

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 TOWNHOMES IN THE BLUE HILL DISTRICT (2021-02-24/O-3)

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 full Council to consider solutions for the Blue Hill District that would address several community interests, one of these interests being building size and massing concerns; and

WHEREAS, on January 7, 2020, the Planning Commission considered Land Use Management Ordinance text amendments on building size, massing, and permeability, and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, on February 19, 2020, the Council adopted Land Use Management Ordinance text amendments on building size, massing, and permeability, while also requesting further study of the text amendment proposal for townhomes; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update requirements for nonresidential space within townhome projects, as revised subsequent to Council's request for further study; 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:

- 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)
- 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)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 3.11 – Blue Hill Form District of Appendix A – Land Use Management of the Code of Ordinances, Town of Chapel Hill, North Carolina is hereby amended as follows:

SECTION 1

Section 3.11.2.7. Measurements and Exceptions, Subsection A. Net Land Area is hereby revised to read as follows:

"A. *Net land area.* Net land area is the area included within the rear, side and front lot lines. Net land area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

- 1. For Attached Living uses, net land area shall be measured as the total lot area provided for each principal structure, regardless of whether such area is subdivided into smaller lots for individual units.**

SECTION 2

Section 3.11.2.7. Measurements and Exceptions, Subsection B. Lot Dimensions, subsection 1 is hereby revised to read as follows:

"1. *Lot Width.* Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

- a. For Attached Living uses, lot width shall be measured as the total lot distance at the primary street property line provided for each principal structure, regardless of whether such distance is subdivided into smaller lots for individual units.**

SECTION 3

Section 3.11.3.5. Use Categories, Subsection A. Residential Uses, subsection 1b. is hereby revised to read as follows:

- "b. Attached living. Three (3) or more dwelling units in a single principal structure where each unit is separated vertically by a common side wall. Units ~~cannot be~~ **are generally not** vertically mixed, **except that two units may be vertically stacked if each unit has a private ground level entrance.**"**

SECTION 4

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 minimums defined below **in items a. or b.** 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 **building** floor area for the site contains a non-residential use.
- c. **Exemption and Reduction for Attached Living. For an application where the only residential use proposed is Attached Living, and where at least one-half of the residential units has less than or equal to 1,800 square feet of heated floor area, non-residential use(s) must be provided as follows:**
 - i. **No non-residential use is required when the application is for a total net land area of two (2) acres or less.**
 - ii. **When the application is for a total net land area of greater than two (2) acres but no more than two and a half (2.5) acres, the minimums identified above are reduced to 5% for a Mixed Use Building and 10% for a Mixed Use Site."**

SECTION 5

This ordinance shall be effective upon enactment.

This the 24th day of February, 2021.