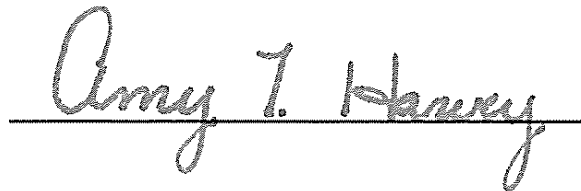


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-06-27/O-5.1) enacted by the Chapel Hill Town Council on June 27, 2018.

This the 11th day of October, 2018.



**Amy T. Harvey
Deputy Town Clerk**



ORDINANCE A

(Approving the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO REVISE RECREATION SPACE STANDARDS IN THE BLUE HILL DISTRICT (2018-06-27/O-5.1)

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; and

WHEREAS, this area of Chapel Hill was rebranded as the Blue Hill District in August 2017 based on a decision of the area's property owners; and

WHEREAS, the Council has continued to monitor performance measures in the Blue Hill District and has responded to community concerns by working to improve the Form District Regulations; and

WHEREAS, on March 14, 2018, Council Members petitioned the Mayor and Town Manager to consider solutions in a timely manner for the Blue Hill District that would address community interests including increasing non-residential development, accomplishing the existing goal of 300 new affordable housing units, and addressing building size and massing concerns; 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 the petition; and

WHEREAS, the Council finds that the redevelopment of the Ephesus Church Road/Fordham Boulevard area is appropriate and especially significant to the preservation of the visual character of the Town and is one where a Special Appearance District is appropriate; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and is warranted, because of changed or changing conditions in the area or in the jurisdiction generally, and in order to achieve the purposes of the Comprehensive Plan including but not limited to:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- 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 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 the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

SECTION 1

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection G. Recreation Space, subsections 1 and 4 are hereby revised to read as follows:

"1. *In general.* Active, improved **outdoor** space (~~either indoors or outside~~) must be provided for common active recreational use by residents of multifamily or mixed use developments."

"4. *Standards.*

a. The minimum size of active recreation space is the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown for the zoning district and building height. Where a development contains residential and nonresidential uses, this standard applies only to the residential portion of the building. The land area used for applying the ratio described above is calculated based on the proportion of residential floor area.

~~b. Rooftop recreation space must be separated by at least one (1) floor above or below rooftop mechanical/HVAC units. The town manager may waive this requirement where the applicant provides evidence that noise and heat levels will be reasonably mitigated through the use of barriers, special equipment designed for low noise and heat levels, or other means sufficient to allow use of the roof top space for passive or active recreation purposes.~~

b. Recreation space not provided as a Fee or Greenway Alternative shall be provided on-site at ground level, at the perimeter lot line of the site.

c. Recreation space shall be unobstructed above by any building elements. Canopies, coverings, or other roofs incidental to the intended use or purpose of the recreation space may be considered as unobstructed above.

d. A pedestrian connection shall be provided between a recreation space and an adjoining public sidewalk or greenway.

e. A pedestrian connection shall be provided between a recreation space and at least one area provided for outdoor amenity space."

SECTION 2

These ordinance sections shall be effective upon enactment; provided however that any development application for the property associated with Elliott Road Extension, currently known as Park Apartments, shall be subject to the Land Use Management Ordinance in effect immediately prior to June 27, 2018, in accordance with and as further described and identified in Town Council resolution 2018-04-25/R-10.

This the 27th day of June, 2018.