

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 IMPROVE OUTCOMES FOR STORMWATER MANAGEMENT AND AFFORDABLE HOUSING IN THE BLUE HILL DISTRICT (2019-##-##/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, in December 2018 the North Carolina General Assembly enacted Session Law 2018-145, which included a revision to G.S. 143-214.7(b3) that affects local government authority over stormwater treatment requirements for redevelopment projects; and

WHEREAS, the area of Chapel Hill that this revised statute most immediately affects is the Blue Hill District; and

WHEREAS, Town staff has worked with stakeholders including Town Council, the Stormwater Management Utility Advisory Board, the Environmental Stewardship Advisory Board, and the local business community to formulate possible modifications to the Blue Hill Form-Based Code that respond to the provisions of the revised statute; and

WHEREAS, Town Council has also established a goal for development of new affordable housing in the Blue Hill District which is not currently addressed in the purpose statement for the District; and

WHEREAS, on May 21, 2019, the Planning Commission considered Land Use Management Ordinance text amendments on the above topics 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 revised State statute and the goal for development of new affordable housing; 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 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 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)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Goal Nurturing Our Community.2)

- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal Nurturing Our Community.5)

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

Sec. 3.11.1. Introductory Provisions, Subsection 3.11.1.1 Purpose is hereby revised to read as follows:

"The Blue Hill Form District, previously known as the Ephesus/Fordham Form District, established in Section 3.11 is intended for the specific area of the town designated as a focus area in the Comprehensive Plan 2020. This Form District fosters a residential, mixed use and pedestrian-friendly area. **The Form District is also intended to support the Town's Goals for Creating a Place for Everyone and Nurturing Our Community, by promoting diverse and affordable housing options serving a range of income levels as well as improved stormwater treatment for water quality.**

Unlike conventional zoning, this Form District fosters more predictable results and a high-quality public realm. This is achieved by prescribing the physical form of buildings and other elements, by addressing the relationship between building façades and the public realm, and by specifying the form and mass of buildings and the scale and types of streets and blocks. This Form District is considered a Special Appearance District, in accordance with Town Charter Chapter 5, Article 5, Appearance of Structures."

SECTION 2

Sec. 3.11.1. Introductory Provisions, Subsection 3.11.1.2 Overall Site Design, Subsection C is hereby revised to read as follows:

"Application of Land Use Management Ordinance Requirements. Applications for development in the Form District shall meet either subsection 1 or 2:

1. **Conventional**
 - a. **Conditions. The development shall conform to the standards of Land Use Management Ordinance Section 5.4.**
 - b. **Standards for Lot, Placement, Mass, and Form. The development shall conform to the standards of Section 3.11.2.5.**
 - c. **Exemptions. Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:**
 - i. **Section 3.11.4.3, Stormwater Management**
2. **Enhanced Stormwater**
 - a. **Conditions. The development shall conform to the standards of Land Use Management Ordinance Section 3.11.4.3.**

- b. **Standards for Lot, Placement, Mass, and Form. The development shall conform to the standards of Section 3.11.2.3 or 3.11.2.4 as applicable based on the Subdistrict.**
 - c. **Exemptions. Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:**
 - i. Section 3.6.3, Resource Conservation District**
 - ii. Section 4.7, Site plan review**
 - iii. Section 5.3.2, Steep Slopes**
 - iv. Section 5.4, Stormwater management**
 - v. Section 5.19, Jordan watershed stormwater management for new development**
- 3. In addition to exemptions outlined above, and** except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply in the Blue Hill Form District:
- 1. ~~Article 3, Zoning Districts, Uses, and Dimensional Standards:~~
 - ~~Section 3.6.3, Resource Conservation District~~
 - i. Section 3.7.2, Use Matrix**
 - ii. Section 3.7.3, Use Groups**
 - iii. Section 3.8, Dimensional standards**
 - iv. Section 3.10, Inclusionary zoning**
 - 2. ~~Article 4, Procedures:~~
 - ~~Section 4.7, Site plan review~~
 - v. Section 4.8, Master land use plan**
 - 3. ~~Article 5, Design and Development Standards:~~
 - vi. Section 5.1, Overall site design**
 - ~~Section 5.3.2, Steep Slopes~~
 - ~~Section 5.4, Storm water management~~
 - vii. Section 5.5, Recreation**
 - viii. Section 5.6, Landscaping, screening and buffering**
 - ix. Section 5.11, Lighting Standards**
 - x. Section 5.17, Prevention of demolition by neglect**
 - ~~Section 5.19, Jordan watershed stormwater management for new development~~
 - xi. Article 6, Special Regulations for Particular Uses”**

SECTION 3

Sec. 3.11.2. District Character, Subsection 3.11.2.3 Walkable Residential (WR-3 and WR-7) is hereby amended to insert new introductory text at the start of the section as follows:

“Development in the Walkable Residential Subdistricts that meets the Enhanced Stormwater conditions as specified in Section 3.11.1.2.C shall be subject to the following standards:”

SECTION 4

Sec. 3.11.2. District Character, Subsection 3.11.2.4 Walkable Mixed Use (WX-5 and WX-7) is hereby amended to insert new introductory text at the start of the section as follows:

“Development in the Walkable Mixed Use Subdistricts that meets the Enhanced Stormwater conditions as specified in Section 3.11.1.2.C shall be subject to the following standards:”

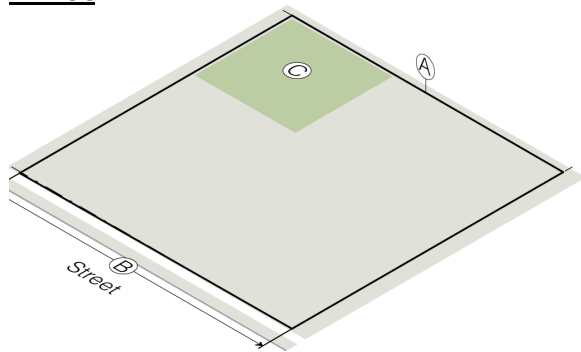
SECTION 5

Sec. 3.11.2. District Character, Subsection 3.11.2.5 Conventional Development is hereby inserted as a new section. Subsections 3.11.2.5, 3.11.2.6, and 3.11.2.7 shall be renumbered accordingly and all references to these Subsections shall be updated accordingly.

“3.11.2.5 Conventional Development

Development in the Form District that meets the Conventional conditions as specified in Section 3.11.1.2.C shall be subject to the following standards:

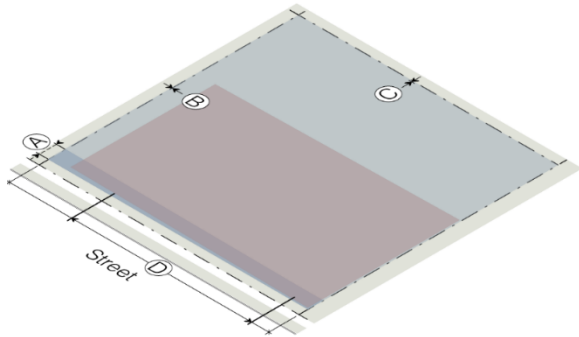
1. Lot



<u>Lot Dimensions</u>		
<u>Ⓐ</u>	<u>Net land Area (min)</u>	<u>5,500 SF</u>
<u>Ⓑ</u>	<u>Lot width (min)</u>	<u>50'</u>
	<u>Street Frontage (min) (see 3.8.2(d))</u>	<u>40'</u>
<u>Lot Parameters</u>		
<u>Ⓒ</u>	<u>Outdoor amenity space ratio (min)</u>	<u>0.06</u>
	<u>Recreation space ratio (min), applies to residential portion of building</u>	
	<u>1–3 story building</u>	<u>0.08</u>
	<u>4+ story building</u>	<u>0.12</u>
	<u>Residential Density (units per acre max) (see 3.8.2(c))</u>	<u>15.0</u>
	<u>Floor Area Ratio (max) (see 3.8.2(l))</u>	<u>.429</u>

Outdoor amenity space is a ratio of net land area.
Recreation space, Residential density, and Floor area ratio are ratios of gross land area.

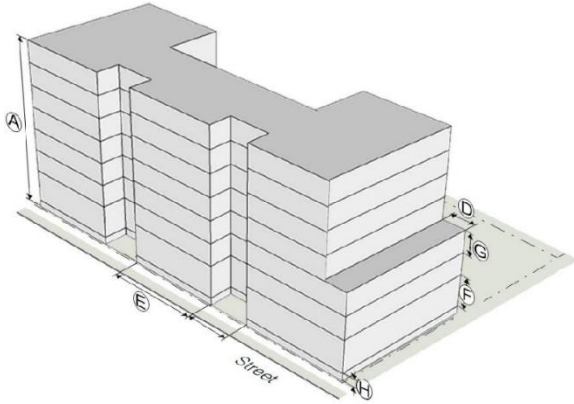
2. Placement



<u>Building Setbacks</u>		
<u>(A)</u>	<u>Front</u>	<u>Minimum as defined by Frontage Type; Maximum not applicable</u>
<u>(B)</u>	<u>Side interior (min)</u>	<u>0' or 8'</u>
<u>(C)</u>	<u>Rear (min)</u>	<u>0' or 8'</u>
<u>(C)</u>	<u>Rear, alley (min)</u>	<u>8'</u>
<u>Build-to-Zone (BTZ)</u>		
<u>(D)</u>	<u>Building façade in BTZ (min % of lot width)</u>	<u>Not applicable</u>
<u>Block Parameters</u>		
	<u>Maximum block length</u>	<u>450'</u>
	<u>Maximum block perimeter</u>	<u>1,800'</u>

For additional information regarding other terms, definitions and requirements, see Section 3.11.2.7. Measurements and Exceptions.

3. Mass

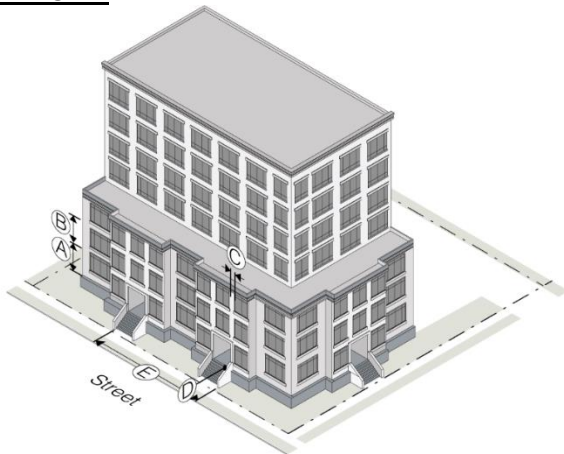


Building Height		
	Building height, Setback (max) (see 3.8.3(f))	34'
(A)	Building height, Core (max) (see 3.8.2(g))	
	- WR-3	3 stories, not to exceed 45'
	- All Other Subdistricts	5 stories, not to exceed 60'
(B)	Building height for principal structures (min)	2 stories*
Mass Variation		
(C)	Average floor plate area (max) above 3rd floor	
	- 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	
(D)	Building step back above 2nd or 3rd floor (min)	10' step back above 2nd or 3rd floor
(E)	Module offset	
	- Average module width (max)	80'
	- Depth of offset (min)	6'
	-Width of offset (min)	12'
Story Height		
(F)	Ground story height, floor to ceiling (min)	
	- Residential	9'
	- Nonresidential	13'
(G)	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 3.11.2.7.T**

4. Form



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 pass-through	330' maximum spacing
	Width (min)	12'
	Height (min)	Equal to the height of the adjacent first floor ceiling

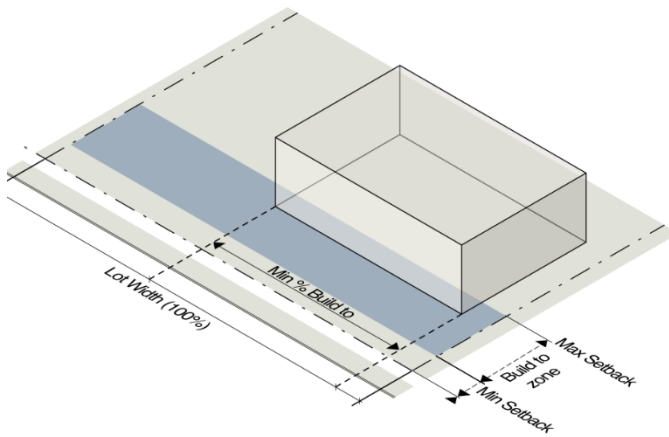
Ⓒ Building Elements Permitted	
<u>Front porch, stoop</u>	
<u>Balcony</u>	
<u>Awning/canopy (WX- Subdistricts only)</u>	
<u>Gallery (WX- Subdistricts only)</u>	
<u>Forecourt</u>	

SECTION 6

Sec 3.11.2 District Character, Subsection 3.11.2.8.I Build-to-Zone is hereby renamed and revised to read as follows:

"I. Build-to zone (BTZ)- requirements

1. The build-to zone is the area on the **a** lot **developed according to the Enhanced Stormwater conditions**, where a certain percentage of the front building façade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. The required percentage specifies the amount of the front building façade that must be located in the build-to zone, measured based on the width of the building divided by the buildable width of the lot.



3. On a Type A Frontage on a corner lot, a building façade, outdoor amenity space, outdoor dining area, and/or building element must be placed **to meet a corner build-to requirement as follows:**
 - a. On a lot meeting the Conventional conditions, within 20 feet of the sidewalk for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.**
 - b. On a lot meeting the Enhanced Stormwater conditions, within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines."**

SECTION 7

Sec 3.11.2 District Character, Subsection 3.11.2.7.T Mass Variation, subsections 2 and 3 are hereby revised to read as follows:

- “2. Building Step Back. The building step back shall be measured as the horizontal change in the building wall plane, perpendicular to the applicable frontage or property line.
 - a. In addition to applicable frontages, a 10' building step back above the second or third floor is also required for buildings four stories or greater at the boundary of the Form District.
 - b. A 20' building step back above the second or third floor is required for the primary street frontage of a building that utilizes an upper story bonus in accordance with Section 3.11.2.7.T.1.a. A building façade located outside of the build-to zone remains subject to this requirement.
 - c. A building step back is not required where a street-facing façade is located **more than 20 feet from the sidewalk or** outside of the build-to zone, **whichever is less**, and is not the primary frontage of a building that utilizes an upper story bonus, or where a building façade facing the Form District boundary is located more than 20' from the boundary.
3. Module Offset. The module offset shall be measured as the horizontal change of a portion of the building wall plane at ground level, perpendicular to the applicable frontage. The module width shall be measured for the portion of the wall plane closer to the sidewalk, while the width of offset shall be measured for the portion further from the sidewalk. The dimensions of modules and offsets should maintain a sense of proportion to the building as a whole.
 - a. Offset areas may count towards a build-to zone requirement when the area meets the criteria for a forecourt, outdoor amenity space, or outdoor dining area.
 - b. A module offset is not required where a building façade is located **more than 20 feet from the sidewalk or** outside of the build-to zone, **whichever is less.**”

SECTION 8

Sec. 3.11.3 Use Requirements, Subsection 3.11.3.4 Permitted Use Table is hereby revised in the Table Key to read as follows:

“KEY:

P = Use permitted **under any of the following circumstances:**

- 1. Expansion of an existing public elementary or secondary school**
- 2. Enhanced Stormwater conditions are met as specified in Section 3.11.1.2.C**
- 3. Floor area of proposed development is less than twenty thousand (20,000) square feet, and disturbed land is less than forty thousand (40,000) square feet**

Otherwise, permitted following Town Council approval of Special Use Permit.

-- = Use not permitted

S = Use permitted following Town Council approval of Special Use Permit

L = Limited use (refer to section 3.11.3.5.A.4.)”

SECTION 7

This ordinance shall be effective upon enactment.

This the X day of XX, 2019.