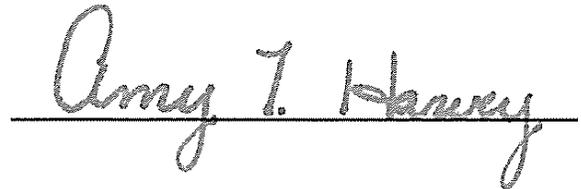


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2023-06-21/O-6) enacted as amended by the Chapel Hill Town Council on June 21st, 2023.

This the 26th day of June, 2023.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



REVISED ORDINANCE A
(Enacting the Land Use Management Ordinance Text Amendment Proposal)

AN ORDINANCE AMENDING ARTICLES 1, 3, 4, 5, 6, AND 7 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING HOUSING REGULATIONS AND HOUSING CHOICES FOR A COMPLETE COMMUNITY (2023-06-21/O-6)

WHEREAS, the Chapel Hill Town Council wishes to amend the Land Use Management Ordinance (LUMO) in order to allow for more and varied housing opportunities that meet different price points, life stages, and preferences; and

WHEREAS, the Town of Chapel Hill acknowledges that zoning and land use regulations have historically contributed to perpetuating segregation and economic exclusion of multiple generations of residents; and

WHEREAS, the Town of Chapel Hill, like many communities, recognizes that zoning, land use regulations, and the development approval process have contributed to a disparity of outcomes for residents including housing shortages and housing development that does not meet the income levels and life stages of all residents; and

WHEREAS, as housing becomes less attainable due to limited supplies, high pricing, and limited housing options, there are fewer housing options for current and new residents at different income levels and life stages to live in the community; and

WHEREAS, as the shortage of housing units has led to increased housing costs, Chapel Hill's workforce must look at housing opportunities outside of the community, leading to increased traffic and parking demands; and

WHEREAS, the Town of Chapel Hill understands the need to encourage compatible infill development that balances the character and history of neighborhoods while increasing opportunities to develop attainable and affordable housing; and

WHEREAS, the neighborhood conservation districts (NCDs) have establish special regulations especially designed for and intended to help preserve the character of individual residential neighborhoods, and the majority of these NCDs have prohibited duplexes or reserved duplexes for affordable housing only; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan promotes a range of housing choices for residents, including workforce, senior, and affordable housing; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan encourages future land use, form, and density that strengthen the community, social equity, economic prosperity, and the natural environment; and

WHEREAS, the Future Land Use Map (FLUM) encourages compact, well-designed, mixed-use communities where all community members have access to jobs, transit, and places to reside; and

WHEREAS, the FLUM recommends the development of duplexes, triplexes, fourplexes, and accessory dwelling units with an approval process and requirements similar to that of

single-family detached dwellings and it finds that these small scale, multifamily uses can fit within the existing fabric of some existing single-family neighborhoods; and

WHEREAS, the *Chapel Hill Housing Needs Analysis: 2020-2040* found that the demand for new housing for individual households is expected to increase to 500 units per year. Few owner-occupied townhouses or condominiums are built to meet this need and provide missing middle housing for the community's workforce; and

WHEREAS, on September 22, 2021, several members of the Town Council petitioned staff to create a new application pathway to foster the creation of missing middle housing, including duplexes, triplexes, cottage courts, townhomes, and other forms of compact development, to increase the availability and affordability of housing; and

WHEREAS, in 2022, the Chapel Hill Town Council initiated a Complete Community Strategy to identify shared interests around a new approach that clarifies where and how to add housing in order to be an inclusive, sustainable, and an economically competitive community; and

WHEREAS, the Town of Chapel Hill supports a strategy of incremental, gentle density that will increase opportunities for smaller, more affordable single family residences and small-scale housing developments in existing residential zoning districts; and

WHEREAS, increasing density in established residential neighborhoods will utilize existing infrastructure; promote walkability, transit, and alternative forms of transportation; and encourage sustainable land use practices that reduce environmental impacts; and

WHEREAS, the Town of Chapel Hill finds that additional housing units can be integrated into existing residential neighborhoods and zoning districts through gentle density constructing small-scale houses and multifamily missing middle housing forms; and

WHEREAS, the Town of Chapel Hill seeks to allow opportunities to incrementally increase density in existing residential zoning districts by allowing more attainable, smaller, single family and missing middle housing forms such as duplexes, triplexes, fourplexes, and cottage courts; and

WHEREAS, smaller houses and unit sizes reduce land acquisition and construction costs, reducing overall home prices. Small-scale development provides an opportunity for homeownership and an alternative to accessory apartments; and

WHEREAS, Land Use Management Ordinance Article 3 – Zoning Districts, Uses, and Dimensional Standards limits the diversity of housing types and needs to be amended to provide greater opportunity for a range of housing types; and

WHEREAS, Land Use Management Ordinance Article 4 – Procedures provides certain exemptions only for single family development, requiring longer and more intensive review schedules for small-scale residential developments; and

WHEREAS, Land Use Management Ordinance Article 5 – Design and Development Standards applies to all multi-family development of three or more units, creating obstacles that discourage missing middle housing development; and

WHEREAS, Land Use Management Ordinance Article 6 – Special Regulations for Particular Uses does not provide standards for accessory apartments, triplexes, fourplexes, or

townhouse developments, and these types of housing units could strategically increase the density of neighborhoods if sensitively designed and integrated; and

WHEREAS, Appendix A—Definitions requires revisions to match the standards proposed above; and

WHEREAS, the Housing Advisory Board reviewed the text amendments to the Land Use Management Ordinance Article 1, 3, 4, 5, 6, and 7 and Appendix A on October 11, 2022, and January 10, 2023, and recommended that the Council enact the text amendments; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Article 1, 3, 4, 5, 6, and 7 and Appendix A on October 4, 2022, January 17, 2023, and May 16, 2023, and recommended that the Council enact the text amendments; and

WHEREAS, the Historic District Commission reviewed the text amendments to the Land Use Management Ordinance Article 1, 3, 4, 5, 6, and 7 and Appendix A on May 9, 2023, and shared their comments with the Council; and

WHEREAS, the Council called a Legislative Hearing to amend Articles 1, 3, 4, 5, 6, and 7, and Appendix A of the Land Use Management Ordinance as it relates to Housing Regulations and Housing Choices for the Council's May 24, 2023, meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Articles 1, 3, 4, 5, 6, and 7, and Appendix A; and

WHEREAS, upon consideration the Council finds that the amendment, if enacted, 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 Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (*Place For Everyone.3*)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (*Good Places, New Spaces.1*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (*Good Places, New Spaces.2*)
- 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 (*Good Places, New Spaces.5*)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (*Good Places, New Spaces.8*)
- Reduce the carbon footprint of all Town-owned or managed services and properties; require that all new development meets standards; and support residents in minimizing their personal footprints (*Nurturing Our Community.7*)
- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community (*Town Gown Collaboration.4*)

- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (*Town Gown Collaboration.6*)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Articles 1, 3, 4, 5, 6, and 7, and Appendix A shall be amended as follows:

Section 1. Article 1. General Provisions, Section 1.4 Applicability is revised to read as follows:

“1.4. Applicability.

This appendix shall be effective throughout the town's planning jurisdiction. The planning jurisdiction of the town comprises the area described by Chapter 473 of the Session Laws of 1975, as modified from time to time in accordance with Section 160D, Article 2 of the North Carolina General Statutes.

Except as otherwise specifically provided in this appendix, no land or structure shall hereafter be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no structure, or part thereof, shall be constructed, erected, altered, renovated, or moved, except in compliance with all of the applicable provisions of this appendix.

Notwithstanding the foregoing, regulations established in this appendix as enacted on January 27, 2003, with the exception of occupancy restrictions ~~for single-family and two-family structures~~, shall not apply to valid special use permits, development plans, and preliminary plat applications approved by the Town Council, and valid site plan review applications approved by the Planning Commission, prior to the effective date of this enacted appendix. Such developments shall be subject to regulations that were applicable immediately prior to the effective date of this appendix as enacted on January 27, 2003, with the exception of occupancy restrictions for single-family and two-family structures.

The appendix shall apply to all public land(s) and private land(s), and use(s) thereon over which the Town has jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within the jurisdiction of the Town pursuant to North Carolina General Statutes Section 160D, Article 2. The Planning Department (hereinafter known as the "Department") of the Town can be contacted for further information about the use of this Chapter.

For a parcel in two jurisdictions, the owner and the jurisdictions may agree that development regulations from one jurisdiction will apply to the entire parcel as authorized in Chapter 160D-203 and in Section 4.1.5 in this appendix.”

Section 2. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.4. Conditional Districts, Subsection 3.4.6 The Mixed-Use Village Conditional Zoning District (MU-V-CZD), Subsection (c)(2)A. is revised to read as follows:

“(2) For purposes of this section:

(a) Uses within the "Residential" land use category include the following:

- Dwelling units, single family,
- Dwelling units, two-family,
- Dwelling units, three-family,

Dwelling units, four-family,

Dwelling units, multifamily, ~~three to seven~~ five (5) to ten (10) dwelling units,

Dwelling units, multifamily, over ~~seven~~ ten (10) dwelling units,"

Section 3. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.7. Use regulations, Subsection 3.7.2 Use Matrix, Table 3.7-1: Use Matrix is hereby amended to delete and insert rows, and revise footnotes as follows:

[Portions of Table 3.7-1 not appearing in the excerpt below to remain unchanged.]

Table 3.7-1: Use Matrix

Uses	Use Group	Zoning District																Historic Rogers Road Neighborhood District					Planned Development (PD-)													
		R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	R-CP-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
<u>"Dwelling Units, single-family with accessory apartment</u>	A	P	P	P	P	P	P	P	P	P	P	N	N	N	P	P	P	P	P	P	P	P	-	-	-	A	A	A	-	P	-	-	-	-	P	-
<u>"Dwelling units, duplex (See also Article 6)</u>	A	P	P	P	P	P	P	P	P	P	P	N	N	N	P	P	P	P	P	P	P	P	-	-	-	A	A	A	-	P	-	-	-	-	P	-
<u>"Dwelling units, two-family (See also Article 6)</u>																																				
<u>Single-family with accessory apartment</u>	A	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P	P	P	P	P	P	P	=	=	=	A	A	A	=	P	=	=	=	=	P	=
<u>Single-family with cottage</u>	A	=	=	=	=	P	P	P	P	P	P	C	C	C	P	P	P	P	P	P	P	P	=	=	P	P	P	=	P	=	=	=	=	P	=	
<u>Two-family, attached</u>	A	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P	P	P	P	P	P	P	=	=	P	P	P	=	P	=	=	=	=	P	=	
<u>Two-family, detached</u>	A	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P	P	P	P	P	P	P	=	=	P	P	P	=	P	=	=	=	=	P	=	

"Dwelling units, multifamily, 3 to 7 dwelling units	A	-	-	-	-	-	-	-	-	-	P	P	P	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	P	-	-	-	P	-						
"Dwelling units, multifamily, over 7 dwelling units	A	-	-	-	-	-	-	-	-	-	-	-	-	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	-
"Dwelling Units, multi-family																																											
Three-family, attached or detached	A	=	=	=	=	=	=	=	=	=	P	P	P	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	=	=	P	P	P	=	=	P	=	=	=	P	=	=	=	P	=			
Four-family, attached or detached	A	=	=	=	=	=	=	=	=	=	P	P	P	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	=	=	=	=	=	=	=	=	=	=	P	=	=	=	P	=				
Multi-family, 5-10 units, attached or detached	A	=	=	=	=	=	=	=	=	=	P	P	P	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	=	=	=	=	=	=	=	=	=	=	P	=	=	=	P	=				
Multi-family, over 10 units, attached or detached	A	=	=	=	=	=	=	=	=	=	=	=	=	C/Z	C/Z	C/Z	P	P	P	P	P	P	P	=	=	=	=	=	=	=	=	=	=	=	P	=	=	=	P	=			

- Definitions of uses are listed in Appendix A
 - Definitions of Wireless Communication Facility uses are listed in Appendix A, and in Section 5.20.3.
- χ Uses in Table 3.7-1, Use Matrix, are applicable only to private property outside improved public rights-of-way. See Section 5.20.9(d) for small wireless facilities inside improved rights-of-way.
- * Uses in this table are pursuant to a development agreement. If there is no development agreement governing the site, see Section 3.5.6(f)(1) and (2).
- **Two-family, three-family, and four-family developments shall not be permitted in any neighborhood conservation districts that do not otherwise allow for single-family with accessory apartment, duplexes, triplexes, or multi-family.**

Section 4. Article 3. Zoning Districts, Uses, and Dimensional standards, Section 3.8. Dimensional Standards, Subsection 3.8.2 Dimensional Regulations, is revised to read as follows:

"About the Building Envelope. Sections (f)—(j) define the three-dimensional building envelope. All structures, or portions thereof, must be placed within the building envelope and may not encroach the building envelope unless specifically exempted by this Appendix.

- Divisions (f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope.
- Divisions (h)—(j) regulate the street, interior, and north setback lines, respectively, which together define the perimeter setback line and horizontal extent of the building envelope.

Definitions. Refer to Appendix A for definitions of applicable terms.

(a) Zoning District. Column (A) refers to the applicable Zoning District. The requirements set forth in sections (b)—~~(j)~~(i) below, relate to the zoning district specified in the row under Column (A),

(b) Minimum Lot Size. Column (B) is expressed in square feet of gross land area.

Notes:

- (1) Where a zoning lot is located in more than one zoning district, the minimum gross land area required of such zoning lot shall be the sum of the areas derived by multiplying the minimum gross land area required for each represented district by the proportion of the zoning lot located within that district.
- (2) For all dwelling uses, except single family and single family with accessory apartment, that consist of three (3) or more dwelling units, the minimum lot size is two (2) times the figure shown in Column (B).

~~(c) Maximum Density. Column (C) applies to all residential uses except single family dwellings and single family dwellings with accessory apartments. Column (C) is a maximum residential density, expressed in dwelling units per acre of gross land area.~~

~~(d)~~(c) Minimum Frontage. Column ~~(D)~~ (C) is the minimum width of the lot measured along the street.

Notes:

- (1) Where a zoning lot fronts on two (2) or more streets, minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.
- (2) Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirement shall be thirty-five (35) feet.

~~(e)~~ (d) Minimum Lot Width. Column ~~(E)~~ (D) is the minimum width of the lot, expressed in feet, measured at least twenty-five (25) feet interior from the minimum street setback. No portion of a lot, created as part of a subdivision, between a street setback and the opposite interior (rear) setback, shall be less than twenty (20) feet in width.

Exception:

- (1) Authorized flag lots, created as part of a subdivision and subject to the lot layout standards in Section 5.2, may contain areas between a street setback and the opposite interior (rear) setback that are less than twenty (20) feet in width. Authorized flag lots shall reach the minimum lot width at a point not to exceed two hundred (200) feet from the street right-of-way.

Notes:

(2) Where a zoning lot fronts on two (2) or more streets, minimum lot width requirements shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

(3) Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum lot width shall be reached at a distance derived by the following formula: $D = 50 (W)(35) - 50$, where W = minimum required lot width, and D = maximum distance from street right-of-way to where the lot width equals the minimum required width for that district.

~~(f)~~ (e) Maximum Setback Height: Column ~~(F)~~ (E) is the maximum allowable height at the perimeter setback line of a zoning lot, as defined by the minimum street, interior, and solar setbacks.

(1) Height shall be measured from mean finished grade, along the street façade of the building. Where a structure fronts more than one (1) street, height shall be measured from the lower, more restrictive mean finished grade.

(2) To determine mean finished grade, take the spot elevations from the highest and lowest points of the foundation. The average of these two (2) spots elevations is the mean finished grade and the elevation from which height measurements are made.

(3) The entire structure, and all portions thereof, is subject to the maximum setback height.

Exceptions:

A. The structure or part thereof is below the allowable core height, as described in division (g) below.

B. The structure or part thereof is explicitly exempted in section 3.8.3 Exceptions to Setback and Height Requirements, below.

C. The structure or part thereof is explicitly exempted as provided elsewhere in this Appendix.

(4) For purposes of applying setback and height regulations to development within an OI-3 or OI-4 zoning district or within a townhouse development or a planned development, all contiguous land within the district, townhouse development, or planned development shall be considered as a single zoning lot.

~~(g)~~ (f) Maximum Core Height: Column ~~(G)~~ (F) is the maximum allowable height in the interior or core area of a lot. The core height provides additional allowable height on the interior of a zoning lot based on the horizontal distance measured away from the perimeter setback line of the lot. The allowable core height increases with the distance interior to the lot, measured from the perimeter setback line at a rate described below.

(1) In all Zoning Districts, except those explicitly named in subdivision (2), the allowable core height increases at a rate of one (1) foot in height for every two (2) feet of distance interior to the lot, measured away from the perimeter setbacks. This is equivalent to a slope of $\frac{1}{2}$ (rise/run) or 1:2.

(2) In the Town Center - 1 to 3, Office/Institutional 3 to 4 zoning districts the allowable core height increases at the following rates:

A. Street and interior setbacks: one (1) feet in height for every one (1) feet of distance interior to the lot, measured away from the street and interior setbacks. This is equivalent to a slope of 1/1 (rise/run) or 1:1.

B. Solar setbacks: one (1) feet in height for every one (1) foot and seven-tenths of a foot (1.7 feet) of distance interior to the lot, measured away from the street and interior setbacks. This is equivalent to a slope of 1/1.7 (rise/run) or 1:1.7.

(3) No structure, or part thereof, shall project beyond the allowable core height of a structure or part thereof.

Exceptions:

A. The structure or part thereof is explicitly exempted in section 3.8.3 Exceptions to Setback and Height Requirements, below.

B. The structure or part thereof is explicitly exempted as provided elsewhere in this Appendix.

(4) If a structure is located in the vicinity of an airport, the height limitations set forth in Federal Aviation Regulations, Part 77, or successor regulations, shall apply where such limitations are stricter than those established in this appendix.

~~(h)~~ (g) Minimum Street Setback. Column ~~(H)~~ (G) establishes a minimum setback from the street right-of-way line. Where a zoning lot fronts on a street with a right-of-way width not meeting the standards of this appendix, street setback shall be measured from a line running parallel to the centerline of the street at a distance from such centerline equal to one-half (1/2) the standard right-of-way width of the street.

Exception:

(1) The town manager or town council may exempt lots from this requirement upon making one of the following findings:

A. Where a building line has already been established by existing structures along the block which are situated on lots comprising at least twenty-five (25) percent of the street frontage, the building may be constructed at the established building line; or

B. The existing right-of-way is adequate to encompass any anticipated need for widening of the street or other improvements and widening of the right-of-way to town standards would create nonconforming street setbacks for other structures on the street.

~~(i)~~ (h) Minimum Interior Setback. Column ~~(I)~~ (H) establishes a minimum setback measured from the interior lot lines.

Exception:

(1) The interior setback requirements may be reduced to zero (0) under certain conditions (see section 5.2.8.).

Note:

(2) Side setbacks are set at zero (0) in many non-residential districts in order to encourage the formation of a street wall, as is found in traditional commercial centers such as the TC district along Franklin Street.

~~(j)~~(i) Minimum Solar Setback. Column ~~(J)~~ (I) establishes a minimum setback measured from north lot lines. Where a solar setback and either a street or interior setback both

apply to the same portion of a lot line, the required minimum setback shall be the greater of the two.

Exceptions:

(1) The solar setback may be reduced to zero (0) under certain conditions (see section 5.2.8).

(2) Minimum solar setback requirements shall not apply to any structure, or part thereof, when the proposed height of the structure is ninety (90) percent, or less, of the maximum allowed setback height. In such cases, the lesser interior setback may be used instead.

~~(k)~~(j) Maximum Impervious Surface Ratio. Column ~~K~~ (J) establishes the maximum ratio of impervious surface on a lot. The maximum amount of impervious surface area is divided by multiplying the gross land area of the lot by the ratio established in Column (K) and as described below:

(1) Single-family and two-family Rresidential development: (.50)

(2) Multifamily developments, fraternities and sororities, non-residential, or mixed-use development: (.70).

Exception:

(3) Impervious surface restrictions shall not apply to town center zoning districts.

~~(k)~~(k) Maximum Floor Area Ratio. Maximum floor area allowed shall be the number of square feet derived by multiplying gross land area by the applicable floor area ratio (FAR) as shown in Table 3.8.1. Exceptions:

(1) A maximum floor area ratio shall not apply to: ~~single family dwelling units (with or without an accessory apartment)~~

A. Dwelling Units, Single Family

B. Dwelling Units, Single Family with Accessory Apartment

C. Dwelling Units, Single Family with Cottage

D. Public Cultural Facilities

(2) For two-family ~~duplex~~ dwellings on a single zoning lot, the floor area shall be .40 in all zones and overlay zones, except where the overlay zone establishes a more restrictive floor area ratio for duplexes.

~~(3) A maximum floor area ratio shall not apply to public cultural facilities.~~

~~(4)~~ (3) For public elementary and secondary schools, the maximum floor area ratio shall be 0.174 unless a higher floor area ratio is established in Column (L).

~~(5)~~ (4) Where a lot is partially within the resource conservation district, the maximum allowable floor area of the portion of the lot outside of the resource conservation district shall be calculated as the sum of:

A. The product of, and

(i) The floor area ratio of the portion of the zoning lot outside the resource conservation district, and

(ii) The area, in square feet, of the portion of the zoning lot outside the resource conservation district

B. The product of

(i) The floor area ratio applicable to a permitted use in the resource conservation district, and

(ii) The area, in square feet, of the portion of the zoning lot within the resource conservation district.”

Section 5. Article 3, Section 3.8 Dimensional standards, Table 3.8-1: Dimensional Matrix is hereby amended to delete column (C) Density and revised to read as follows:

(A)	(B)	(C)	(D-C)	(E-D)	(F-E)	(G-F)	(H-G)	(I-H)	(J-I)	(K-J)	(L-K)	(M-L)
Zoning District	Lot Size (square feet min)	“Density (units per acre max)”	Front age (min feet)	Lot Width (min feet)	Build ing Height , Set back (max feet)	Build ing Height , Core (max feet)	Stre et Set back (min feet)	Inte rior Set back (min feet)	Solar Set back (min feet)	Imp erv ious Surf ace Ratio (max) *	Floor Area Ratio (max)	Stre et Set back (max feet)
R-LD5	217,800	“0.2”	200	250	29	35	30	16	20	.5/.7	.025	N/A
RT	100,000	“0.4”	160	200	29	35	30	16	20	.5/.7	.031	N/A
R-LD1	43,560	“1.0”	100	125	29	35	30	16	19	.5/.7	.047	N/A
R-1A	25,000	“2.0”	80	100	29	38	29	15	18	.5/.7	.062	N/A
R-1	17,000	“3.0”	64	80	29	40	28	14	17	.5/.7	.076	N/A
R-2A	14,500	“3.5”	56	70	29	50	27	10	12	.5/.7	.087	N/A
R-2	10,000	“4.0”	52	65	29	50	26	11	13	.5/.7	.093	N/A
R-3	5,500	“7.0”	40	50	29	60	24	8	11	.5/.7	.162	N/A
R-4	5,500	“10.0”	40	50	34	60	22	8	9	.5/.7	.230	N/A
R-5	5,500	“15.0”	40	50	39	60	20	6	8	.5/.7	.303	N/A
R-6	5,500	“15.0”	40	50	39	60	20	6	8	.5/.7	.303	N/A
R-SS-CZD	N/A	“N/A”	N/A	N/A	39	60	10	0	N/A	.5/.7	1.10"	N/A

(A)	(B)	(C)	(D-C)	(E-D)	(F-E)	(G-F)	(H-G)	(I-H)	(J-I)	(K-J)	(L-K)	(M-L)
Zoning District	Lot Size (square feet min)	"Density (units per acre max)"	Frontage (min feet)	Lot Width (min feet)	Building Height, Set back (max feet)	Building Height, Core (max feet)	Street Set back (min feet)	Interior Set back (min feet)	Solar Set back (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)	Street Set back (max feet)
TC-1	N/A	"N/A"	12	15	44	60	0	0	0	N/A	1.97	N/A
TC-2	N/A	"N/A"	12	15	44	90	0	0	0	N/A	1.97	N/A
TC-3	N/A	"N/A"	12	15	44	120	0	0	0	N/A	4.00	N/A
CC	5,500	"15.0"	40	50	34	60	22	8	9	.5/.7	.429	N/A
N.C.	5,500	"10.0"	40	40	34	60	24	8	11	.5/.7	.264	N/A
OI-1	5,500	"10.0"	40	50	29	60	24	8	11	.5/.7	.264	N/A
OI-2	5,500	"15.0"	40	40	34	60	22	8	9	.5/.7	.264	N/A
OI-3	2,000	"N/A"	15	15	N/A	N/A	0	0	0	.5/.7	.566	N/A
OI-4	2,000	"N/A"	12	15	N/A	N/A	0	0	0	N/A	N/A	N/A
I	17,000	"N/A"	64	80	26	50	26	11	13	.5/.7	.071	N/A
LI-CZD	17,000	"0.0"	64	80	N/A	90	15	10	10	N/A/.7	N/A	N/A
MH	100,000	"N/A"	160	200	29	35	30	16	20	.5/.7	.019	N/A
MU-OI-1	N/A	"N/A"	N/A	N/A	44	90	0	0	0	.5/.7	.264	N/A
MU-R-1	N/A	"N/A"	N/A	N/A	29	90	0	0	0	.5/.7	.076	N/A
MU-V, MU-V-CZD arterial	5,500	"20.0"	80	62	70	114	0	0	20	.5/.7	1.2	N/A

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Set back (max feet)	Building Height, Core (max feet)	Street Set back (min feet)	Interior Set back (min feet)	Solar Set back (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)	Street Set back (max feet)
MU-V, MU-V-CZD collector	5,500	15.0	40	50	44	90	0	0	20	.5/.7	.500	N/A
MU-V, MU-V-CZD local	5,500	15.0	70	40	32	40	0	0	17	.5/.7	.500	N/A
HR-L	14,500	4 ³	64	80	29	40	10 ⁴³	14	17	.5/.7	.076	28 ⁵⁴
HR-M	9,000	6 ³	52	65	29	40	10	14	17	.5/.7	.093	20
HR-X	N/A	8	40	N/A	29	40	20	40	17	.5/.7	.264	N/A
HR-C	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Footnotes:

(1) The notation "N/A" indicates that the requirements does not apply within the particular zoning district.

(2) Existing lots of record as of December 7, 1992, which are subsequently rezoned to R-LD5 can be subdivided to create up to three (3) lots of not less than two (2) acres gross land area in size each; provided, however the remaining land shall be developed with a minimum lot size of at least five (5) acres gross land area for each lot, and provided that no lot created under this exemption shall have a new direct access onto an arterial street.

(3) Because the HR subdistricts allow accessory dwelling units, duplexes, and triplexes, the maximum density (dwelling units per acre) in this table is greater than the maximum number of lots per acre. The minimum and maximum setbacks, maximum height, maximum impervious surface ratio, and maximum floor area ratio determine the potential building size and work to keep the building and lot size compatible with the surrounding neighborhood regardless of the number of dwelling units contained within the building.

(4-3) Lots that front on (take their address and ingress/egress from) Rogers Road shall have a minimum street setback of 50 feet. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor. Lots that existed on May 22, 2019 and are smaller than 17,424 square feet (.4 acres) are exempt from this standard.

(5 4) Lots that front on Rogers Road shall have no maximum street setback. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor.”

Section 6. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.8.3 Exceptions to Setback and Height Regulations is revised to read as follows:

“(a) The following features shall not be subject to the required minimum setbacks provided the town manager determines that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements:

- (1) Roof overhangs which do not exceed more than thirty-six (36) inches in length into the setback;
- (2) Free-standing signs and projecting signs, provided such signs comply with the sign standards established in section 5.14;
- (3) Fences and walls not exceeding six (6) feet in height may be located within interior setbacks and those not exceeding four (4) feet in height may be located within street setbacks. Arches or trellises up to eight (8) feet in height and five (5) feet in width may be constructed over a gate if integrated into the fence or gate design and not located within a sight triangle. No more than two (2) such arches or trellises shall be permitted per parcel:
- (4) Flagpoles, home satellite dishes and TV antennas, bridges, and transmission poles, towers, and cables; ~~and~~
- (5) ~~The decking of~~ Patios, decks and swimming pools not exceeding three (3) feet in height, provided they are not constructed closer than five (5) feet from the property line of the zoning lot. Protective railings, as required by building code, may be added to the decking height;
- (6) Mechanical equipment, such as HVAC condenser units, water heaters, generators, electrical panels, backflow preventers no more than two (2) feet in height, and similar structures that encroach up to five (5) feet into the setback, comply with the noise regulations set forth in Chapter 11, Article 3¹ and are associated with residential developments of less than five (5) units;
- (7) Window wells located in interior and solar setbacks not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress;
- (8) Sidewalks, pathways, and accessibility ramps and other structures promoting access for people with disabilities;
- (9) Driveways that comply with the regulations set forth in Chapter 17²;

¹ https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH11MIPROF_ARTIIIINO

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH17STSI

(10) Electric vehicle charging stations and related mechanical equipment that maintain a minimum setback of five (5) feet from the property line;

(11) Bus shelters and rideshare shelters that are not located within sight triangles and as approved by Chapel Hill Transit; and

(12) Wells, so long as any required well house does not exceed four (4) feet in height;

(b) The following features may project above the building envelope defined by the maximum height limitations and additional setback requirements contained in Rules for Interpretation of Table 3.8-1, Columns (F) and (G), below, provided the town manager determines that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements:

(1) ~~Chimneys,~~ Accessory radio or television antennas, flagpoles, monuments, cupolas, parapets, dormers, clock towers or decorative towers with a footprint not exceeding twenty (20) percent of the principal building, provided the projection of such structures above the building envelope does not exceed fifteen (15) percent of the maximum height limitation that defines the portion of the building envelope penetrated by such structures;

(2) ~~Steeple, or solar collectors, or spires~~ provided the projection of such structures above the building envelope does not exceed fifteen (15) percent of the maximum height limitation that defines the portion of the building envelope penetrated by such structures;

(3) ~~Spire,~~ Smokestacks, water tanks, or windmills, provided such structures do not exceed in height the horizontal distance therefrom to the nearest lot line; and

(4) Transmission poles, towers, and cables;

(5) Chimneys, flues, vents, or similar structures shall not extend more than one (1) foot above the minimum height required to comply with International Building Code (IBC) requirements; and

(6) Solar collectors that do not extend more than one (1) foot above the nearest roof peak if mounted on a pitched roof, or do not exceed ten (10) feet in height above their mounting surface if mounted on a flat roof and provided the solar collectors are not visible from the street level."

Section 7. Article 4 Procedures, Subsection 4.6 Subdivision, new Subsection 4.6.14 Townhouse Subdivision is hereby added to read as follows:

"4.6.14 Townhouse Development Subdivision.

It is the intent of this section that applicable subdivision review under the subdivision regulations be carried out as an integral part of the review of townhouse developments. It is the further intent of this section to permit the submittal of a subdivision application for the whole townhouse development, or for approved phases thereof. The form and content of applications and plans submitted for such integrated review shall be sufficient to satisfy the requirements of the subdivision regulations as well as those of this article.

The townhouse subdivision plat shall identify:

- (a) Land developed and designated for the common use and benefit of the occupants of individual lots;
- (b) Any entity designated to be legally responsible for the maintenance and control of the common land areas;
- (c) The gross land area of the commonly held land, which shall not be less than ten (10) percent of the zoning lot's total gross land area for those developments of three (3) or more dwelling units; and
- (d) The maximum impervious surface and floor area for each lot."

Section 8. Article 4.6 Subdivision, new Subsection 4.6.15 Condominiums is hereby added to read as follows:

"4.6.15 Condominiums.

Development of two or more dwelling units configured as condominiums shall comply with the following standards:

- (a) Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
- (b) Condominiums shall conform to the requirements of the North Carolina Condominium Act in Chapter 47C of the North Carolina General Statutes.
- (c) Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Town Manager and recorded in the office of the Register of Deeds in the county where the development is located."

Section 9. Article 4. Procedures, Section 4.7. Site plan review, Subsection 4.7.1 Applicability, Subsection (a) is revised to read as follows:

"Site plan review and approval by the planning commission shall be required prior to issuance of a zoning compliance permit for any development or change in use subject to a zoning compliance permit (as described in section 4.9), with the following exceptions:

- (a) Any development of a single-family, two-family, or multi-family development up to four (4) units on a zoning lot, or any uses accessory thereto;"

Section 10. Article 4. Procedures, Section 4.9 Zoning Compliance Permit, Subsection 4.9.1 Applicability is revised to read as follows:

"4.9.1. Applicability.

- (a) Except as otherwise specifically provided in this chapter, it shall be unlawful to begin any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development, or to begin any construction, moving, alteration, or renovation, except for ordinary repairs or maintenance, of any building or other structure, including accessory structures and signs, until the town manager has issued for such action a zoning compliance permit, certifying that such development complies with the applicable provisions of this chapter. The town manager may establish a process to waive the requirement for a zoning compliance permit for smaller-scale ~~single- or two-family~~ residential activities _such as

landscaping and construction of decks, porches, sheds, garages, and stoops related to single-family, two-family, or multi-family development up to four (4) units.

- (b) It shall also be unlawful to change the type of use or type of occupancy of any land or structure, or to extend any use on any lot on which exists a nonconforming use, until the town manager has issued for such action a zoning compliance permit, certifying that such intended uses comply with the applicable provisions of this chapter.
- (c) Thresholds for exceptions to zoning compliance permit requirement: Single-family, two-family, or multi-family development up to four (4) units ~~Single-family development~~ meeting all conditions contained in this section 4.9.1(c) may be exempted from the requirement to obtain a zoning compliance permit after an initial review by the town manager or designee.
- (1) The project adds less than five hundred (500) square feet of impervious surface area.
 - (2) The project includes less than one thousand five hundred (1,500) square feet of land disturbance.
 - (3) The project does not include grading or filling of soil.
 - (4) The project is at least five (5) feet away from the nearest setback line and building height limitation.
 - (5) The project work limits are at least five (5) feet from the boundary of any Resource Conservation District or Jordan Watershed Riparian Buffer.
 - (6) The project is not occurring within the regulatory floodplain.
 - (7) The project does not contain steep slopes as defined in section 5.3.2 of this ordinance.
 - (8) The project does not include removal of more than 2,500 square feet of tree canopy or 25% of the total tree canopy coverage for the site, whichever is less."

Section 11. Article 5. Design and Development Standards, Section 5.5 Recreation is revised to read as follows:

"5.5.1. Applicability.

(a) This section applies to:

- (1) Any major subdivision that creates lots reasonably expected to be used for dwelling units; or
- (2) Any multifamily development of five (5) or more units; or
- (3) Any common plan of development of five (5) or more units.

(b) In all cases the Chapel Hill Parks and Recreation Commission shall review and make recommendations to the town council on the provision or dedication of parks and open space.

(c) In all cases the Chapel Hill Greenways Commission shall review and make recommendations to the town council in the event that proposed development may be located on or have an impact on greenway areas identified in the town's comprehensive plan, greenway project conceptual plans adopted by the council, and/or greenway project master plans adopted by the council.

- (d) Provision or dedication of parks and open space is not required for a minor subdivision.
- (e) Phases of development within a subdivided tract that occur after the initial subdivision must provide the required parks and open space appropriate for the subsequent development of those tracts. For example, if multifamily dwellings are built within an already subdivided tract, those dwellings must comply with recreation and outdoor space ratios required for multifamily dwellings by this section.

5.5.2. ~~Minimum Recreation Area and Recreation Space.~~

(a) *Residential subdivisions.*

This section applies to any application for subdivision approval in the zoning districts enumerated below. The minimum size in square feet of a recreation ~~area~~ space shall be derived by multiplying the gross land area of the development by the applicable ratio shown below:

Zoning district	Recreation area <u>space</u> ratio
R-LD5	.040
R-LD1	.050
R-1A	.061
R-1	.071
R-2A	.095
R-2	.120
R-3	.170
R-4, 5, 6 and all other nonresidential zoning districts	.218

(b) Suitability of land.

- (1) Land provided or dedicated as recreation ~~area~~ space shall be outside of the resource conservation district and of a character, shape and location suitable for use as a playground, playfield, or for other active recreation purposes including greenway pedestrian and non-motorized vehicle easements. Recreation ~~areas~~ spaces shall be located on land that is relatively flat and dry and is otherwise capable of accommodating active recreation uses, except as exempted under the provisions of subsections (e)(2) and (e)(3), below.
- (2) For sites that abut or include areas designated as future greenways on the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council, the town council may require that a dedicated public pedestrian and non-motorized vehicle easement along all such areas be the recreation space provided under this ordinance.
- (3) ~~Recreation areas and~~ Recreation spaces shall be conveniently accessible to all residents of the subdivision and, other than greenway pedestrian and non-motorized vehicle easements, shall have at least fifty (50) feet of frontage on at least one public street within the subdivision. Land provided or reserved for active recreation shall form a single parcel except where the town council determines that two (2) or more parcels are more suitable to the needs of a particular subdivision. The Town Council may require that such parcels be connected. In large developments it is desirable to have parks and recreation areas within walking distance of new residences.

(c) Method of provision or dedication.

Land provided or dedicated for recreation purposes shall be designated on the subdivision's final plat(s). The town council may require that such land be dedicated to the town or other appropriate public body. If the town does not require that the land be dedicated or deeded to an appropriate public body, then the town may require that a neighborhood or homeowners' association be established for the continuing maintenance and control of common recreation area and facilities.

(d) Payments in lieu of provision or dedication.

- (1) In lieu of providing or dedicating recreation ~~area~~ space required pursuant to this section, a developer of a subdivision may, with the approval of the town council, make a payment to the town whereby the town may acquire or develop recreation land to serve the subdivision. A developer may make a partial payment in combination with the partial provision of recreation ~~area~~ space if the town council determines that the combination is in the best interests of the citizens of the area to be served.
- (2) The town council may require a payment to the town in lieu of providing or dedicating recreation ~~area~~ space required pursuant to this section where the minimum recreation ~~area~~ space required by this section equals four (4) acres or less.
- (3) The town shall use such payment only for the acquisition or development of recreation, park, greenways, or open space sites, as allowed by law.
- (4) Payments in lieu of recreation ~~area~~ space shall be determined by the following formula:

A per square foot value of the property shall be determined, as established by Orange County and/or Durham County for real estate tax purposes. The value established by Orange County and/or Durham County shall include only the value of the land and shall not include the value of existing structures and improvements. The square foot value shall be multiplied by the number of square feet of recreation ~~area~~ space required for the development to arrive at a base value. The base value shall be multiplied by a recreation ~~area~~ space payment in lieu multiplier to determine the required amount of payment in lieu of recreation.

The payment in lieu multiplier for recreation ~~area~~ space shall be established by the town council annually as part of the budget process.
- (5) The developer shall make the payment before approval of a final plat for the subdivision, provided, however, that the town manager may allow phasing of payments consistent with the approved phasing of the subdivision.
- (6) In the event that a property owner successfully appeals the county valuation of the property after the payment in lieu for recreation ~~area~~ space is made to the town, and the resulting change in valuation would have reduced the amount of the payment in lieu for recreation ~~area~~ space, the town shall reimburse the developer the difference between what was paid and what would have been paid had the revised valuation been used.

(e) Exemptions.

- (1) The town council may exempt an application from the recreation ~~area~~ space requirements in this section if the required recreation area is less than three thousand (3,000) square feet.

- (2) If the town council determines that assembling a piece of land to meet the requirements of subsection (b) either would create undue hardships or is not necessary because the active recreational needs of the subdivision are already being met by dedicated land or by existing recreation ~~areas-spaces~~, it may waive any requirements of that subsection. In such cases, the required recreational ~~area-space~~ may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wildlife cover. These ~~areas-spaces~~ would provide for the community's need for passive recreational areas and/or greenways.
- (3) If the site abuts or includes areas designated as future greenways on the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council, land area dedicated as a public pedestrian non-motorized vehicle easement or deeded to the town along the greenway may be applied to requirements for dedication of recreation ~~area-space~~ and exempted from the land suitability requirements of subsection (b).
- (f) Substitution of off-site land for dedicated recreation ~~area space~~.
- (1) Any subdivider required to provide or dedicate recreation ~~area-space~~ pursuant to this section may, with the approval of the town council, dedicate recreation ~~area-space~~ outside the boundaries of the land being subdivided but in a nearby area of town.
- (2) The substitute dedicated recreation ~~area-space~~ shall be in a location acceptable to the town council, shall be comparably valued, and shall meet all suitability requirements as set forth under the provisions of subsection (b), above.
- (g) Multifamily dwelling units and common plan of developments of five (5) or more units ~~Active Improved active recreation space, improved-space areas~~ (either indoors or outside) shall be provided for the common active recreational use of residents of multifamily developments. For sites that abut or include areas designated as future greenways in the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council; land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the town along the greenway may be substituted for required improved active recreation space. The minimum size of such active recreation space shall be the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown below.

Zoning districts	<u>Active</u> Recreation space ratio
TC-1, TC-2, TC-3	.120
CC, MU-V, MU-V-CZD	.046
N.C.	.039
OI-2	.046
OI-1	.046
I	.032
R-SS-CZD, R-6, R-5	.050
R-4	.039
R-3	.032
R-2, R-2A, R-1	.025
R-1A	.022
R-LD1	.020
All Others	.015

(h) Payments in lieu of improved recreation space.

In lieu of providing recreation space required pursuant to this section, a developer of a multifamily dwelling or planned development may, with the approval of the town council (or planning commission if final approval is by the planning commission), make a payment to the town whereby the town may acquire or develop recreation land or greenways to serve the development. A developer may make a partial payment in combination with the partial provision of recreation space if the town council determines that the combination is in the best interests of the citizens of the area to be served.

The town council (or planning commission if final approval is by the planning commission), may require a payment to the town in lieu of providing or dedicating recreation space required pursuant to this section.

The town shall use such payment only for the acquisition or development of recreation, park, or open space sites to serve residents of the development or residents of more than one (1) subdivision or development within the immediate area. The amount of the payment shall be the product of the amount of active recreational space required, multiplied by a dollar amount established by the town council annually as part of the budget process.

The developer shall make the payment before issuance of a zoning compliance permit for the development, provided, however, that the town manager may allow phasing of payments consistent with the approved phasing of the development.

(i) Connectivity.

Purpose statement: The town hereby finds and determines that an interconnected system of parks, trails, greenways, and bikeways provides a greater public benefit than isolated parks with access exclusively by automobiles. Such areas can provide form to neighborhoods, a common public gathering space, and an opportunity to protect natural areas.

~~Recreation area~~ Active recreation space provided pursuant to this section shall be aligned with and shall adjoin any area designated as a park or open space area on adjoining property, including any public greenway, linear park, or similar facility. Sidewalks, trails, or similar facilities shall align with such facilities in an adjoining tract or, where adjoining tracts are unimproved, with any area designated for parks or open space in the comprehensive plan or any parks master plan adopted by the town."

Section 12. Article 5. Design and Development Standards, Section 5.7 Tree Protection, Subsection 5.7.2 Tree Canopy Coverage Standards, Subsection (a) Minimum canopy coverage standards is revised to read as follows:

"(a) *Minimum canopy coverage standards.* The town desires to maintain the maximum practical tree canopy cover across all land uses within the town's jurisdiction.

Tree canopy coverage standards are required for applications proposing tree removal that require council approval, including special use permits, ~~and~~ major special use permit modifications, conditional zoning district rezonings, and major conditional zoning district modifications.

For residential Neighborhood Conservation Districts, the district may request from the town council that tree protection regulations apply as per section 5.7 using a canopy coverage standard consistent with the existing neighborhood character.

When tree canopy is subject to the provisions of this section, the following minimum tree canopy coverage percentages are required within the zoning lot boundaries exclusive of public right-of-way:

Land Use	Minimum Canopy Coverage
<u>Two-family Residential, attached or detached</u>	<u>40%</u>
<u>Multi-family Residential, up to four (4) units</u>	<u>40%</u>
Multifamily Residential <u>of five (5) or more units</u>	30%
Commercial (Use Group C and: Business, Office; Clinic; Funeral Home, and Hotel/Motel)	30%
Institutional (Use Group B)	40%
Mixed Use, Other	40%
All Uses in Innovative, Light Industrial Conditional Zoning District (LI-CZD)	20%

Section 13. Article 5. Design and Development Standards, Section 5.9 Parking and Loading, Subsection 5.9.5 Parking Design Standards is revised to read as follows:

“All parking areas shall meet the following minimum design requirement:

(a) Ingress to and egress from parking areas shall conform to the design manual for such features as curbs, driveway cuts, etc.

(b) In the town center, TND or TOD districts, if a setback is provided between a principal structure and a street, such setback shall not be used for off-street parking.

(c) All parking spaces and maneuvering space shall be surfaced with an all-weather material or gravel, which shall be maintained in a safe and sanitary condition. This division (c) does not apply to parking areas that are not within the front yard area of a single-family zoning lot.

(d) No parking area or maneuvering space shall be located within a public street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.

(e) The size of parking spaces shall be adequate for the safe parking of vehicles and maneuvering space shall be provided so that parking movements can be accomplished in one continuous maneuver. Parking facilities designed to accommodate five (5) or more vehicles shall be designed in accord with the standards for stalls and aisles as set forth in the standard details and specifications.

(f) Curbed islands shall be required at the ends of or between parking aisles where necessary for traffic control or drainage control.

(g) Except for single-family dwellings, ~~single-family dwellings with accessory apartments~~ or two-family dwelling units, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

(h) Parking facilities shall be designed to connect with parking facilities on adjacent zoning lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.

(i) All off-street parking facilities shall be provided with a drainage system meeting the design standards contained in section 5.4.

(j) All lighting of and within parking facilities shall conform to the lighting design standards contained in section 5.11.

(k) Adequate provision shall be made for the ventilation, dispersion, and removal of smoke and gases from above-ground and below-ground parking structures.

~~(l) Parking facilities designed to accommodate five (5) or more vehicles shall provide areas as necessary for the parking of motorcycles, mopeds, and bicycles. Such areas shall be clearly defined and reserved for the exclusive use by motorcycles, mopeds, and bicycles.~~

(~~l~~ l) Parking facilities designed with the appropriate number, size and type of handicapped parking spaces, ramps, crosswalks and associated infrastructure to comply the Americans With Disabilities Act standards, North Carolina Accessibility Code, and town standard. Such spaces shall be clearly defined and reserved for the exclusive use by handicapped persons.

(~~m~~ m) Parking facilities shall be designed with walkways and lighting to facilitate safe walking movements to and from parked vehicles."

Section 14. Article 5. Design and Development Standards, Section 5.9 Parking and Loading, Subsection 5.9.7 Minimum and Maximum Off-Street Parking Space Requirements is amended to add revise the rows Dwelling, single family with and Dwelling, Duplex or multi-family, and revise the footnotes to read as follows:**

Use	Vehicular Parking				Bicycle Parking
	Town Center Zoning Districts		Non-Town Center Zoning Districts*		
	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Bicycle Parking Requirements ***
Dwelling, single-family with accessory apartment	1 per Accessory Apartment bedroom constructed after [effective date] <u>November 23, 2015</u>	N/A	1 per Accessory Apartment bedroom constructed after [effective date] <u>November 23, 2015</u>	N/A	N/A

Use	Vehicular Parking				Bicycle Parking	
	Town Center Zoning Districts		Non-Town Center Zoning Districts*			
	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Bicycle Parking Requirements ***	
<u>Two-family, attached or detached **</u>	<u>N/A</u>	<u>4 spaces total</u>	<u>N/A</u>	<u>4 spaces total</u>	<u>N/A</u>	
" Dwelling units, Duplex or multi-family"	Efficiency	N/A	1 per dwelling unit	1 per dwelling unit	1.25 per dwelling unit	1 per 4 dwelling units
	1 bedroom	N/A	1 per dwelling unit	1 per dwelling unit	1.25 per dwelling unit	
	2 bedrooms	N/A	1.25 per dwelling unit	1.4 per dwelling unit	1.75 per dwelling unit	
	3 bedrooms	N/A	1.5 per dwelling unit	1.75 per dwelling unit	2.25 per dwelling unit	
	4 or more bedrooms	N/A	1.67 per dwelling unit	2 per dwelling unit	2.5 per dwelling unit	

** Minimum vehicular and bicycle parking requirements shall not apply for uses located within the Office/Institutional-3 or Office/Institutional-4 Districts.

** For a ~~duplex two-family dwelling units~~, please see Article 6. ~~No minimum vehicular parking requirement shall apply, and for the purposes of calculating the maximum number of vehicular parking spaces, garage spaces and the driveway are not to be counted.~~

*** See section 4.11 Bicycle Parking in the Town of Chapel Hill 2005 Design Manual.

Note: The minimum number of parking spaces required for elderly or handicapped dwellings may be reduced to one (1) per two (2) dwelling units upon findings made by the town council that (1) reasonable assurances exist that the dwelling units served by the parking spaces will be maintained for occupancy by the elderly or handicapped and/or (2) that sufficient space exists on the property to ensure that should the units be converted to another form of occupancy or use, that sufficient parking can be provided on the site to satisfy the parking requirements of the new use, without violating the land use intensities of Table 3.8-1.

In the case of a use not listed above, the minimum and maximum bicycle and vehicular parking space requirements shall be determined by the town manager. In making such determinations, the town manager shall be guided by the requirements for similar uses, the number and kind of bicycles and vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.

Minimum vehicular parking requirements for an individual site may be reduced by the town council in the context of a special use permit approval, or the planning commission in the context of a site plan review approval, if evidence is submitted to demonstrate and the town council, or planning commission, finds that:

- (a) Sidewalks, bicycle facilities, transit service and transit amenities are in place such that, together with the number of vehicular parking spaces that are proposed, transportation needs are adequately served; or
- (b) The particular use that would be specified in the special use permit is of a nature that generates lower-than-average trips, and that the special use permit would limit use of the property to what is specified; or
- (c) Arrangements for shared parking with nearby facilities is ensured."

Section 15. Article 5. Design and Development Standards, Section 5.9 Parking and Loading, Subsection 5.9.9 Parking in Front Yards is revised to read as follows:

"5.9.9. Parking in Front Yards.

(a) *Applicability.* The restrictions of this section shall apply to single-family, and two-family ~~and triplex~~ dwelling units in all zoning districts.

(b) *Generally.* Parking and drive areas located in front yards (between the street and a line drawn parallel to the street from the point of the house that is closest to the street) shall be maintained in a safe and sanitary condition, shall not contribute to soil erosion or to tree damage, and shall be clearly designated and covered with an all weather surface or gravel.

(c) *Coverage.* Parking and drive areas shall be limited to forty (40) percent of the front yard area of any zoning lot. Access to front yard parking shall be limited to properly approved curb cuts or other approved access points.

Single- and two-family residential driveway areas can be further reduced by:

- (1) Constructing shared driveways with a recorded shared access agreement between any pair of lots
- (2) Designing driveways as a ribbon driveway:
 - A. Each strip shall be two feet (2') to three feet (3') wide with a separation between the strips measuring three feet (3').
 - B. Strips can terminate at the sidewalk or driveway apron, to a parking pad at the side or rear of the structure to accommodate side-by-side parking, or garage entry.
 - C. Separation strips may be planted with grass or another ground cover, filled with landscaping rocks, or gravel.

(d) *Exceptions.* The town manager may grant an exception to subsection (c) where he/she finds all of the following conditions to exist on the property and all other parking options, including parking in the back and side yard, have been eliminated;

- (1) The parking area is clearly defined and/or marked with appropriate materials such as rocks, timbers and hedges; and
- (2) The parking area is maintained in a safe and sanitary condition; and
- (3) The parking area does not contribute to soil erosion or tree damage; and
- (4) Access to front yard parking shall be limited to properly approved curb cuts or other approved access points; and
- (5) The location and dimension of such parking area is traditionally and customarily associated with the subject structure; and
- (6) The parking area shall be screened by means of an effective screening device between the parking area and the street which is at least four (4) feet in height above the grade of the edge of the parking area. Appropriate screening devices may include decorative brick walls, fences, evergreen hedges which shall reach the required height within two (2) years of planting, or any combination of the above.
- (7) If the parking lot is located in the historic district, the historic district commission grants a certificate of appropriateness for the parking area."

Section 16. Article 5-Design and Development Standards, Section 5.10 Disability Access is revised to read as follows:

"5.10. Disability Access.

Except for single-family and two-family ~~dwelling~~ developments, all buildings and facilities shall be accessible to and usable by the physically handicapped in accordance with the building code provisions contained in chapter 5 of the Town Code of Ordinances."

Section 17. Article 5-Design and Development Standards, Section 5.11 Lighting Standards, Subsection 5.11.6 Submittals are revised to read as follows:

"5.11.6. Submittals.

Each application for a zoning compliance permit for development other than a single-family, single family with accessory apartment, ~~or duplex~~ or two-family dwelling units shall include a lighting plan that shows existing and proposed lighting fixture types and locations. The plan shall indicate, by isolux contour diagram and grid points, the measured and calculated pre-development and post-development foot-candles at grade both on the development site and on adjacent property where lighting impacts are expected. The lighting plan must be sealed by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by NCQLP (National Town Council on Qualifications for the Lighting Professions)."

Section 18. Article 5-Design and Development Standards, Section 5.19 Jordan watershed stormwater management for new development, Subsection 5.19.7 Design and Performance Standards for Stormwater Management, Subsection (c) is revised to read as follows:

"(c) Partial offset of nutrient control requirements. Before using offsite offset options, a development subject to this section shall attain a maximum nitrogen loading rate onsite of six (6) pounds per acre per year for single-family, ~~single-family with accessory apartment,~~ and duplex two-family residential development and ten (10) pounds per acre per year for other development, including multi-family residential, commercial and industrial and shall meet all requirements for structural best management practices otherwise imposed by this section. A person subject to this section may achieve the additional reductions in nitrogen and phosphorus loadings by making offset payments to the North Carolina Ecosystem Enhancement Program (program) contingent upon acceptance of payments by that program. An applicant may propose other offset measures, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this section shall meet the requirements of 15A NCAC 02B.0273(2) through (4) and 15A NCAC 02B.0240."

Section 19. Article 6-Special Regulations for Particular Uses, Section 6.19 Dwelling Units-Duplex is revised to read as follows:

"6.19. Dwelling units—~~Duplex~~ Two-Family.

The following standards shall apply to development of duplexes:

(a) ~~The maximum floor area of the structure may not exceed three thousand (3,000) square feet.~~

(b) ~~The maximum floor area ratio applicable shall be .40.~~

(c) ~~No more than four (4) vehicular parking spaces, as defined by landscaping and hardscape materials, shall be permitted.~~

(d) ~~For special use permit, special use permit modification site plan review, and site plan review applications which authorize construction of dwelling units, two-family—duplex use, the community design commission shall approve duplex building elevations and site plans to determine if the elevations are in accordance with the adopted design guidelines and if all property owners included in such an application voluntarily consent to such regulation.~~

~~Every application for community design commission review of duplex structure(s) that are approved by a special use permit, site plan review, or said modifications, shall include a list of owners of properties located within one thousand (1,000) feet of the subject property boundaries with the full name and address of each property owner, with stamped, pre-addressed mailing envelopes for each owner on the mailing list. The stamped, pre-addressed envelopes shall be used to notify the property owners of the meeting date and time during which the community design commission will consider the application.~~

6.19.1 Single-Family Dwelling Unit with Accessory Apartment The following standards shall apply to the development of accessory apartments:

(a) An accessory apartment shall be located on the same lot as the single-family dwelling to which it is an accessory use.

(b) Size: An accessory apartment shall have a floor area limit of:

(1) No more than 75% of the floor area of the primary structure when the primary structure is less than or equal to 1,300 square feet; and

(2) No more than one thousand (1,000) square feet when the primary structure is greater than 1,300 square feet; or

(3) The Planning Director may grant an exception to the maximum floor area when the accessory apartment is:

- A. Within an existing structure and does not increase the existing footprint of the structure (principal dwelling unit, garage, or other existing, standalone structure on the property)
- B. The accessory apartment is contained with one (1) floor, with the exception of any necessary access points.
- C. The accessory apartment does not exceed one-third the floor area of the primary dwelling unit.

(c) Height: The maximum height of a detached accessory structure in R- zoning districts shall be twenty-nine (29) feet or the height of the primary structure, whichever is less.

(d) Only one accessory apartment per single family lot is permitted.

(e) Together, the principal dwelling unit and the accessory apartment shall be classified as a rooming house (a different use type and group) if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

6.19.2 Single-Family Dwelling Unit with Cottage

The following dimensional standards shall apply to the development of single-family dwelling unit with cottage:

<u>Lot Dimensions</u>	
<u>Minimum Lot Size</u>	<u>Minimum lot size required by the zoning district + 2,700 square feet</u>
<u>Cottage Dimensions</u>	
<u>Maximum Footprint</u>	<u>1,000 square feet</u>
<u>Maximum Floor Area</u>	<u>1,200 square feet</u>
<u>Maximum Height</u>	<u>29 feet</u>
<u>Building Separation from single-family dwelling</u>	<u>Separation between dwelling units shall comply with Fire Code</u>
<u>Parking</u>	<u>Max. 1 space per bedroom</u>

No more than one cottage per lot or per townhouse development is permitted.

Maximum dimensions of the single-family dwelling shall be per underlying zoning.

6.19.3 Two-Family Dwelling Units, Attached and Detached

The following dimensional standards shall apply to the development:

<u>Lot Dimensions</u>	
<u>Minimum Lot Size</u>	<u>Follows underlying zoning</u>
<u>Building Dimensions</u>	

<u>Maximum Floor Area Ratio</u>	<u>0.40, when lot size is 7,500 square feet or less</u>
<u>Maximum Floor Area</u>	<u>3,000 square feet when the lot size is greater than 7,500 square feet</u>
<u>Building Separation (Applies only to Detached Dwellings)</u>	<u>Separation between dwelling units shall comply with Fire Code</u>
<u>Parking</u>	<u>No more than four (4) vehicular parking spaces, as defined by landscaping and hardscape materials, shall be permitted on site.</u>

6.19.4 Additional Requirements

- (a) Driveway Design. Where feasible, driveways shall be shared with a recorded shared access easement for any pair of townhouse lots.
- (b) Designation on Plat. Townhouse developments containing a single-family dwelling with cottage shall specify the housing type and associated limitations.
- (c) Existing Buildings. Property owners are encouraged to utilize existing structures over demolishing existing structures.
- (d) Utilities. Two-family developments shall meet the requirements of Section 5.12 Utilities.
- (e) Neighborhood Conservation Districts. Two-family developments shall not be permitted in any neighborhood conservation districts that do not otherwise permit single-family with accessory apartment or duplexes."

Section 20. Article 6-Special Regulations for Particular Uses, Section 6.26 Triplex dwelling unit is revised to read as follows:

"6.26 Triplex dwelling unit-Three- and four-family multi-family Dwelling Units

6.26.1. Special Requirements in the HR-L and HR-M Subdistricts

~~1. Triplex~~ Three-family projects in the HR-L and HR-M Subdistricts shall only be permitted from nonprofit tax exempt organizations involving permanent residential development in which annual documentation is provided that 100% of the dwelling units will be occupied by low-moderate income households (less than 80% of area median income by households size as defined by the Department of Housing and Urban Development) in perpetuity.

6.26.2 Other Development Standards:

(a) Parking & Driveway Standards

- (1) Driveways shall be located at least 2.5 feet from the side and rear lot lines, unless a shared driveway is provided between two adjoining properties.
- (2) Surface parking lots shall be located to the rear or side of the dwelling(s).
- (3) ~~(2)~~ The separation between detached dwelling units shall meet Fire Code requirements.

(b) Existing Buildings. Property owners are encouraged to utilize existing structures over demolishing existing structures.

(c) Connectivity. New three- and four-family dwelling units shall enhance existing transportation networks by:

- (1) Constructing sidewalks that connect to the adjacent sidewalk system
- (2) Continuing bike lanes, greenways, and other multi-modal paths along the frontage of the property.
- (3) Utilities. Three- and four-family dwelling units shall meet the requirements of 5.12 Utilities."

Section 21. Article 7-Nonconformities, Section 7.3-Nonconforming uses, Subsection 7.3.2 Regulations is hereby amended to read as follows:

"7.3. Nonconforming uses.

7.3.1. Definition.

A nonconforming use is a use of land, buildings, or structures that was lawfully established (or for which a vested right had been established) on a property prior to the effective date of current use regulations, but does not conform to the use regulations of article 3 for the zoning district in which it is located.

7.3.2. Regulations.

A. Two-family dwelling, attached units (duplex)

Two-family dwelling, attached units existing or for which a vested right has been established as of October 21, 2002, may be expanded subject to two-family dwelling, regulations pursuant to section 6.19 or applicable neighborhood conservation district regulations and shall not be considered as a nonconforming use as defined herein.

B. Three- and four-family dwelling, attached units

Three- and four-family dwelling, attached units existing or for which a vested right has been established as of [Effective Date of Ordinance], may be expanded subject to regulations pursuant to section 6.26 or applicable neighborhood conservation district regulations and shall not be considered as a nonconforming use as defined herein.

C. All Other Nonconforming Uses~~Two family duplex dwelling units existing or for which a vested right has been established as of October 21, 2002, may be expanded subject to duplex regulations pursuant to section 6.19 of the [Land Use Management] Ordinance or applicable neighborhood conservation district regulations and shall not be considered as a nonconforming use as defined herein.~~ Nonconforming uses, other than those identified above~~two family duplex dwelling units~~ may be continued subject to the following limitations:

- (1) ~~(a)~~ No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area of land, buildings or structures than was occupied by such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout any parts of a building which were specifically designed and arranged for such use at the time it became nonconforming.
- (2) ~~(b)~~ No building structure devoted to a nonconforming use shall be enlarged, extended, or moved unless such building or structure is thereafter devoted to a conforming use.
- (3) ~~(c)~~ If a nonconforming uses ceases for more than ninety (90) consecutive days or a total of one hundred and eighty (180) days in any twelve-month period,

subsequent use of the land, or structures previously devoted to such use shall thereafter be devoted to conforming uses."

Section 22. Appendix A Definitions is hereby revised amending, inserting, and deleting the following definitions in the appropriate alphabetical order:

"Condominium: A dwelling or group of dwellings containing two (2) or more individually-owned dwelling units and jointly owned and shared areas and facilities on a single lot that are subject to the North Carolina Unit Ownership Act (G.S. Ch. 47A) and/or the North Carolina Condominium Act (G.S. Ch. 47C)."

"Common Plan of Development: Any area where multiple separate and distinct construction or land-disturbing activities will occur under one (1) plan. This includes, but is not limited to, development occurring on contiguous parcels of land. A plan is any announcement or piece of documentation including, but not limited to, a sign, public notice or hearing, advertisement, loan application, drawing, permit application, zoning request, or computer design; or physical demarcation including, but not limited to, boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot."

"Dwelling units, multifamily: A dwelling or combination of dwellings on a single lot or on individual lots within a townhouse development consisting of three (3) or more dwelling units."

~~"Dwelling units, single-family with accessory apartment: A dwelling or combination of dwellings on a single zoning lot consisting of two (2) dwelling units, for which: A type of two-family dwelling in which a secondary dwelling unit is established in conjunction with and clearly subordinate to the primary single-family dwelling unit, whether part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.~~

~~(1) Accessory (attached or not attached) apartments have a floor area limit of no more than seven hundred fifty (750) square feet or seventy five (75) percent of the floor area of the principal dwelling unit (whichever is smaller), except as provided in the next sentence.~~

~~(2) The floor area of an attached accessory apartment may exceed the aforementioned floor area limit of seven hundred fifty (750) square feet and be up to one thousand (1,000) square feet of floor area only if both of the following conditions are met: a) an attached accessory apartment does not increase the existing footprint of the structure (principal dwelling unit, garage or other existing, standalone structure on the property) to which it would be attached; and b) the attached accessory apartment does not exceed seventy five (75) percent of the floor area of the principal dwelling unit.~~

~~(3) Together, the principal dwelling unit and the accessory apartment that are part of a two-family dwelling shall be classified as a rooming house (a different use type and group) if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."~~

"Dwelling units, single-family with cottage: A type of two-family dwelling in which a secondary detached dwelling unit having a floor area of no more than 1,200 square feet is constructed in conjunction with the primary single-family dwelling unit on the same lot or within the same townhouse development. Any cottage dwelling shall be classified as a

rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, three-family:* A dwelling or combination of dwellings comprised of three (3) dwelling units located on a single lot or within a single townhouse development. Dwelling units may be attached or detached. Attached dwelling units shall share common vertical walls or horizontal floors/ceilings. Any dwelling unit that is part of a three-family, multi-family dwelling(s) shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, four-family:* A dwelling or combination of dwellings comprised of four (4) dwelling units located on a single lot or within a single townhouse development. Dwelling units may be attached or detached. Attached dwelling units shall share common vertical walls or horizontal floors/ceilings. Any dwelling unit that is part of a three-family, multi-family dwelling(s) shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, two-family:* A dwelling or combination of dwellings on a single lot consisting of two (2) dwelling units. Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, two-family—Attached (Duplex):* A single dwelling consisting of two (2) dwelling units (other than a ~~"two-family dwelling—~~including single-family with accessory apartment or cottage"), provided the two (2) dwelling units are connected by or share a common floor-to-ceiling wall, or, if the two (2) units are arranged vertically, that they share a common floor/ceiling and not simply by an unenclosed passageway (e.g., covered walkway). Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, two-family—Detached:* Two detached dwelling units (other than a ~~"single-family with accessory apartment or cottage"~~) on a single lot or within a single townhouse development. Any dwelling unit that is part of a two-family detached dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Dwelling units, single-family:* A detached dwelling consisting of a single dwelling unit only. A single-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership."

"*Recreation area-space:* Any land required to be dedicated under the subdivision provisions of article 5.5. These areas may be improved with recreation amenities at the time of development, however in most cases recreation areas are generally left unimproved during the initial development of the subdivision.

Land dedicated as recreation ~~area-space~~ shall generally be suitable for future recreation improvements such as playgrounds, playfields, or other active recreation purposes. Recreation ~~areas-space~~, in most cases, shall be centrally located within the subdivision,

consist of land that is relatively flat and dry, and is otherwise capable of accommodating active recreation.

The town council may waive suitability requirements in order to preserve greenway corridors or other important natural areas.”

"Recreation space (active): Any interior or exterior space or facility, improved for active recreation purposes, required to be dedicated under the multifamily development provisions of article 5.5. These areas are improved with recreation amenities at the time of development.

All recreation space amenities must adhere to requirements of the Americans with Disabilities Act.

Recreation space shall be improved with recreation facilities designed for active play. All recreation space improvements must be built or installed using standards generally accepted for each type of amenity. Examples of active play facilities include:

- Playgrounds utilizing commercial grade play equipment and adhering to national safety standards for play equipment and fall surfaces.
- Ballfields and athletic fields designed and built for active recreation. Such fields must be properly graded and have appropriate turf, goals, sub-drainage, benches, and other amenities commonly required for the intended sport. Unimproved open grass areas are not considered to be athletic fields.
- Basketball courts installed with regulation goals and in hard surface court areas large enough to sustain regulation play. Half courts are acceptable. Basketball goals installed in a street or parking lot are not acceptable.
- Swimming pools and bathhouses
- Tennis courts
- Community gardens appropriately designed and constructed with at least five (5) percent of the garden area consisting of raised beds for handicap users, a source of water throughout the garden area, storage area for tools, handicap accessibility, and access for maintenance.
- Clubhouses intended to be owned by a homeowners' association and operated for the recreation needs of the community.
- Exercise rooms within an apartment, condominium, or other such building intended to be used by the residents for recreation purposes.
- Ponds improved to support fish, stocked with fish, and improved to allow fishing access by persons with disabilities.
- Roof top running tracks
- Paved Greenway Trails
- Unpaved Greenway Trails of a length that provides a meaningful recreation experience. Generally, three thousand (3,000) linear feet or longer.”

"Recreation space (passive): Any exterior space or facility, improved for passive recreation purposes. These areas may be improved with recreation amenities at the time of development or may be undeveloped areas.

Examples of facilities which are ~~not~~ considered ~~active~~ passive in nature include:

- Open lawn areas
- Large expanses of unimproved space between or around active recreation elements
- Picnic tables and picnic facilities
- Seating areas
- Areas dedicated to lawn games such as badminton, croquet, lawn darts, horseshoes, etc.

- Areas dedicated to tabletop board games
- Gardens not improved for active gardening by the community
- Orchards

The town council may allow up to thirty (30) percent of the recreation space to consist of passive recreation elements if they are located adjacent to and support the more active recreation elements. For example, some picnic facilities, seating, and lawn games could be counted if they are adjacent to a children's play area and support the mission of the play area.

The town council may waive suitability requirements in order to preserve greenway corridors or other important natural areas."

"Structure, accessory: A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Examples of accessory structures are fencing, decks, gazebos, arbors, retaining walls, barbecue pits, detached chimneys, playground equipment, yard art, docks, piers, etc."

"Townhouse development: A development of a zoning lot that consists of two (2) or more attached or detached dwelling units or buildings, each of which is located on its own individual lot within a single uninterrupted perimeter boundary enclosing all of the lots. ~~plus~~ When such development contains three (3) or more individual lots, there shall be land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. ~~The gross land area of the commonly held land shall be not less than ten (10) percent of the zoning lot's total gross land area.~~ The individual lots within a townhouse development shall not be required to meet the lot design standards of article 3 or the intensity regulations of section 3.5, provided the zoning lot containing the townhouse development meets such standards."

~~*"Triplex dwelling unit:* A single structure comprised of three (3) dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot."~~

Section 23. This ordinance is effective upon enactment.

This the 21st day of June, 2023.