

# TECHNICAL REPORT

Council Public Hearing – 03/13/2019



## **CONSIDERATION OF CHANGES TO THE BLUE HILL FORM-BASED CODE IN RESPONSE TO NEW STATE STORMWATER LEGISLATION**

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The following Technical Report describes potential modifications to the Form District Regulations of the Blue Hill District for purposes of maintaining stormwater treatment benefits while remaining in accord with revised State statute. The modifications could be implemented through a Text Amendment to Section 3.11 of the LUMO.

### **BACKGROUND**

- May 12, 2014 Ephesus-Fordham (Blue Hill) Form-Based Code adopted, with stormwater requirement to treat 50% of post-construction total impervious area for 85% Total Suspended Solid removal.
- December 27, 2018 Session Law 2018-145 enacted, a technical corrections bill which includes a provision that local governments may only require stormwater controls to treat the net increase in impervious area of a redeveloped site.

### **POTENTIAL PROCESS**

Subject to Council direction, staff could conduct the following text amendment process for changes in response to the new State legislation.

- March-April 2019 Draft text amendment
- April 3, 2019 Council Work Session on draft text amendment
- April 2019 Public Information Meeting with outreach to property owners in and near the Blue Hill District
- May 2019 Environmental Stewardship Advisory Board review and recommendation
- May 2019 Planning Commission review and recommendation
- May 2019 Council Public Hearing on proposed text amendment
- June 2019 Council considers action on changes to the Form-Based Code

# TECHNICAL REPORT

Council Public Hearing – 03/13/2019

## POTENTIAL CODE MODIFICATION

### OVERVIEW

The following describes a restructuring of Blue Hill District zoning regulations to allow applicants to select from three different application review paths. All properties zoned WX-5, WX-7, WR-3, or WR-7 would subsequently follow one the paths below as determined by the applicant for the project.

**General Notes:** The paths provide a range of options to consider. They are not interdependent and do not all have to proceed forward in the text amendment process. However, at least one option (Path 1 or a substitute) must offer applicants the ability to provide stormwater treatment in accordance with SL 2018-145.

### PATH 1: CONVENTIONAL

**STORMWATER REQUIREMENTS:** Treatment of net increase in impervious surface only – as required for most of Chapel Hill.

**USE AND DIMENSIONAL STANDARDS:** Modeled closely after the CC (Community Commercial) zoning district.

<b>Permitted Uses:</b> A variety of Commercial, Office, Lodging, Institutional, Single-Family Residential, and Multifamily Residential uses	
<b>Max Density:</b> 15.0 units/acre	<b>Max Floor Area Ratio (FAR):</b> 429 sq ft of building per 1,000 sq ft of land
<b>Max Height:</b> 34 ft at setback line, up to 60 ft interior to site	<b>Resource Conservation Districts (RCD):</b> Required

**OTHER DEVELOPMENT STANDARDS:** Block Length limits, Pass-throughs, Outdoor Amenity Space, Recreation Space, and Building Form standards - as currently required in the Blue Hill District.

**REVIEW PROCESS:** Special Use Permit required for any project over 20,000 sq ft of building and/or 40,000 sq ft of land disturbance – as required for most of Chapel Hill. Projects under these thresholds typically seek Planning Commission approval.

**Notes:**

- This is the path that allows stormwater treatment of increase in net impervious surface only, in accordance with the new state legislation SL 2018-145.
- Most property in Blue Hill was zoned as CC prior to establishment of the District; this path would therefore revert sites to previously existing limitations on Height, Density, FAR, and RCD protection.

# TECHNICAL REPORT

Council Public Hearing – 03/13/2019

## PATH 2: ENHANCED STORMWATER

**STORMWATER REQUIREMENTS:** Applicants may elect to follow Path 2 provided that 50% of the total post-construction impervious surface is treated (what was previously a requirement in the Blue Hill District).

**USE AND DIMENSIONAL STANDARDS:** Maintain current standards for WX- and WR- Sub-Districts.

<b>Permitted Uses:</b> A variety of Commercial, Office, Lodging, Institutional, and Multifamily Residential uses (no Single-Family Residential)	
<b>Max Density:</b> indirectly limited by Max Height, Setbacks, and Open Space Requirements	<b>Max Floor Area Ratio (FAR):</b> indirectly limited by Max Height, Setbacks, and Open Space Requirements
<b>Max Height:</b> Up to 7 stories / 90 ft, depending on Sub-District	<b>Resource Conservation Districts (RCD):</b> Not required

**OTHER DEVELOPMENT STANDARDS:** Block Length limits, Pass-throughs, Outdoor Amenity Space, Recreation Space, and Building Form standards - as currently required in the Blue Hill District.

**REVIEW PROCESS:** Maintain current review process for WX- and WR- Districts. This allows Town Manager approval of a Form District Permit and CDC approval of a Certificate of Appropriateness

**Notes:**

- This path incentivizes the stormwater treatment approach that was established for Blue Hill to treat at least 50% of the post-construction impervious surface, by still allowing the building height, density, and administrative review process that were all also established for Blue Hill. RCD exemption is also provided (under current policy), in light of the increased treatment of impervious surface.

## PATH 3: CONDITIONAL REZONING

Applicants elect to rezone a site to WX-7-CZ, WX-5-CZ, WR-7-CZ, and/or WR-3-CZ as an opportunity to negotiate standards that are appropriate for the specific project.

**STORMWATER REQUIREMENTS:** Treatment of net increase in impervious as a starting point, with opportunity to negotiate for increased treatment.

**USE AND DIMENSIONAL STANDARDS:** Current standards for WX- and WR- Sub-Districts as a starting point. Opportunity to negotiate standards for more or less development potential, as appropriate for the site.

# TECHNICAL REPORT

Council Public Hearing – 03/13/2019

<b>Permitted Uses:</b> A variety of Commercial, Office, Lodging, Institutional, and Multifamily Residential uses (no Single-Family Residential). Some uses could be prohibited if negotiated through the Conditional Rezoning.	
<b>Max Density:</b> indirectly limited by Max Height, Setbacks, and Open Space Requirements	<b>Max Floor Area Ratio (FAR):</b> indirectly limited by Max Height, Setbacks, and Open Space Requirements
<b>Max Height:</b> Up to 7 stories / 90 ft, depending on Sub-District. Height could be reduced if negotiated through the Conditional Rezoning.	<b>Resource Conservation Districts (RCD):</b> Not required. Stream protection standards could apply if negotiated through the Conditional Rezoning.

**OTHER DEVELOPMENT STANDARDS:** Current requirements of the Blue Hill District, with opportunity to negotiate standards as appropriate for the site.

**REVIEW PROCESS:** Council approval of rezoning to a -CZ designated district. Opportunity to negotiate for community benefits as part of the rezoning process. Followed by Town Manager approval of a Form District Permit and CDC approval of a Certificate of Appropriateness.

**Notes:**

- Conditional zoning districts would need to be enabled for WX- and WR- Sub-Districts in LUMO Section 3.4.1.
- Existing WX- and WR- zoning Sub-districts would stay in place. Rezoning action would be to apply a -CZ designation.
- Town Council has discretion in a rezoning process which would result in more uncertainty for applicants.