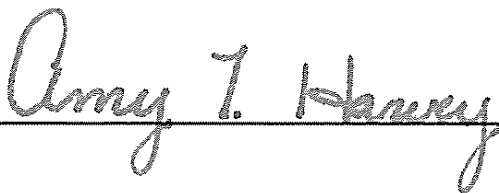


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-06-27/O-5.3) enacted by the Chapel Hill Town Council on June 27, 2018.

This the 11th day of October, 2018.



**Amy T. Harvey
Deputy Town Clerk**



ORDINANCE A

(Approving the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ENCOURAGE NON-RESIDENTIAL DEVELOPMENT IN THE BLUE HILL DISTRICT (2018-06-27/O-5.3)

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill; and

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

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

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

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to respond to the interests outlined in the petition; and

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

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

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places, New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

SECTION 1

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 3. Mass is hereby revised to read as follows:

"Building Height		
(A)	Building height (max)	
	-WX-7	7 stories, not to exceed 90'
	-WX-5	5 stories, not to exceed 60'
(B)	Building height for principal structures	2 stories*
Mass Variation		
(C)	Average floor plate area (max) above 3 rd floor	
	- 3 story buildings or less	
	- 4 story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
(D)	Building step back above 2 nd or 3 rd floor (min)	10' step back above 2 nd or 3 rd floor
(E)	Module offset	
	- Average module width (max)	80'
	- Depth of offset (min)	6'
	-Width of offset (min)	12'
Story Height		
(F)	Ground story height, floor to ceiling (min)	
	- Residential	9'
	- Nonresidential	13'
(G)	Upper story height, floor to ceiling (min)	9'
(H) Ground Floor Elevation		
	- Residential (min/max)	2' / 4'
	- Nonresidential (min/max)	0' / 2'

*The second story shall be at least 2/3rds the floor area of the first story
****Greater floor plate area is permitted above the 3rd floor for a building that includes non-residential uses, subject to provision of a 20' building stepback, as described in 3.11.2.7.T"**

SECTION 2

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection T. Mass Variation is hereby revised to read as follows:

"T. *Mass Variation*. Mass variation is the way the form and shape of a building changes to establish a sense of human scale. This may be achieved by changing the heights of different parts of a building and by creating offsets in wall planes to express individual building modules. All buildings four stories in height or greater shall have a reduced upper story floor plate area as specified for the Subdistrict. Further, building facades of buildings four stories in height or greater along all frontages designated by Type A, B, C or E shall meet either the building step back requirement or the module offset requirement, as specified for the Subdistrict. A building three stories in height or less is not subject to the above. Frontage designations are as shown on the Regulating Plan (Section 3.11.2.2) or assigned by the Town Manager.

1. *Upper Story Floor Plate Area*. The maximum upper story floor plate area shall be based on the area measured for the third story and applies at the fourth story and above. Where multiple stories are subject to the floor plate area requirement, both an average upper story and maximum upper story floor plate area apply.
 - a. **Bonus. An upper story bonus is permitted for a building or a site that includes a non-residential use as listed in the Permitted Use Table under 3.11.3.4. Where non-residential square footage is required under Sec. 3.11.3.5.A.4, the bonus described in this subsection is only available for square footage that exceeds the minimum required. For each square foot of non-residential use provided, the floor plate area of an upper story may increase by one (1) square foot in excess of the average upper story and maximum upper story floor plate, subject to provision of a 20' building step back in accordance with Sec. 3.11.2.7.T.2.b.**
2. *Building Step Back*. The building step back shall be measured as the horizontal change in the building wall plane, perpendicular to the applicable frontage or property line.
 - a. In addition to applicable frontages, a 10' building step back above the second or third floor is also required for buildings four stories or greater at the boundary of the Form District.
 - b. **A 20' building step back above the second or third floor is required for the primary street frontage of a building that utilizes an upper story bonus in accordance with Sec. 3.11.2.7.T.1.a. A building façade located outside of the build-to zone remains subject to this requirement.**
 - ~~b.c.~~ A building step back is not required where a street-facing façade is located outside of the build-to zone **and is not the primary frontage of a building that utilizes an upper story bonus**, or where a building façade facing the Form District boundary is located more than 20' from the boundary."

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.