

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR BUILDING MASSING IN THE BLUE HILL DISTRICT (2020-##-##/O-#)

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill, now identified as the Blue Hill District; and

WHEREAS, on March 14, 2018, Council Members petitioned the Mayor and Town Manager to consider solutions for the Blue Hill District that would address community interests, one of these being building size and massing concerns; and

WHEREAS, on January 7, 2019, the Planning Commission considered Land Use Management Ordinance text amendments on building size and massing and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance in response to the interest outlined in the petition; and

WHEREAS, the Council finds that reinvestment in properties in the Blue Hill District is appropriate and especially significant based on the findings of the Ephesus Church-Fordham Small Area Plan; and

WHEREAS, upon consideration the Council finds that the ordinance is warranted because of changed or changing conditions in the area or in the jurisdiction generally; and

WHEREAS, the Council further finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Open and accessible common spaces for community gathering, cultural uses, and community development (Goal Good Places New Spaces.7)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends Section 3.11. – Blue Hill Form District of the Land Use Management Ordinance, Appendix A of the Town Code, as follows:

SECTION 1

Section 3.11.2.3 Walkable Residential (WR-3 and WR-7) Subsection 3. Mass is hereby revised to read as follows:

"[New diagrams to be developed to replace existing diagram]"

Building Height		
Ⓐ	Building height (max)	
	- WR-7	7 stories, not to exceed 90'
	- WR-3	3 stories, not to exceed 45'
Ⓑ	Building height for principal structures (min)	2 stories*
Building Footprint and Aggregation		
	<u>WR-3</u>	
	- <u>Maximum width</u>	<u>220'</u>
	- <u>Maximum depth</u>	<u>130'</u>
	- <u>One additional secondary wing allowed at:</u>	<u>75' width x 100' depth</u>
	<u>WR-7, If wrapping structured parking on at least two sides:</u>	
	- <u>Maximum width</u>	<u>330'</u>
	- <u>Maximum depth</u>	<u>200'</u>
	- <u>One additional secondary wing allowed at:</u>	<u>75' width x 100' depth</u>
	<u>WR-7, If not wrapping structured parking:</u>	
	- <u>Option 1 Maximum width and depth:</u>	<u>330' x 120'</u>
	- <u>Option 2 Maximum width and depth:</u>	<u>275' x 210'</u>
	- <u>One additional secondary wing (for either option) allowed at:</u>	<u>75' width x 100' depth</u>
	<u>For Structured Parking:</u>	
	- <u>Maximum footprint dimensions:</u>	<u>230' width x 180' depth</u>
	<u>Minimum building separation when in aggregate multiple buildings placed in proximity would otherwise exceed the above criteria (see Pedestrian Connectivity)</u>	<u>30' such that no grouping of buildings exceeds the maximum widths and depths as noted in this section</u>
Mass Variation		
Ⓒ	Average floor plate area (max <u>as percent of ground story floor plate area</u>) above 3 rd -floor	
	- <u>Second and Third stories</u>	<u>Not Applicable</u>

	<u>- Fourth story</u>	100% for a 4 story building; Otherwise, 80%
	<u>- Fifth story and above</u>	70% of floor plate area of ground floor, with no floor plate exceeding 80% of ground floor area**
	—3 story buildings or less	
	—4 story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
Ⓓ	Building step back above 2 nd or 3 rd floor (min)	10' step back above 2 nd or 3 rd floor
Ⓔ	Module offset	
	- Module width (max)	80'
	- Depth of offset (min)	6'
	-Width of offset (min)	12'
Story Height		
Ⓕ	Ground story height, floor to ceiling (min)	9'
Ⓖ	Upper story height, floor to ceiling (min)	9'
Ⓕ Ground Floor Elevation		
	Ground floor elevation (min/max)	2'/4'

*The second story shall be at least 2/3rds the floor area of the first story."

SECTION 2

Section 3.11.2.3 Walkable Residential (WR-3 and WR-7) Subsection 4. Form is hereby revised to read as follows:

“[No change to diagram]

Transparency		
Ⓐ	Ground story (min)	20%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall distance (max)	50'
Pedestrian Access		
Ⓓ	Principal entrance facing the public realm	Required
Ⓔ	Principal entrance spacing along street-facing facade (max)	50'
Ⓕ	Building <u>Pedestrian pass-throughs</u>	330' maximum spacing

	Width (min)	±2'
	Height (min)	Equal to the height of the adjacent first floor ceiling
Ⓒ Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Forecourt"	

SECTION 3

Section 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 3. Mass is hereby revised to read as follows:

"[New diagrams to be developed to replace existing diagram]"

Building Height		
Ⓐ	Building height (max)	
	- WX-7	7 stories, not to exceed 90'
	- WX-5	5 stories, not to exceed 60'
Ⓑ	Building height for principal structures (min)	2 stories*
Building Footprint and Aggregation		
	<u>If wrapping structured parking on at least two sides:</u>	
	- <u>Maximum width</u>	<u>330'</u>
	- <u>Maximum depth</u>	<u>200'</u>
	- <u>One additional secondary wing allowed at:</u>	<u>75' width x 100' depth</u>
	<u>If not wrapping structured parking:</u>	
	- <u>Option 1 Maximum width and depth:</u>	<u>330' x 120'</u>
	- <u>Option 2 Maximum width and depth:</u>	<u>275' x 210'</u>
	- <u>One additional secondary wing (for either option) allowed at:</u>	<u>75' width x 100' depth</u>
	<u>For Structured Parking:</u>	
	- <u>Maximum footprint dimensions:</u>	<u>230' width x 180' depth</u>
	<u>Minimum building separation when in aggregate multiple buildings placed in proximity would otherwise exceed the above criteria (see Pedestrian Connectivity)</u>	<u>30' such that no grouping of buildings exceeds the maximum widths and depths as noted in this section</u>

Mass Variation		
©	Average floor plate area (max as percent of ground story floor plate area) above 3 rd floor	
	- Second and Third stories	Not applicable
	- Fourth story	100% for a 4 story building; Otherwise, 80%
	- Fifth story and above	70% of floor plate area of ground floor, with no floor plate exceeding 80% of ground floor area**
	- 3-story buildings or less	
	- 4-story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
Ⓓ	Building step back above 2 nd or 3 rd floor (min)	10' step back above 2 nd or 3 rd floor
Ⓔ	Module offset	
	- Average module width (max)	80'
	- Depth of offset (min)	6'
	- Width of offset (min)	12'
Story Height		
Ⓕ	Ground story height, floor to ceiling (min)	
	- Residential	9'
	- Nonresidential	13'
Ⓖ	Upper story height, floor to ceiling (min)	9'
Ⓕ Ground Floor Elevation		
	- Residential (min/max)	2'/4'
	- Nonresidential (min/max)	0'/2'

*The second story shall be at least 2/3rds the floor area of the first story

**Greater floor plate area is permitted above the 3rd floor for a building that includes non-residential uses, subject to provision of a 20' building setback, as described in Section 3.11.2.7.T."

SECTION 4

Section 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 4. Form is hereby revised to read as follows:

“[No change to diagram]

Transparency		
Ⓐ	Ground story (min)	
	- Residential	20%
	- Nonresidential	60%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall distance (max)	
	- Residential	50'
	- Nonresidential	30'
Pedestrian Access		
Ⓓ	Principal entrance facing the public realm	Required
Ⓔ	Principal entrance spacing along street-facing facade (max)	
	- Residential	50'
	- Nonresidential	100'
Ⓕ	Building Pedestrian pass-throughs	330' maximum spacing
	Width (min)	±2'
	Height (min)	Equal to the height of the adjacent first floor ceiling
Ⓖ Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Awning/canopy	
	Gallery	
	Forecourt”	

SECTION 5

Section 3.11.2.5. Frontages, Subsection TYPE A FRONTAGE Parking Location is hereby revised in the chart to read as follows:

“Parking Location
Surface parking: Not permitted in the Build-to-Zone
Structured or covered parking: 30' minimum behind front building façade for all floors. A smaller setback may be permitted for the second and third floors with a design alternative.”

SECTION 6

Section 3.11.2.5. Frontages, Subsection TYPE B FRONTAGE Parking Location is hereby revised in the chart to read as follows:

"Parking Location
Surface parking: 2 bays maximum permitted between building and street
Structured or covered parking: 30' minimum behind front building façade for all floors. A smaller setback may be permitted for the first through third floors with a design alternative."

SECTION 7

Section 3.11.2.5. Frontages, Subsection TYPE E FRONTAGE Parking Location is hereby revised in the chart to read as follows:

"Parking Location
Surface parking: Not permitted in the Build-to-Zone
Structured or covered parking: 30' minimum behind front building façade for all floors. <u>A smaller setback may be permitted with a design alternative.</u> "

SECTION 8

Section 3.11.2.7. Measurements and Exceptions, Subsection F. Outdoor Amenity Space, subsection 4e. is hereby revised to read as follows:

- "e. Where pedestrian pass-throughs **or other spaces between buildings** are provided, they may qualify as outdoor amenity space if ~~they are unobstructed above by any building elements and meet all other~~ **it meets all** requirements of this section **3.11.2.7.F.4**. ~~A building element used for shade purposes such as a pergola or canopy, which allows partial views to the sky, may be considered as unobstructed above."~~

SECTION 9

Section 3.11.2.7. Measurements and Exceptions, Subsection I. Build-to Requirements is hereby revised to insert a new subsection 5. as follows:

- "5. Structured parking may count towards meeting the build-to requirement only where ground story conditioned space is provided with a minimum depth of 30' behind the structured parking façade."**

SECTION 10

Section 3.11.2.7. Measurements and Exceptions, Subsection S. Building Pass-Throughs is hereby revised to read as follows:

S. ***Pedestrian Building pass-throughs.***

1. **Publicly accessible passages between buildings shall be provided in conjunction with any building separation provided such that no grouping of buildings exceeds the maximum building width.** Building pass-throughs shall be a minimum height equal to the first floor ceiling height of the adjacent building, except under any of the following circumstances:
 - a. Life safety service is required;
 - b. The height of the adjacent building is four stories or greater, in which case the pass-through shall be a minimum height equal to the second floor ceiling; or
 - c. The length of the building pass-through is greater than 50', in which case the pass-through shall be a minimum height equal to the second floor ceiling.
2. Building **Pedestrian** pass-throughs shall **include sidewalks with a minimum width of 12' 8' and a minimum 8' clear zone provided to allow pedestrians to move from one side of a building to another, through a privately owned or publicly dedicated area.** except when the adjacent building is 4 stories or greater or when the length of the pass-through is greater than 50'. In such cases, the building pass-through shall be a greater width, with consideration of the following criteria:
 - a. The width of the pass-through should be in proportion to the height of the pass-through and in proportion to the associated building;
 - b. The pass-through should have prominent entrances;
 - c. The pass-through should be a safe and enjoyable public passage; and
 - d. The scale of the pass-through should invite use by pedestrians.
3. Variation to the dimensional requirements of a building pass-through may be granted through a design alternative, provided that varied massing, higher façade transparency, increased lighting, furnishings, and/or building entrances are incorporated to make the pass-through an inviting space.
- ~~34.~~ ***Design Considerations.***
 - a. Building **Pedestrian** pass-throughs shall be adequately lit as per Section 3.11.4.5. (Site Lighting), with 0.5 (min) and 15.0 (max) foot candles at any point.
 - b. **Building elements and structures used for shade purposes may be provided within the minimum required space between buildings, so long as pedestrian through access is maintained.**
 - c. **Unenclosed overhead walkways may be provided to connect buildings, so long as they provide must have a clear height above the pedestrian through access of at least 10 feet.** Building pass-throughs shall serve as a publically accessible passage between or through buildings that allows pedestrians to move from one side of a building to another, through a privately owned or publically dedicated area.
- ~~45.~~ ***Pass-Through Spacing.***
 - a. The maximum building **pedestrian** pass-through spacing may be increased by five percent (5%) through an administrative adjustment where one or more of the following applies:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill District (e.g., unusual lot size or configuration);

- iv. Required due to the presence of existing utilities or other easements; or
- v. Proposed because there are no other options for ingress and egress.

vi. Where an administrative adjustment to building size has been granted for maximum building width or depth in a corresponding location.

- b. Where the Community Design Commission makes a finding that a proposed design alternative for building **pedestrian** pass-throughs will provide access that at a minimum meets the purpose or intent of Section 3.11.2.1.B and where one or more of the site constraints listed below applies, the Community Design Commission may approve an alternatively designed building **pedestrian** pass-through **spacing** up to the maximum allowable block length as part of a Certificate of Appropriateness:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill District (e.g., unusual lot size or configuration); or
 - iv. Required due to the presence of existing utilities or other easements.

v. Based on design considerations associated with the provision of public space in excess of the minimum requirements, and/or in support of a walkable public realm.

SECTION 11

Section 3.11.2.7. Measurements and Exceptions, Subsection T. Mass Variation, subsection 1. is hereby revised to read as follows:

- "1. *Upper Story Floor Plate Area.* The maximum upper story floor plate area shall be based on the **conditioned floor** area measured for the ~~third~~ **ground** story and applies at the fourth story and above. Where multiple stories are subject to the floor plate area requirement, both an average upper story and maximum upper story floor plate area apply.
- a. *Bonus.* An upper story bonus is permitted for a building or a site that includes a non-residential use as listed in the Permitted Use Table under 3.11.3.4. Where non-residential square footage is required under Section 3.11.3.5.A.4, the bonus described in this subsection is only available for square footage that exceeds the minimum required. For each square foot of non-residential use provided, the floor plate area of an upper story may increase by one (1) square foot in excess of the average upper story and maximum upper story floor plate, subject to provision of a 20' building step back in accordance with Section 3.11.2.7.T.2.b."

SECTION 12

Section 3.11.2.7. Measurements and Exceptions is hereby revised to insert a new Subsection U as follows:

“U. Building Footprint, Width, and Depth.

1. Maximum Building Dimensions

- a. Maximum building width is measured as a line parallel to the primary frontage for each site.**
- b. Maximum building depth is measured as a line perpendicular to the street for each frontage applicable to the site, and applies to side facades. On corner lots, each street-facing façade is subject to the maximum building width and not depth.**
- c. The maximum building width and/or depth may be increased by five percent (5%) through an administrative adjustment where one or more of the following applies:**
 - i. Based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill district (e.g., unusual lot size, configuration, or surrounding parcelization patterns);**
 - ii. Based on design considerations due to existing or proposed utilities or easements;**
 - iii. Based on design considerations for the accommodation of life safety, ingress or egress requirements.**
 - iv. Based on design considerations associated with the provision of public space in excess of the minimum requirements, and/or in support of a walkable public realm.**

2. Building Separation

- a. Multiple buildings may be constructed on a lot provided that each building meets the maximum building dimensions.**
- b. The minimum separation between two buildings on a lot shall be measured parallel to the street frontage.”**

SECTION 13

Sec. 3.11.3. Use Requirements, Subsection 3.11.3.4. Permitted Use Table, Residential Uses is hereby revised to read as follows:

PERMITTED USES	WR-3	WR-7	WX-5	WX-7	Def./Stds.
Residential Uses					
Household living, as listed below:					Sec. 3.11.3.5.A
Detached living	--	--	--	--	Sec. 3.11.3.5.A.1.a
Attached living	P	P	L P	L P	Sec. 3.11.3.5.A.1.b
Multifamily living	P	P	L	L	Sec. 3.11.3.5.A.1.c
Group living	--	P	L	L	Sec. 3.11.3.5.A.2
Social service living	--	--	S	S	Sec. 3.11.3.5.A.3

“

SECTION 14

Section 3.11.3.5. Use Categories, Subsection A. Residential Uses, subsection 4. is hereby revised to read as follows:

- "4. *Limited Use.* **Unless exempted below,** ~~r~~Residential uses in the ~~WX-5 and WX-7~~ ~~subdistricts~~ **Limited Use category** must include a non-residential use as part of the same application, in order to accomplish the Form District intent for a mixture of uses. For purposes of this section, a non-residential use includes any use listed in the Permitted Use Table (Sec. 3.11.3.4) that is not listed in the residential use category. To satisfy this requirement, the application must satisfy at least one of the criteria below. A building or site with non-residential floor area exceeding the minimum defined below may utilize the Upper Story Floor Area Bonus established in Section 3.11.2.7.T.1.a.
- a. *Mixed Use Building.* Where each building contains a vertical mix of uses, a minimum of 10% of the building floor area must contain a non-residential use. A certificate of occupancy must be issued for at least 50% of the non-residential floor area prior to issuance of a certificate of occupancy for more than 90% of the residential floor area.
 - b. *Mixed Use Site.* A site with multiple buildings may include buildings with a single use, so long as a minimum of 15% of the total floor area for the site contains a non-residential use.
 - c. **Exemption for stacked townhouses. A non-residential use is not required in an application for Multifamily Living that is limited such that no more than two units are stacked vertically at any single location.**

SECTION 15

Section 3.11.4.1. Parking and Access Standards, Subsection C. Required Parking, subsection 1. is hereby revised to read as follows:

- "1. *Reductions.*
- a. A reduction of up to twenty (20) percent of the minimum number of required vehicular parking spaces may be permitted through the granting of an alternative ratio by the town manager if, based on substantial evidence, the manager finds that compliance with the full minimum off-street vehicular parking space requirements of this section would not be required by the applicant's proposed use. This reduction applies to bicycle parking spaces as well, provided that the ratio between Class A and Class B spaces remains the same as the requirement in this section.
 - b. A total reduction of up to forty (40) percent of the minimum number of required vehicular and bicycle parking spaces may be permitted for projects serving the elderly or handicapped, following a positive recommendation from the planning director and approval of the town manager.
 - c. Motorcycle and scooter parking may substitute for required parking spaces. Existing parking may be converted to take advantage of this provision.
 - i. Motorcycle and scooter parking may substitute for up to five (5) vehicle spaces or five (5) percent of the required parking spaces, whichever is less. For every two (2) motorcycle or scooter parking spaces provided, the vehicle parking space requirement is reduced by one (1) space.

- ii. Motorcycle and scooter parking spaces must be identified or designated through the use of signage or pavement markings.
- d. A reduction of up to twenty (20) percent of the minimum parking requirements may be achieved by providing a transportation management plan subject to approval by the town manager or subject to approval by the town council if the proposed use requires town council approval. The transportation management plan shall identify efforts to promote the use of alternate modes of transportation and may include required parking and/or payment to the Town of Chapel Hill Parking Fund in accord with Chapter 11A of the Chapel Hill Code of Ordinances for a portion of the required spaces.
- e. **A reduction of up to fifty (50) percent of the minimum number of required vehicular parking spaces is permitted if the mix of uses within a proposed development contains at least twenty-five (25) percent of the floor area devoted to Residential uses and at least twenty-five (25) percent of the floor area devoted to Commercial uses.**
- ef. A reduction of the number of required spaces may be achieved through a shared parking analysis certified by a professional engineer and subject to approval by the town manager. Such an analysis may include, where appropriate, considerations of peak hour usage, mode split, internal capture, remote parking as defined in this section, transportation demand management, and other approved parking management strategies.
- fg. Nothing in this section precludes an applicant from pursuing Shared Parking as outlined in Section 5.9.3."

SECTION 16

Section 3.11.4.8.B Defined Terms is hereby revised to insert and remove the following definitions in appropriate alphabetical order:

"Building depth means the largest total dimension of a building footprint measured perpendicular to the primary frontage.

Building width means the largest total dimension of a building footprint measured in parallel to the primary frontage.

~~*Building Pass-through* means a publically accessible passage between or through buildings that allows, at a minimum, pedestrians and bicyclists to move from one (1) side of building to another through a privately owned or publically dedicated area. A building pass-through includes but is not limited to a through-street, an alley, a bicycle and pedestrian pass-through, trail, greenway or other similar passage; vehicles may be allowed as desired by the applicant.~~

***Pedestrian Pass-through* means a publically accessible passage between buildings that allows, at a minimum, pedestrians to move from one (1) side of building to another through a privately owned or publically dedicated area. A pedestrian pass-through includes but is not limited to a through-street, an alley, a bicycle and pedestrian pass-through, trail, greenway or other similar passage. Vehicles may be allowed as desired by the applicant, provided that the design of the pass-through prioritizes pedestrian movements.**

SECTION 17

This ordinance shall be effective upon enactment.

This the _____ day of _____, 2020.