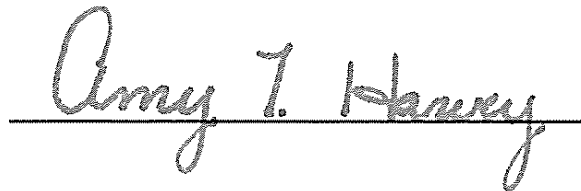


**I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-06-27/O-5.2) enacted by the Chapel Hill Town Council on June 27, 2018.**

**This the 11th day of October, 2018.**

  
A handwritten signature in cursive script, reading "Amy T. Harvey", is written over a horizontal line.

**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 INCORPORATE NON-RESIDENTIAL USES INTO RESIDENTIAL PROJECTS IN THE BLUE HILL DISTRICT (2018-06-27/O-5.2)**

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. 3.11.3. Use Requirements, Subsection 3.11.3.4. Permitted Use Table** is hereby revised to read as follows:

“Uses permitted by subdistrict are shown below. Broad use categories have been established in order to regulate a variety of similar uses and are defined in Section 3.11.3.5. Customary accessory and temporary categories, as determined by the town manager, are permitted in the Form Districts, including, but not limited to, home occupations, food trucks and trailers, and outdoor seasonal sales, subject to issuance of a Zoning Compliance Permit.

PERMITTED USES	WR-3	WR-7	WX-5	WX-7	Def./Stds.
<b>Residential Uses</b>					
Household living, as listed below:					Sec. 3.11.3.5.A
Detached living	—	—	—	—	Sec. 3.11.3.5.A.1.a
Attached living	P	P	P <u>L</u>	P <u>L</u>	Sec. 3.11.3.5.A.1.b
Multifamily living	P	P	P <u>L</u>	P <u>L</u>	Sec. 3.11.3.5.A.1.c
Group living	—	P	P <u>L</u>	P <u>L</u>	Sec. 3.11.3.5.A.2
Social service living	—	—	S	S	Sec. 3.11.3.5.A.3
<b>Public Uses</b>					
Civic/Place of Worship	P	P	P	P	Sec. 3.11.3.5.B.1
Parks & open space	P	P	P	P	Sec. 3.11.3.5.B.2
Utilities, minor	P	P	P	P	Sec. 3.11.3.5.B.3
Utilities, major	S	S	S	S	Sec. 3.11.3.5.B.4
<b>Commercial Uses</b>					
Bank, except as listed below:	--	--	P	P	
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Commercial parking	--	--	S	S	Sec. 3.11.3.5.C.1
Day care	--	--	P	P	Sec. 3.11.3.5.C.2
Indoor recreation	--	--	P	P	Sec. 3.11.3.5.C.3
Medical	--	--	P	P	Sec. 3.11.3.5.C.4
Office	--	--	P	P	Sec. 3.11.3.5.C.5
Outdoor recreation	--	--	--	--	Sec. 3.11.3.5.C.6
Overnight lodging	--	--	P	P	Sec. 3.11.3.5.C.7
Personal service	--	--	P	P	Sec. 3.11.3.5.C.8
Restaurant/bar, except as listed below:	--	--	P	P	Sec. 3.11.3.5.C.9
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Retail sales, except as listed below:	--	--	P	P	Sec. 3.11.3.5.C.10
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Fuel sales	--	--	P	P	Sec. 3.11.3.5.C.10.a
Vehicle sales/service	--	--	P	P	Sec. 3.11.3.5.C.11

Industrial Uses					
Light industrial	—	—	—	—	Sec. 3.11.3.5.D.1
Self-service storage	—	—	—	—	Sec. 3.11.3.5.D.2
Warehouse & distribution	—	—	—	—	Sec. 3.11.3.5.D.3
Waste-related service	—	—	—	—	Sec. 3.11.3.5.D.4
Heavy industrial	—	—	—	—	Sec. 3.11.3.5.D.5
Open Uses					
Agriculture, except as listed below:	—	—	—	—	Sec. 3.11.3.5.E.1
Community garden	P	P	P	P	Sec. 3.11.3.5.E.1.a
Resource extraction	—	—	—	—	Sec. 3.11.3.5.E.2

KEY: P = Use permitted      — = Use not permitted  
S = Use permitted following Town Council approval of Special Use Permit  
**L = Limited use (refer to section 3.11.3.5.A.4.)**"

## **SECTION 2**

**Sec. 3.11.3. Use Requirements, Subsection 3.11.3.5. Use Categories, Subsection A. Residential Uses** is hereby revised to insert a new subsection 4 as follows:

**"4. Limited Use. Residential uses in the WX-5 and WX-7 subdistricts must include a non-residential use as part of the same application, in order to accomplish the Form District intent for a mixture of uses. For purposes of this section, a non-residential use includes any use listed in the Permitted Use Table (Sec. 3.11.3.4) that is not listed in the residential use category. To satisfy this requirement, the application must satisfy at least one of the criteria below. A building or site with non-residential floor area exceeding the minimum defined below may utilize the Upper Story Floor Area Bonus established in Sec. 3.11.2.7.T.1.a.**

- a. **Mixed Use Building. Where each building contains a vertical mix of uses, a minimum of 10% of the building floor area must contain a non-residential use. A certificate of occupancy must be issued for at least 50% of the non-residential floor area prior to issuance of a certificate of occupancy for more than 90% of the residential floor area.**
- b. **Mixed Use Site. A site with multiple buildings may include buildings with a single use, so long as a minimum of 15% of the total floor area for the site contains a non-residential use.**"

## **SECTION 3**

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.