

**ORDINANCE A**  
**(Enacting the Land Use Management Ordinance Text Amendment proposal)**

**AN ORDINANCE AMENDING SECTION 3.7 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO PERMITTING FLEX OFFICE IN TOWN CENTER ZONING DISTRICTS AND EXPANDING DEFINITIONS RELATED TO TYPES OF RETAIL (2020-\_\_-\_\_ / O-#)**

WHEREAS, on February 19, 2020, Mayor Hemminger petitioned the Town Council to have the Town Manager and staff evaluate options for expanding existing land uses to include experiential retail; and

WHEREAS, on February 19, 2020, Mayor Hemminger submitted a [petition](#)<sup>1</sup> to the Town Council to expand existing land use types to include Experiential Retail, and the Town Council received the petition and referred it to the Town Manager; and

WHEREAS, the nature of retail is changing and the current Land Use Management Ordinance definitions do not reflect new forms of retail, such as experiential retail; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Article 3, Sections 3.7 and Appendix A on April 7, 2020 and recommended that the Council enact the text amendments; and

WHEREAS, the Council called a Public Hearing to amend Article 3, Sections 3.7 and Appendix A of the Land Use Management Ordinance as it relates to permitting flex office in Town Center zoning districts and expanding definitions related to types of retail for the Council's April 22, 2020 meeting; and

WHEREAS, the Council continued and held that public hearing on June 10, 2020, receiving comments through 11:59 PM on June 11, and closed the public hearing at that point; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.7 and Appendix A related to permitting flex office in Town Center zoning districts and expanding definitions related to types of retail, and finds that the amendment, if enacted, 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 Chapel Hill 2020 Comprehensive Plan:

- Foster success of local businesses (Community Prosperity and Engagement.2)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (Good Places, New Spaces.2)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places, New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Good Places, New Spaces.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Article 3, Zoning Districts, Uses and

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<sup>1</sup> <https://chapelhill.legistar.com/View.ashx?M=F&ID=8082562&GUID=7526FFA6-0BF4-45A4-88DC-BE8E0966DCA7>

Dimensional Standards, Section 3.7, Use Regulations, Subsection 3.7.2, Use Matrix and Appendix A Definitions to be amended as follows:

**Section 1.** Table 3.7-1: Use Matrix is hereby revised to add Flex Office as a defined use:

<b>Table 3.7-1: Use Matrix</b>			
	General Use Zoning District	Historic Rogers Road Neighborhood District	Planned Development (PD-)
"Flex office	Use Group		
C	R-LD5		
	RT		
	R-LD1		
	R-1A		
	R-1		
	R-2		
	R-2A		
	R-3		
	R-4		
	R-5		
	R-6		
	R-SS-C		
P	TC-1, TC-2, TC-3		
	CC		
	N.C.		
	OI-1		
	OI-2		
	OI-3		
	OI-4		
	I		
	LI-CZD		
	MH		
	HR-L		
	HR-M		
	HR-X		
P	HR-C		
	H		
	SC(N)		
	SCI		
	OI		
	MU		
	I		
=	DA-1		

**Section 2.** Appendix A. Definitions is hereby revised to amend the existing or adding definitions as follows:

*"Business, general:* Commercial establishments that, ~~in addition to serving day to day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores~~ **provide retail sales and services. All associated activities, noise, odors, and vibrations shall be contained entirely within an enclosed building or tenant space, except as otherwise provided for in this Code.**

**Health club: Establishments over 10,000 square feet for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms.**

**Personal instruction: Establishments that principally offer instruction in performing and culinary arts, martial arts, physical exercise, yoga, crafts, social customs and activities, and similar uses. Typical uses include, but are not limited to, dance instruction centers, cooking schools, exercise studios, craft and art instructional studios, and martial arts studios.**

Personal services: ~~An establishment that primarily provides services generally involving the care of a person or his/her apparel, such as seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, and coin-operated laundry and dry cleaning facilities, but not including barber shops and beauty salons.~~ **Establishments primarily engaged in providing individual services generally related to personal needs. Typical uses include, but are not limited to, spas, massage facilities, dry cleaners, tailors, and tattoo parlors.**

*Recreation facility, commercial **indoor**:* A private profit-making facility providing recreational activities enclosed within buildings, including commercially operated indoor swimming pools and tennis courts, health clubs, gymnasiums, amusement arcades, bowling alleys, indoor skating rinks, and pool halls.

**Retail sales: Establishments engaged in selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods."**

**Retail services: Establishments providing services or entertainment, as opposed to goods or merchandise, to the general public for personal or household use including personal services and instruction. This term does not include places of assembly.**

**Section 3.** This ordinance shall be effective upon enactment.

This the \_\_ day of \_\_, 2020.