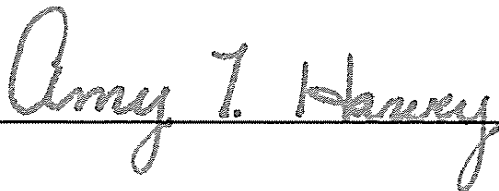


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2020-02-19/O-1) enacted as amended by the Chapel Hill Town Council on February 19, 2020.

This the 5th day of March, 2020.


A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written over a solid horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



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 AND PERMEABILITY IN THE BLUE HILL DISTRICT (2020-02-19/O-1)

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 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, massing, and permeability, 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 to update standards for building massing and permeability in the Blue Hill District, in response to one of the petition interests; 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

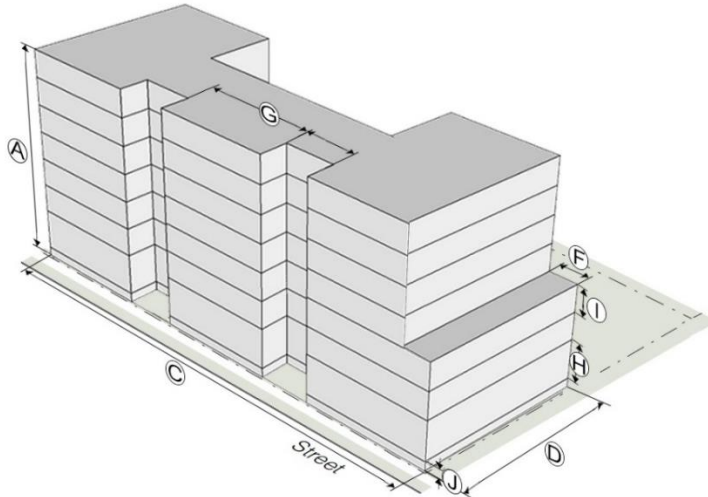
WHEREAS, the Council further finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- 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:



“

[The diagram above is revised so that labels correspond with items A, C, D, F, G, H, I and J in the associated table, as revised (note that no labels are provided for B and E)]

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				
	Building Configuration	Width (max) Ⓒ	Depth (max) Ⓓ	Separation (min)**
	WR-7, Wrapped Parking			
	- Main Building	330'	200'	30'
	- Secondary Wing	75'	100'	
	WR-7, Wider and Shallower			
	- Main Building	330'	120'	30'
	- Secondary Wing	75'	100'	
	WR-7, Narrower and Deeper			
	- Main Building	275'	210'	30'
	- Secondary Wing	75'	100'	
	WR-3, All Buildings			
	- Main Building	220'	130'	20'
	- Secondary Wing	75'	100'	
	Structured Parking	230'	180'	30'

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%; max of 80% for any one story
	- 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.

****Separation is required when aggregate multiple buildings placed in proximity would otherwise exceed the Width and Depth criteria. See also Pedestrian Connectivity.****

SECTION 2

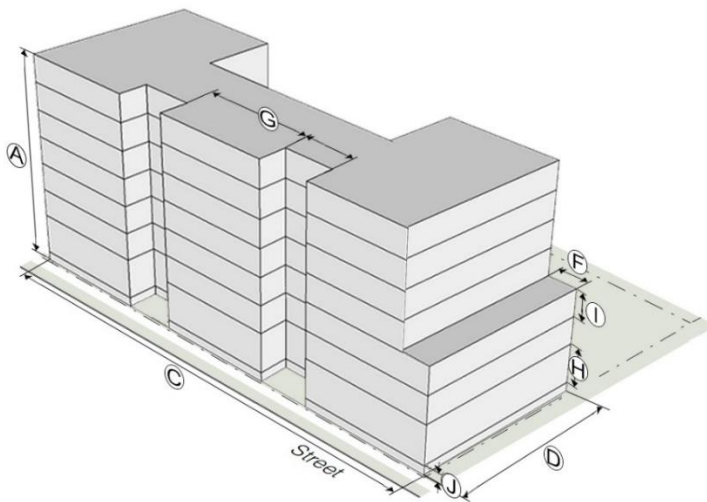
Section 3.11.2.3 Walkable Residential (WR-3 and WR-7) Subsection 4. Form is hereby revised to read as follows:

“[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 pass-throughs Pedestrian Connectivity	330' 350' maximum spacing
	Width (min)	12'
	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:



”

[The diagram above is revised so that labels correspond with items A, C, D, F, G, H, I and J in the associated table, as revised (note that no labels are provided for B and E)]

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>Building Configuration</u>	<u>Width (max) Ⓒ</u>	<u>Depth (max) Ⓓ</u>	<u>Separation (min)**</u>
	<u>WR-7, Wrapped Parking</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>200'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Wider and Shallower</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>120'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Narrower and Deeper</u>			
	- <u>Main Building</u>	<u>275'</u>	<u>210'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>Structured Parking</u>	<u>230'</u>	<u>180'</u>	<u>30'</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>	<u>100% for a 4 story building; Otherwise, 80%</u>		
	- <u>Fifth story and above</u>	<u>70%; max of 80% for any one story ***</u>		
	- 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

****Separation is required when aggregate multiple buildings placed in proximity would otherwise exceed the Width and Depth criteria. See also Pedestrian Connectivity.**

****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 pass-throughs <u>Pedestrian Connectivity</u>	330' 350' 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 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 6

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 7

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 are provided **connectivity requirements are met through spaces between buildings**, they may qualify as outdoor amenity space if they are unobstructed above by any building elements and meet all other **any portions meeting all** requirements of this section **3.11.2.7.F.4 may qualify as outdoor amenity space**. 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 8

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 for at least the first thirty (30) feet of the structured parking measured inward from the interior wall of a street-facing façade.

SECTION 9

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

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

1. **Publicly accessible routes shall be provided to meet the minimum spacing requirements, and should be provided in coordination with Building Separation as defined in section 3.11.2.7.U.2.** 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 pass-throughs **Pedestrian connectivity** shall **include a sidewalk with a minimum width of 12' 8' and a minimum 8' clear zone, connecting to a streetscape sidewalk on at least one end and allowing pedestrians to move from one side of a building or lot to another. Where not terminating at another existing sidewalk, an easement may be required to accommodate future connectivity.**, 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 pass-throughs **Pedestrian routes serving to meet Pedestrian Connectivity requirements** 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 access is maintained.**
 - c. **Unenclosed overhead walkways may be provided to connect one building to another or to structured parking, so long as the walkway maintains a**

clear height above the pedestrian through access of at least twelve 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. Pedestrian Connectivity Pass-Through Spacing.

- a. The maximum ~~building pass-through~~ **pedestrian connectivity** 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 pass-through~~ **pedestrian connectivity** 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 pass-through~~ **pedestrian connectivity 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 10

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.”

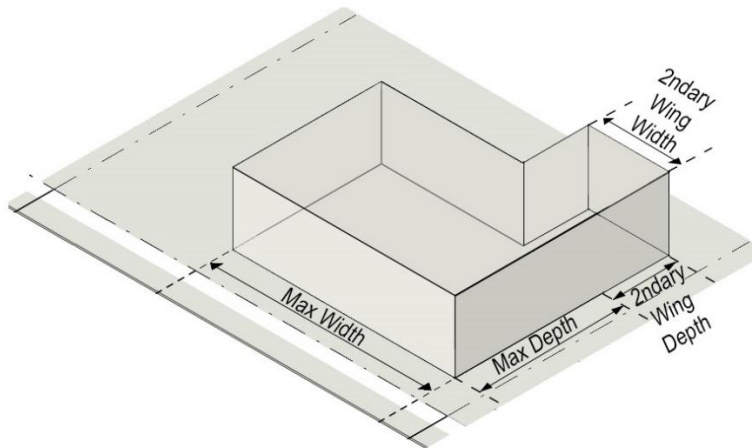
SECTION 11

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 and secondary wing width are measured parallel to the primary frontage for each site.**
- b. Maximum building depth and secondary wing depth are measured perpendicular to the primary frontage for each site, and apply to side facades. A building and wing must adjoin portions of the public realm for the full measurement of their depth.**
- c. A secondary wing, if included, shall be appended to the rear of the building to create an extension of the building’s depth. The wing may not be configured to increase the maximum building width. The depth of the wing shall be measured starting at the point where the building footprint exceeds the baseline maximum depth.**



- d. A Wrapped Parking Configuration is one where the building is integrated with structured parking and where the building fully screens at least two sides of the parking structure from view as follows:**
 - i. the building shall fully screen the side along the primary frontage.**
 - ii. where the site has additional frontages, the building shall fully screen at least one other side along a frontage.**
 - iii. if the above are not met, the footprint must meet the standards of a different Building Configuration.**
- e. The maximum dimensions for Structured Parking are applicable to any configuration of structured parking, including standalone, wrapped, and**

podium configurations, except that the dimensions are not applicable to portions of the structured parking below grade.

f. 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 or aggregation of buildings meets the maximum building dimensions.

b. Where required, the minimum separation between two buildings on a lot shall be the distance between building facades measured parallel to the street frontage.

c. Unbuilt area used to meet building separation requirements shall be configured for Pedestrian Connectivity as defined in section 3.11.2.7.S.

d. Service drives and vehicular access may be provided between buildings. The roadway width shall not count towards meeting the minimum building separation unless the Town Manager determines that it functions effectively as shared pedestrian-vehicular space.

e. Multiple buildings arranged such that their combined width and/or depth does not exceed the maximum applicable dimensions shall not be subject to Building Separation requirements."

SECTION 12

[Content Removed and public hearing continued to April 22, 2020.]

SECTION 13

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 14

Section 3.11.4.7. Administration of Form Districts, Subsection D. Certificate of Appropriateness, subsection 1b. is hereby revised to read as follows:

- "b. For purposes of this Section 3.11, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the following: kind and texture of the building material, type and style of all windows and doors, orientation and treatment of building entrances, building elements as described in Section 3.11.2.6, type and style of light fixtures, quality of associated streetscape environment, quality **and activation** of building pass-throughs **pedestrian**

connectivity routes, quality and activation of associated outdoor amenity spaces, screening of associated vehicular and services areas, cohesive design aesthetic for all buildings and structures on the site, and appropriate transitions to surrounding development.

Accessory utility features further includes the screening of transformers and cabinet structures, as well as the appearance of visible stormwater control measures at grade. Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types. For development along streets with Type C Frontage requirements, the Community Design Commission shall review and approve certificates of appropriateness consistent with 3.11.4.2.C.2.a.”

SECTION 15

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 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 Connectivity means a publically accessible route between buildings that allows pedestrians to move from one (1) side of a building or lot to another through a privately owned or publicly dedicated area. The route must connect to or allow future connection to other such routes, sidewalks, greenways, or thoroughfares. Pedestrian connectivity may include a through-street or alley, and may be designed as a trail, greenway or other similar passage. Vehicular use may be allowed as desired by the applicant, provided that the design of the pedestrian route prioritizes pedestrian movements.”

SECTION 16

This ordinance shall be effective upon enactment.

This the 19th day of February, 2020.