *Reviewing & Decision-Making Bodies***

**Chapter 14: *Nonconformities***

**Chapter 15: *Enforcement***

**Chapter 16: *Rules of Interpretation & Measurement***

**Chapter 17: *Definitions & Acronyms***

**Chapter 18: *Submittal Requirements***



# CHAPTER 12: PROCEDURES

- General procedural requirements, such as community meetings, pre-submittal meetings, sufficiency review, notice
- Separate sections for each application type
- Does not apply to Chapters 8-11 (Watershed, Stormwater, Flood, Erosion Control)

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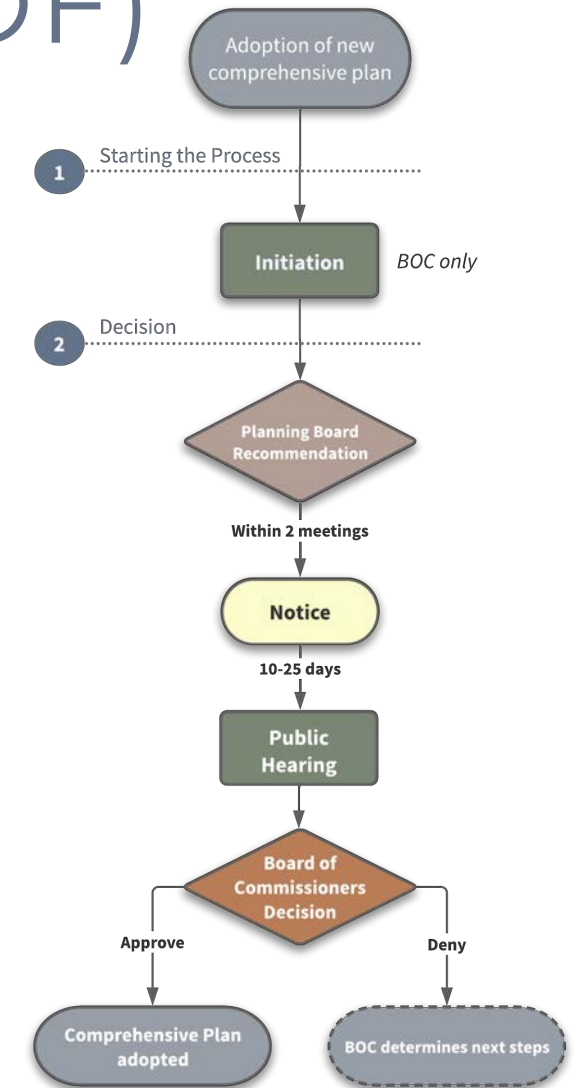
Table 12.1.3-1: Summary of UDO Procedures										
Procedure	Type of Procedure	Reviewing, Decision-Making, & Appeal Bodies							Pre-Submittal Meeting Required	Community Meeting Required
		Staff	TRC	AC	ERAC	BOA	PB	BOC		
<u>Rezoning (Conditional Districts)</u>	Legislative	R	R	R	R		R	<D>	Yes	Yes
<u>Special Use Permit Amendments</u>	Quasi-judicial	R						<D>	Yes	No
<u>UDO Interpretations</u>	Administrative	D				<A>			No	No
<u>UDO Text Amendments</u>	Legislative	R					R	<D>	Yes, if not County-initiated	No
<u>Variances</u>	Quasi-judicial	R				<D>			Yes	No
<u>Zoning Compliance Permits</u>	Administrative	D		R		<A>			Yes, for non-residential uses	No
<b>Key:</b> Staff = County staff   TRC = Technical Review Committee   AC = Appearance Commission   ERAC = Environmental Review Advisory Committee   BOA = Board of Adjustment   PB = Planning Board   BOC = Board of County Commissioners   R = Review Body   D = Decision-Making Body   A = Appeal Body   <> = Public Hearing Required										

Table 12.1.4-1: Procedure Workflows	
Element	Meaning
Purpose	Explains the reasons for a particular procedure.
Applicability	Identifies the type of development or situation that is subject to the process.
Initiation	Describes how the applicant begins the process, including which department or official receives the application.
Completeness	Describes how the County determines whether the application has sufficient information to be processed.
Application Amendments	Indicates whether an applicant can amend or change an application following the determination of completeness.
Notice	Describes the type of notice required and how it is provided.
Decision-Making Process	States who approves the application and the type of proceeding that leads to the decision.
Review Criteria	Specifies the standards that apply to the application.
Scope of Approval	Identifies the activities the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Appeals	Provides a way to review an application that is denied or an approval that has conditions the applicant disagrees with.
Application Withdrawal & Reapplication	If an application is denied or withdrawn, some processes have a waiting period before that type of application can be re-filed for the property.
Recordkeeping	Some procedures have specific requirements for maintaining records of applications and actions, which are included in this Chapter. County record retention policies govern other recordkeeping requirements.



# NEW PROCEDURES (SORT OF)

- Comprehensive Plan adoption
- Comprehensive Plan amendments
- Special use permit amendments
- UDO interpretations
- Administrative major subdivisions
- Major subdivision sketch plan

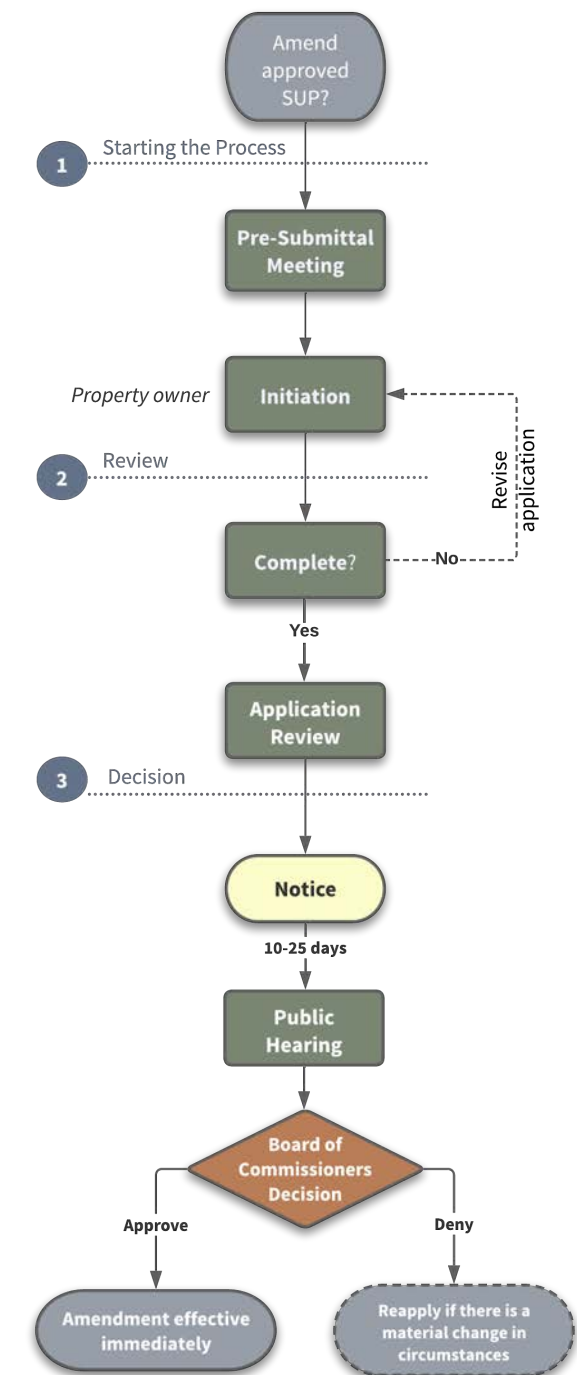


# SUP AMENDMENTS

- Pursuant to staff input, Chapter 12 proposes a significant procedural change—the elimination of the Special Use Permit (SUP) procedure
- Corresponding revisions will need to be made to Chapter 3: Use Regulations
- Proposed is to require any uses currently designated in the Use Tables as SUP to instead require rezoning to a conditional zoning district
- Since Chapter 2: Zoning Districts proposes to eliminate parallel conditional districts, a new conditional district will need to be added to accommodate the SUP uses

# SUP AMENDMENTS

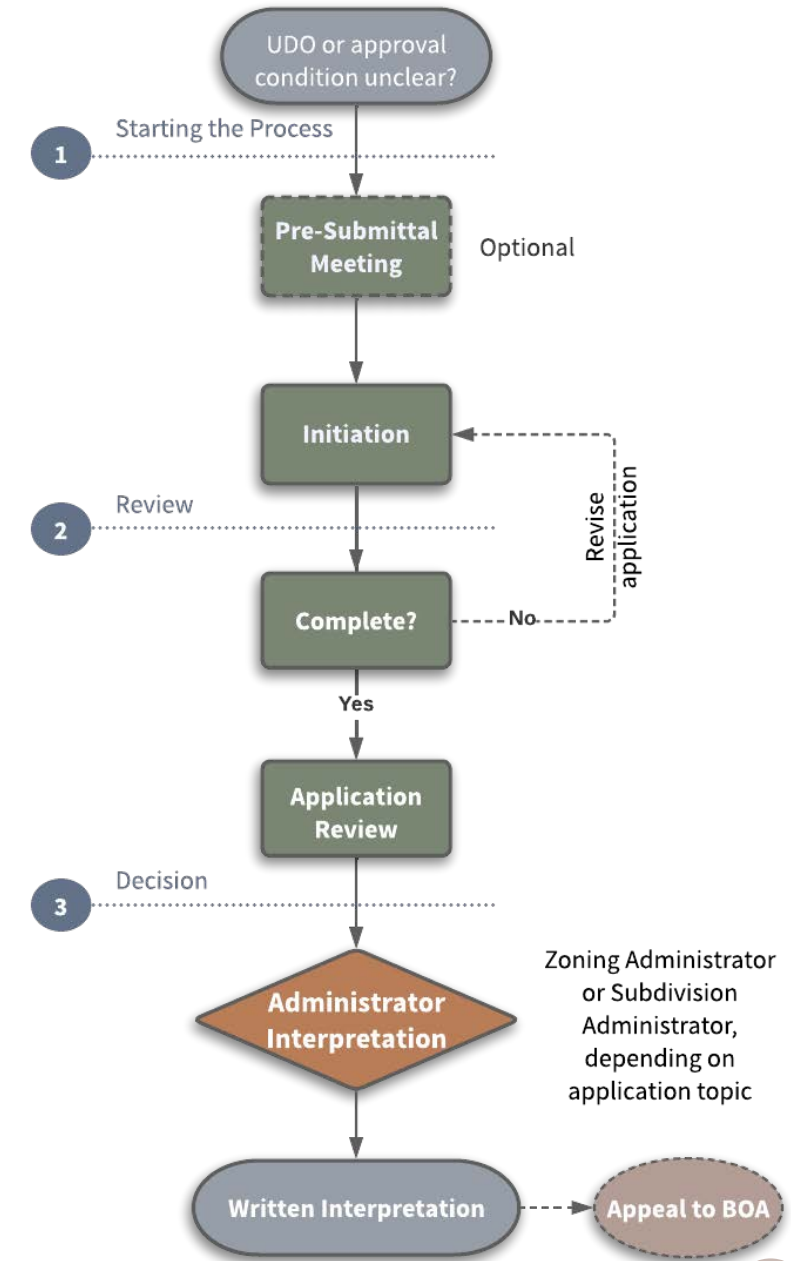
- Clarifies how the County processes changes to existing, approved SUPs
- BOC public hearing and decision
- Planning Board does not review since N.C.G.S. § 160D-301(b)(6) prohibits the use of the Planning Board's recommendation as a basis for the BOC's decision on a quasi-judicial matter





# UDO INTERPRETATIONS

- Formalizes the process for obtaining an interpretation of UDO text or conditions associated with a conditional district or other development approval
- By Zoning or Subdivision Administrator, depending on the nature of the interpretation
- Appealable to the Board of Adjustment like other staff decisions



# PROPOSED MAJOR CHANGES – SUBDIVISION PROCESS

- Three tiers:
  - Minor subdivisions (up to 5 lots)
  - Administrative major subdivisions (6 to 15 lots)
  - Major subdivisions (16 or more lots)
- Revised terminology for consistency with N.C.G.S. 160D
  - Sketch Plan
  - Preliminary Plat
  - Final Plat

# PROPOSED MAJOR CHANGES – MAJOR SUBDIVISION PROCESS

- **Sketch Plan**
  - Community meeting
  - Review by Planning Board
  - Review and action by BOC
- **Preliminary Plat & Construction Plan**
  - Review by TRC
  - Review and action by Subdivision Administrator
- **Final Plat**
  - Review by TRC
  - Review and action by Subdivision Administrator



# CHAPTER 13: REVIEWING & DECISION- MAKING BODIES

- Specifies UDO-related roles and responsibilities of:
  - Elected & Appointed Bodies
  - Administrative Bodies

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# 13.1: ELECTED & APPOINTED BODIES

- Planning Board
- Board of Adjustment
- Appearance Commission
- Environmental Review Advisory Committee

## 13.2: ADMINISTRATIVE BODIES

- County Manager
- Environmental Health Director
- Environmental Quality Director
- Fire Marshal
- Floodplain Administrator
- Management Information Systems Director
- Planning Director
- Stormwater Administrator
- Subdivision Administrator
- Technical Review Committee
- Watershed Protection Director
- Zoning Administrator
- Central Permitting & Inspections Director

# CHAPTER 14: NONCONFORMITIES

- Lots
- Site Elements
- Structures
- Uses

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## 14.2: NONCONFORMING LOTS

- Can be used for any use allowed in the zoning district
- Carries forward allowance for subdivision lots of record to use the Zoning Ordinance setbacks in effect at the time of plat recordation
- Expressly requires lots that were un-zoned at the time of subdivision to use the current UDO setbacks

## 14.3: SITE ELEMENTS

- Includes exterior lighting, landscaping, buffers, parking areas, loading areas, open space, and signs
- Does not include buildings
- Only requires site elements to come into compliance with the UDO when changes are made to a site (e.g., building additions)
  - The point at which site elements must come into compliance is different for each type of site element

# COMPLIANCE TRIGGERS

## **Nonconforming exterior lighting**

- When relocated, upgraded, or replaced
- When fixture housing is changed
- $\geq 50\%$  of fixtures in a vehicular canopy upgraded, replaced, or fixture housing is changed

## **Nonconforming landscaping or buffers**

- Expansion of a structure's floor area by  $\geq 25\%$  in IL or IH or by  $\geq 50\%$  in all other districts (cumulative over a 3-year period)
- If a lot cannot accommodate the require transitional buffers, the Appearance Commission may approve an alternate plan

# COMPLIANCE TRIGGERS

## **Nonconforming parking or loading**

- When principal use changes
- When a structural alteration or other addition to a principal structure produces an increase in parking demand

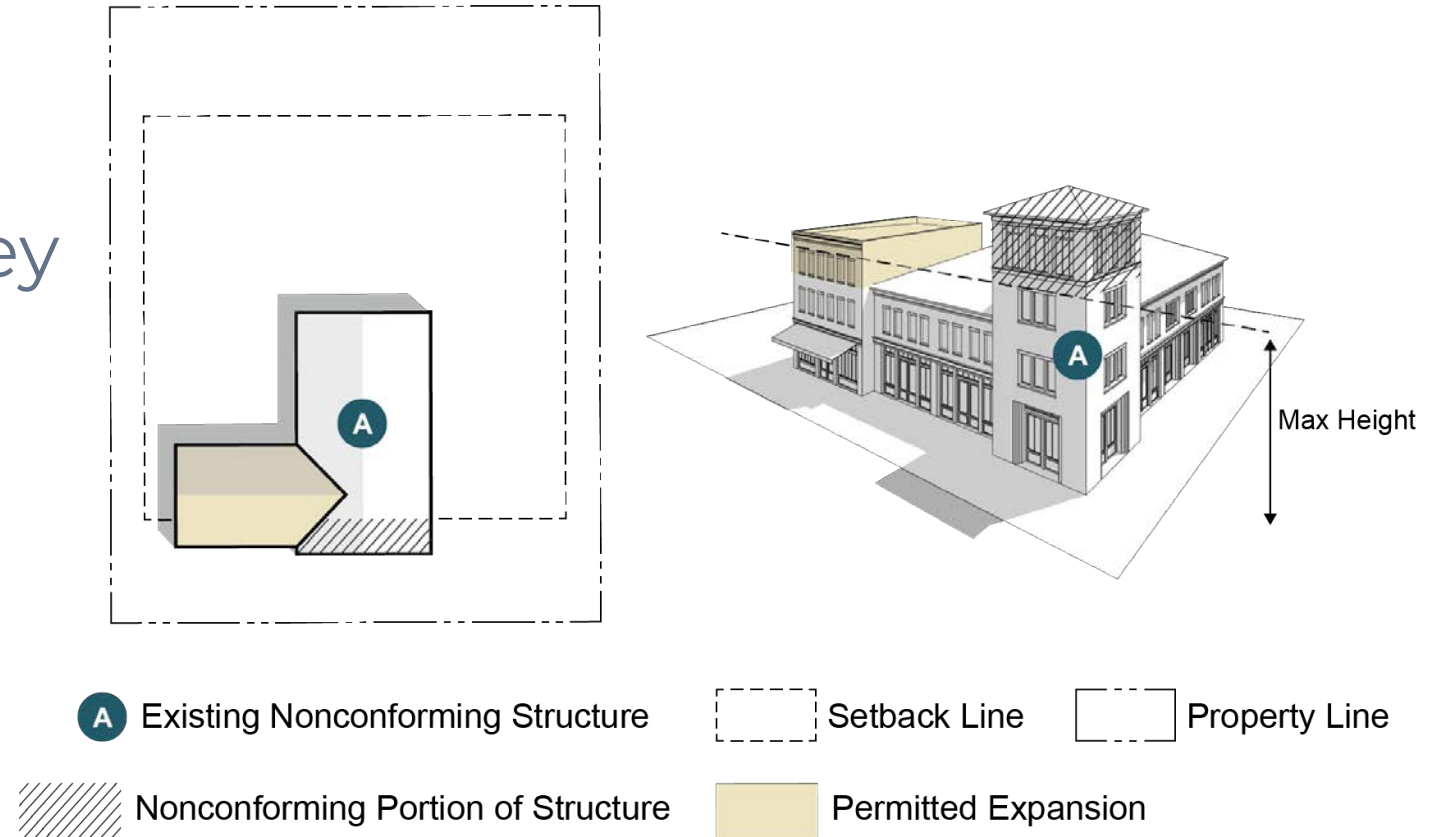
## **Nonconforming signs**

- May be replaced, repaired, or relocated on the property if it does not exceed the size or height of the original sign
- All billboards are nonconforming, but may remain in use and may be repaired, reconstructed, and relocated
- Nonconforming temporary signs must be removed within 90 days of UDO effective date



## 14.4: NONCONFORMING STRUCTURES

- Carries forward current standards
- Alterations allowed if they do not result in greater nonconformity



## 14.4: NONCONFORMING STRUCTURES

### **Damage/destruction**

- A nonconforming structure damaged by  $\leq 60\%$  of its taxed value may be reconstructed if:
  - The nonconformity is not increased/extended
  - Zoning compliance permit & building permit are received within 2 years of damage event

### **Change of use**

- No limitations—a conforming use may be established in a nonconforming structure

## 14.5: NONCONFORMING USES (NCU)

### **Generally**

- May continue, but can be changed only to a conforming use
- If an NCU is discontinued for a consecutive period of 365 days, it cannot be reestablished

### **Limited uses**

- May continue, but must apply for Zoning Compliance Permit in order to be relocated, expanded, enlarged, or increased in intensity

### **Extension**

- An NCU may be extended on the same lot to additional buildings or land

# CHAPTER 15: ENFORCEMENT

- Violations
- Enforcement Procedures
- Remedies & Penalties

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# ENFORCEMENT PROCEDURES

- Identifies the staff positions responsible for UDO enforcement
  - 4.3: *Fire Protection* – Fire Marshal
  - 7.3.4: *Utilities* and 7.3.6: *Water Supply* – Director of Public Utilities
  - Chapter 8: *Watershed Protection* – Watershed Administrator
  - Chapter 9: *Stormwater Management* – Stormwater Administrator
  - Chapter 10: *Soil Erosion & Sedimentation Control* – the County
  - Chapter 11: *Flood Damage Prevention* – Floodplain Administrator
  - Everything else – Zoning Administrator/Subdivision Administrator
- Carries forward procedure for providing notice of a UDO violation

# REMEDIES & PENALTIES

- Issuance of a stop work order
- Withholding acceptance of applications
- Withholding of a development approval
- Revocation of a development approval
- Civil citations
- Injunctions and orders of abatement

# CHAPTER 16: RULES OF INTERPRETATION & MEASUREMENT

- How to interpret UDO text and graphics
- How to interpret zoning map
- How to measure or calculate quantitative standards

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# RULES OF INTERPRETATION

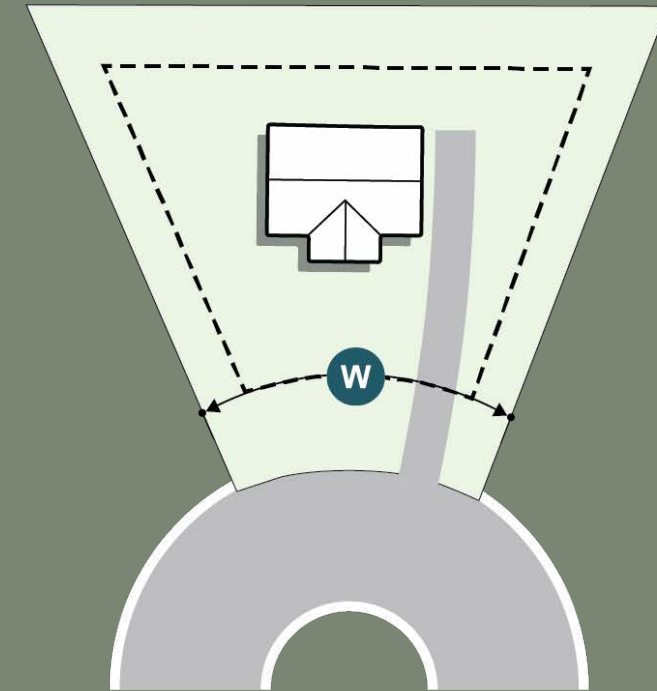
- Definitions of word use, for example:
  - Words used in the present tense include the future tense
  - The words “shall” and “must” are mandatory
  - The term “structure” includes the term “building”
- Where text and graphic are inconsistent, text controls
- Describes how to interpret zoning district boundaries when they are unclear on the zoning map

## 16.2: CONFLICTING PROVISIONS

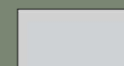
- When there are conflicts, generally the more restrictive provision applies
- However, the (new) Neighborhood Center and Activity Center Districts take precedence over conflicting provisions
- Clarifies the County does not enforce private restrictions (e.g., neighborhood covenants)

## 16.4: RULES OF MEASUREMENT

- Density
- Gross floor area
- Height
  - Includes exceptions
- Lot area, depth, and width
- Net land area
- Setbacks
  - Specifies allowed encroachments
- Visual screening



**W** Minimum Lot Width, measured at front setback

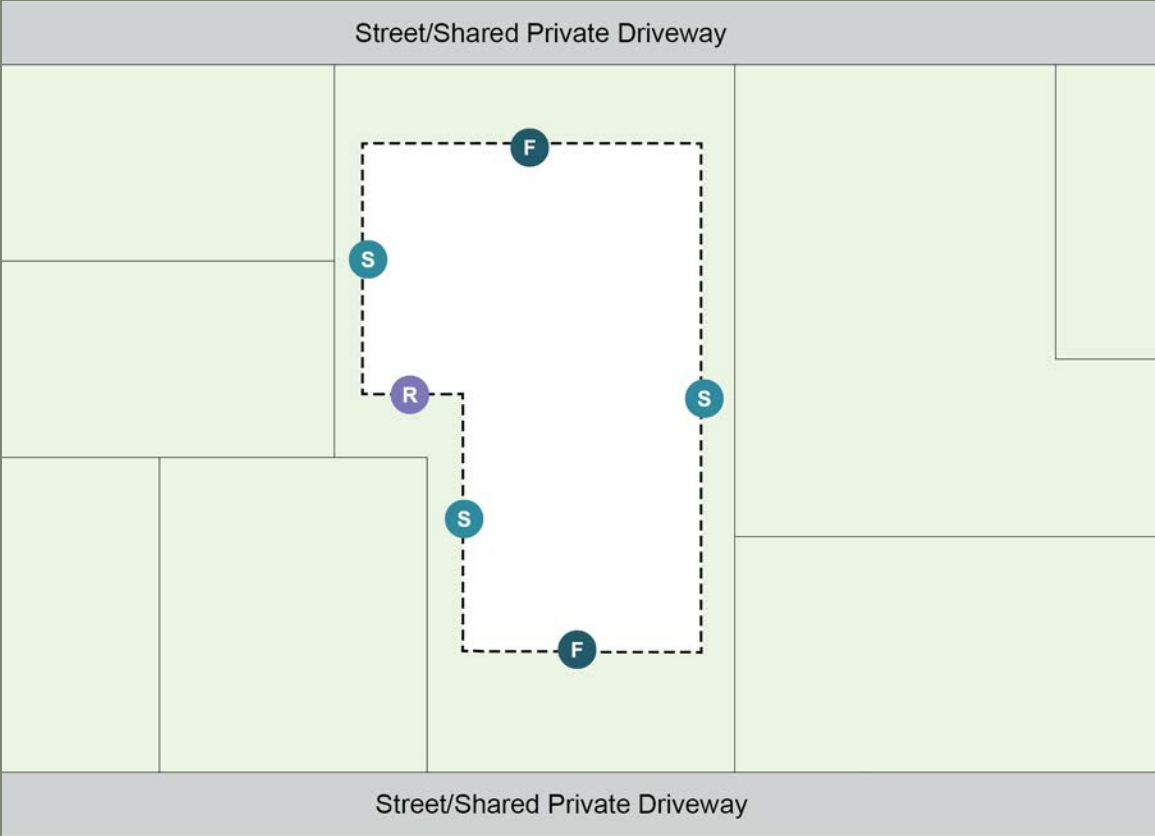


Street/Shared Private Driveway

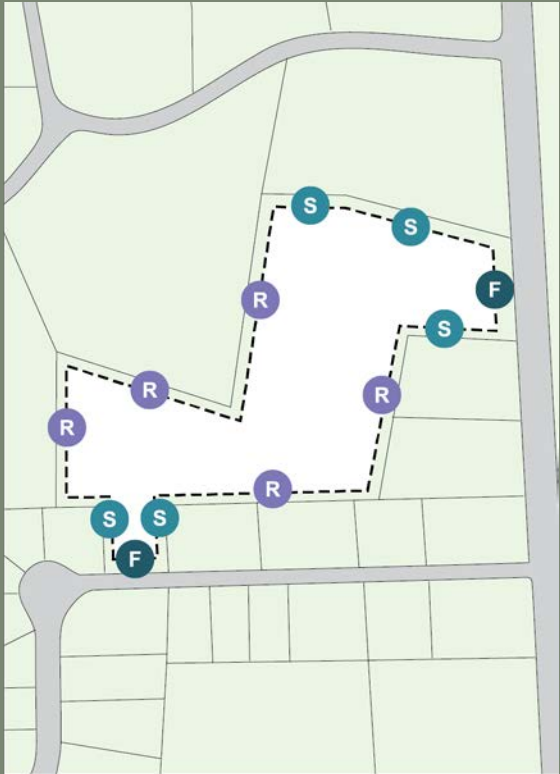
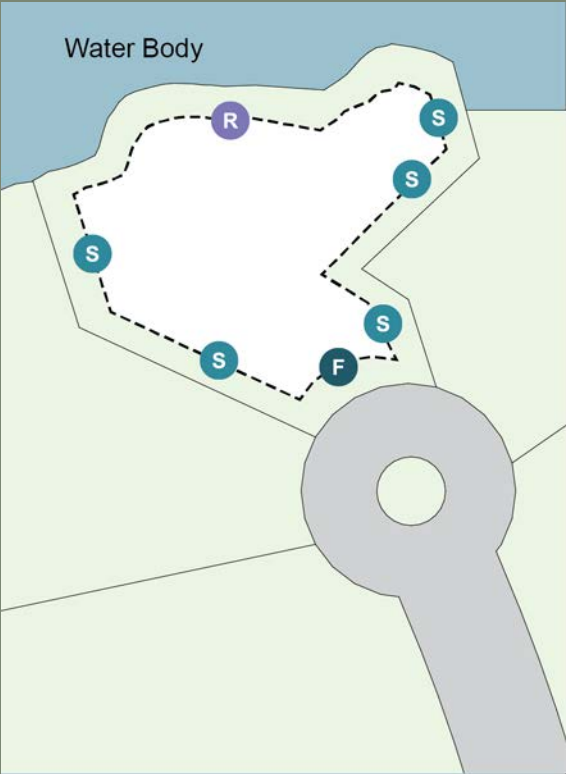


Setback Line

# Chapter 16: Rules of Interpretation & Measurement



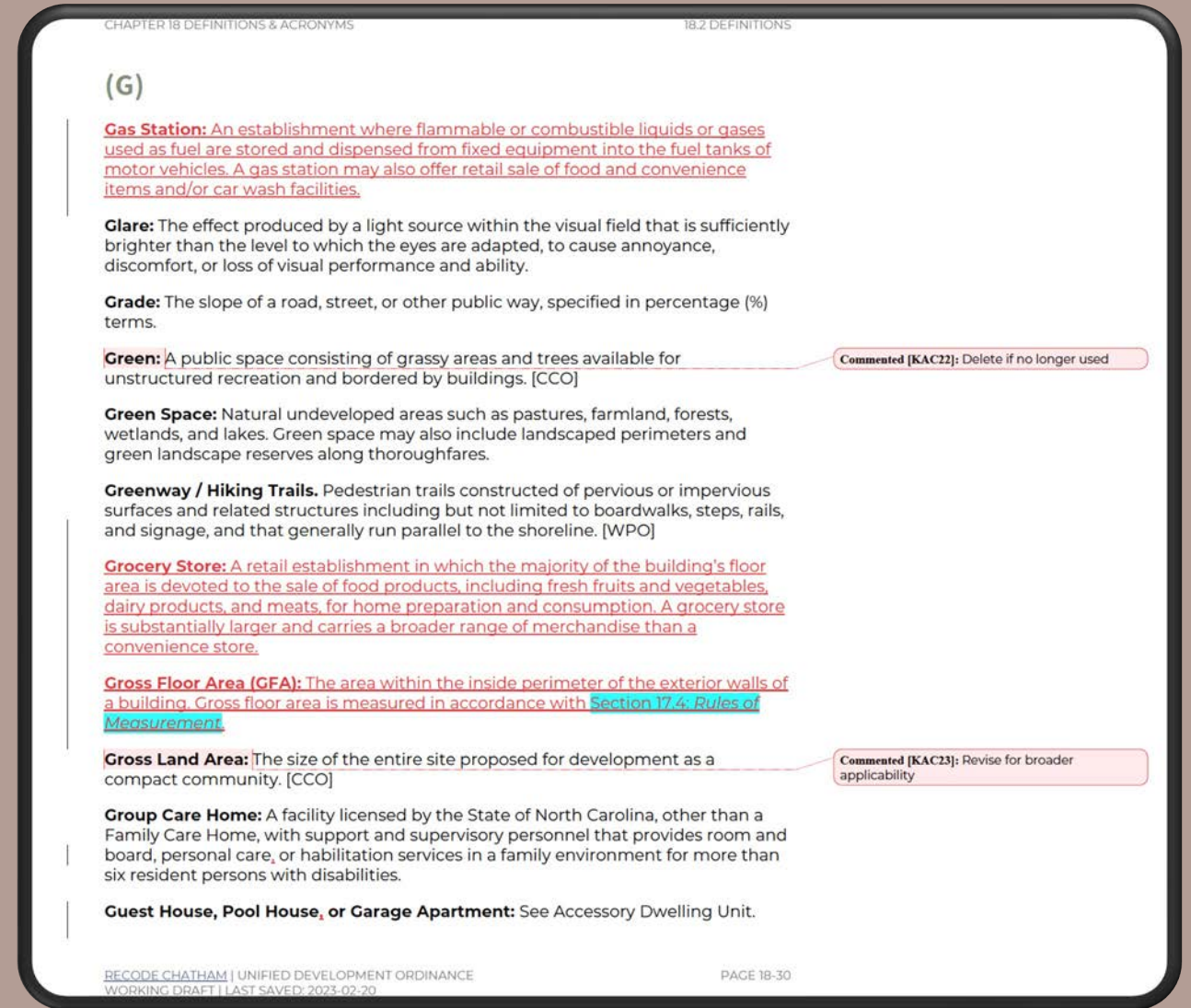
**F** Front Yard    **S** Side Yard    **R** Rear Yard    Setback Line



**F** Front Yard    **S** Side Yard    **R** Rear Yard    Setback Line    Street/Shared Private Driveway

# CHAPTER 17: DEFINITIONS & ACRONYMS

- Consolidates definitions into a single chapter
- Adds acronyms
- Tracks changes to current definitions
- Updated as part of each module and finalized at end of the drafting process





# CHAPTER 18: SUBMITTAL REQUIREMENTS

- Specifies what is required for a complete application
- Cross-references application checklists, which will be maintained outside the UDO
- Chapter 12: *Procedures* includes additional application-specific requirements

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## 18.2: HISTORICAL & CULTURAL RESOURCES DOCUMENTATION


- New requirement that implements recommendations from the Chatham County Historical Association
- Applies to:
  - Major subdivisions that don't require an EIA
  - Minor subdivisions
- Baseline Historical & Cultural Resources Survey Map
  - Known cemeteries and burial sites
  - Structures and site features such as old foundations and wells
  - Additional details for major subdivisions, including photos

# ENVIRONMENTAL DOCUMENTATION

- Carries forward requirements for submittal of the General Environmental Documentation Form or an Environmental Impact Assessment, as applicable for the development
- Clarifies the role of the EIA in the development review process
  - BOC receives the EIA and all related comments from reviewing bodies as information only
  - EIA may be used only to determine compliance with specific development standards established in the UDO



# 18.5: TRAFFIC IMPACT ANALYSES

- Current Zoning Ordinance allows the BOC to request an applicant for a conditional zoning district provide a traffic impact analysis (TIA)
- UDO proposes to *require* TIAs for conditional districts and major subdivisions
- Like EIAs, TIAs are for information only
- NCDOT already requires TIAs for developments projected to generate 3,000+ average daily trips (ADT) 

ITE LUC	Land Use	Size	Unit
110	General Light Industrial	415,300	Sq. Feet
210	Singe Family Detached	315	Dwelling Units
220	Apartments	475	Dwelling Units
230	Residential Condo/Townhouse	587	Dwelling Units
251	Senior Adult Housing-Detached	815	Dwelling Units
310	Hotel	367	Rooms
710	General Office Building	296,700	Sq. Feet
720	Medical-Dental Office Building	78,700	Sq. Feet
820	Shopping Center	28,500	Sq. Feet
850	Supermarket	29,400	Sq. Feet
945	Gasoline/Service Station with Convenience Market	19	Vehicle Fueling Pos.

Data Source: ITE Trip Generation Manual, 9th Edition.

from [NCDOT TIA Checklist Instructions](#)

# 18.5: TRAFFIC IMPACT ANALYSES

- Level 1 or Level 2 Analysis, depending on number of ADT
- **Level 1** – Development info, previous uses and structures, anticipated trips and impacts on transportation network
- **Level 2** – Must follow NCDOT TIA requirements

Table 18.5.4-1: Type of Analysis Required	
Type of Analysis	Threshold
Level 1 – Trip Generation Memo	≥ 500 ADT to < 3,000 ADT
Level 2 – Traffic Impact Analysis	≥ 3,000 ADT
Key: ADT = average daily trips	

**Developments That Generate  
Approx. 500 ADT\***  
50 detached SF dwelling units  
64 low-rise MF dwelling units  
13,200 sf retail  
51,300 sf general office  
100,800 sf general light industrial  
  
*\*based on ITE Trip Generation Manual,  
10<sup>th</sup> Edition*



## 18.5: TRAFFIC IMPACT ANALYSES

- BOC may require a Level 2 Analysis for developments with < 3,000 ADT if a proposed development:
  - Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed development indicated by factors other than ADT;
  - Affects a location with a high vehicle crash history;
  - Takes place at a high congestion location;
  - Creates the fourth leg of an existing signalized intersection; or
  - Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

## 18.6: SPECIAL STUDIES

- Carries forward ZO Section 17.9  
*Additional Information for Certain Special Use Permits*
- Applies to:
  - The land uses listed to the right
  - Any use that must be established via a conditional zoning district (formerly SUP uses) **and** requires an EIA

- All restricted industrial uses
- Aviation/aerospace equipment, engine, and instrument manufacturing and/or assembly
- Coal or coke yards
- Cosmetics and perfume manufacturing
- Electric light or power generating station
- Flammable liquids - bulk plants and storage
- Garbage and waste incinerators (except hazardous waste)
- Mining
- Natural gas compressor station
- Non-metallic mineral product manufacturing
- Oil and gas exploration, development and production
- Pharmaceutical products manufacturing
- Sanitary landfill, excluding the burning of trash outdoors
- Semiconductor manufacturing

## 18.6: SPECIAL STUDIES

- Applies to all the land uses subject in the current Zoning Ordinance to the requirement for a special study, except:
  - “Heavy manufacturing, processing, or assembly uses not otherwise listed in the use table,” which is replaced by the general “heavy industrial uses” use classification and is a permitted use in the IH District
  - “Light manufacturing, processing, or assembly uses not otherwise listed in the use table,” which is replaced by the general “light industrial uses” use classification and is a permitted use in the IL and IH Districts
  - “Laboratories for research and testing,” which is replaced in the use table by the new use “research and development facility” and is a permitted use in all the districts in which it is allowed

# NEXT STEPS

- **UDO Testing (ongoing)**
  - Up to 10 sites
  - Using hypothetical and actual development scenarios to test UDO standards
- **Final Consolidated UDO** – Anticipated in Late August 2024
- **BOC & PB Review Meetings** – September 2024
- **Adoption Process** – Begins in October 2024

# RECODE CHATHAM



UNIFIED  
DEVELOPMENT  
ORDINANCE

[www.recodechathamnc.org](http://www.recodechathamnc.org)

[recodechathamudo@chathamcountync.gov](mailto:recodechathamudo@chathamcountync.gov)