

RECODE CHATHAM | UNIFIED DEVELOPMENT ORDINANCE

Chatham County, NC
Board of Commissioners and Planning Board Meetings
Review of Zoning Module | March 6-7, 2023



AGENDA

- Scope of Work & Progress
- Review of Guiding Principles & Goals
- UDO Organization & Project Documents
- Review of Zoning Module
- Next Steps



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*

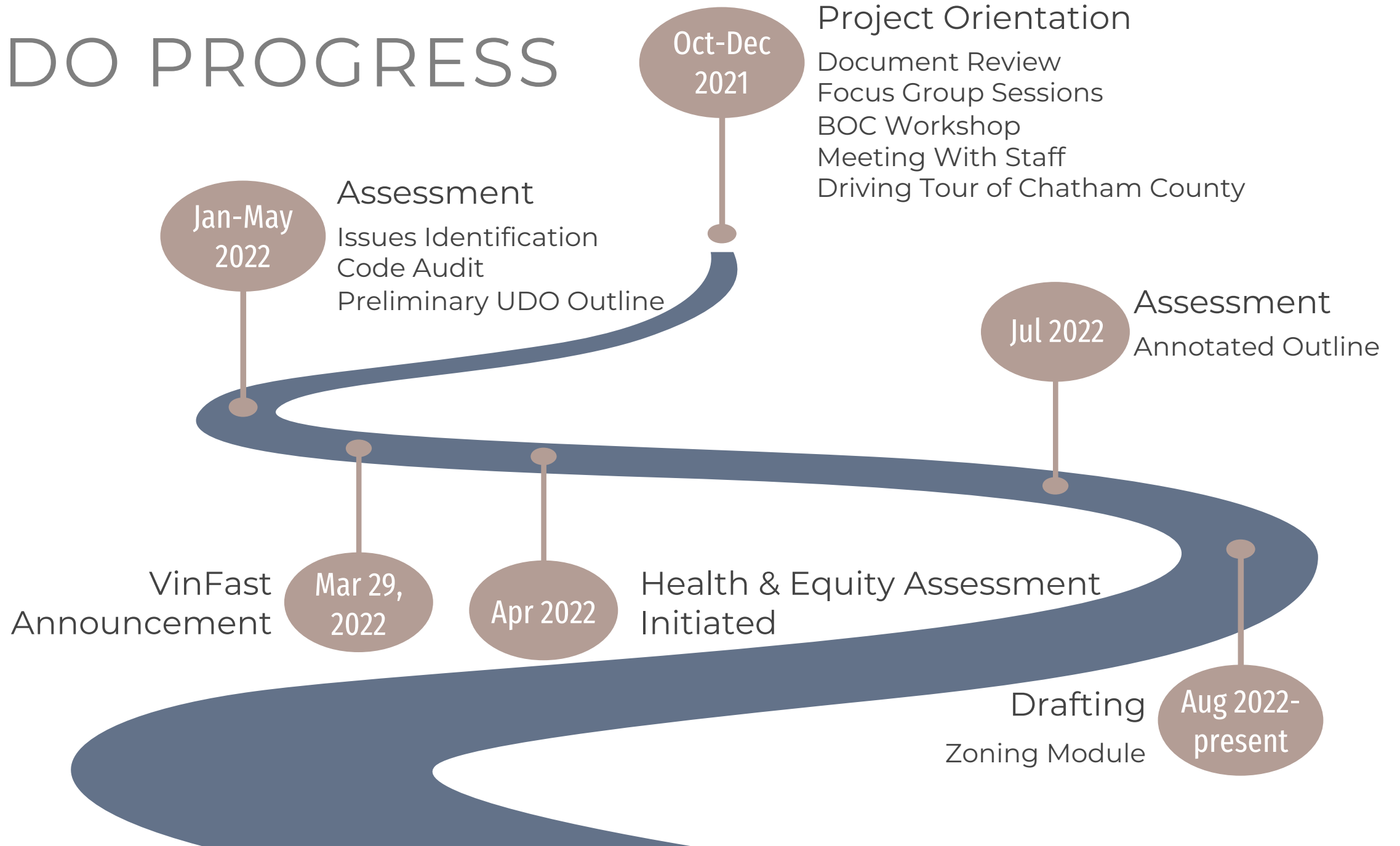
Stage 2: Assessment

Code Audit • Drafting Blueprint (Annotated Outline)

Stage 1: Project Orientation

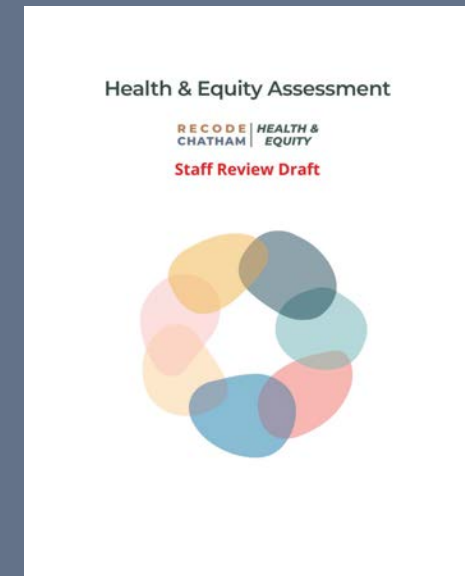
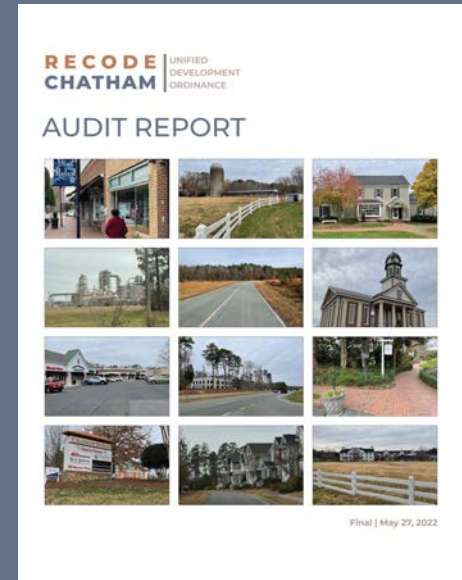
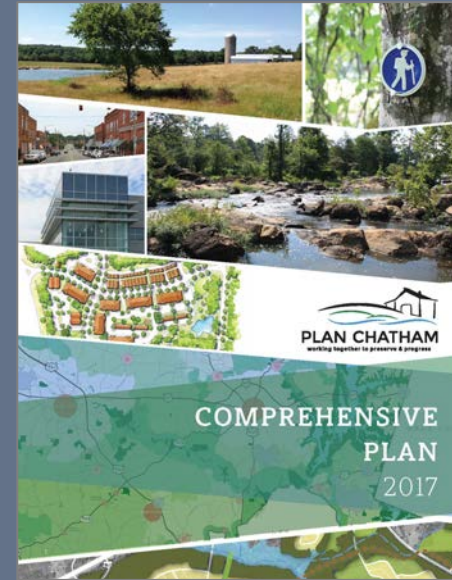
Focus Group Listening Sessions • Document Review

UDO PROGRESS



WHAT GUIDES THE INITIAL UDO DRAFTS?

1. *Plan Chatham*
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



OVERARCHING GOALS FOR THE UDO



UDO ORGANIZATION

- **Chapter 1: *Introduction***
- **Chapter 2: *Zoning Districts***
- **Chapter 3: *Use Regulations***
- **Chapter 4: *Development & Design Standards***
- **Chapter 5: *Tree Protection***
- **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: *Additional Requirements for Subdivisions***
- **Chapter 13: *Procedures***
- **Chapter 14: *Review & Decision-Making Bodies***
- **Chapter 15: *Nonconformities***
- **Chapter 16: *Enforcement***
- **Chapter 17: *Rules of Interpretation & Measurement***
- **Chapter 18: *Definitions & Acronyms***
- **Chapter 19: *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



ANNOTATED UDO OUTLINE

WORKING DRAFT | LAST SAVED: 2023-02-20



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

UDO PROJECT DOCUMENTS

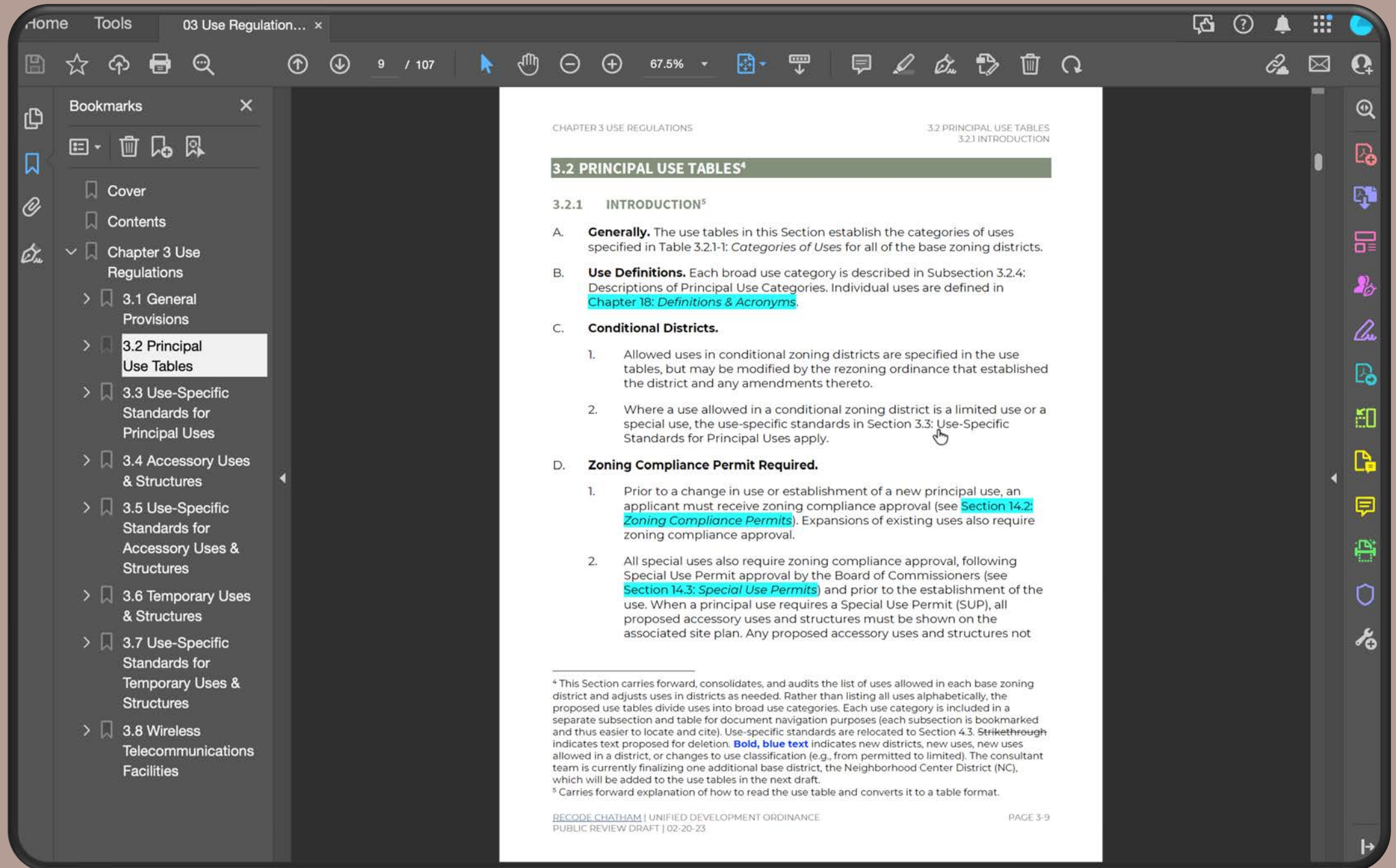
- Separate PDFs for each Chapter
- Bookmarked and hyperlinked for easy navigation
- Footnotes explain proposed changes and indicate where current standards are carried forward

3

USE REGULATIONS

Public Review Draft | February 20, 2023

RECODE
CHATHAM | UNIFIED
DEVELOPMENT
ORDINANCE



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.

www.recodechathamnc.org

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.

Documents & Work Products

UDO Zoning Module (February 20, 2023)

[Annotated Outline](#)

[Introduction](#)

[Zoning Districts](#)

[Use Regulations](#)

[Definitions & Acronyms](#)

www.recodechathamnc.org



ZONING MODULE REVIEW

Chapter 1: *Introduction*

Chapter 2: *Zoning Districts*

Chapter 3: *Use Regulations*

Chapter 18: *Definitions & Acronyms* (working draft)

CHAPTER 1: INTRODUCTION

- Consolidates provisions from the Zoning Ordinance (ZO) & Subdivision Regulations (SR)
 - Purpose
 - Authority
 - etc.
- Section 1.4: *Applicability* includes bona fide farm exemption provisions

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CHAPTER 1: INTRODUCTION

- Clarifies relationship of UDO to Comprehensive Plan and other adopted plans
- Section 1.10: *Permit Choice & Vested Rights* recognizes vested rights as created by N.C.G.S. 160D-108

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CHAPTER 2: ZONING DISTRICTS

- Consolidates all zoning districts into a single chapter
- Three types of districts:
 - Conventional
 - Conditional
 - Legacy

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CONVENTIONAL DISTRICTS

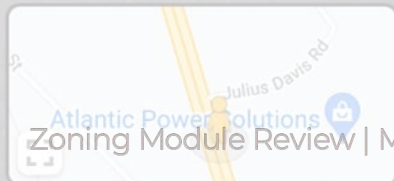
- **PP, Parks & Protected Lands**
- **AG, Agricultural**
- **RA, Agricultural Residential**
- R5, Conservation Residential
- R2, Rural Residential
- R1, Suburban Residential
- **RV, Rural Village**
- OI, Office & Institutional
- NB, Neighborhood Business
- **NC, Neighborhood Center**
- **AC, Activity Center**
- CB, Community Business
- RB, Regional Business
- **RHC, Rural Highway Commercial**
- IL, Light Industrial
- IH, Heavy Industrial

EXISTING DISTRICTS

District	Proposed Changes to Dimensional Standards
R5, R2	None
R1	Reduced lot size from 40,000 sf to 20,000 sf
OI	Increased height from 60 ft to 75 ft
NB, CB, RB	Increased height from 60 ft to 75 ft Increased side setbacks when adjacent to residential districts/uses
IL	Increased all setbacks from 50 ft to 100 ft Adds 75 ft height limit
IH	Increased all setbacks from 100 ft to 200 ft

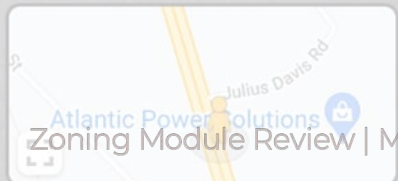
NEW RHC DISTRICT

- Proposed to help address Focus Group concerns with the limitations of current R1 zoning in rural portions of the County
- Generally appropriate in areas designated as Agriculture on the Future Land Use & Conservation Plan (FLUCP) that are located along a principal arterial, minor arterial, or major collector road, or are located at the interchanges along U.S. 421
- May be appropriate in areas designated as Village & Village Center and Crossroad Community on the FLUCP if compatible with nearby land uses



NEW RHC DISTRICT

- The suggested locations for the district are intended to guide rezoning decisions, but are not mandatory standards
- ***Should the UDO list specific roads on which the RHC District should be located, rather than simply road classifications?***
- Note the UDO already suggests “interchanges along U.S. 421” as appropriate locations for the district



CONDITIONAL DISTRICTS

- Reduced from 11 districts to 3 districts
- Eliminates parallel conditional districts for all conventional districts, as well as Compact Communities & Mixed Use Conditional Districts
- Establishes new districts intended to implement the three mixed use districts recommended in *Plan Chatham*:
 - CD-CR, Compact Residential Conditional District
 - CD-CMU, Compact Mixed Use Conditional District
 - CD-CN, Compact Non-Residential Conditional District

Land Use Action Items

Priority Projects, Plans, Programs

Overall Action Item

Revise the regulatory framework through an update of the County ordinances and regulations. Create a Unified Development Ordinance by making amendments concurrently to ensure such changes work in concert and administration of the updated ordinances is streamlined.

Action Item 01

Facilitate well-designed mixed-use development in appropriate locations.

CONDITIONAL DISTRICTS

Why? Over-reliance on conditional districts (CDs):

- May reflect an inability of the current regulations to accommodate projects the community desires and to implement comprehensive plan policies in a consistent manner
- Reduces predictability in the development process, which can increase development costs and hinder business and economic development efforts
- Creates administrative challenges, as each CD is essentially a mini development ordinance
 - Over time, this can result in dozens of separate development ordinances for staff to monitor and enforce

LEGACY DISTRICTS

- Districts will remain mapped, but no additional land can be rezoned to a legacy district
- Existing legacy districts cannot be expanded
- Development subject to all applicable UDO regulations and conditional district rezoning ordinances (if applicable)
- Current legacy districts:
 - B-1, General Business District
 - CD-B1, General Business Conditional District
- New legacy districts:
 - All current conditional districts

CHAPTER 3: USE REGULATIONS

- Consolidates use table and use-specific standards
- Classification of new and unlisted uses
- Principal Uses
- Accessory Uses
- Temporary Uses
- Wireless Telecommunications Facilities

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CLASSIFICATION OF NEW USES

- Proposes a significant change from current ZO provisions, which state that any use not specifically listed is prohibited
- Establishes a process for the Zoning Administrator to determine whether and how unlisted uses are allowed
- Includes rules for determining whether an unlisted use falls within the definition of a permitted or limited use or requires an SUP

CLASSIFICATION OF NEW USES

- This business-friendly approach allows the County to quickly accommodate new and emerging land uses that are similar to other types of uses already allowed
- When an unlisted use is unlike any other use already listed in the use table, the Planning Board and Board of Commissioners could consider allowing the use through a UDO text amendment

PRINCIPAL USES

- Four types:
 - Permitted
 - Limited
 - Special
 - Prohibited

Table 3.2.1-1: Categories of Uses		
Notation	Category	Description
P	Permitted Use	The use is allowed by-right in the respective zoning district, if the use complies with all other applicable provisions of this Ordinance.
L	Limited Use	The use is allowed only when it complies with the applicable use-specific standards in Section 3.3: <i>Use-Specific Standards for Principal Uses</i> or Section 3.8: <i>Wireless Telecommunications Facilities</i> , as applicable, in addition to all other applicable provisions of this Ordinance. The second column in the Principal Use Tables reference the subsection containing the applicable use-specific standards.
S	Special Use	The use is allowed only if reviewed and approved in accordance with Section 13.3: Special Use Permits and complies with the applicable use-specific standards in Section 3.3: <i>Use-Specific Standards for Principal Uses</i> , in addition to all other applicable provisions of this Ordinance. The second column in the Principal Use Tables reference the subsection containing the applicable use-specific standards.
[blank cell]	Prohibited Use	A blank cell indicates that a use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other provisions of this Ordinance.

PRINCIPAL USES

- Four types:
 - Permitted
 - Limited
 - Special
 - Prohibited

Chatham County Zoning Ordinance

Zoning District	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Automobile service stations including tune-ups, minor repairs, tire service, washing facilities both manual and automatic and similar services. ¹					P	P	P	P	P	P
Aviation/aerospace equipment, engine and instrument manufacturing and/or assembly. (Subject to additional requirements of Section 17.9)										SUP ³
Avocational farming	P	P	P							
Bait and tackle shops					P	P	P	P	P	P
Bake shops and similar food preparation intended primarily for retail sales on the premises for consumption either on or off premises					P	P	P	P		
Bakeries or baking plants									P	P
Banks, savings and loans, finance companies, credit agencies and similar financial institutions				P	P	P	P	P		
Battery Manufacture (Subject to additional requirements of Section 17.9)										SUP
Beauty Shops, Salons					P	P	P	P		
Owner-occupied bed and breakfast homes with no more than two (2) rooms (units) for rent for stays no longer than seven (7) consecutive days and may be located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which it is located	P	P	P							
Bed and breakfast inns with no more than six rooms for rent with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	SUP	SUP	SUP				P	P		
Bedding, carpet and pillow manufacturing, cleaning and renovating									P	P
Bicycle sales and repair					P	P	P	P		
Blacksmith or horseshoeing shops						P			P	P
Blueprinting and Photostatting establishments								P	P	P
Boarding kennels (See Section 17.5 for acreage requirements)	SUP	SUP	SUP			P	P	P		
Boat, trailer and other utility vehicle sales and service					P		SUP	P		
Boat Storage Facility					SUP	SUP	SUP	SUP	SUP	SUP

¹ Fuel, oil and similar pumps and appliances may be located in the minimum required front and side yards provided that none shall be located nearer than 15 feet to any street line and may be covered by an attached or free standing unenclosed canopy provided such canopy does not extend nearer than five feet to any property line and does not cover greater than 30% of the required yard area.

³ When Chatham County Water or Town of Sanford Water and Sewer Infrastructure is utilized the use is allowed by right.

PRINCIPAL USES

- Divided into broad categories, e.g.:
 - Agriculture & Horticulture
 - Business, Professional, Scientific, & Technical
 - Heavy Commercial, Manufacturing, & Industrial
 - Residential
 - Retail, Service, and Food & Beverage

3.2.15 RESIDENTIAL PRINCIPAL USES

Land Use	Use-Specific Standards	Zoning District																
		PP	AG	RA	R5	R2	R1	RV	OI	NB	NC	AC	CB	RB	RHC	IL	IH	CD-CR
Apartment Complex ¹⁸									S		P	P	S	S				P
Cottage courts	3.3.7																	L
Two-family dwellings (duplex)						P	P				P							P
Family Care Homes	3.3.11				L	L	L				L							L
Multi-family dwellings											P							P
Single-family attached dwellings (townhouses)											P	P						P
Single-family detached dwellings (including site built, modular, and manufactured)			P	P	P	P	P	P			P							P

¹⁸ The current definition of *apartment complex* notes the individual dwelling units in an apartment complex "may be leased separately or developed as condominiums" (ZO Section 7 Definitions), so there is no need to list condos here.

INDUSTRIAL USES

- Approx. 79 uses consolidated into 26 uses
- Includes three broad categories for industrial uses:
 - Heavy
 - Light
 - Restricted
- Definitions of the three categories (in Chapter 18) are very specific and include use examples as well as NAICS industry groups
- Any use involving dangerous materials is a “restricted” use

CHAPTER 3 USE REGULATIONS

3.2.11 HEAVY COMMERCIAL, MANUFACTURING, & INDUSTRIAL PRINCIPAL USES
3.2 PRINCIPAL USE TABLES

Table 3.2.11-1: Heavy Commercial, Manufacturing, & Industrial Principal Uses

Land Use	Use-Specific Standards	Zoning District																		
		PP	AG	RA	R5	R2	R1	RV	OI	NB	CB	NC	AC	RB	RHC	IL	IH	CD-CR	CD-CMU	CD-CN
Dye stuff manufacture and dyeing plants																S	S			
Electrical equipment, appliance, and component manufacturing																	S ¹			
Industrial uses, heavy, unless otherwise listed																	P			
Industrial uses, light, unless otherwise listed																P	P			
Industrial uses, restricted, unless otherwise listed																	S			
Laundries, steam														S		P	P			
Machine shops														P	P	P	P			
Meat processing and packing																	P			

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PUBLIC REVIEW DRAFT | 02-20-23

PAGE 3-25

INDUSTRIAL USES

Why?

- A best practice is to consolidate uses where possible and separately regulate certain uses where needed
- Intent is to provide sufficient specific parameters for the Zoning Administrator to make use determinations
- Distinctions generally maintain current SUP requirements for industrial uses, except for the following (which could be regulated separately):
 - Animal slaughtering & processing (non-farm)
 - Metal manufacturing
 - Textile mills
 - Tar manufacturing

USE-SPECIFIC STANDARDS

- Apply to uses designated as “limited” or “special”
- All limited uses, but not all special uses, have use-specific standards
- Many standards carried forward
- New uses/standards added, e.g.:
 - Corner stores
 - Gas stations
 - Solar energy systems
 - Tobacco retailers

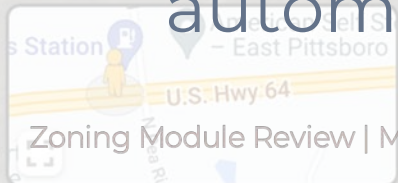
CORNER STORES

- A small retail or service business located on a corner lot at the street level
- Limited use in AG, RA, R5, R2, R1, CD-CR, & CD-CMU
- Businesses limited to: newsstands, bookstores, barbershops, beauty salons, bakeries, ice cream and yogurt shops, coffee shops, delis, food and convenience markets, and art galleries
- Max gross leasable area = 2,000 sf
- Max 2 per intersection
- Drive-thrus and gas pumps prohibited



GAS STATIONS

- Limited use in RA, RV, CB, RB, & RHC
- Max of 4 fueling pumps in the RA & RV Districts
- Requires 1/4-mile separation between a new gas station and:
 - An existing gas station
 - Any lot zoned R5, R2, R1, or CD-CR
 - Any lot containing a dwelling unit
 - Any lot containing a hospital, inpatient care facility, nursing home, or convalescent home
- Carries forward current setback and canopy standards for automobile service stations



SOLAR ENERGY SYSTEMS

- Level 2 and Level 3 – principal use
- Level 1 – accessory use
- Use-specific standards incorporate provisions of the *Template Solar Energy Development Ordinance for North Carolina*
- Carries forward current height and setback requirements
- Requires applicant to notify airports within 5 nautical miles
- Requires decommissioning plan

TOBACCO RETAILERS

- Limited use in CB, RB, & RHC
- Requires 1/4-mile separation between a new tobacco retailer and:
 - An existing tobacco retailer
 - Any lot zoned RA, R5, R2, R1, or CD-CR
 - Any lot containing a dwelling unit
 - Any lot containing a day care center, preschool, or school
 - Any lot containing a park or playground
 - Any lot containing a hospital, inpatient care facility, nursing home, or convalescent home



ACCESSORY USES

- Created two tiers:
 - Major (e.g., detached garages, workshops, pools, gazebos)
 - Minor (e.g., fences, well houses, gardens, play equipment)
- Major accessory uses and structures require Zoning Compliance approval, but most minors do not
- Major accessory uses and structures must meet district setback requirements, minors require 0 ft to 10 ft setback
- Use-specific standards included for certain uses (e.g., ADUs, child care, farmstands, home occupations)

ACCESSORY USES - HEIGHT

- **Major** (e.g., detached garages, workshops, pools, gazebos)
 - Same max height as principal uses in district, except in RV
 - RV = 2 stories (principal structures = 3 stories)
- **Minor** (e.g., fences, well houses, gardens, play equipment)
 - Max height = 15 ft
- ***Are these height limits appropriate?***

TEMPORARY USES

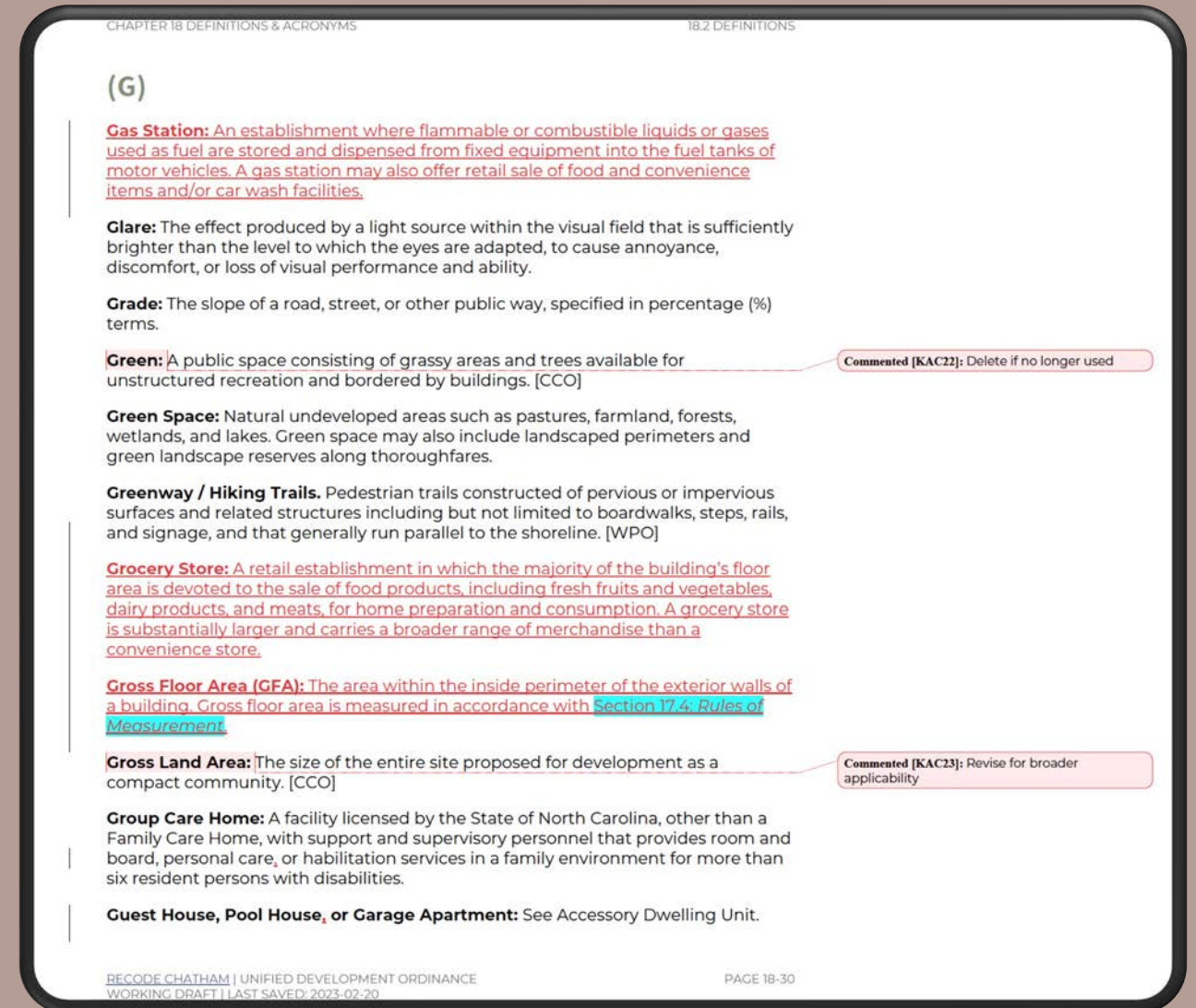
- Carries forward, consolidates, and expands existing regulations for temporary uses
- Adds provisions for common temporary uses, such as seasonal tree and pumpkin sales lots, mobile vending, and filming and production activities
- Use-specific standards included for four uses (farmers' & artisans' markets, laydown & storage yards, mobile vending, seasonal farmstands)

WIRELESS TELECOMM FACILITIES

- Carries forward current Wireless Telecommunications Facilities Ordinance (last updated in April 2019)
- Includes minor updates to reflect its transition from a stand-alone ordinance to a part of the UDO
- Removes references to un-zoned areas
- Replaces references to Conditional Use Permits with Special Use Permits

CHAPTER 18: DEFINITIONS & ACRONYMS

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



NEXT STEPS

- **Development Standards Module (UDO Chapters 4-12)**
 - Staff & UDO Subcommittee Review Draft
 - Public Review Draft
 - Public Outreach Session(s)

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