

**ORDINANCE A**

(Enacting the Land Use Management Ordinance Text Amendment)

**AN ORDINANCE AMENDING SECTIONS 3.5, 6.24, 6.25, 6.26, APPENDIX A AND TABLES 3.7-1 AND 3.8-1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH NEW ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD (2019-##-##/O-#)**

WHEREAS, residents of the Historic Rogers Road Area in Northwest Chapel Hill and Northern Carrboro partnered with the Marian Cheek Jackson Center to author a report entitled *Rogers Road: Mapping Our Community's Future*, completed in May 2016; and

WHEREAS, the Town Council subsequently requested that Town staff develop new zoning standards for the Rogers Road area, based on the recommendations of the report along with additional community input; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to respond to the interests outlined in *Rogers Road: Mapping Our Community's Future*; and

WHEREAS, the Council finds that the establishment of new zoning districts in the Historic Rogers Road Neighborhood is appropriate and especially significant to the preservation of the historic nature and characteristics of the neighborhood, and will encourage uses that will complement these characteristics; and

WHEREAS, upon consideration the Council 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:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- 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)
- 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 (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

## **SECTION 1: District Establishment and Special Development Standards**

*Section 3.5 will be amended to include the following language introducing the new district and the special development standards that accompany it.*

### 3.5.7 Historic Rogers Road Neighborhood District

#### a) Purpose and Intent

The purpose of the Historic Rogers Road Neighborhood (HR) District is to implement the relevant goals and recommendations of the *Mapping Our Community's Future* community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR District is to:

- 1) Create opportunities for long-term residents to continue living in the community and to age in place;
- 2) Preserve the socioeconomic and cultural diversity of the neighborhood;
- 3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
- 4) Respect and protect the natural character of the neighborhood;
- 5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;
- 6) Provide greater residential housing choice, affordability, and diversity;
- 7) Increase economic opportunities within the neighborhood;
- 8) Increase recreational resources within the neighborhood; and
- 9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.

#### b) Applicability

Except where exempted in Section 3.5.7(c), Exemptions, the standards in this section apply to all land and development located within the HR district and subdistrict boundaries as identified and located on the Town of Chapel Hill Official Zoning Map.<sup>1</sup>

#### c) Exemptions

Minor additions to lawfully-established buildings that existed on [*insert the effective date of the district*] are exempt from the standards in this section. For the purposes of this section, "minor additions" are defined as increases in the amount of floor area on a lot of up to 25 percent beyond what existed on [*insert the effective date of the district*] or up to up to a maximum total size of 2,000 square feet of heated floor area, whichever is greater.

#### d) Effective Date

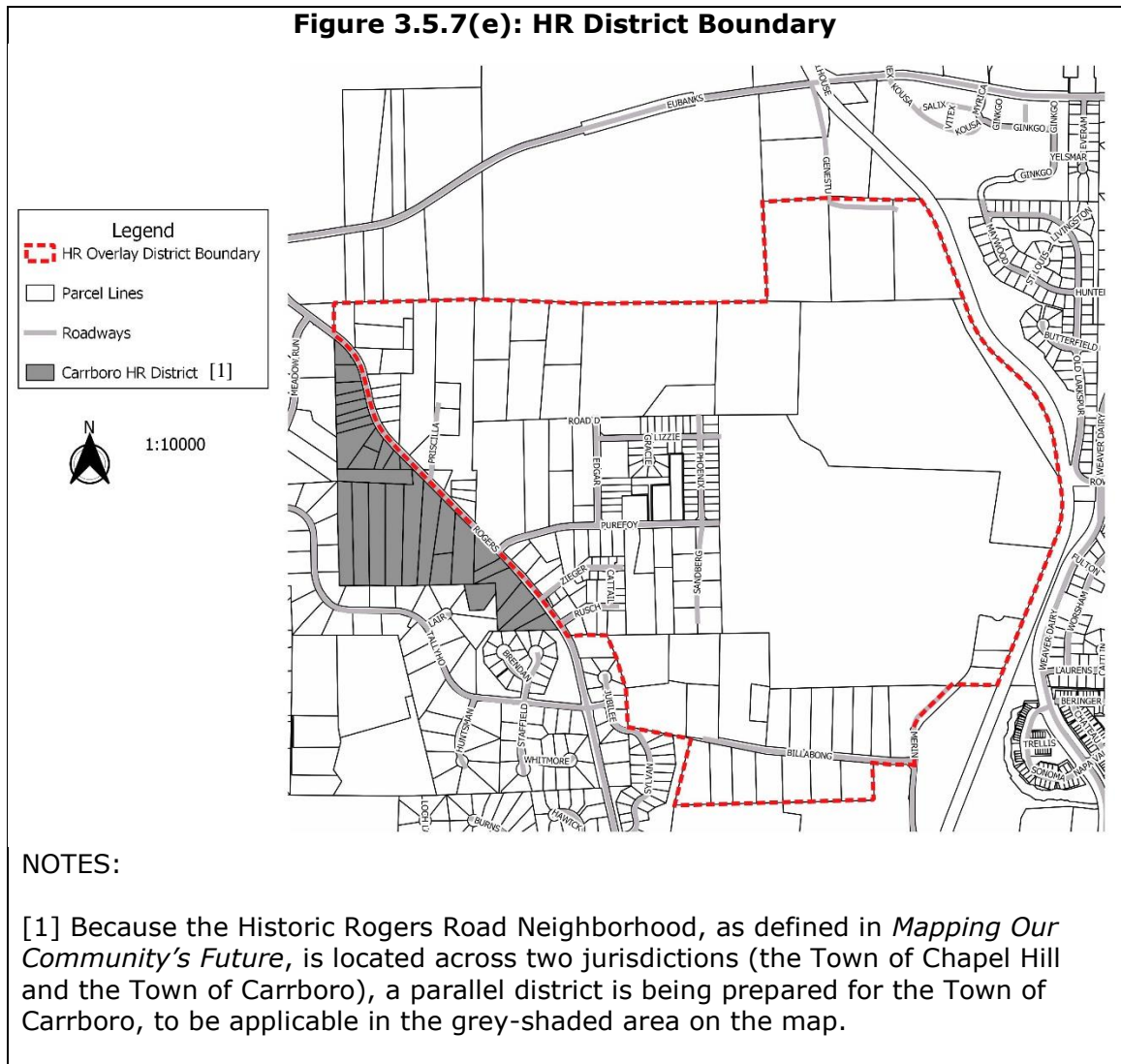
The effective date of these standards is [*insert the effective date of the district*].

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<sup>1</sup> NOTE: Until the new district is adopted and the Official Zoning Map is changed, refer to Section 3.5.7(e) and Section 3.5.7(f) of this draft for district and subdistrict boundaries.

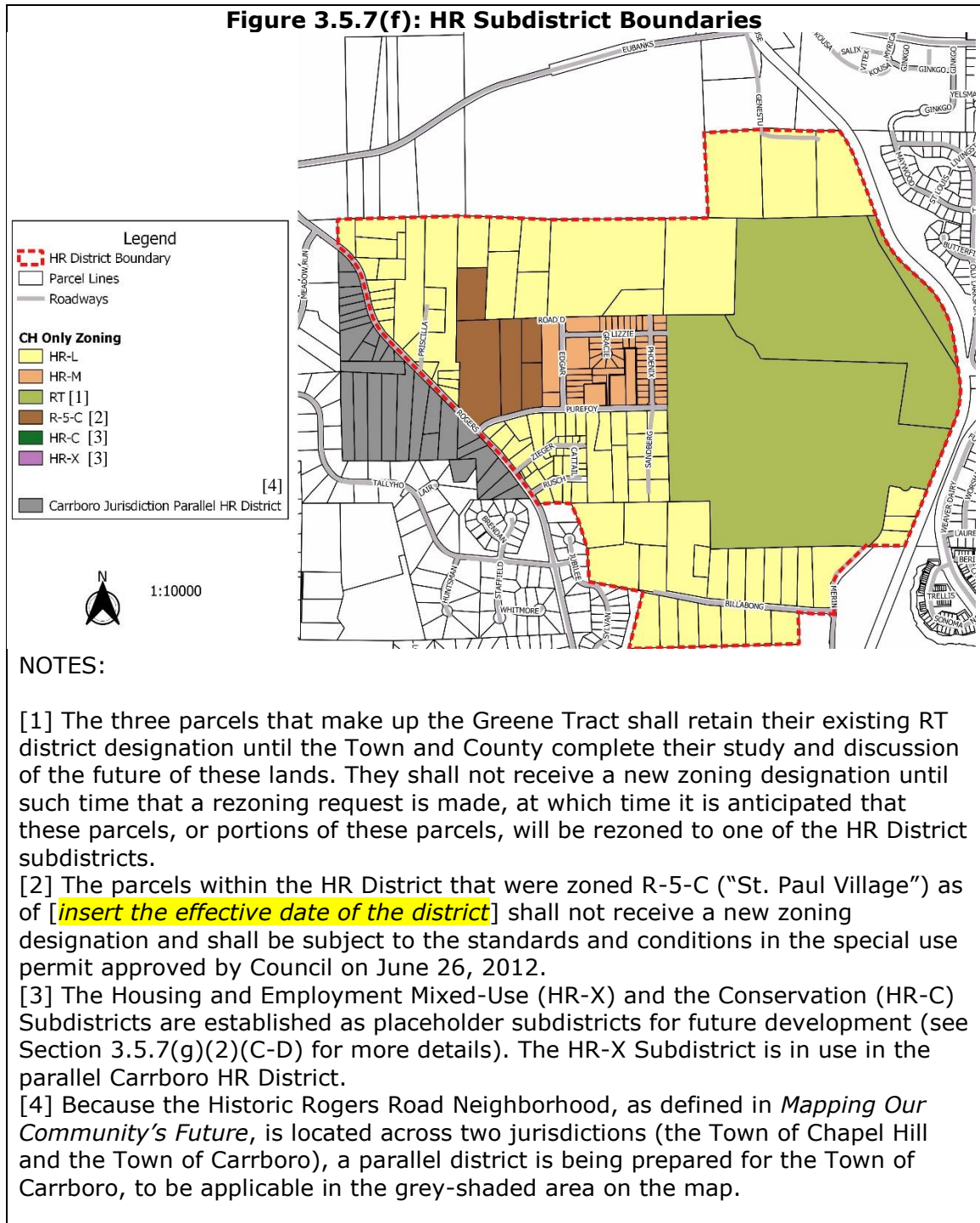
e) District Boundary

The boundary for the HR District is depicted in Figure 3.5.7(e), below:



f) Subdistricts Established

- 1) The HR District is comprised of subdistricts, or character areas. The boundaries of the subdistricts are depicted in Figure 3.5.7(f), below:



2) The purpose and intent of each subdistrict is as follows:

A. Residential-Low Density (HR-L) Subdistrict Purpose and Intent

The Residential-Low Density (HR-L) Subdistrict is established with the intent to protect and preserve the character of existing lower-density areas (minimum lot size 14,500 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.

B. Residential-Medium Density (HR-M) Subdistrict Purpose and Intent

The Residential-Medium Density (HR-M) Subdistrict is established with the intent of designating areas within the neighborhood for medium-density (minimum lot size 9,000 square feet, or no more than five lots per acre) residential development that offers a broader range of housing options and increased home occupation opportunities for residents.

C. Housing and Employment Mixed-Use (HR-X) Subdistrict Purpose and Intent

The Housing and Employment Mixed-Use (HR-X) Subdistrict is established with the intent of providing areas within the neighborhood for a broader range of housing and employment options. These areas are intended to concentrate new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-X Subdistrict include live-work units, flex offices, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities.

*NOTE: As of [insert the effective date of the district], no lands bear the HR-X designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.*

D. Conservation (HR-C) Subdistrict Purpose and Intent

The Conservation (HR-C) Subdistrict is established with the intent of preserving and protecting environmentally sensitive areas as well as lands under joint management by the Town of Chapel Hill and Orange County.

*NOTE: As of [insert the effective date of the district], no lands bear the HR-C designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.*

g) Modification of District Standards

1) Minor modifications or deviations of up to 10 percent may be approved by the Planning Director through an administrative adjustment for the following numerical requirements:

- A. Maximum single-family home size;
- B. Maximum block length

- 2) In order to be granted a modification, the applicant requesting the modification can demonstrate all of the following:
  - A. The modification is consistent with the character of development on surrounding land, and results in development that is compatible with surrounding land uses;
  - B. The modification results in development that is consistent with both the purpose and intent statement of the HR District, as stated in Section 3.5.7(a), and the purpose and intent statement of the subdistrict in which it is located, as stated in Section 3.5.7(g)(2);
  - C. The modification compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
  - D. The modification will not pose a danger to the public health or safety; and
  - E. Any adverse impacts resulting from the modification will be fully mitigated.
- 3) No modification granted under this section shall result in a change in use.

h) Development Standards

This section sets out the special standards for new development or redevelopment in the HR District. Development standards not listed in this section shall comply with the standards in Article 5.

1) Buffering

A. Purpose and Intent

The standards in this section are intended to protect the residential character of existing neighborhoods surrounding new mixed-use development in the HR District.

B. Applicability

The standards in this section shall apply to lands in the Housing and Employment Mixed-Use (HR-X) Subdistrict.

C. Buffering Standards

1. Development in the HR-X Subdistrict shall maintain an undisturbed perimeter buffer of no less than 30 feet in which no development shall occur.
2. Development in the HR-X Subdistrict shall be screened with existing vegetation and/or new plantings to meet the requirements a Type D buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual. The intent of this buffer type is to create a fully opaque screen separating development in the HR-X subdistrict from surrounding residential uses.
3. Buffering requirements between other land uses and/or zoning designations shall comply with Section 5.6.

## 2) Exterior Lighting

### A. Purpose and Intent

The standards in this section are intended to protect the primarily residential nature of the neighborhood, limit impacts on surrounding properties, and limit environmental impacts of nighttime lighting with a dark skies approach.

### B. Applicability

The standards in this section shall apply to:

1. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
2. Non-residential development in the HR-L and HR-M Subdistricts.

### C. Lighting Standards

#### 1. Shielding

Exterior lighting fixtures shall be shielded in such a way that directs light downward.

#### 2. Not Visible from Lot Line or Streets

Exterior lighting fixtures shall be configured such that the bulb or source of illumination is not visible from grade level of adjacent lots or street rights-of-way.

## 3) Signage

### A. Purpose and Intent

The signage standards in this section are intended to increase home-based employment opportunities for residents of the Historic Rogers Road Neighborhood by allowing limited signage for Major Home Occupation and Minor Home Occupation uses.

### B. Applicability

1. The standards in this section shall apply to Major Home Occupation and Minor Home Occupation uses within the HR District.
2. All other developments and uses located in the HR District shall comply with the signage standards in Section 5.14.

### C. Signage Standards

1. A lot that houses a legally-established Major Home Occupation as an accessory use may have up to one wall-mounted sign with a maximum area of 8 square feet.
2. A lot that houses a legally-established Minor Home Occupation as an accessory use may have up to one wall-mounted sign with a maximum area of 4 square feet.
3. Signs shall be non-illuminated.

4. Such signs shall comply with the standards of Section 5.14.3, Signs in the Public Right-of-Way, 5.14.5, Prohibited Signs, and 5.14.6, General Standards

4) Maximum Residential Building Size

A. Purpose and Intent

The intent of the limitations on residential building size in this section is to protect the character of the Historic Rogers Road Neighborhood through compatible residential design.

B. Applicability

The standards in this section shall apply to new single-family, duplex, and triplex residential uses in any subdistrict of the HR District established after [*insert the effective date of the district*].

C. Measurement

1. The standards listed below apply to heated square feet of a residential structure only.
2. Portions of a residential structure used for a home occupation shall count toward the maximum square footage.
3. For duplex and triplex dwellings, the maximum size is applied to each unit. For example, a duplex can be up to 2,400 square feet in size.

D. Standards

Table 3.5.7(h)(4) shows the standards for maximum residential building size in the HR District.

<b>Table 3.5.7(h)(4): Maximum Residential Building Size</b>	
<b>Residential Use Type</b>	<b>Maximum Size</b> (heated square feet per dwelling unit)
Single-family	
HR-L Subdistrict	2,000
HR-M Subdistrict	1,500
HR-X Subdistrict	1,500
Duplex	1,200
Triplex	1,200



## 5) Streets

### A. Purpose and Intent

The intent of the street standards in this section is to ensure that future development in the Historic Rogers Road Neighborhood is served by adequate streets that:

1. Mitigate new traffic generated by development;
2. Increase connections within the neighborhood and between the neighborhood and surrounding areas in accordance with the goals and recommendations in *Mapping Our Community's Future*; and
3. Prioritize the safety of pedestrians, bicyclists, and drivers.

### B. Applicability

1. The standards in this section shall apply to:
  - a. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
  - b. New residential subdivisions in the HR-L and HR-M Subdistricts.
2. Minor subdivisions as defined in Section 4.6.3 shall, at the minimum, include in their applications:
  - a. A description of how the subdivision and future development will accommodate the future conceptual roadway layout in the site planning process; and
  - b. Dedication of right-of-way for the conceptual roadway layout.

### C. Standards

In addition to compliance with the standards in the Town of Chapel Hill Public Works Engineering Design Manual and Chapter 17, Streets and Sidewalks, of the Town Code of Ordinances, the following standards shall apply to development in the HR District.

1. Street Network
  - a. To the maximum extent practicable, new streets shall follow the Conceptual Map of New Roadways in the HR District, in Figure 3.5.7(h)(5), below. New street locations are denoted by blue dashed lines.



- iii. New roadways shall be configured in straight-sided blocks, rather than curvilinear;
  - iv. New roadway networks shall avoid the use of permanent dead-end streets (including cul-de-sac streets); and
  - v. New roadways shall follow lot lines so as to serve lots on both sides of the roadway.
- b. Nothing in this section shall prevent the installation of dead-end streets expected to be extended in the future for the purpose of connection to future development.
  - c. In cases where adherence to these guidelines is made impracticable by environmental constraints, existing infrastructure, existing structures, lot lines, or easements, applicants shall work with the Planning Director and applicable staff members to propose a street network that meets the goals and standards of this section.

6) Stormwater

In addition to the standards and requirements of Section 5.4, Stormwater Management, stormwater facilities in the HR District shall, to the maximum extent practicable:

- A. Incorporate into their design public amenities such as pervious walking paths, open space, low-impact design features, and landscaping;
- B. Utilize Low Impact Development (LID) methods for stormwater management in accordance with the NC Department of Environmental Quality; and
- C. Avoid features such as chain-link fences, un-landscaped or gravel-only stormwater catchment areas, and visible stormwater pipes.

**SECTION 2: Permitted Uses**

Table 3.7-1, Use Matrix, will be amended to include the following information for the new HR District. Any uses not listed in the table below are not allowed in the HR district and will appear with “–” in each subdistrict’s column.

<b>Table 3.7-1: Use Matrix</b>				
“P” = Permitted as a Principal Use; “A” = Permitted as an Accessory Use; “S” = Permitted as a Special Use; “–” = Not Permitted				
Use Type	HR Subdistrict ( <i>new columns</i> )			
	HR-L	HR-M	HR-X	HR-C
<i>Residential Uses</i>				
Dwelling Unit, Single Family Detached	P	P	P	–
Dwelling Unit, Accessory	A	A	A	–
Dwelling Unit, Duplex (see also Article 6)	P	P	P	–
Dwelling Unit, Triplex	P	P	P	–
Dwelling Unit, Multifamily (3 to 7 dwelling units)	–	–	P	–
Dwelling Unit, Live-Work (see also Article 6)	–	–	P	–
Dwelling Unit, Upper Story (see also Article 6)	–	–	P	–
Manufactured Home, Class A	P	P	–	–
<i>Institutional Uses</i>				
Adult Day Care Facility (see also Article 6)	P, A	P, A	P, A	–
Child Day Care Facility (see also Article 6)	P, A	P, A	P, A	–
Clinic	–	–	P	–
Group Care Facility (see also Article 6)	S	S	S	–
Independent Senior Living Facility (see also Article 6)	–	–	P	–
Place of assembly, up to 2,000 seating capacity	–	–	P	–
Place of Worship (see also Article 6)	P	P	P	–
Public Cultural Facility	P	P	P	P
Public Service Facility (see also Article 6)	S	S	S	S
Public Use Facility	P	P	P	P
Recreation Facility, Non-profit	P	P	P	P
School, Elementary or Secondary	P	P	P	–
<i>Employment-Supporting Uses</i>				
Dwelling Unit, Live-Work	–	–	P	–
Home Occupation, Major (see also Article 6)	A	A	A	–
Home Occupation	A	A	A	–
Business, office-type	–	–	P	–
Flex Office	–	–	P	–

**SECTION 3: Dimensional Standards**

*Table 3.8-1: Dimensional Matrix, will amended to include the following dimensional standards for the new district:*

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Setback (max feet)	Building Height, Core (max feet)	Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)	Street Setback (max feet)
HR-L	14,500	4 <sup>3</sup>	64	80	29	40	10 <sup>4</sup>	14	17	.5/.7	.076	28 <sup>5</sup>
HR-M	9,000	6 <sup>3</sup>	52	65	29	40	10	14	17	.5/.7	.093	20
HR-X	N/A	8	40	N/A	29	40	20	40	17	.5/.7	.264	N/A
HR-C	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Footnotes (to be added to the two footnotes already in existence under the table):

- (3) Because these subdistricts allow accessory dwelling units, duplexes, and triplexes, the maximum density (dwelling units per acre) in this table is greater than the maximum number of lots per acre. The minimum and maximum setbacks, maximum height, maximum impervious surface ratio, and maximum floor area ratio determine the potential building size and work to keep the building and lot size compatible with the surrounding neighborhood regardless of the number of dwelling units contained within the building.
- (4) Lots that front on (take their address and ingress/egress from) Rogers Road shall have a minimum street setback of 50 feet. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor. Lots that existed on [*insert the effective date of the district*] and are smaller than 17,424 square feet (.4 acres) are exempt from this standard.
- (5) Lots that front on Rogers Road shall have no maximum street setback. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor.

## **SECTION 4: Special Regulations for Particular Uses**

*The following are new special regulations for particular uses that will be incorporated into Article 6.*

### **6.24. Home Occupation, Major**

A Major Home Occupation shall adhere to the following standards:

1. Permit Required  
A ZCP permit shall be required in order to operate a major home occupation.
2. Business as Accessory Use
  - a. The business shall be clearly incidental and subordinate to the residential use of the property.
  - b. No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the total square footage calculation for the home.
3. Prohibitions
  - a. The following business types shall not be allowed as major home occupations:
    - i. Hauling
    - ii. Body shop
    - iii. Industrial metalworking
  - b. The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.
4. Mitigation of Impacts  
In order to minimize impacts in the form of noise, vibration, dust, odor, light, or glare on neighboring properties, a Major Home Occupation shall adhere to the following standards:
  - a. General Operations  
Major home occupations shall:
    1. Be located on a lot with minimum lot size of 1 acre;
    2. Have no more than six non-resident employees;
  - b. Location of Business Activities  
Major home occupations shall:
    1. Locate all business activities a minimum of 40 feet from all lot lines;
    2. Locate noise, dust, vibration, odor, light, and glare-producing activities a minimum of 60 feet from all lot lines;
    3. Locate noise-producing activities such that the maximum root mean square steady state sound level measured at any point on the boundary plane of all lot lines does not exceed 65 dBA.
  - c. Screening and Buffering  
Major home occupations shall screen any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) using a Type "C" buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual or a fully opaque fence or wall of a minimum height of 6 feet;
  - d. Vehicles and Traffic Generation  
Major home occupations shall:

1. Have no more than three business-associated vehicles parked on-site;
  2. Be limited to vehicles allowed under a Class C license;
  3. Provide off-street parking for vehicles associated with the business, including employee and visitor vehicles; and
  4. Produce a maximum of 50 trips per day to or from the business.
- e. Hours of Operation  
Major home occupations shall cease any activity that results in noise, vibration, dust, odor, light, or glare between the hours of 6 PM and 8 AM.
- f. Events  
Events conducted in connection with the home occupation and exceed the number of permitted daily trips, vehicles, or traffic generation are limited to one per year.

### **6.25. Live-Work Dwelling Unit**

1. The work space of a live-work dwelling unit shall meet the standards of the commercial building code, while the dwelling portion shall meet residential standards. Applicants interested in establishing live-work dwelling units are advised to consult with Inspections staff on properly combining the two sets of standards.
2. Live-work dwelling units may be constructed as standalone buildings, or as a series of attached units.
3. The separation between living and working space, as well as the separation between units in a multi-unit structure, shall meet Fire Code requirements.
4. A live-work dwelling is distinguished from a home occupation by the fact that a live-work building is designed, inspected, and intended from the application phase to host two different uses, residential and employment, and is not expected to revert to a purely residential use. In a live-work dwelling unit, the residential and employment uses are equally considered principal uses of the space. A home occupation, by contrast, is often established after a residential structure is proposed, permitted, and built, and may at any time revert to a purely residential use. In the case of a home occupation, the business use is clearly incidental to, or accessory to, the residential use.

### **6.26 Triplex Dwelling Unit**

The separation between units of a triplex dwelling shall meet Fire Code requirements.

## **SECTION 5: Definitions**

*The following are new terms that will be incorporated into the alphabetized list in Appendix A, Definitions.*

**Flex Office:** A building providing use flexibility for office and light industrial uses, such as printing, design, light assembly of products, artist space, or storage/warehousing. A flex office could also host a coworking center, where many individual small business owners or freelancers work alongside one another in common space, or a business incubator, where individuals working to launch new businesses can rent affordable space in which to perform office work and access shared resources such as printers, scanners, and other tools and services such as financial counseling and management training.

**Home Occupation, Major:** A Major Home Occupation is an accessory business use of a residentially-zoned property.

Major Home Occupations (as distinguished from Minor Home Occupations) are those that meet one or more of the following criteria:

1. Employ more than one non-resident;
2. Utilize outdoor storage of materials, supplies, products, or machinery; or
3. Generate noise, vibration, dust, odor, light, or glare that is visible from neighboring properties or the public right-of-way.

Examples of Major Home Occupations include: lawncare or landscaping services, woodworking shops, small engine repair, appliance repair, metalworking, and any home business with more than one non-resident employee.

**Live-Work Dwelling Unit:** A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is typically found on the building's ground floor.

**Subdistrict:** A portion of a base or overlay district that has unique standards or variations in the range of allowable uses.

**Triplex Dwelling Unit:** A single structure comprised of three dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot.

**Upper Story Dwelling Unit:** A dwelling unit located on a floor above a nonresidential use. The residents of the building may or may not be associated with the nonresidential use, and the two portions are usually leased or sold separately from one another. Upper story dwelling units shall be limited to one floor of residential over one floor of nonresidential.

## **SECTION 6**

This ordinance shall be effective upon enactment.



This the X day of XX, 2019.