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INTRODUCTION

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CHAPTER 1 INTRODUCTION

1.1 TITLE¹

- A. This Ordinance is known and may be cited as "The Unified Development Ordinance for Chatham County, North Carolina."
- B. It may be abbreviated and cited as the "Chatham County Unified Development Ordinance," the "Unified Development Ordinance," or the "UDO."

1.2 PURPOSE²

- A. Chatham County enacts these regulations in accordance with the Comprehensive Plan. These regulations are designed to protect and promote the public health, safety, and general welfare of Chatham County.
- B. In furtherance of this general intent, the UDO is enacted to, among other purposes:
 - 1. Help implement the Chatham County Comprehensive Plan;
 - 2. Promote the orderly growth and efficient development of the jurisdiction;
 - 3. Provide adequate light and air;
 - 4. Prevent the overcrowding of land and undue concentration of population;
 - 5. Secure safety from fire, flood, panic, and other dangers;
 - 6. Facilitate the safe and adequate provision of transportation, water, and wastewater systems;

¹ This Section provides the full name of the ordinance, in addition to its abbreviated titles. It consolidates current ZO Section 1: *Title* and SR Section 1.1: *Title*.

² This Section describes the reasons for the Unified Development Ordinance and what it accomplishes. It consolidates current ZO page 1 and SR Section 1.3: *Purpose* and adds new purpose statements in 1.2.B.12 through B.18.

7. Provide for the orderly and safe flow of traffic and lessen congestion and traffic hazards;
 8. Ensure an adequately planned street system that avoids sharp curves, steep grades, and hazardous intersections;
 9. Provide for the dedication of rights-of-way for streets and utilities and the coordination of subdivision streets with existing and/or planned streets;
 10. Facilitate the safe and adequate provision of schools, parks, and other public facilities;
 11. Protect lakes, streams, rivers, wetlands, and other waterbodies within the jurisdiction;
 12. Protect scenic and ecologically sensitive areas;
 13. Preserve agricultural land and working farms;
 14. Protect historical and cultural resources;
 15. Protect neighborhoods from incompatible development;
 16. Accommodate a variety of housing types that are affordable for the County's entire spectrum of households;
 17. Encourage infill development and the adaptive reuse of existing buildings; and
 18. Establish procedures for processing development applications that encourage appropriate and streamlined land use decisions;
 19. Ensure the proper legal description and documenting of land; and
 20. Provide for the re-subdivision of land.
- C. The minimum standards specified herein are adopted and shall be considered as achieving the purposes listed above.

1.3 AUTHORITY³

This Unified Development Ordinance is adopted pursuant to the authority conferred upon Chatham County by the General Statutes of North Carolina (N.C.G.S.), as amended, and specifically by [Chapter 160D](#), Articles 1 through 14.

1.4 APPLICABILITY⁴

- A. **Generally.** The regulations set forth in this UDO apply to all land lying within Chatham County and outside the municipal limits and extraterritorial jurisdictions of the incorporated municipalities as provided in N.C.G.S. [Chapter 160D-202](#).
- B. **Property Used for Bona Fide Farm Purposes Exempt.**⁵
 - 1. Zoning provisions in this UDO shall in no way regulate, restrict, prohibit, or otherwise deter or affect property used for bona fide farm purposes. Bona fide farm purposes include all forms of agriculture, as defined in Chapter 18: *Definitions & Acronyms*.⁶ However, any use of farm property for non-farm purposes is subject to all UDO regulations, pursuant to N.C.G.S. [§ 160D-903\(a\)](#).
 - 2. Agricultural uses and structures that obtain bona fide farm status from the Chatham County Planning Department are subject to all provisions of this UDO except the zoning provisions, which include:⁷
 - (a) Chapter 2: *Zoning Districts*;
 - (b) Chapter 3: *Use Regulations*;

³ This Section recites the authority for adoption of the UDO, including N.C.G.S. Chapter 160D. It includes current ZO Page 1 and SR Section 1.2: *Authority*.

⁴ This Section describes the area of jurisdiction for zoning and land development. It includes current ZO Section 2: *Jurisdiction*, ZO Section 3: *Bona Fide Farm Exempt*, and a portion of SR Section 1.4: *Jurisdiction*.

⁵ This Paragraph carries forward ZO Section 3: *Bona Fide Farm Exempt*, the State-mandated exemption for bona fide farms in N.C.G.S. [§ 160D-903\(a\)](#) and attempts to clarify the provisions pursuant to a recommendation in the [Audit Report](#) (p. 57). The statute exempts bona fide farming from “county zoning.” Due to the consolidation of the zoning, subdivision, and other development-related ordinances into a single UDO, 1.4.B.2 clarifies which UDO chapters constitute “zoning” pursuant to the statute. Also proposed is to relocate the statutory definition of “agritourism” to Chapter 18: *Definitions & Acronyms*.

⁶ The definition of “agriculture” in Chapter 18: *Definitions & Acronyms* is revised to reflect the current definition of “agriculture” in N.C.G.S. [§ 106-581.1: Agriculture defined](#).

⁷ This list will be confirmed once the complete UDO is drafted.

- (c) Chapter 4: *Development & Design Standards*;
 - (d) Section 13.2: *Zoning Compliance Permits*;
 - (e) Section 13.3: *Special Use Permits*;
 - (f) Section 13.4: *Rezoning (Conventional Districts)*; and
 - (g) Section 13.5: *Rezoning (Conditional Districts)*.
3. Land, buildings, and structures used for agritourism⁸ are a bona fide farm purpose if the property on which the agritourism use occurs is:
- (a) Owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to N.C.G.S. [§ 105-164.13E\(a\)](#); or
 - (b) Enrolled in the present-use value program pursuant to N.C.G.S. [§ 105-277.3](#).
4. Failure to maintain the requirements of this Section for a period of three years after the date the building, structure, or use originally received bona fide farm exemption status pursuant to this Section shall subject the building, structure, or use to applicable UDO provisions in effect on the date the property no longer meets the requirements of this Section.
5. A property owner may request bona fide farm exemption status by submitting the following to the Planning Department prior to initiation of the use or initiation of construction of any structure on the property:
- (a) A completed and notarized [Exemption Request for Bona Fide Farm Purpose application](#); and

⁸ Agritourism is defined as “any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.” This definition is from N.C.G.S. [§ 160D-903\(a\)](#). It appears in current ZO Section 3: *Bona Fide Farm Exempt* and is proposed for relocation to Chapter 18: *Definitions & Acronyms*. Note the statutory definition includes “hunting, fishing, [and] equestrian activities,” which are not included in current ZO Section 3.

- (b) One of the following as required by N.C.G.S. [§ 160D-903\(a\)](#), any of which constitute sufficient evidence that the property is being used for bona fide farm purposes:
 - (1) A farm sales tax exemption certificate issued by the Department of Revenue;
 - (2) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to N.C.G.S. [§ 105-277.3](#);
 - (3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
 - (4) A forest management plan.

1.5 RELATIONSHIP TO PLANS

- A. Pursuant to N.C.G.S. [§ 160D-701](#), this UDO is intended to implement the goals, objectives, and policies of the Comprehensive Plan, as adopted or as it may be amended from time to time. Chatham County finds this UDO to be in accordance with the Comprehensive Plan.
- B. This UDO is also intended to implement the goals, objectives, and policies of other plans adopted by the Board of Commissioners, including *Plan Moncure* and the *Chatham County-Town of Cary Joint Land Use Plan*.
- C. Any amendments to this UDO, including any rezoning approved pursuant to [Section 13.4: Rezoning \(Conventional Districts\)](#) and [Section 13.5: Rezoning \(Conditional Districts\)](#), shall be made in accordance with the adopted Comprehensive Plan in effect at the time of such request for amendment.

1.6 RELATIONSHIP TO OTHER REGULATIONS

- A. **Generally.**
 - 1. This UDO works in conjunction with administrative policy documents, such as the [UDO Administrative Manual](#), to regulate the development, redevelopment, and use of land and structures in Chatham County.
 - 2. The use and development of land and structures is subject to all applicable requirements of this UDO and all other applicable requirements of the [Chatham County Code](#) and state and federal law.

B. UDO Standards Are Minimum Requirements.

1. In their interpretation and application, the provisions of this UDO are considered the minimum requirements adopted for the promotion of public health, safety, convenience, prosperity, and general welfare.⁹
2. Meeting minimum requirements of this UDO may not be sufficient to meet minimum requirements of other chapters of the County Code or state or federal law.

C. Conflicting Regulations. When applicable regulations conflict with one another, the requirements of **Section 17.2: Conflicting Provisions** apply.**1.7 WATER & SEWER REQUIREMENTS¹⁰**

- A. The lot sizes required for the various districts in this UDO were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities, however, may require larger lot areas or, in some instances, not permit development as proposed by a developer.
- B. New development should connect to the County water system or municipal equivalent where available.
- C. If irrigation systems are to be included, they should use non-public water, treated wastewater, or have the ability to be converted to recycled wastewater when it becomes available.

1.8 SEVERABILITY¹¹

- A. If any section, subsection, sentence, clause, or phrase of this UDO or application thereof to any person or circumstances is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this UDO.
- B. The Board of Commissioners hereby declares that it would have passed this UDO and each section, subsection, clause, and phrase thereof, irrespective of

⁹ Carries forward and consolidates SR Section 1.6: *Interpretation* and a portion of ZO Section 25: *Interpretation, Purpose, and Conflict*, with minor edits.

¹⁰ Carries forward ZO Section 8.7: *Water and Sewer Requirements*.

¹¹ This Section carries forward and consolidates existing text in ZO Section 26: *Validity* and SR Section 1.9: *Separability*.

the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

1.9 REPEAL OF PREVIOUS ORDINANCES¹²

- A. Except to the extent necessary to address Permit Choice and applications in progress, adoption of this UDO repeals the following ordinances, and all amendments to them, in effect prior to the date specified in Section 1.11: Effective Date:
1. Zoning Ordinance for Baldwin, Williams, New Hope, Cape Fear, and portions of Haw River, Oakland, Center, Albright, Gulf, Hickory Mountain, Matthews and Hadley Townships, Chatham County, North Carolina;
 2. Chatham County Subdivision Regulations;
 3. Compact Communities Ordinance;
 4. Flood Damage Prevention Ordinance;
 5. Hazardous Waste Management Ordinance;
 6. Junk Yard Control Ordinance;
 7. Mobile Home Ordinance;
 8. Moratorium Ordinance;
 9. Off-Premise Signs Ordinance;
 10. Soil Erosion & Sedimentation Control Ordinance;
 11. Stormwater Ordinance;
 12. Watershed Protection Ordinance; and
 13. Wireless Telecommunications Facilities Ordinance.
- B. All provisions of these ordinances not reenacted herein are hereby repealed.

¹² This Section carries forward a portion of ZO Section 24: *Reenactment and Repeal of Existing Zoning Ordinance* and replaces SR Section 1.11: *Reservations*.

1.10 PERMIT CHOICE & VESTED RIGHTS

- A. **Findings.** County approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. Therefore, it is necessary and desirable to provide for the establishment of certain vested rights in order to:
1. Ensure reasonable certainty, stability, and fairness in the development regulation process;
 2. Secure the reasonable expectations of landowners; and
 3. Foster cooperation between the public and private sectors in land use planning and development regulation.¹³
- B. **Permit Choice.**
1. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, N.C.G.S. [§ 143-755](#) applies.¹⁴
 2. For the purposes of this Section:
 - (a) “Development permit” has the meaning specified in N.C.G.S. [§ 143-755\(e\)\(2\)](#); and
 - (b) “Land development regulation” has the meaning specified in N.C.G.S. [§ 143-755\(e\)\(3\)](#).
- C. **Vested Rights.**
1. Vested rights balance the right of property owners to reasonably rely on official governmental acts and the County’s obligation to reasonably respond to community changes and needs through revisions to this UDO.
 2. By this Section, Chatham County recognizes and commits to protect vested rights as created by N.C.G.S. [§ 160D-108](#) and other applicable law.

¹³ This Paragraph 1.9.A is from N.C.G.S. [§ 160D-108\(a\)](#).

¹⁴ This Paragraph 1.9.B.1 is from N.C.G.S. [§ 160D-108\(b\)](#).

3. Chatham County will make vested rights determinations, at property owner request, according to **Section 13.8: UDO Interpretations** and all procedures, requirements, exemptions, and other applicable provisions of State law, upon the County receiving all information necessary to determine whether vested rights arise from official County actions impacting a lot.

1.11 EFFECTIVE DATE¹⁵

This Unified Development Ordinance shall take effect on **<insert date>**.

1.12 TRANSITIONAL PROVISIONS¹⁶

1.12.1 GENERALLY

- A. This Section addresses the transition from the previous ordinances (specified in Section 1.9: Repeal of Previous Ordinances) in effect prior to the effective date of this UDO.
- B. The provisions in this Section clarify how to handle pending development applications, approvals granted prior to the effective date, development in progress, and the status of existing violations.

1.12.2 APPLICATIONS IN PROGRESS

- A. Applications submitted and accepted as complete prior to the date specified in Section 1.11: Effective Date will be processed under the ordinances in place at the time of application acceptance.
- B. Applications in progress shall comply with the timeframes for review, approval, and completion specified in the prior ordinances. If an application expires, then future applications are reviewed under the provisions of this UDO.
- C. At any stage of the application review process, an applicant may choose to have the proposed development reviewed under the provisions of this UDO as specified in Subsection 1.10: Permit Choice.

¹⁵ This Section replaces SR Section 1.5: *Enactment*, ZO Section 27: *Effective Date*, and portions of ZO Section 24: *Reenactment and Repeal of Existing Zoning Ordinance*.

¹⁶ This Section generally carries forward the provisions in SR Section 1.10: *Saving Provision*.

1.12.3 APPROVALS GRANTED PRIOR TO EFFECTIVE DATE

- A. Zoning compliance permits, special use permits, variances, building permits, subdivision sketch plans, and other similar development approvals that are valid on the date specified in Section 1.11: Effective Date will remain valid until their expiration date.
- B. Development may be completed in accordance with such approvals even if the building, structure, or development does not fully comply with the provisions of this UDO.
- C. If development does not begin or continue within the timeframe required by the original approval or any approved extension of the same and the approval expires, then future applications are reviewed under the provisions of this UDO.

1.12.4 VIOLATIONS CONTINUE¹⁷

- A. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance previously in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this UDO, but shall be prosecuted to their finality the same as if this UDO had not been adopted.
- B. Any and all violations of the existing ordinances, prosecutions for which have not been instituted, may be filed and prosecuted.
- C. Nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may be instituted or prosecuted.

¹⁷ This Section carries forward a portion of ZO Section 24: *Reenactment and Repeal of Existing Zoning Ordinance* and generally carries forward the first sentence in SR Section 1.10: *Saving Provision*.