

ORDINANCE A

(Amending the Land Use Management Ordinance and the Town Code)

AN ORDINANCE AMENDING CHAPTER 17 OF THE CHAPEL HILL CODE OF ORDINANCES AND ARTICLES 3, 4, 5, AND 6 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING MISCELLANEOUS IMPROVEMENTS (2025-11-##/O-#)

WHEREAS, at their September 24, 2025, meeting the Chapel Hill Town Council called a public hearing to be held on October 22, 2025, regarding this omnibus text amendment; and

WHEREAS, a culture of continuous improvement is critical to ensuring that the LUMO and Code of Ordinances remain up to date and responsive to the evolving needs of the community; and

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

WHEREAS, the Chapel Hill 2020 Comprehensive Plan, the Future Land Use Map (FLUM), and the Complete Community Strategy call for a variety of housing types; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan, Mobility and Connectivity Plan, FLUM, and Climate Action Plan all support efforts to reduce car dependence; and

WHEREAS, the Chapel Hill Housing Needs Analysis: 2020-2040 found that Chapel Hill's housing supply will need to increase by approximately 500 units per year to meet Chapel Hill's growing housing demand; and

WHEREAS, the University of North Carolina at Chapel Hill has announced plans to increase enrollment by approximately 5,000 students, which can reasonably be expected to further increase housing demand; and

WHEREAS, the LUMO and Code of Ordinances include conflicting rules regarding shared driveways; and

WHEREAS, supporting opportunities for homeownership is a longstanding priority for the Town of Chapel Hill; and

WHEREAS, members of the business community have repeatedly expressed difficulty adhering to restrictive provisions of the LUMO's sign regulations; and

WHEREAS, Chapel Hill's extensive development review processes have been identified as a source of increased development costs and as a barrier to entry for many; and

WHEREAS, the LUMO does not currently support by-right mixed-use development; and

WHEREAS, Town staff have the education and training, expertise, and familiarity with Council priorities necessary to advocate for the Town's interests and advise developers on how their projects can best meet the Town's needs; and

WHEREAS, eliminating mandatory parking minimums can facilitate the reuse of existing developments and give new developments additional flexibility in reducing parking numbers; and

WHEREAS, facilitating the creation of new fee simple lots supports homeownership by increasing the supply of parcels of land that can be sold independently; and

WHEREAS, streamlining development review procedures is a cost-effective way to support housing growth and economic development in Chapel Hill; and

WHEREAS, formal and ad-hoc improvements to the conditional zoning process have demonstrated that the process can be further refined to reduce the risk, cost, and time involved without sacrificing community benefits; and

WHEREAS, facilitating the redevelopment and reuse of existing developments can allow the Town to better adapt to changing circumstances while also limiting sprawl; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Chapter 17 Streets and Sidewalks and Appendix A Land Use Management Ordinance, Articles 3, 4, 5, and 6 and Appendix A shall be amended as follows:

Module 1: Site Plan Review

Section 1. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.1. Applicability is hereby revised to read as follows:

"4.7.1. Applicability.

Site plan review and approval by the planning commission shall be required prior to issuance of a zoning compliance permit **only when required by an applicable neighborhood conservation district.** ~~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;~~
- ~~(b) Expansion of development previously existing within a zoning lot may be reviewed and approved by the town manager if it would result in:
 - ~~(1) Addition of not more than fifteen (15) percent of previously existing floor area, or twenty five hundred (2,500) square feet of floor area, whichever is greater;~~
 - ~~(2) Addition of not more than fifteen (15) percent of previously existing parking spaces, or ten (10) parking spaces, whichever is greater; and~~
 - ~~(3) An increase of not more than fifteen (15) percent in the amount of land cleared for non-agricultural development, or ten thousand (10,000) square feet of new land clearing, whichever is greater;~~~~
- ~~(c) Any sign;~~
- ~~(d) Any development pursuant to an approved certificate of appropriateness, conditional zoning, or special use permit including special use permits that are no longer necessary and have therefore been abandoned, provided the town manager finds that no major modifications are proposed to the plans and conditions in the area have not changed significantly;~~
- ~~(e) Any of the following changes in use:
 - ~~(1) To another use in the same use group;~~
 - ~~(2) From use group C to use group B and/or use group A; or~~
 - ~~(3) From use group B to use group A;~~~~

~~provided that any such change does not involve development other than that exempted above; or~~

~~(f) Any development of a solid waste management facility on a zoning lot.~~

~~For development applications proposing development as described in (a)–(f) above, the town manager shall take action provided that the development proposal, in the opinion of the town manager, does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, or lighting, and that such existing site elements comply with the applicable provisions of this chapter."~~

Section 2. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.2. Procedures for Site Plan Review by Planning Commission, Subsection 4.7.2(a) Application Submittal Requirements is hereby revised to read as follows:

"(a) Application submittal requirements.

Applications for site plan review shall be submitted to the town manager. The town manager shall prescribe the form(s) on which applications are made. In the case of applications involving site plan review, applications shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the application. If the applicant or property owner listed on an application involving site plan review is an entity other than an individual, the application shall also include detailed information regarding the principals of the entity. The town manager shall prescribe any other material that may reasonably be required to determine compliance with **the requirements of the applicable neighborhood conservation district** this chapter, with sufficient copies for necessary referrals and records.

No application shall be accepted by the town manager unless it complies with such submittal requirements. Applications that are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application."

Section 3. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.2. Procedures for Site Plan Review by Planning Commission, Subsection 4.7.2(b)(1) – (b)(2) Action on the Application are hereby revised to read as follows:

"(b) *Action on the application.*

- (1) On receipt of a complete application, the town manager shall cause an analysis to be made by qualified representatives of the town and such other agencies or officials as appropriate to determine compliance with **provisions of the applicable neighborhood conservation district.** ~~applicable provisions of this chapter and any applicable conditions of an approved certificate of appropriateness.~~ The town manager shall submit to the planning commission a report of his or her analysis of the application. The planning commission shall administratively review the application and the town manager's report and shall take final action on the application.
- (2) Final action on an application shall be an administrative decision based solely on findings as to compliance with **the applicable neighborhood conservation district** ~~all applicable provisions of this appendix, including all applicable conditions of an approved certificate or appropriateness,~~ and shall include one of the following:

- A. Approval of application; or
- B. Approval of application subject to reasonable conditions necessary to ensure compliance with applicable regulations and conditions; or
- C. Denial of application."

Section 4. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.5 Minor Modifications to Approved Site Plans is hereby revised to read as follows:

"4.7.5 Minor Modifications to Approved Site Plans.

The town manager may approve ~~minor~~ modifications, ~~as defined by 4.7.1 (b) (1) (3),~~ to plans approved under site plan review as long as such changes continue to comply with the approving action of the planning commission and all other applicable requirements. ~~The town manager shall not have the authority to approve any major modifications to plans approved under site plan review unless such changes are specifically required by a condition of approval. If a major modification is proposed, the town manager shall require the filing of an application for approval of the major modification. An application for a major modification of an approved site plan shall be reviewed in accord with the procedures established in subsections 4.7.1 and 4.7.2."~~

Section 5. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.6 Expiration of Site Plan Review Approval is hereby revised to read as follows:

"4.7.6 Expiration of Site Plan Review Approval.

(a) Starting time limit.

If the use, construction, or activity authorized by approval of an application for a ~~zoning compliance permit~~ **site plan review** or modification of ~~zoning compliance permit~~ **a site plan review** is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager may grant an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require planning commission re-approval. The town manager shall determine whether the use, construction, or activity has started.

(b) Completion time limit.

If all construction and actions authorized or required by a ~~zoning compliance permit~~ **site plan review** or modification of ~~zoning compliance permit~~ **a site plan review** are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the town manager. The town manager may grant extensions of the time limit for periods of up to twelve (12) months if he/she determines that: a) the permit holder submitted the request within sixty (60) days of the completion date; b) the permit has proceeded with due diligence and good faith; and c) conditions have not changed so substantially as to warrant reconsideration of the approved development. The town manager shall determine whether or not all construction and actions authorized or required have been completed."

Section 6. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.7 Revocation of Site Plan Review Approval is hereby revised to read as follows:

"4.7.7. Revocation of Site Plan Review Approval.

- (a) If any conditions of a zoning compliance permit or modification of ~~zoning compliance permit~~ **site plan review**, including completion time limits, or requirements of this chapter applicable to the permit or modification are violated, the town manager may revoke the permit or modification.
- (b) The town manager may reinstate a revoked zoning compliance permit or modification of ~~zoning compliance permit~~ **site plan review** if he/she determines that: a) the holder of the revoked permit or modification submitted a request for reinstatement within ninety (90) days of the revocation; b) the violations that were the cause of the revocation have been corrected; and c) the development fully complies with all conditions of the permit or modification and all applicable requirements of this chapter."

Section 7. Article 4. Procedures, Section 4.7. Site Plan Review, Subsection 4.7.8 Reservation of School Sites is hereby renamed and revised to read as follows:

*"4.7.8 ~~Reservation of School Sites~~ **Abandonment of Site Plan Approvals***

~~Whenever a site plan review application is submitted for approval which includes part or all of a school site designated to be reserved in the comprehensive plan, the town manager shall immediately notify the Chapel Hill/Carrboro Board of Education, and the board shall promptly decide whether it wishes the site to be reserved. If the board does not wish to reserve the site, it shall so notify the town manager and no site shall be reserved. If the board does wish to reserve the site, the site plan review shall not be approved without such reservation. A note indicating such reservation shall be recorded on a final plat. The board shall then have eighteen (18) months beginning on the date of final approval of the site plan review application within which to acquire the site by purchase or by initiating condemnation proceedings. If the board has not purchased or begun proceedings to condemn the site within eighteen (18) months, the owner may treat the land as freed of the reservation.~~

All site plan approvals granted prior to [effective date] and no longer required by this appendix are hereby abandoned. The continued use and further development of properties previously subject to an abandoned site plan approval may proceed in accordance with this appendix."

Section 8. Article 5. Design and Development Standards, Section 5.8 Access and Circulation, Subsection 5.8.1(g) External Circulation shall be revised to read as follows:

- "(g) Traffic impacts of proposed new development and redevelopment shall be considered in the review of applications. A traffic impact analysis is required to identify and quantify the traffic impacts of proposed developments, and to identify facility improvements necessary to maintain acceptable levels of service. A traffic impact analysis is required for the following applications, unless affirmatively exempted by the town manager: major subdivision, special use permit, special use permit modification, **and** conditional zoning district rezoning ~~and site plan review~~. Guidelines and requirements for conducting traffic impact analyses are available in the town engineering department. The guidelines provide a standard process, set of

assumptions, set of analytical techniques, and presentation format to be used in an analysis. A set of criteria for exempting an application from the analysis requirement is included in the guidelines. Traffic impact analyses will be prepared by consultants under contract with the town and the costs of the analyses will be included in the development application fees."

Section 9. Article 5. Design and Development Standards, Section 5.16 Adequate Public School Facilities, Subsection 5.16.3 Certificate of Adequacy of Public School Facilities is hereby revised to read as follows:

"5.16.3 Certificate of Adequacy of Public School Facilities.

- (a) No application for approval of a subdivision preliminary plat, zoning compliance permit, minor subdivision final plat, ~~zoning compliance permit for site plan review,~~ zoning compliance permit for special use permit, zoning compliance permit for special use permit major modification for a project containing a residential use, or for a zoning compliance permit for a conditional zoning district containing residential uses may be approved unless on the date of such approval there exists a valid and current certificate of adequacy of public school facilities applicable to the project for which such approval is sought.
- (b) A certificate of adequacy of public school facilities shall not be required for a conventional rezoning, a conditional zoning district or for approval of a master land use plan. However, if a rezoning or master plan is approved, a certificate of adequacy of public school facilities shall be required before any residential development of the property is authorized pursuant to any of the approvals specified in subsection (a) of the section, and the rezoning of the property or approval of a master plan provides no indication as to whether the certificate of adequacy of public school facilities will be issued. The application for rezoning or master plan approval shall contain a statement to this effect.
- (c) A certificate of adequacy of public school facilities must be obtained from the school district. The school district will issue or deny a certificate of adequacy of public school facilities in accordance with the provisions of a memorandum of understanding between Chapel Hill, Carrboro, Orange County, and the Chapel Hill/Carrboro School District.
- (d) An applicant shall seek from the school district a certificate of adequacy of public school facilities for a proposed residential development before an application for approval of a zoning compliance permit for a subdivision preliminary plat application, minor subdivision final plat, ~~zoning compliance permit for a site plan review application,~~ zoning compliance permit for a special use permit, zoning compliance permit for a special use permit modification, or for a zoning compliance permit for a conditional zoning district containing residential uses is submitted to the town. The certificate of adequacy of public school facilities, if issued, shall expire as provided in section 16.5."

Module 2: Concept Plan Review

Section 1. Article 4. Procedures, Section 4.3. Concept Plan Review is hereby repealed and reserved for future use.

Section 2. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.4 Conditional Districts, Subsection 3.4.6(e)(2) Mixed Use Development Design Standards is hereby revised to read as follows:

"(2) Any application for mixed use development shall include ~~a concept plan as provided in section 4.3.~~ The application shall also include a phasing plan that specifies the stages of development build out. The phasing plan shall identify the sequence of development for the land uses shown on the application. The phasing plan information may be prepared as a plan, a table, or a report. It shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed concurrent with the land use development. Land use development scheduling shall include a general indication of size, either in square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, streets, transit, schools, water and sewer systems, and public safety. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed use development satisfying the purpose section of this district. The applicant shall include all of the required use categories (residential, commercial, and office uses) in the first phase of the project."

Module 3: Conditional Zoning

Section 1. Article 3 Zoning Districts, Uses, and Dimensional Standards, Section 3.4 Conditional Districts, Subsection 3.4.4(a) Innovative, Light Industrial Conditional Zoning District (LI-CZD) is hereby revised to read as follows:

"3.4.4 Innovative, Light Industrial Conditional Zoning District

a) Innovative, Light Industrial Conditional Zoning District (LI-CZD).

A LI-CZD may be established through the town council's approval of a conditional zoning district rezoning application pursuant to section ~~4.4.3~~ **4.4.5**, which incorporates district-specific rezoning plans and conditions agreed to by the owner(s) of the rezoned land. Once a LI-CZD is established, a property owner may submit final plans applications to the town manager for review and approval in accordance with the standards of this appendix and the conditions and rezoning plan attached to the conditional zoning district rezoning approval."

Section 2. Article 3 Zoning Districts, Uses, and Dimensional Standards, Section 3.4 Conditional Districts, Subsection 3.4.7 Residential-Community Priority-Conditional Zoning District (R-CP-CZD) is hereby revised to read as follows:

3.4.7 Residential-Community Priority-Conditional Zoning District (R-CP-CZD).

The Residential-Community Priority-Conditional zoning district (R-CP-CZD) as established in 3.4.3 is intended to support and encourage the production of quality affordable housing throughout town. ~~Developments reviewed and entitled pursuant to the Community Priority Process for Affordable Housing Development Review may be permitted in the R-CP-CZD.~~

(a) *Eligibility Criteria for the R-CP-CZD.* Zoning atlas amendment applications proposing to rezone a site to the Residential-Community Priority-Conditional Zoning District (R-CP-CZD) must demonstrate that the proposed development complies with the following criteria:

- (1) Twenty-five (25) percent of rental units must be affordable at or below sixty (60) percent of Area Median Income (AMI) for a period of at least thirty (30) years and
 - (2) Twenty-five (25) percent of for-sale units must be affordable at or below eighty (80) percent AMI for a period of at least ninety-nine (99) years.
- (b) *Community Priority Process for Affordable Housing Development Review*. An application for a conditional zoning to a R-CP-CZD which meets the eligibility criteria defined in section 3.4.7(a) of this appendix may be reviewed and entitled through the ~~Community Priority Process for Affordable Housing Development Review~~ **conditional rezoning process** as defined in section 4.4 of this appendix.
- (c) *Non-residential uses in the R-CP-CZD*. Non-residential uses that are permitted as a CZ** in Table 3.7-1: Use Matrix must be proposed and reviewed as a component of a development in a Residential-Community Priority-Conditional Zoning District (R-CP-CZD) application. Such uses shall not represent more than twenty-five (25) percent of the total floor area of the proposed development. Floor area restrictions shall not apply to non-residential uses that are accessory uses to an allowable residential use.

Section 3. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.3 Procedures – Light-Industrial Conditional Zoning District Rezoning is hereby deleted and reserved for future use.

Section 4. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.4 Minor Changes to Approved Rezoning Plans in the Light Industrial Conditional Zoning District is hereby deleted and reserved for future use.

Section 5. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.5 Procedures – Community Priority Process for Affordable Housing Development Review is hereby renamed to read as follows:

*"4.4.5 Procedures—**Conditional Rezoning**. ~~Community Priority Process for Affordable Housing Development Review.~~"*

Section 6. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.5(a) Pre-Application Eligibility Determination is hereby deleted and reserved for future use.

Section 7. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.5(b) Application Submittal Requirements is hereby revised to read as follows:

"(b) Application submittal requirements.

- (1) Applications for amendments to this appendix, as provided in subsection 4.4.1(a), shall be filed with the town manager.

- (2) The town manager shall prescribe the form(s) on which applications are made. Applications shall include the name and address of the applicant and the name and address of the owner of each zoning lot involved. The town manager shall prescribe any other material that may reasonably be required to determine the feasibility of compliance with this appendix, with sufficient copies for necessary referrals and records.
- (3) An application for a ~~Residential Community Priority Conditional Zoning District (R-CP-CZD)~~ **conditional** rezoning pursuant to the ~~Community Priority Process for Affordable Housing Development Review~~ shall include a ~~community priority rezoning plan~~ **district-specific plan** in accordance with its definition in this appendix."

Section 8. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.5(f) Town Manager's Report to Town Council is hereby revised to read as follows:

"(f) Town manager's report to town council.

- (1) The town council may act upon a **conditional** rezoning application to a ~~residential community priority standards CZD~~ at the same meeting at which it conducts an initial legislative hearing on the application.
- (2) If the town council chooses not to act upon a **conditional** rezoning application to a ~~residential community priority standards CZD~~ at the same meeting at which it conducts an initial legislative hearing on the application, the town council may direct the town manager and town attorney to review the record of the legislative hearing and prepare and submit to the town council a report containing findings as to conformity with the intent of this appendix and a recommendation for action.
- (3) Such report shall be submitted to the town council within thirty (30) days after completion of the initial legislative hearing, or within such further time as may be consented to by written notice from the applicant or by town council resolution. Failure of the town manager to submit a recommendation to the town council within the prescribed time limit, or extensions thereof, shall be construed as a favorable recommendation."

Section 9. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.5(k) Actions Subsequent to Decisions is hereby amended to read as follows:

"(k) Actions subsequent to decision.

- (1) The town manager shall cause notice of the disposition of the application to be sent to the applicant and shall cause a copy of the decision to be filed in the office of the planning department.
- (2) In the case of approval, any necessary changes to the official zoning atlas shall be entered in accordance with the provisions of article 3.
- (3) In the case of approval or approval with conditions, the ~~community priority rezoning plan~~ **district-specific plan** and conditions are incorporated into the conditional zoning district and are binding on the land.
- (4) In the case of approval or approval with conditions, the applicant may subsequently submit final plans to the town manager for approval, in a form and content prescribed by the town manager. Approval of such plans shall be based on compliance with all applicable regulations and requirements, including all

conditions and the ~~community priority rezoning plan~~ **district-specific plan** attached to the conditional zoning district rezoning approval."

Section 10. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.6 Minor Modifications to Approved Community Priority Process Rezoning Plans in the Residential-Community Priority-Conditional Zoning District is hereby amended to read as follows:

*"4.4.6 Minor Modifications to Approved Community Priority Rezoning Plans **Conditional Zoning Districts** in the Residential-Community Priority-Conditional Zoning District.*

This section applies to modifications of conditional zoning districts approved on or after [date of adoption]. Modifications to a conditional zoning district approved before [date of adoption] are governed by the rules in place at the time the conditional zoning district was approved.

The town manager may approve minor modifications to **district-specific plans** attached to an approved conditional zoning district ~~rezoning~~ provided that such changes continue to comply with the approving action of the town council and all other applicable requirements or are required specifically by a condition of approval.

The town manager shall not have the authority to approve changes to approved ~~rezoning plans~~ **district-specific plans** that constitute a major modification ~~of the rezoning plan~~. If a major modification is proposed, the town manager shall require the filing of an application for approval of the modification. An application for **a major** ~~modification of a rezoning plan~~ shall be reviewed in accordance with the procedures established in subsections 4.4.1 and 4.4.5.

- (a) All minor modifications must be consistent with the approved ~~rezoning plan~~ **district-specific plan** and comply with all applicable provisions of this appendix. Consistency means the changes would not significantly negatively alter the development's impervious coverage, demand on public facilities, stormwater runoff, or other characteristic from that indicated by the approved ~~rezoning plan~~ **district-specific plan**. Where measurable and except where provided otherwise, a ten (10) percent change shall be considered significant whether such change is proposed through one (1) request or through multiple requests over an extended period of time. **The previous limitations** ~~are~~ notwithstanding, the following shall constitute a minor modification:

- (1) An increase in the number of buildings that results in no more than a five (5) percent increase in total floor area and no more than a five (5) percent increase in impervious surface, provided that any additional buildings are located entirely within an area defined by the footprints of approved structures plus twenty-five (25) feet extending in all directions. Unless the abutting property is located in a Town Center (TC), Mixed Used (MU), or Office/Institutional (OI) district such additional structures may not be located within fifty (50) feet of an exterior property line.
- (2) Relocation of recreation space or area, provided that the total amount of recreation space or area is not reduced and accessibility from affordable dwelling units is not negatively impacted.
- (3) Reconfiguration or relocation of internal streets, sidewalks, trails, or parking areas provided that no additional encroachment or disturbance in the Resource Conservation District (RCD) is required.

- (4) Addition of bicycle or pedestrian access points to a preexisting public right-of-way.
- (5) Alteration of building design elements, as defined in NCGS 160D-702(b).
- (b) Notwithstanding, the following shall constitute a major modification to a ~~rezoning plan~~ **district-specific plan** and will require the filing of an application for approval of the major modification."

Section 11. Article 4 Procedures, Section 4.4 Zoning Amendments, Subsection 4.4.7 Procedures – All Other Conditional Zoning Districts is hereby deleted in its entirety.

Module 4: Special Use Permits

Section 1. Article 4 Procedures, Section 4.5 Special Use Permits, Subsection 4.5.3(k) Issuance of Development Permits is hereby revised to read as follows:

"(k) Issuance of development permits. After final plan approval, the town manager may issue zoning compliance permits, engineering construction permits, building permits, sign permits, and certificates of occupancy for development approved in a special use permit, or an approved phase thereof, in the manner prescribed in section 4.9, subject to compliance with the approved final plans and following additional requirements:

- ~~(1) Prior to issuance of a building permit for any new structures, additions, and exterior renovations or alterations, detailed architectural elevations of such structures, additions, and renovations or alterations and a site lighting plan shall be reviewed by the community design commission.~~

~~Exceptions:~~

- ~~(A) This section (I)(1) shall not apply to single family and two family structures approved by a special use permit unless voluntarily consented to by the owners of all properties included in such an application.~~
- ~~(B) This section (I)(1) shall not apply to minor special use permits reviewed and approved by the board of adjustment.~~
- ~~(2)~~**(1)** Prior to issuance of any zoning compliance permit for development approved in a special use permit, a detailed landscape plan for such development, or an approved phase thereof, shall be submitted to and approved by the town manager."

Section 2. Article 4 Procedures, Section 4.5 Special Use Permits, Subsection 4.5.4(a) Modifications of Special Use Permits is hereby revised to read as follows:

"4.5.4 Modifications of Special Use Permits.

- (a) The town manager is authorized to approve minor modifications in the approved final plans as long as such changes continue to comply with the approving action of the town council and all other applicable requirements, or as authorized by Section 4.5.4(b) below, but shall not have the authority to approve changes that constitute a major modification of the special use permit. **After approval of a special use permit, the subsequent addition of permitted uses or subsequent development that does not independently require a special use permit shall not constitute a**

modification of the special use permit provided that such subsequent uses or development comply with the requirements of this ordinance."

Section 2. Article 4 Procedures, Section 4.5 Special Use Permits, Subsection 4.5.5(a) Special Use Permit Binding on Land is hereby revised to read as follows:

"4.5.5 Expiration and Revocation of Special Use Permit Approvals.

- (a) *Special use permit binding on land.* A special use permit or modification of special use permit shall run with the land covered by the permit or modification. ~~Once construction authorized by a special use permit or modification of special use permit is started, no development other than that authorized by the permit or modification shall be approved on that land unless the permit or modification is first modified in accord with subsection 4.5.4, or voided or revoked in accord with the provisions of this section."~~

Section 3. Article 4 Procedures, Section 4.5 Special Use Permits, Subsection 4.5.5(d) Abandonment of Special Use Permit is hereby revised to read as follows:

"(d) Abandonment of special use permit.

- (1) On request by the holder of a special use permit or modification of special use permit, the decision-making body shall approve the abandonment of the permit or modification if it determines that:
- A. No construction or activity authorized by the permit has been started and the starting time limit has not yet expired; or
 - B. The development or use authorized by the permit or modification no longer requires a special use permit, ~~and all conditions of the special use permit have been satisfied;~~ or
 - C. The applicant is pursuing a conditional zoning district per section ~~4.4.7~~ **4.4.5**. Upon enactment of the conditional zoning district, the existing special use permit is deemed abandoned as to the applicable parcel(s)."

Module 5: Subdivisions

Section 1. Article 4 Procedures, Section 4.6 Subdivisions is to be repealed and replaced with the following:

"4.6. Subdivision.

Purpose statement: It is the intent of this section to provide an orderly process for the division of land into lots or parcels for the purpose of sale to and/or building development by property owners. It is also this section's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both their prospective (or "future") owners and of the Chapel Hill community, and that subdivisions are provided with and provide for adequate and efficient access and transportation, water, sewerage and other utilities, schools, parks, playgrounds, recreation, and other public requirements and facilities.

4.6.1 Applicability

(a) The provisions of this section apply to any division of a tract or zoning lot into two (2) or more zoning lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and any division of land involving the dedication of a new street or a change in existing streets.

(b) The following divisions of land are hereinafter referred to as exempt subdivisions or exempt plats. Such divisions of land shall be reviewed in accordance with subsection 4.6.5 and are not otherwise subject to the requirements of this article:

(1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this section, and the minimum gross land area, minimum lot width and minimum street frontage width standards of section 3.8; or

(2) The division of land into parcels greater than ten (10) acres in area, where no widening or opening of streets is involved; or

(3) The public acquisition of strips of land for purpose of widening or opening streets; or

(4) The division of a tract in single ownership whose entire net land area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this appendix, and the minimum gross land area, minimum lot width and minimum street frontage width standards of section 3.5.

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance within intestate succession under Chapter 29 of the General Statutes.

In (1) above, the phrase, "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations.

In (2) and (4) above, the phrases "where no street right-of-way dedication is involved" and "where no widening or opening of streets is involved" mean that adequate access to such lots is provided by an approved existing street (public or private) that meets the standards of the design manual without the need for additions or improvements to existing street rights-of-way or easements.

(c) No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, or offered for sale unless and until a final plat of the subdivision has been approved under this section and has been recorded by the appropriate county register of deeds. The subdivision of land by use of metes and bounds descriptions in instruments of transfer is prohibited.

(d) No lot or parcel resulting from a division of land excluded from the definition of subdivision in subsection 4.6.1 shall be sold, or offered for sale until the town manager certifies that such division of land falls within one of the exclusions listed in subsection 4.6.1.

- (e) No plat of any division of land within Chapel Hill's planning jurisdiction shall be filed or recorded by the county register of deeds unless it contains the town manager's certification that the division of land has been approved under this section or is not subject to this section.**

4.6.2 Subdivision Standards

- (a) All subdivisions subject to this section, except subplot subdivisions and condominium subdivisions, are subject to – at minimum – the following regulations:**

(1) Dimensional standards in section 3.8

(2) Lot layout standards in section 5.2

(3) Recreation space standards in section 5.5.2 when the subdivision results in five (5) or more lots

(4) Stormwater management standards in section 5.4 when the subdivision results in four (4) or more lots

- (b) Sublot Subdivision. A subplot subdivision is the division of a zoning lot or tract (hereinafter the "parent lot") into smaller sublots for the purpose of sale or development, whether immediate or future. Individual sublots are exempt from subdivision standards referenced in section 4.6.2(a), but the parent lot must meet the requirements of this ordinance. The parent lot shall be the basis for determining the allowed uses and development intensity on the site.**

(1) All development within subplot subdivisions must comply with applicable NC State Residential or Building Code requirements. An application for a subplot subdivision may not be approved if doing so would create a violation of NC State Residential or Building Code requirements.

(2) The subplot subdivision plat shall meet preliminary or final plat drawing requirements in section 4.6.9 and identify the following:

A. Land developed and designated for the common use and benefit of the occupants of individual lots, if any;

B. An entity designated to be legally responsible for the maintenance and control of any common land areas;

C. The land area of the commonly held land;

D. The maximum impervious surface and floor area for each subplot;

E. Means of access for each subplot; and

F. The boundaries of the parent lot.

- (c) Condominium subdivision. A condominium subdivision is the division of a building or structure into units or sites for the purpose of sale. Development of two (2) or more dwelling units configured as condominiums shall comply with the following standards:**

(1) Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.

(2) Condominiums shall conform to the requirements of the North Carolina Condominium Act in Chapter 47C of the North Carolina General Statutes.

- (3) 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**

4.6.3 Preliminary Plat Review

(a) Applicability. Any applicant may request preliminary plat review.

(b) Certification and Mapping Requirements.

- (1) Mapping requirements.** The preliminary plat shall be drawn to a scale of not less than one hundred (100) feet to the inch nor more than twenty (20) feet to the inch. It shall show the following:

- A. Title data.** Name of subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words, "PRELIMINARY PLAT."
- B. Existing data.** Property lines, street lines and names, principal buildings, water mains, sanitary sewers, storm drains, water courses and bridges, parks, playgrounds, public open space, recreation areas, public easements, railroads and spurs, names of adjacent subdivisions, owners of adjacent unsubdivided tracts, town limit lines, and planning district lines, on the land to be subdivided; and an inset sketch map showing the subdivision's location in relation to the town and to principal highways and streets in the Chapel Hill area.
- C. Data relating to subdivision.** Names, locations and other dimensions of proposed streets, alleys, cross walkways, lots, easements, building lines, parks, playgrounds, and other recreational areas, including notations regarding to whom such areas are dedicated, and a copy of any proposed deed restrictions or restrictive covenants. Contours at intervals five (5) feet or less, referred to sea level datum will be provided, except that in the case of a small subdivision on relatively level land, the town manager may waive this provision. Profiles of proposed streets, showing natural and finished grades, drawn to a horizontal scale of not less than one hundred (100) feet to the inch and a vertical scale of not less than ten (10) feet to the inch may be required by the town manager. A statement describing the water supply and sewage disposal facilities proposed to be installed in the subdivision shall be submitted. If installation of septic tanks is proposed, an analysis of the county health department tests required shall accompany the subdivision sketch.
- D. Drainage plan data.** Size of off-site drainage areas in acres; existing gullies or waterways proposed to be used, indicating adequacy to handle the design flows; all proposed drainage easements; location size, and slopes of all pipes; location, size, and proposed design of all new ditches; and erosion control measures where needed.
- E. Floodway data.** The boundaries of both the floodway and the floodway fringe zone, as shown on maps entitled Flood Boundary and Floodway Map, U.S. Dept. of Housing and Urban Development dated February 9,

1980, and as subsequently revised, and the boundary of the resource conservation district shall be shown clearly.

(c) Procedures.

- (1) The town manager shall prescribe the form(s) of applications as well as any other material they may reasonably require to determine – as appropriate – compliance or feasibility of compliance with this section. Preliminary plats shall comply with land surveying standards in section 4.6.7. The town manager shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant with a notation of its deficiencies.**
- (3) Action on application. The town manager shall evaluate the preliminary plat for – as appropriate – compliance or feasibility of compliance with this section, including any applicable conditions of an approved zoning compliance, permit, special use permit, or conditional zoning. The manager shall take action on an application based solely on their findings as to compliance or feasibility of compliance with applicable regulations and conditions. The manager shall:**
 - A. Approve the preliminary plat, or**
 - B. Approve the preliminary plat subject to conditions that ensure the subdivision complies with the intent and requirements of this section, or**
 - C. Deny the preliminary plat**
- (4) Appeals. The town manager’s decision on a preliminary plat may be appealed to the board of adjustment under section 4.10.**
- (5) Amended applications. The applicant shall submit an amended application for review as an original application if the applicant proposes to substantially amend or modify his/her application after its acceptance.**
- (6) Expiration of preliminary plat approval. The applicant shall submit a final plat for review within 12 months of receiving preliminary plat approval or the approval shall expire.**

4.6.4 Final Plat Review

(a) Applicability. A final plat is required for all subdivisions subject to this section.

(b) Certification and Mapping Requirements.

- (1) Mapping requirements. The final plat shall show the following:**
 - A. Title and documentation data. Name of subdivision, the town, the name of the licensed engineer or surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point, and all endorsements and certifications provided for in this section.**
 - B. Data relating to subdivision. Lines and names of all streets; lines of all alleys, cross-walkways, lots, easements, recreational areas, and other areas to be devoted to common use, with notes stating clearly their proposed use, any limitations and the person(s) or entity responsible for continued maintenance, town boundaries; building lines, block and lot numbers; metes and bounds survey information sufficient to determine readily on the ground the location of every street, alley, and**

cross-walkway, lot line, boundary line, block line, easement line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions and streets adjoining the platted subdivision; and designation of all streets within the subdivision as either "public" or "private."

- C. Easements. Any required easements shall be shown clearly and shall be accompanied by a metes and bounds description.
- D. Floodway data. The boundaries of both the floodway and the floodway fringe zone, as shown on the maps entitled Flood Boundary and Floodway Map, U.S. Dept. of Housing and Urban Development, dated February 9, 1980, and as subsequently revised, and the boundary of the resource conservation district shall be shown clearly.
- E. All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "subject to future extension".

(2) As part of an application for final plat approval, the applicant shall do the following:

- A. Certify that all improvements (streets, alleys, bikeways, pedestrian and bicycle ways, utilities, storm drainage facilities, street signs, and recreation areas and facilities for common use) approved as part of the preliminary plat approval and serving the lots shown on the final plat have been completed and the town manager has certified completion thereof; or
- B. Certify that performance guarantees ensuring the satisfactory completion of any uncompleted improvements have been posted; or
- C. Certify that the subdivision shown on the final plat is subject to United States Department of Housing and Urban Development regulations that ensure satisfactory completion of any uncompleted improvements.

(3) Certificates and Endorsements on Final Plat.

- A. Certificate of survey and accuracy. The final plat shall be made under the supervision of a surveyor or engineer licensed to practice in the State of North Carolina. The plat shall contain a certificate of survey and accuracy which meets the requirements for registration of G.S. Section 47-30.
- B. Certificate of dedication and maintenance. The following shall be printed on the final plat over the signature of the owner(s):

"The undersigned party, being duly sworn, certifies that he is the owner or duly authorized representative of the owner of the property designated on this plat as described below, and hereby freely dedicates all rights-of-way, easements, streets, recreation area, open space, common area, utilities, and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or, by an incorporated neighborhood or homeowners' association or similar legal entity."

Description/reference to lots shown on this plat and covered by this certificate: (insert list of lot numbers or other clear identification of lots covered by this certification).

Date: _____

C. Certificate of improvements.

- (i) If the required improvements are completed prior to the submittal of the final plat, the following certificate shall appear on the plat over the signature of the town manager:**

"The Town Manager hereby certifies that all improvements required by the Chapel Hill Land Use Management Ordinance have been installed as specified by the approved preliminary plat for [insert subdivision name] Subdivision and that said improvements comply with Town specifications."

Town Manager

Date

- (ii) If the required improvements are not completed prior to the submittal of the final plat and their completion is not ensured by regulations applicable to developments financed by the U.S. Department of Housing and Urban Development, the following certificate shall appear on the plat over the signature of the Town Manager:**

"The Town Manager hereby certifies that a surety bond of a satisfactory amount has been posted with the Town of Chapel Hill which surety guarantees that all public improvements will be completed as specified by the approved Preliminary Plat for [insert subdivision name] Subdivision within [#] days unless affirmatively extended by the Town Manager. Notice will be duly recorded with the Register of Deeds if and when said surety is amended or extended prior to completion of all public improvements for which it was posted."

Town Manager

Date

D. Town manager endorsement. The plat shall show the following form for town manager endorsement:

"Provided that this plat be recorded within 30 days of final approval;

Approved by

Town Manager

Date"

- (4) Notary public required. All certification and endorsement signatures on the final plat, except those of the Town Manager, representatives of other governmental agencies and public utilities, and licensed surveyors shall be signed under oath and notarized by the statement of a notary public entered on the final plat.**

- (5) If a neighborhood or homeowners' association, or similar legal entity, will maintain and control any improvements, the application for final plat approval shall also contain proposed articles of incorporation and by-laws of the association or similar legal entity. Articles of incorporation shall be submitted in the form in which they will be filed with the North Carolina Secretary of State.**

(c) Procedures.

- (1) The town manager shall prescribe the form(s) of applications as well as any other material they may reasonably require to determine compliance with this section. Final plats shall comply with land surveying standards in section 4.6.7. The town manager shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant with a notation of its deficiencies.**

- (2) *Action on application.* The town manager shall evaluate the final plat for compliance with this section, including any applicable conditions of an approved zoning compliance, permit, special use permit, or conditional zoning. The manager shall take action on an application based solely on their findings as to compliance with applicable regulations and conditions.**

A. The manager may take the following actions:

- i. Approve the final plat;**
- ii. Approve the final plat subject to conditions that ensure the subdivision complies with the intent and requirements of this ordinance; or**
- iii. Deny the final plat.**

- B. If the town manager approves the final plat with or without conditions they shall endorse their approval on a reproducible mylar original of the final plat. The mylar shall be drawn in black ink upon mylar or tracing cloth to a scale of not less than one hundred (100) feet to the inch nor more than twenty (20) feet to the inch.**

(3) *Recordation of final plat.*

- A. The applicant shall record the final plat in the office of the appropriate county register of deeds. Approval of any final plat is void if it is not properly recorded within thirty (30) calendar days after the town manager's endorsement of approval. The town manager may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond their control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certification and endorsement requirements.**
- B. The applicant shall submit a paper print of the recorded final plat filed with the register of deeds to the town's planning department within five (5) working days after the plat is recorded.**
- C. Upon recordation of a final plat, the applicant or applicant's successors in interest of the subdivided land shall be responsible for maintaining in a safe and usable condition all approved improvements until they are accepted for maintenance and control by an appropriate public body or**

an incorporated neighborhood or homeowners' association or similar legal entity.

- (4) Appeals.** The town manager's decision on a final plat may be appealed to the board of adjustment under section 4.10.

4.6.5 Exempt Plat Review

- (a) Applicability.** Divisions of land identified in section 4.6.1(b) must follow exempt plat review procedures outlined in this section.

- (b) Certification and Mapping Requirements.**

- (1) Mapping requirements.** The exempt plat shall show the following:

- A. Title and documentation data.** Name of exempt plat, the town, the name of the licensed engineer or surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point, and all endorsements and certifications provided for in this section.
- B. Data relating to the exempt subdivision.** Lines and names of all adjacent rights-of-ways; lots and easements; metes and bounds survey information sufficient to determine readily on the ground the location of every right-of-way, boundary line, and easement line.
- C. Easements.** Any required easements shall be shown clearly and shall be accompanied by a metes and bounds description.
- D. Floodway data.** The boundaries of both the floodway and the floodway fringe zone, as shown on the maps entitled Flood Boundary and Floodway Map, U.S. Dept. of Housing and Urban Development, dated February 9, 1980, and as subsequently revised, and the boundary of the resource conservation district shall be shown clearly.

- (2) Certificates and Endorsements on Exempt Plat.**

- A. Town manager endorsement.** The exempt plat shall show the following form for town manager endorsement:

Recording this plat does not require subdivision approval of the Town of Chapel Hill as provided in section 4.6 of the Chapel Hill Land Use Management Ordinance.

Approved by

Town of Chapel Hill

Date

- B. Notary public required.** All certification and endorsement signatures on the final plat, except those of the Town Manager, representatives of other governmental agencies and public utilities, and licensed surveyors shall be signed under oath and notarized by the statement of a notary public entered on the final plat.

- (c) Procedures.**

- (1)** The town manager shall prescribe the form(s) of applications as well as any other material they may reasonably require to determine compliance with this section. Exempt plats shall comply with land surveying standards in section 4.6.7. The town manager shall not accept an application unless

it complies with such requirements. An incomplete application shall be returned to the applicant with a notation of its deficiencies.

(2) Action on application. The town manager shall evaluate the exempt plat for compliance with this section, including any applicable conditions of an approved zoning compliance, permit, special use permit, or conditional zoning. The manager shall take action on an application based solely on their findings as to compliance with applicable regulations and conditions.

A. The manager may take the following actions:

- i. Approve the exempt plat or**
- ii. Deny the exempt plat.**

B. If the town manager approves the exempt plat they shall endorse their approval on a reproducible mylar original of the final plat. The mylar shall be drawn in black ink upon mylar or tracing cloth to a scale of not less than one hundred (100) feet to the inch nor more than twenty (20) feet to the inch.

(3) Recordation of exempt plat.

A. The applicant shall record the final plat in the office of the appropriate county register of deeds. Approval of any exempt plat is void if it is not properly recorded within thirty (30) calendar days after the town manager's endorsement of approval. The town manager may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certification and endorsement requirements of this section.

B. The applicant shall submit a paper print of the recorded final plat filed with the register of deeds to the town's planning department within five (5) working days after the plat is recorded.

(4) Appeals. The town manager's decision on an exempt plat may be appealed to the board of adjustment under section 4.10.

4.6.5 Performance Standards During Construction.

The preliminary plat approval shall include conditions for work during construction consistent with section 5.15 of this chapter.

4.6.6 Neighborhood or Homeowners' Associations.

Where neighborhood or homeowners' associations, or similar legal entities, will maintain and control any improvements (streets, alleys, bikeways, pedestrian and bicycle ways, utilities, storm drainage facilities, street signs, and recreation areas and facilities for common use) approved as part of subdivision approval, they shall be established so that:

- (a) Binding arrangements to establish the association or similar legal entity are made before any lot in the subdivision is sold or any building occupied;**
- (b) The association or similar legal entity has clear legal authority to maintain and exercise control over the improvements;**

(c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and control of the improvements; and

(d) Subdivisions shall not include covenants or other conditions of sale that restrict or prohibit the use, installation or maintenance of solar collection devices.

4.6.7 Standards of Practice for Land Surveying.

All horizontal and vertical survey controls established within the Chapel Hill Planning Jurisdiction and all surveys submitted to the Town of Chapel Hill for review and approval shall conform/comply with the latest revision of North Carolina General Statute 89C and the Standards of Practice for Land Surveying in North Carolina as established by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. Additionally, all plats submitted for review and approval shall conform the latest revision of North Carolina General Statute 47-30.

4.6.8 Performance Guarantees.

When permitted pursuant to this appendix, performance guarantees posted in lieu of completion of improvements shall conform to the NCGS 160D-804.1.

4.6.9 Detailed engineering construction permits—final plat.

All final engineering construction permits for public improvements, including but not limited to bridges, culverts, headwalls, endwalls, earthwork (cut or fill), grading, paving (including subgrade preparation, base and surface), sidewalks, curbs and gutters, median crossings, guardrails, street signs, storm drainage, water distribution and sewage collection systems, shall be submitted to the town manager for review and approval with or prior to the submittal of the final plat. The town manager shall prescribe the form(s) for the plans and for other materials he/she may reasonably require to make his/her decision.

4.6.10 As-Built Drawings of Improvements.

(a) Digital construction drawings shall be submitted in DXF format on compact disk or compatible media, or alternate format, showing the as-built elevation and location of all improvements of the subdivision including all underground utilities shall be certified by a registered engineer or surveyor and submitted to the town manager.

(b) When improvements are completed prior to final plat approval, the as-built drawings shall be submitted with the application for final plat approval. Where a surety bond is posted in lieu of completion of improvements, as-built drawings shall be submitted prior to release of the bond. The bond shall not be released until these plans are approved by the town manager.

4.6.11 Reservation of School Sites.

Whenever a subdivision application is submitted for approval which includes part or all of a school site designated to be reserved in the comprehensive plan, the town manager shall immediately notify the Chapel Hill/Carrboro Board of Education, and the board shall promptly decide whether it wishes the site to be reserved. If the board does not wish to reserve the site, it shall so notify the town manager and no site shall be reserved. If the board does wish to reserve the site, the subdivision shall not be approved without such reservation. A note indicating such reservation shall be recorded on a final plat. The board shall then have

eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board has not purchased or begun proceedings to condemn the site within eighteen (18) months, the owner may treat the land as freed of the reservation.

Module 6: Use Regulations

Section 1. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.7 Use Regulations, Subsection 3.7.1 Permitted, Special and Accessory Uses is hereby revised to read as follows:

"3.7.1 Permitted, Special and Accessory Uses

Uses of land or structures which are not expressly listed in section 3.7.2 as permitted principal uses, permitted accessory uses, permitted uses in a conditional zoning district, or permitted special uses in a zoning district or planned development are **subject to the allowances, standards, and limitations for the most closely related use that is expressly listed in section 3.7.2.** ~~prohibited uses and shall not be established in that district or planned development.~~ Bona fide farms in areas outside of Chapel Hill's municipal boundaries, but within Chapel Hill's transition and extra territorial jurisdiction area as defined in the joint planning agreement with Orange County, shall not be subject to these use regulations, as provided by N.C. General Statutes 160D-903(c).

Uses listed as permitted special uses in a zoning district may be established in that district only after issuance and recordation of a special use permit in accord with the procedures and conditions specified in article 4, section 4.5. Planned developments may be established in any zoning district only after the issuance and recordation of a special use permit in accord with the procedures and conditions specified in article 4, section 4.5.

Multiple permitted or principal uses are allowed on a single zoning lot."

Section 2. 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 and its accompanying footnotes are hereby revised to read as follows:

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

Table 3.7-1: Use Matrix												
	Zoning District											
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6
Dwelling Units, Single-Family	A	P	P	P	P	P	P	P	P	P	P	P
Single-family with	A	P	P	P	P	P	P	P	P	P	P	P

accessory apartment (See also Article 6)												
Single-family with cottage (See also Article 6)	A	—	—	—	—	P	P	P	P	P	P	P
Two-family, attached (See also Article 6)	A	P	P	P	P	P	P	P	P	P	P	P
Two-family, detached (See also Article 6)	A	P	P	P	P	P	P	P	P	P	P	P
Three-family, attached or detached (See also Article 6)	A	—	—	—	—	—	—	—	—	P	P	P
Four-family, attached or detached (See also Article 6)	A	—	—	—	—	—	—	—	—	P	P	P
Existing manufactured home development	A	P	P	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.

KEY:

"—" Not Permitted;

"S-" Permitted as a special use - minor or as a CZ in the parallel conditional zoning districts enumerated in 3.4.3(a);

"S+" Permitted as a special use - major or as a CZ in the parallel conditional zoning districts enumerated in 3.4.3(a);

"A" Permitted as an accessory use; In LI-CZD refer to article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;..."

Module 7: Two-Family Dwellings

Section 1. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.8 Dimensional Standards, Subsection 3.8.2(k) Maximum Floor Area Ratio is hereby revised to read as follows:

"(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 **specified in this section** shall not apply to:

- A. Dwelling Units, Single-Family
- B. Dwelling Units, Single-Family with Accessory Apartment
- C. Dwelling Units, Single-Family with Cottage

D. Dwelling Units, Two-family, attached

E. Dwelling Units, Two-family, detached

~~D.F.~~ Public Cultural Facilities

(2) **Section 3.8.2(k)(1) does not exempt any uses from a maximum floor area ratio specified for a neighborhood conservation district.** ~~For two-family 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."~~

Section 2. Article 6. Special Regulations for Particular Uses, Section 6.19 Dwelling Units – Two-Family, Subsection 6.19.1(a)-(b) Single-Family Dwelling Unit with Accessory Apartment is hereby revised to read as follows:

"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 **zoning** lot as the single-family dwelling to which it is an accessory use. **A detached accessory apartment may be located on a subplot.**

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

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

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

~~(3)(2) 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 **zoning** 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.
This limitation shall not apply if the accessory apartment is located on a separate subplot from the principal dwelling unit."

Section 3. Article 6. Special Regulations for Particular Uses, Section 6.19 Dwelling Units – Two-Family, Subsection 6.19.2 Single-Family Dwelling Unit with Cottage is hereby revised to read as follows:

"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:

Lot Dimensions	
Minimum Lot Size	Minimum lot size required by the zoning district + 2,700 square feet
Cottage Dimensions	
Maximum Footprint	1,000 square feet N/A
Maximum Floor Area	1,200 1,500 square feet
Maximum Height	29 feet
Building Separation from single-family dwelling	Separation between dwelling units shall comply with Fire Code
Parking	Max. 1 space per bedroom

No more than one (1) cottage per **zoning** lot ~~per townhouse development~~ is permitted.

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

Section 4. Article 6. Special Regulations for Particular Uses, Section 6.19 Dwelling Units – Two-Family, Subsection 6.19.3 Two-Family Dwelling Units, Attached and Detached is hereby revised to read as follows:

"6.19.3 Two-Family Dwelling Units, Attached and Detached.

The following dimensional standards shall apply to the development:

Lot Dimensions	
Minimum Lot Size	Follows underlying zoning
Building Dimensions	

Maximum Floor Area Ratio	0.40, when lot size is 7,500 square feet or less N/A
Maximum Floor Area	3,000 5,000 square feet when the lot size is greater than 7,500 square feet
Building Separation (Applies only to Detached Dwellings)	Separation between dwelling units shall comply with Fire Code
Parking	No more than four (4) vehicular parking spaces, as defined by landscaping and hardscape materials, shall be permitted on site. <u>Subject to the front yard parking rules in section 5.9.9 of this ordinance.</u>
<u>Tree Canopy</u>	<u>40% of net land area. Compliance with this requirement shall be achieved through any combination of the methods identified in section 5.7.2(c) of this appendix.</u>

”

Section 5. Article 6. Special Regulations for Particular Uses, Section 6.19 Dwelling Units – Two-Family, Subsection 6.19.4(b) Additional Requirements is hereby revised to read as follows:

“6.19.4 Additional Requirements.

- (a) *Driveway Design.* Where feasible, driveways shall be shared with a recorded shared access easement for any pair of **sublots** ~~townhouse lots~~.
- (b) *Designation on Plat.* Townhouse developments **or sublots** 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.”

Module 8: New Lot Standards

Section 1. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.8 Dimensional Standards, Subsection 3.8.2 Dimensional Regulations, Table 3.8-1: Dimensional Matrix is hereby revised to read as follows:

[Portions of Table 3.8-1 not appearing in the excerpt below are to remain unchanged.]

“Table 3.8-1: Dimensional Matrix

(A)	(B)	(C)	(D)	(G)	(H)	(I)
Zoning District	Lot Size (square feet min)	Frontage (min feet)	Lot Width (min feet)	Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)
R-LD5	217,800	200	250	30	16	20

RT	100,000	160	200	30	16	20
R-LD1	43,560	100	125	30	16	19
R-1A	25,000 10,000	80 48	100 60	29 26	15 10	18 10
R-1	17,000 10,000	64 48	80 60	28 26	14 10	17 10
R-2A	14,500 7,500	56 40	70 50	27 24	10 8	12 8
R-2	10,000 7,500	52 40	65 50	26 24	11 8	13 8
R-3	5,500 4,000	40 36	50 42	24 22	8 6	11 6
R-4	5,500 4,000	40 36	50 42	22	8 6	9 6
R-5	5,500 4,000	40 36	50 42	20	6 5	8 5
R-6	5,500 N/A	40 N/A	50 N/A	20 16	6 N/A	8 N/A

"

Section 2. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.8 Dimensional Standards, Subsection 3.8.8(c) Cluster Development is hereby revised to read as follows:

"(c) *Reductions in lot and setback requirements.* For lots created as part of a cluster development, minimum gross land area, minimum lot width, and minimum setback requirements may be reduced as follows:

- (1) Minimum lot size requirements specified in section 3.8 may be reduced to **four thousand (4,000)** square feet gross land area.
- (2) Minimum lot width requirements specified in section 3.8 for R-LD5, R-LD1, R-1A, R-1, R-2A, and R-2 zoning districts may be reduced to **forty-five (45)** feet.
- (3) Minimum street setback requirements specified in Section 3.8 may be reduced to ten (10) feet except where the street lot line forms an exterior boundary of the cluster development.
- (4) Minimum interior setback requirements specified in Section 3.8 for R-LD5, R-LD1, R-1A, R-1, R-2A, and R-2 zoning districts may be reduced to **seven (7)** feet except where the interior lot line forms a boundary of the cluster development.
- (5) Minimum solar setback requirements specified in Section 3.8 for R-LD5, R-LD1, R-1A, R-1, R-2A, and R-2 zoning districts may be reduced to **seven (7)** feet except where the north lot line forms a boundary of the cluster development."

Section 3. Article 5. Design and Development Standards, Section 5.2 Lot Layout Standards, Subsection 5.2.4 Access to Streets is hereby revised to read as follows:

"5.2.4. *Access to Streets.*

(a) Subject to the exceptions listed below, eEvery subdivided lot shall front on **or have legal access to** a **public** street meeting the standards of this article and of the design

manual, including all required improvements such as **minimum right-of-way and pavement width, street markings,** sidewalks, curbs, and gutters.

- (1) Local Streets. When newly subdivided lots front on or have access to an existing local street, the street shall only be required to meet the minimum right-of-way widths specified by the design manual.**
- (2) Collector Streets. When newly subdivided lots front on or have access to an existing collector street, a payment in lieu of constructing physical improvements required by this subsection may be accepted by the Town Manager. The amount of the payment shall be based on the estimated cost of the required improvements. The requirement for adequate right-of-way width may not be satisfied by a payment-in-lieu. If a payment-in-lieu received by the Town is not used or programmed into a capital budget within five years from the date of its receipt, it shall be refunded.**
- (3) When newly subdivided lots front on an existing street, the developer of the subdivision shall only be responsible for improvements on the side of the street adjacent to the newly subdivided lots. If additional right-of-way or pavement width is required to bring the street into compliance with Town standards, the developer of the subdivision shall only be responsible for one half of the additional right-of-way or pavement width.**

(b) For any proposed lot without frontage on a public street, an access easement must be recorded with the county register of deeds prior to approval of a final plat.

(c) Double frontage lots are prohibited except where necessary to separate residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Where double frontage lots are permitted, a bufferyard shall be provided adjacent to the higher classified street to prohibit access by motorized vehicles.

(d) Driveway access limited. When newly subdivided lots front on or have access to an arterial street, the combined total of all driveway access points among all of the newly subdivided lots shall not exceed the greater of the following:

- (1) The number of driveway access points that existed prior to subdivision of the lots**
- (2) One (1) driveway access point for every four (4) lots"**

Section 4. Article 5. Design and Development Standards, Section 5.2 Lot Layout Standards, Subsection 5.2.6 Flag Lots is hereby revised to read as follows:

5.2.6. Flag Lots.

~~The Town of Chapel Hill discourages and restricts forming flag lots in subdivisions. A flag lot shall be permitted if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her.~~

~~Flag lots are prohibited except when allowed upon findings that:~~

- ~~(a) The flag lot is necessary to eliminate access onto an arterial street (See Figure 5.2.6-1);~~

- ~~(b) The flag lot is necessary to reasonably utilize irregularly shaped land (See Figure 5.2.6-2);~~
- ~~(c) The flag lot is necessary to reasonably utilize land with difficult topography (See Figure 5.2.6-3).~~
- (a)** No flag lot will be allowed if it increases the number of access points onto an arterial or collector street.
- (b)** That portion of a flag lot between the street onto which it has access and the point where a lot dimension parallel to the street first equals or exceeds the minimum lot width specified in section 3.8 shall not be longer than two hundred (200) feet.
 - (i)** ~~The lot width and street frontage of a flag lot may be reduced to~~ **twenty (20)** ~~thirty-five (35) feet.~~
 - (ii)** The town manager may approve further reductions to a minimum **street frontage** of twenty (20) feet where topographical conditions permit the construction of an adequate driveway within that width. **five (5) feet where vehicular access will be provided by a shared driveway and an appropriate access easement or shared driveway agreement has been recorded with the Register of Deeds.**
 - (iii)** The town manager may also require greater widths where necessary to ensure adequate access.

Section 5. Article 5. Design and Development Standards, Section 5.2 Lot Layout Standards, New Subsection 5.2.9 Zero Frontage Lots is hereby added to read as follows:

"5.2.9. Zero-Frontage Lots

- (a) A zoning lot with no street frontage (hereinafter a "zero-frontage lot") shall only be subject to interior setbacks and solar setbacks. Such a zoning lot shall not be subject to street setbacks."**
- (b) The shortest distance between a zero-frontage lot and the public right-of-way to which it has legal access shall not exceed two hundred (200) feet."**
- (c) At least seventy-five (75) percent of a zero-frontage lot must meet the minimum lot width specified in section 3.8 of this appendix.**

Section 6. Article 5. Design and Development Standards, Section 5.8 Access and Circulation, Subsection 5.8.1(a) External Circulation is hereby revised to read as follows:

"5.8.1. External Circulation.

- (a)** All development shall have access to a publicly maintained street. No zoning compliance permit or building permit shall be issued for any structure absent evidence of access to a publicly maintained street. Access may include direct access to a publicly maintained street or access via a recorded access easement across intervening property.

~~Every subdivided lot shall front on a public street meeting the standards of this section and of the design manual, including all required improvements such as sidewalks, curbs and gutters."~~

Section 7. Chapel Hill Town Code of Ordinances Section 17-61 Driveways for Residences is hereby revised to read as follows:

"Driveways for residences shall comply with this section:

- (1) Not more than two (2) driveways shall be permitted for each residential lot.
- (2) When two (2) driveways are constructed, the minimum distance between driveways shall be thirty (30) feet.
- (3) No portion of any driveway shall be nearer than two and one-half (2½) feet to any interior property line measured along the adjacent public street line; **unless the driveway provides shared access to multiple residential lots or sublots.**"

Module 9: Parking Standards

Section 1. Article 5. Design and Development Standards, Section 5.9. Parking and Loading, Subsection 5.9.2(b) is hereby repealed in its entirety.

Section 2. Article 5. Design and Development Standards, Section 5.9. Parking and Loading, Subsection 5.9.3 Shared Parking is hereby repealed in its entirety and reserved for future use.

Section 3. 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 hereby revised to read as follows:

"5.9.7. Minimum and Maximum Off-Street Parking Space Requirements.

The following minimum and maximum vehicular parking requirements shall apply for the appropriate use and zoning district. Vehicular parking requirements shall not apply for uses located within the Office/Institutional-3 or Office/Institutional-4 Districts.

~~A reduction of up to twenty (20) percent of the minimum number of required vehicular parking spaces may be permitted through the granting of a minor variance by the board of adjustment if, based on substantial evidence in the record of its proceedings, the board finds that compliance with the full minimum off-street vehicular parking space requirements of this section would necessitate the removal of or would seriously endanger significant specimen trees on or adjacent to the zoning lot on which such parking is required.~~

~~For all residential uses located in a Residential Community Priority Conditional Zoning District (R-CP-CZD), the minimum number of vehicular parking spaces required per dwelling unit shall be reduced by twenty (20) percent.~~

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***
Automobile , trailer, and farm implement sales or rental	N/A	1 per 350 sq. ft. of enclosed exhibit area	1 per 500 sq. ft. of enclosed exhibit area N/A	1 per 350 sq. ft. of enclosed exhibit area	N/A
Bank	N/A	1 per 350 sq. ft. of floor area	1 per 250 sq. ft. of floor area N/A	1 per 150 sq. ft. of floor area	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area
Business, Convenience Restaurant	N/A	1 per 110 sq. ft. of floor area	1 per 110 sq. ft. of floor area N/A	1 per 75 sq. ft. of floor area	Min 4; 2 additional spaces per every 1,000 sq. ft. of floor area
Other convenience business	N/A	1 per 250 sq. ft. of floor area	1 per 375 sq. ft. of floor area N/A	1 per 250 sq. ft. of floor area	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area
Business, general (retail)	N/A	1 per 300 sq. ft. of floor area	1 per 300 sq. ft. of floor area N/A	1 per 200 sq. ft. of floor area	Under 100,000 sq. ft. floor area: Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area for 1st 10,000 sq. ft.; then 1 additional space per 5,000 sq. ft.; Over 100,000 sq. ft. floor area: 1 space per 10,000 sq. ft. floor area
Business, office-type	N/A	1 per 375 sq. ft. of floor area	1 per 350 sq. ft. of floor area N/A	1 per 250 sq. ft. of floor area	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area
Clinic	N/A	1 per 300 sq. ft. of floor area	1 per 225 sq. ft. floor	1 per 200 sq. ft. of floor area	Min 4; 2 additional spaces per every

				area N/A		2,500 sq. ft. of floor area
Dwelling, single-family		N/A	N/A	N/A	N/A	N/A
Dwelling, single-family with accessory apartment		1 per Accessory Apartment bedroom constructed after November 23, 2015	N/A	1 per Accessory Apartment bedroom constructed after November 23, 2015 N/A	N/A	N/A
Two-family, attached or detached**		N/A	4 spaces total	N/A	4 spaces total	N/A
Dwelling units, or multi-family	Efficiency	N/A	1 per dwelling unit	1 per dwelling unit N/A	1.25 per dwelling unit	1 per 4 dwelling units
	1 bedroom	N/A	1 per dwelling unit	1 per dwelling unit N/A	1.25 per dwelling unit	
	2 bedrooms	N/A	1.25 per dwelling unit	1.4 per dwelling unit N/A	1.75 per dwelling unit	
	3 bedrooms	N/A	1.5 per dwelling unit	1.75 per dwelling unit N/A	2.25 per dwelling unit	
	4 or more bedrooms	N/A	1.67 per dwelling unit	2 per dwelling unit N/A	2.5 per dwelling unit	
Fraternity or sorority house		N/A	1 per 1.25 residents	1 per 3 residents N/A	1 per 2 residents	Min 4; 1 per 3 residents
Group Care Facility		N/A	1 per 2 beds	1 per 4 beds N/A	1 per 2 beds	Min 4; 1 per 4 beds
Hospital		N/A	2 per 1 beds	1 per 1.5 beds N/A	1 per 0.5 beds	Min 8; 1 per 10 beds

Hotel or motel	N/A	0.9 per lodging unit	0.9 per lodging unit N/A	1.25 per lodging unit	Min 8; 1 per 15 lodging units
Independent Senior Living Facility	N/A	.7 per senior unit	.5 per senior unit N/A	.7 per senior unit	Min. 4; 1 per senior unit
Maintenance and/or storage facility and self-storage facility, conditioned	N/A	N/A	1 per 2,500 sq. ft. N/A	1 per 1,500 sq. ft.	Min 4
Manufacturing, light	N/A	N/A	1 per 1,250 sq. ft. N/A	1 per 900 sq. ft.	Min 4
Mobile home park	N/A	N/A	1 per unit N/A	2 per unit	N/A
Movie Theatre	N/A	1 per 4 seats	1 per 5 seats N/A	1 per 4 seats	Min 8; 1 per 50 seats
Personal services	N/A	1 per 250 sq. ft. of floor area	1 per 375 sq. ft. of floor area N/A	1 per 250 sq. ft. of floor area	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area
Place of assembly	N/A	1 per 4 persons the use is designated to accommodate	1 per 4 persons the use is designated to accommodate N/A	1 per 2.5 persons the use is designated to accommodate	Min 8; 1 per 40 seats
Place of worship	N/A	N/A: exempted from parking requirements	1 per 5 seats N/A	1 per 2 seats	Min 8; 1 per 50 seats
Public cultural facility	N/A	1 per 350 sq. ft. of floor area	1 per 500 sq. ft. of floor area N/A	1 per 350 sq. ft. of floor area	Min 8; 2 additional spaces per every 5,000 sq. ft. of floor area
Public use facility	N/A	N/A	1 per 350 sq.	N/A	Min 8; 2 additional spaces per every

			ft. of floor area N/A		4,000 sq. ft. of floor area
Research activities	N/A	1 per 250 sq. ft. of floor area	1 per 350 sq. ft. of floor area N/A	1 per 225 sq. ft. of floor area	Min 4; 2 additional spaces per every 4,000 sq. ft. of floor area
Residence hall	N/A	1 per 1.5 residents	1 per 2 residents N/A	1 per 1.5 residents	Min 4; 1 per 2 residents
Residential support facility	N/A	1 per 350 sq. ft. of floor area	1 per 500 sq. ft. of floor area N/A	1 per 350 sq. ft. of floor area	Min 4; 2 additional spaces per every 5,000 sq. ft. of floor area
Rooming house	N/A	0.75 per lodging unit	1 per lodging unit N/A	0.75 per lodging unit	Min 4; 1 per 3 lodging units
School, elementary, middle	N/A	1 per staff member	1 per staff member N/A	1 per 1.25 staff member	Min 8; 1 per 10 students
School, secondary, high school 9-12	N/A	1 per 3 students	1 per 4 students N/A	1 per 3 students	Min 8; 1 per 10 students
Shelter	N/A	1 per 650 sq. ft. of floor area	1 per 1,000 sq. ft. of floor area N/A	1 per 650 sq. ft. of floor area	Min 4; 1 per 10 employees
Tourist home	N/A	1.25 per lodging unit	1.25 per lodging unit N/A	0.9 per lodging unit	Min 4; 1 per 3 lodging units

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

** For two-family dwelling units, please see Article 6. No minimum vehicular parking requirement shall apply.

*** See section **Required bicycle parking shall conform to the standards of the Town of Chapel Hill Design Manual. 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 **bicycle** 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 4. Article 5. Design and Development Standards, Section 5.9. Parking and Loading, Subsection 5.9.9(c) Parking in Front Yards is hereby revised to read as follows:

- (c) *Coverage.* **At least two (2) parking spaces shall be allowed in the front yard area of any zoning lot. Such parking spaces may not exceed the dimensions specified in the Town of Chapel Hill Design Manual. If front yard parking on a zoning lot exceeds two (2) parking spaces, the combined p**arking and drive areas shall be limited to forty (40) percent of the front yard area of ~~any~~ **the** zoning lot. Access to front yard parking shall be limited to properly approved curb cuts or other approved access points.

Module 10: Sign Standards

Section 1. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.6(h) Wall Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

Dimensions					
		RT, R-MH, PD-H	NC, CC, TC-, OI-, MU-V, Ind, WR, WX	PD-SC, PD-OI PD-MU, PD-I	MU OI-1, MU R-1
①	Raceway (max % of letter height)	35% <u>N/A</u>	35% <u>N/A</u>	35% <u>N/A</u>	35% <u>N/A</u>

Section 2. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.6(j) Canopy Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

Dimensions		
Ⓓ	Raceway (max % of letter height)	35% N/A

Section 3. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.6(m) Crown Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

Dimensions		
Ⓔ	Raceway (max % of letter height)	25% N/A

Section 4. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.6(o) Commercial Center Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

Standards	
<ol style="list-style-type: none"> 1. Allowed for commercial centers, defined as a center with a minimum of 4 retail business tenants and 8,000 SF of retail business floor area. 2. The Commercial Center must have 100 feet of street frontage minimum. Street frontage for a zoning lot includes frontage on streets that are part of an approved master land use plan or special use permit and have speed limits of 35 mph or greater. 3. Sign must be located at least 250 feet from any other Commercial Center Ground Sign. 4. Minimum 9" 6" letter height for all text. 5. The display surface area of the sign must be divided into individual tenant name panels. The panels within the display area may be of 2 different sizes and must be of a similar shape. 6. May be externally or internally illuminated in accordance with Sec. 5.14.11. Illumination of the sign is not permitted during non-business hours. 	

Section 5. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.6(p) Ground Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

Standards	
<ol style="list-style-type: none"> 1. The commercial developments must have a minimum 100 feet of street frontage to qualify for a ground sign (for smaller lots, see Cantilevered Ground Sign). Lot must be accessible by automobile and contain off-street parking for the principal use. 2. Buildings housing principal uses must be located at least 20 feet back from abutting right-of-way. 	

3. Sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
4. Sign must be located at least 150 feet from any other Ground Sign.
5. Minimum 9" **6"** letter height for all text.
6. May be externally or internally illuminated in accordance with Sec. 5.14.11.

Section 6. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.7 Permitted Signs is hereby revised to read as follows:

[Portions of the table not appearing in the excerpt below are to remain unchanged.]

5.14.7. Permitted Signs	RT, R-, MH, PD-H	WR-Subdistricts	
		Type A Frontage	Type B, C Frontage
[Wall Sign Image]	p* P	— P	— P
[Awning Sign Image]	p* P	— P	— P
[Canopy Sign Image]	p* P	— P	— P
[Projecting Sign Image]	p* P	— P	— P
[Commercial Center Sign Image]	p* P	P	P

Section 7. Article 5 Design and Development Standards, Section 5.14 Signs, Subsection 5.14.11(j) Raceways and Transformers is hereby revised to read as follows:

“(j) *Raceways and Transformers.*

- ~~(1) If a raceway is necessary, it must not extend in width or height beyond the area of the sign.~~
- ~~(2)~~**(1)** Raceways must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- ~~(3)~~**(2)** Visible transformers are not permitted.”

Module 11: Recreation

Section 1. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.1 Applicability is hereby 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, **pursuant to section 5.5.2 (a) through (f)**; or

- (2) Any multifamily development of five (5) or more units, pursuant to section 5.5.2 (g) through (i); or
- (3) Any common plan of development of five (5) or more units, pursuant to section 5.5.2 (g) through (i).
- ~~(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)~~ **(b)** 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."

Section 1. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(b) Suitability of Land is hereby revised to read as follows:

"(b) Suitability of land.

- (1) Land provided or dedicated as recreation 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 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~~ **may be provided by the developer of a subdivision and shall be counted towards the recreation space requirement of this section. Each square foot of land area within such easements shall be counted as 1.5 square feet when determining compliance with the requirements of this section. If the developer provides such easements and constructs the planned greenways in accordance with Town standards, the recreation space requirements of this section shall be deemed fully satisfied.** ~~be the recreation space provided under this ordinance.~~
- (3) 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 (1) public street within the subdivision. Land provided or reserved for active recreation shall form a single parcel except where ~~the town council determines~~ **the developer of a subdivision demonstrates** 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."~~

Section 2. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(c) Method of Provision or Dedication is hereby revised to read as follows:

"(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 **manager** may require that a neighborhood or homeowners' association be established for the continuing maintenance and control of common recreation area and facilities."

Section 3. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(d) Payments in Lieu of Provision or Dedication is hereby revised to read as follows:

"(d) Payments in lieu of provision or dedication.

- (1) In lieu of providing or dedicating recreation 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 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 space required pursuant to this section where the minimum recreation space required by this section equals four (4) acres or less.~~ **Reserved for future use.**

Section 4. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(e) Exemptions is hereby revised to read as follows:

"(e) Exemptions.

- (1) ~~The town council may exempt~~ **a**An application **shall be exempt** from the recreation space requirements in this section if the required recreation area is less than three thousand (3,000) square feet.
- (2) If the ~~town council~~ **Town Manager** 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 spaces, ~~it~~ **he or she shall** ~~may~~ waive any requirements of that subsection. In such cases, the required recreational space may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wildlife cover. These spaces

would provide for the community's need for passive recreational areas and/or greenways."

Section 5. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(f) Substitution of Off-Site Land for Dedicated Recreation Space is hereby revised to read as follows:

"(f) Substitution of off-site land for dedicated recreation space.

- (1) Any subdivider required to provide or dedicate recreation space pursuant to this section may, with the approval of the **Town Manager** ~~town council~~, dedicate recreation space outside the boundaries of the land being subdivided but ~~in a nearby area of town~~ **within one half mile of said land**.
- (2) The substitute dedicated recreation 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."

Section 6. Article 5 Design and Development Standards, Section 5.5 Recreation, Subsection 5.5.2(h) Payments in Lieu of Improved Recreation Space is hereby revised to read as follows:

"(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."~~

Module 12: Manufactured Home Developments

Section 1. Article 3 Zoning Districts, Uses, and Dimensional Standards, Section 3.5 Special Districts, Subsection 3.5.1(e) Permitted Uses and Development Intensities – Mixed Use-OI-1 is hereby revised to read as follows:

"(e) Permitted Uses and Development Intensities—Mixed Use-OI-1.

- (1) The uses permitted in the mixed use OI-1 zone, except in situations described in subsection (2) below, are single and two-family dwellings, **existing manufactured home developments**, and those other non-residential uses listed in section 3.7 as permitted in the OI-1 zone, except that "Medical Aircraft Hangar" is not permitted. The land use intensity ratios, setbacks, and height limitations that apply in the mixed use zone, except in situations described in subsection (2) below, are those that apply to the OI-1 zone, as set forth in section 3.8."

Module 13: Definitions

Section 1. Appendix A Definitions is hereby revised by amending, inserting, and deleting the following definitions in the appropriate alphabetical order:

District-Specific Plan ~~Community Priority Rezoning Plan~~: A plan or schematic diagram that depicts the approximate size, location, and relationship of the principal elements of the proposed development such as uses; intensity; buildings, parking areas and loading areas; access and circulation; open space; environmental constraints; and the development envelope. Not included in the term development envelope are below ground utility lines, above-ground stormwater management areas, landscape and natural areas, and other non-impervious features. **The term "District-Specific Plan" shall also include any previously approved District-Specific Plans, Community Priority Rezoning Plans, and Rezoning Plans.**

For applications or developments in the Light Industrial Conditional Zoning District, the district-specific plan is not required to depict building locations. Instead, it must depict a maximum building envelope with massing exhibits and the development envelope. Development envelope means the area containing building footprints, parking areas, loading areas, and other appurtenant impervious features. Not included in the term development envelope are below ground utility lines, above-ground stormwater management areas, landscape and natural areas, and other non-impervious features.

~~District specific plan~~: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the applicable application and regulations, including but not limited to lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade and, depending on requirements, the location of proposed utility lines.

~~Dwelling~~: Any building or structure (except a mobile home **manufactured home**) that is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Existing manufactured home development: A combination of two or more **manufactured homes located on a single zoning lot and established prior to [effective date].**

~~Manufactured home~~: **A structure that meets the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. This term shall not include homes that are partially or wholly manufactured somewhere other than their final permanent location but which are designed and built in accordance with the residential building code.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without

~~a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site.~~

~~Mobile home,~~ **Manufactured home**, class A: A mobile home **or manufactured home** that meets the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards and which is certified by the town manager as meeting the following appearance performance criteria: a) the mobile home shall have a length not exceeding four (4) times its width; b) the pitch of the mobile home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run; c) the exterior materials shall be of a color, material, and scale compatible with those existing in the immediate vicinity, and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint; d) a continuous permanent masonry foundation, unpierced except for required ventilation, shall be installed under the mobile home; and e) the tongue and undercarriage chassis shall be removed subsequent to final placement.

~~Mobile home~~ **Manufactured home**, class B: A mobile home **or manufactured home** that meets the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or, after inspection by the building inspector, is found to be in good condition and fit and safe for human occupancy, but which is not certified as meeting the appearance performance criteria contained in definition of mobile home, class A, above.

~~Mobile home park: A combination of two (2) or more mobile homes on a single zoning lot.~~

Principal use: **One of the** ~~The~~ primary or main uses of land or structures, as distinguished from a secondary or accessory use. **Unless otherwise stated, multiple principal uses are allowed within a lot or structure.**

~~*Rezoning plan:* A plan that depicts the general configuration and relationship of the principal elements of the proposed development such as uses, intensity, location and size of parking and loading areas, access and circulation, open space, any areas containing environmental constraints, a maximum building envelope with massing exhibits and the development envelope. Development envelope means the area, as designated on the approved rezoning plan, containing building footprints, parking areas, loading areas, and other appurtenant impervious features. Not included in the term development envelope are below ground utility lines, above-ground stormwater management areas, landscape and natural areas, and other non-impervious features.~~

Subdivision, Major: A division of land subject to Section 4.6 of this ordinance that creates five (5) or more zoning lots whether such lots were created at one time or within the five years prior to the submission of the most recent subdivision application.

Subdivision, Minor: A division of land other than a major subdivision, subplot subdivision, exempt plat, or exempt subdivision.

Sublot: A lot within a larger zoning lot (referred to as the "parent lot").

Sublot subdivision: The division of a zoning lot or tract (referred to as "parent lot") into sublots for the purpose of sale or development, whether immediate or future.

Townhouse development: **See "subplot subdivision."** 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. 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 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

Tract: An undeveloped parcel of land not previously recorded as a zoning lot.

Use, principal: The primary use and chief purpose of a lot or structure. **See "Principal Use."**

Zoning lot: A legally subdivided lot (not a tract) shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.

Module 14: Miscellaneous Corrections

Section 1. Article 3 Zoning Districts, Uses, and Dimensional Standards, Section 3.4 Conditional Districts, Subsection 3.4.6(d)(2) Dimensional Restrictions is hereby revised to read as follows:

- "(2) Permitted density shall not exceed fifteen (15) dwelling units per acre for MU-V-CZD collector and MU-V-CZD local and twenty (20) du/acre for MU-V-CZD arterial. Permitted intensity and impervious surface restrictions shall be as established in section 3.8 Table 3.8-1 unless development rights are transferred pursuant to section 3.9.2 of this appendix. The frontage and setback requirements shall not apply to parks and open space.

