

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING ARTICLES 3, 4, 5, AND 6 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING HOUSE TYPES AND DESIGN AND DEVELOPMENT STANDARDS (2022-XX-XX/O-#)

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

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

WHEREAS, the Future Land Use Map recommends the development of duplexes, triplexes, fourplexes, and accessory dwelling units with an approval process and requirements similar to that of single-family detached dwellings and it finds that these small scale, multi-family uses can fit within the existing fabric of some existing single-family neighborhoods; and

WHEREAS, the Chapel Hill Housing Needs Analysis: 2020-2040 found that new housing for individual households is expected to increase to 440 units per year. Few owner-occupied townhouses or condominiums are built to meet this need and provide missing middle housing for the community's workforce; and

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

WHEREAS, Townhouse Development currently only appears in the Land Use Management Ordinance as part of Appendix A- Definitions and necessitates further refinement to address the unique characteristics of townhouse developments and smaller, compact housing developments such as triplexes and fourplexes; and

WHEREAS, Land Use Management Ordinance Article 3 – Zoning Districts, Uses, and Dimensional Standards limits the diversity of housing types and does not specifically address townhouse units or fourplexes; and

WHEREAS, Land Use Management Ordinance Article 4 – Procedures provides certain exemptions only for single family development; and

WHEREAS, Land Use Management Ordinance Article 5 – Design and Development Standards applies only to multifamily development of three units or more on a single lot, and these standards discourage diversity of housing types; and

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

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Articles 3, 4, 5, and 6, and Appendix A on October 4, 2022, and recommended/did not recommend that the Council enact the text amendments; and

WHEREAS, the Council called a Legislative Hearing to amend Articles 3, 4, 5, and 6 and Appendix A of the Land Use Management Ordinance as it relates to Housing Types and Design and Development Standards for the Council's October 19, 2022 meeting; and

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

WHEREAS, upon consideration the Council finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (*Place For Everyone.3*)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (*Good Places, New Spaces.1*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (*Good Places, New Spaces.2*)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (*Good Places, New Spaces.5*)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (*Good Places, New Spaces.8*)
- Reduce the carbon footprint of all Town-owned or managed services and properties; require that all new development meets standards; and support residents in minimizing their personal footprints (*Nurturing Our Community.7*)
- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community (*Town Gown Collaboration.4*)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (*Town Gown Collaboration.6*)

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

Section 1. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.4. Conditional Districts is hereby amended to replace references to two-family structures with single family with accessory apartment and duplex dwellings and incorporate triplex and fourplex dwellings as follows:

3.4. - Conditional Districts.

3.4.6 The Mixed-Use Village Conditional Zoning District (MU-V-CZD).

“(2) For purposes of this section:

A. Uses within the "Residential" land use category include the following:

Dwelling units, single family,

Dwelling units, ~~two-family~~ **single family** with accessory apartments,
 Dwelling units, ~~two-family~~-duplex,

Dwelling units, triplex

Dwelling units, fourplex

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

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

Section 2. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.7. Use regulations, Section 3.7.2 Use Matrix, Table 3.7-1: Use Matrix is hereby amended to expand the use of Dwelling Units, Duplex and Dwelling Units, triplex as well as add Dwelling Units, Townhouse, and as follows:

Table 3.7-1: Use Matrix

	General Use Zoning District														Historic Rogers Road Neighborhood District				Planned Development (PD-)																
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
<u>Dwelling Units, Duplex (See Also Article 6)</u>	A	P	P	P	P	P	P	P	P	P	P	P	CN	P	P	P	P	P	P	P	P	I	I	I	P	P	P	I	P	I	I	I	P	I	P
<u>Dwelling Units, Fourplex (See Also Article 6)</u>	A	P	P	P	P	P	P	P	P	P	P	P	CN	P	P	P	P	P	P	P	P	=	=	=	=	=	P	=	P	=	=	=	P	=	P
Dwelling units, multifamil	A	-	-	-	-	-	-	-	-	P	P	P	CZ	P	P	P	P	P	P	P	-	-	-	-	-	P	-	P	-	-	-	P	-	P	

multiplying the minimum gross land area required for each represented district by the proportion of the zoning lot located within that district.

(2) For all dwellings, ~~except single family and single family with accessory apartment, that consist of five (5) or more dwelling units,~~ the minimum lot size is two (2) times the figures shown in Column (B).

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

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

Notes:

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

(2) Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirement shall be thirty-five (35) feet.

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

Exception:

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

Notes:

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

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

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

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

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

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

Exceptions:

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

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

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

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

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

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

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

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

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

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

Exceptions:

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

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

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

~~(h)~~ **(g)** Minimum Street Setback. Column (H) establishes a minimum setback from the street right-of-way line. Where a zoning lot fronts on a street with a right-of-way width not meeting the standards of this appendix, street setback shall be measured from a line running parallel to the centerline of the street at a distance from such centerline equal to one-half (½) the standard right-of-way width for the street.

Exception:

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

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

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

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

Exception:

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

Note:

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

~~(j)~~ **(i)** Minimum Solar Setback. Column J establishes a minimum setback measured from north lot lines. Where a solar setback and either a street or interior setback both apply to the same portion of a lot line, the required minimum setback shall be the greater of the two.

Exceptions:

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

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

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

(1) Residential development **up to four units**: (.50)

(2) **Multi-Family and townhouse developments of five (5) or more units, fraternities and sororities, non-residential, or mixed-use development**: (.70).

Exception:

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

~~(H)~~ **(k)** Maximum Floor Area Ratio. Maximum floor area allowed shall be the number of square feet derived by multiplying gross land area by the applicable floor area ratio (FAR), as shown in Table 3.8-1.

Exceptions:

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

2) For ~~two family~~ duplex, **triplex, and fourplex dwellings** on a single **zoning** lot, the floor area ratio shall be .40 in all zones and overlay zones, except where the overlay zone establishes a more restrictive floor area ratio for ~~duplexes~~ **the use.** **(3)** A maximum floor area ratio shall not apply ~~to public cultural facilities~~ **to the following:**

A. Public cultural facilities

B. Dwelling Units, Single Family

C. Dwelling Units, Single Family with Accessory Apartment

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

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

A. The product of, and

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

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

B. The product of

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

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

Table 3.8-1: Dimensional Matrix

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Set back (max feet)	Building Height, Core (max feet)	Street Set back (min feet)	Interior Set back (min feet)	Solar Set back (min feet)	Imperious Surface Ratio (max)*	Floor Area Ratio (max)	Street Set back (max feet)
R-LD5	217,800	0.2	200	250	29 <u>29</u>	35	30	16	20	.5/.7	.025	N/A
RT	100,000	0.4	160	200	29 <u>29</u>	35	30	16	20	.5/.7	.031	N/A
R-LD1	43,560	1.0	100	125	<u>29</u> [CL1]	35	30	16	19	.5/.7	.047	N/A
R-1A	25,000	2.0	80	100	<u>29</u>	38	<u>29</u>	15	18	.5/.7	.062	N/A
R-1	17,000	3.0	64	80	<u>29</u>	40	28	14	17	.5/.7	.076	N/A
R-2A	14,500	3.5	56	70	<u>29</u>	50	27	10	12	.5/.7	.087	N/A
R-2	10,000	4.0	52	65	<u>29</u>	50	26	11	13	.5/.7	.093	N/A
R-3	5,500	7.0	40	50	<u>29</u>	60	24	8	11	.5/.7	.162	N/A

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Set back (max feet)	Building Height, Core (max feet)	Street Set back (min feet)	Interior Set back (min feet)	Solar Set back (min feet)	Imperious Surface Ratio (max) *	Floor Area Ratio (max)	Street Set back (max feet)
R-4	5,500	10.0	40	50	34	60	22	8	9	.5/.7	.230	N/A
R-5	5,500	15.0	40	50	39	60	20	6	8	.5/.7	.303	N/A
R-6	5,500	15.0	40	50	39	60	20	6	8	.5/.7	.303	N/A
R-SS-CZD	N/A	N/A	N/A	N/A	39	60	10	0	N/A	.5/.7	1.10"	N/A
TC-1	N/A	N/A	12	15	44	60	0	0	0	N/A	1.97	N/A
TC-2	N/A	N/A	12	15	44	90	0	0	0	N/A	1.97	N/A
TC-3	N/A	N/A	12	15	44	120	0	0	0	N/A	4.00	N/A
CC	5,500	15.0	40	50	34	60	22	8	9	.5/.7	.429	N/A

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

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Setback (max feet)	Building Height, Core (max feet)	Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)	Imperious Surface Ratio (max) *	Floor Area Ratio (max)	Street Setback (max feet)
MU-OI-1	N/A	N/A	N/A	N/A	44	90	0	0	0	.5/.7	.264	N/A
MU-R-1	N/A	N/A	N/A	N/A	29	90	0	0	0	.5/.7	.076	N/A
MU-V, MU-V-CZD arterial	5,500	20.0	80	62	70	114	0	0	20	.5/.7	1.2	N/A
MU-V, MU-V-CZD collector	5,500	15.0	40	50	44	90	0	0	20	.5/.7	.500	N/A
MU-V, MU-V-	5,500	15.0	70	40	32	40	0	0	17	.5/.7	.500	N/A

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

Footnotes:

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

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

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

~~keep the building and lot size compatible with the surrounding neighborhood regardless of the number of dwelling units contained within the building.~~

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

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

Section 4. Article 3. Zoning Districts, Uses, and Dimensional Standards, Section 3.8.3 Exceptions to Setback and Height Regulations is hereby amended to update setback and height exceptions to reflect current housing trends as follows:

3.8.3 Exceptions to Setback and Height Regulations.

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

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

(9) Driveways that comply with the regulations set forth in Chapter 17¹;

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

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

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

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

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

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

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

(4) Transmission poles, towers, and cables;

~~**(5) Chimneys, flues, vents, or similar structures may shall not extend more than one (1) above the highest point of the building, provided such structures the minimum height required to comply with International Building code (IBC) requirements and do that defines the portion of the building envelope penetrated by such structures.**~~

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

Section 5. Article 4.6 Subdivision is hereby amended to include townhouse developments and condominiums, as follows.

"4.6.14 Townhouse Subdivision

It is the intent of this section that applicable subdivision review under the subdivision regulations be carried out as an integral part of the review of a townhouse development. It is the further intent of this section to permit the submittal of subdivision applications for the whole townhouse development or for approved phases thereof. The form and content of applications and plans

¹ https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH17STSI

submitted for such integrated review shall be sufficient to satisfy requirements of the subdivision regulations as well as those of this article.

The townhouse subdivision plat shall identify:

- (a) Land developed and designated for the common use and benefit of the occupants of the townhouse lots;**
- (b) An entity designated to be legally responsible for the maintenance and control of the common land areas;**
- (c) The gross land area of the commonly held land, which shall not be less than ten (10) percent of the zoning lot's total gross land area; and**
- (d) The maximum impervious surface and floor area for each lot.**

4.6.16 Condominiums

- (a) Multi-family development configured as condominiums shall comply with the following standards:**
- (b) Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.**
- (c) Condominiums shall conform to the requirements of the North Carolina Condominium Act in Chapter 47C of the North Carolina General Statutes.**
- (d) 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 City Council and recorded in the office of the Register of Deeds in the county where the development is located.**

Section 6. Article 4. Procedures, Section 4.7.9 Site plan review is hereby amended to include small scale housing developments, 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 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 or two-family dwelling, **triplex, or fourplex** on a zoning lot, or any uses accessory thereto;"

Section 7. Article 4. Procedures, Section 4.9 Zoning Compliance Permit is hereby amended to increase Zoning Compliance Thresholds to allow for greater exemptions and expedited review of multi-family units of less than five (5) units:

4.9. - Zoning compliance permit.

"4.9.1. Applicability.

- (a) Except as otherwise specifically provided in this chapter, it shall be unlawful to begin any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development, or to begin any construction, moving, alteration, or renovation, except for ordinary repairs or maintenance, of any building or other structure, including accessory structures and signs, until the town manager has issued for such action a zoning compliance permit, certifying that such development complies with the applicable provisions of this chapter. The town manager may establish a process to waive the requirement for a zoning compliance permit for smaller-scale ~~single or two family~~ residential activities such as landscaping and construction of decks, porches, sheds, garages, and stoops **related to single family dwellings (with or without an accessory apartment), duplexes, triplexes, fourplexes, and multi-family or townhouse developments of less than five (5) units.**
- (b) It shall also be unlawful to change the type of use or type of occupancy of any land or structure, or to extend any use on any lot on which exists a nonconforming use, until the town manager has issued for such action a zoning compliance permit, certifying that such intended uses comply with the applicable provisions of this chapter.
- (c) Thresholds for exceptions to zoning compliance permit requirement: **smaller-scale residential activities related to single family dwellings (with or without an accessory apartment), duplexes, triplexes, fourplexes, and multi-family or townhouse developments of less than five (5) units**
Single family development meeting all conditions contained in this section 4.9.1(c) may be exempted from the requirement to obtain a zoning compliance permit after an initial review by the town manager or designee.
- (1) The project adds less than five hundred (500) square feet of impervious surface area.
 - (2) The project includes less than one thousand five hundred (1,500) square feet of land disturbance.
 - (3) The project does not include grading or filling of soil.
 - (4) The project is at least five (5) feet away from the nearest setback line and building height limitation.
 - (5) The project work limits are at least five (5) feet from the boundary of any Resource Conservation District or Jordan Watershed Riparian Buffer.
 - (6) The project is not occurring within the regulatory floodplain.
 - (7) The project does not contain steep slopes as defined in section 5.3.2 of this ordinance.
 - (8)The project does not include removal of five (5) trees (2,500 square feet of canopy) or more than 25% of the total tree canopy coverage for the site, whichever is less."**

Section 8. Article 5. Design and Development Standards, Section 5.5 Recreation is hereby amended to specify recreation space requirements for townhouse developments as follows:

5.5. - Recreation.

5.5.1. Applicability.

“(a) This section applies to:

- (1) Any major subdivision that creates lots reasonably expected to be used for dwelling units; or
 - (2) Any multifamily development **townhouse development of five (5) or more units.**
- (b) In all cases the Chapel Hill Parks and Recreation Commission shall review and make recommendations to the town council on the provision or dedication of parks and open space.
 - (c) In all cases the Chapel Hill Greenways Commission shall review and make recommendations to the town council in the event that proposed development may be located on or have an impact on greenway areas identified in the town's comprehensive plan, greenway project conceptual plans adopted by the council, and/or greenway project master plans adopted by the council.
 - (d) Provision or dedication of parks and open space is not required for a minor subdivision.
 - (e) Phases of development within a subdivided tract that occur after the initial subdivision must provide the required parks and open space appropriate for the subsequent development of those tracts. For example, if multifamily dwellings **or townhouse developments** are built within an already subdivided tract, those dwellings must comply with recreation and outdoor space ratios required for multifamily dwellings by this section."

5.5.2. *Minimum Recreation Area and Recreation Space.*

“(a) Residential subdivisions.

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

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

(b) Suitability of land.

- (1) Land provided or dedicated as recreation **area space** shall be outside of the resource conservation district and of a character, shape and location suitable for use as a playground, playfield, or for other active recreation purposes including greenway pedestrian and non-motorized vehicle easements. Recreation **areas spaces** shall be located on land that is relatively flat and dry and is otherwise capable of accommodating active recreation uses, except as exempted under the provisions of subsections (e)(2) and (e)(3), below.

- (2) For sites that abut or include areas designated as future greenways on the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council, the town council may require that a dedicated public pedestrian and non-motorized vehicle easement along all such areas be the recreation space provided under this ordinance.
 - (3) ~~Recreation areas and~~ **Recreation spaces** shall be conveniently accessible to all residents of the subdivision and, other than greenway pedestrian and non-motorized vehicle easements, shall have at least fifty (50) feet of frontage on at least one public street within the subdivision. Land provided or reserved for active recreation shall form a single parcel except where the town council determines that two (2) or more parcels are more suitable to the needs of a particular subdivision. The Town Council may require that such parcels be connected.
 - (4) In large developments it is desirable to have parks and recreation areas within walking distance of new residences.
- (c) Method of provision or dedication.

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

- (d) Payments in lieu of provision or dedication.
- (1) In lieu of providing or dedicating recreation **area space** required pursuant to this section, a developer of a subdivision may, with the approval of the town council, make a payment to the town whereby the town may acquire or develop recreation land to serve the subdivision. A developer may make a partial payment in combination with the partial provision of recreation **area space** if the town council determines that the combination is in the best interests of the citizens of the area to be served.
 - (2) The town council may require a payment to the town in lieu of providing or dedicating recreation **area space** required pursuant to this section where the minimum recreation **area space** required by this section equals four (4) acres or less.
 - (3) The town shall use such payment only for the acquisition or development of recreation, park, greenways, or open space sites, as allowed by law.
 - (4) Payments in lieu of recreation **area space** shall be determined by the following formula: A per square foot value of the property shall be determined, as established by Orange County and/or Durham County for real estate tax purposes. The value established by Orange County and/or Durham County shall include only the value of the land and shall not include the value of existing structures and improvements. The square foot value shall be multiplied by the number of square feet of recreation **area space** required for the development to arrive at a base value. The base value shall be multiplied by a recreation **area space** payment in lieu multiplier to determine the required amount of payment in lieu of recreation.

The payment in lieu multiplier for recreation **area space** shall be established by the town council annually as part of the budget process.

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

(Ord. No. 2005-10-10/O-6, § 1; Ord. No. 2006-04-10/O-5, § 1)

(e) Exemptions.

- (1) The town council may exempt an application from the recreation **area space** requirements in this section if the required recreation **area space** is less than three thousand (3,000) square feet.
- (2) If the town council determines that assembling a piece of land to meet the requirements of subsection (b) either would create undue hardships or is not necessary because the active recreational needs of the subdivision are already being met by dedicated land or by existing recreation **areas spaces**, it may waive any requirements of that subsection. In such cases, the required **active recreation area space** may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wildlife cover. These areas would provide for the community's need for passive recreation **areas spaces** and/or greenways.
- (3) If the site abuts or includes areas designated as future greenways on the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council, land area dedicated as a public pedestrian non-motorized vehicle easement or deeded to the town along the greenway may be applied to requirements for dedication of recreation area and exempted from the land suitability requirements of subsection (b).

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

- (1) Any subdivider required to provide or dedicate recreation **area space** pursuant to this section may, with the approval of the town council, dedicate recreation area outside the boundaries of the land being subdivided but in a nearby area of town.
- (2) The substitute dedicated recreation **area space** shall be in a location acceptable to the town council, shall be comparably valued, and shall meet all suitability requirements as set forth under the provisions of subsection (b), above.

(g) *Multifamily dwelling units* **and townhouse development of five (5) or more units.**

Active, improved space (either indoors or outside) shall be provided for the common active recreational use of residents of multifamily developments. For sites that abut or include areas designated as future greenways in the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council; land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the town along the greenway may be substituted for required improved recreation space. The minimum size of such active recreation space shall be the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown below.

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

(h) Payments in lieu of improved recreation space.

In lieu of providing recreation space required pursuant to this section, a developer of a multifamily dwelling, **townhouse development**, 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 **active** 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 **active** recreation space required pursuant to this section.

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

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

(i) Connectivity.

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

Recreation area provided pursuant to this section shall be aligned with and shall adjoin any area designated as a park or open space area on adjoining property, including any public greenway, linear park, or similar facility. Sidewalks, trails, or

similar facilities shall align with such facilities in an adjoining tract or, where adjoining tracts are unimproved, with any area designated for parks or open space in the comprehensive plan or any parks master plan adopted by the town.”

Section 9. Article 5. Design and Development Standards, Section 5.6 Landscaping, screening, and buffers and Table 5.6.6-1 Schedule of Required Buffers are hereby amended to address buffer requirements for triplexes and fourplexes, as follows:

5.6. - Landscaping, screening and buffering.

5.6.6. Schedule of required buffers.

“Specifications for each buffer type are contained in the design manual. The buffer requirement noted in the schedule of required buffers may be reduced by one grade of intensity (e.g., C to a B) if the development is designed such that there is no parking between the buildings located on the site and the adjacent street.

Table 5.6.6-1. Schedule of Required Buffers

	Proposed Principal Use				
Adjacent* Existing Principal Use#	Major Subdivision creating lots for single or two-family dwellings, triplex , fourplex , or Class A mobile home	Any other principal use in Use Group A, except essential services	Any principal use in Use Group B	Automotive repair, maintenance and/or storage facility, self-storage facility, conditioned, light manufacturing, supply yard	Any principal use in Use Group C other than the above
Dwellings, single-family or two-family, triplex , fourplex , and Class A Mobile Home	—	B	C	D	C
Any other principal use in Use Group A, except Essential Services	B	B	C	D	C
Interstate Highway	E	E	E	E	E
Railroad, non-Interstate, Arterial Street	D	D	D	D	D

	Proposed Principal Use				
Collector Street	C	C	C	C	C
Any use in Use Group B	C	C	B	C	B
Automotive Repair, Maintenance and/or Storage Facility, Light Manufacturing, Supply Yard	D	D	C	B	B
Any other use in Use Group C	C	C	B	B	B
Adjacent* Vacant Land Zoning: R-LD5, RT, R-LD1 R-1, R-2, R-3	—	B	C	D	C
R-4, R-5, R-6	B	B	C	D	C
OI-1, OI-2	C	C	B	C	B
I, LI-CZD	D	D	C	B	B
N.C., CC, OI-3, TC-1, TC-2, TC-3	C	C	B	B	B

Section 10. Article 5. Design and Development Standards, Section 5.7 Tree Protection is hereby amended to address tree protection and tree canopy requirements for residential developments and townhouse developments of five (5) or more units as follows:

- 5.7. - Tree protection.
- 5.7.1 *General Provisions.*
 - (a) *Short title.* This section shall be known and may be cited as the Chapel Hill Tree Protection Ordinance.
 - (b) *Purpose.* The intent of this section is to preserve, maintain, and increase tree canopy to protect the public health, safety, and welfare and enhance the quality of life in Chapel Hill.

(c) *Applicability and permits.* The provisions of this article apply to all land in the town's zoning jurisdiction. For tree canopy coverage standards, see section 5.7.2.

(1) *Activities that require a zoning compliance permit:*

- i. All work impacting trees on lots designated for non-residential, multi-family residential **or townhouse development of five (5) or more units**, and mixed use, and
- ii. All work impacting trees on lots designated for single- and two-family, **triplex, and fourplex** residential uses where total land disturbance exceeds five thousand (5,000) square feet **and that are not encumbered by a Special Use Permit or Conditional Zoning District.**

(2) *Activities that require review and approval by the town's urban forester:*

- i. Private work on public land, and
- ii. The practice of forestry as defined by North Carolina General Statute 105-277.2-.7 which is permitted only after an applicant submits a plan for harvesting and replanting consistent with the most current Forest Practices Guidelines Related to Water Quality published by the N.C. Department of Natural Resources and Community Development, or its successor agency.

(d) *Exceptions not subject to the provisions of this article are:*

- (1) Land in the town's Town Center and Office/Institutional-4 zoning districts, provided, however, that subsection 5.7.4 of this article shall apply;
- (2) Routine maintenance of existing trees outside the public right-of-way, including pruning done in a manner consistent with established arboricultural standards;
- (3) The removal of dead, severely damaged or diseased trees that have been diagnosed and, if applicable, determined by a certified arborist to be beyond treatment or recovery, the burden of proof being placed on the remover;
- (4) Land surveying provided no trees greater than six (6) inches **diameter at breast height (dbh)** are damaged or removed; and
- (5) Eradication of exotic, non-native, and invasive or otherwise undesirable species listed in subsection 5.7.6(d).

(e) *Emergency waiver.* The provisions of this section are waived if compliance would impede the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as wind storms, ice storms, or other disasters. Any emergency work shall follow as closely as possible the standards outlined in the town's landscape standards and specifications.

5.7.2 Tree Canopy Coverage Standards.

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

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

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

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

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

Section 11. Article 5. Design and Development Standards, Section 5.9 Parking and Loading is hereby amended to specify parking requirements for townhouse developments, as follows:

5.9. - Parking and loading.

5.9.5. Parking Design Standards.

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

- (a) Ingress to and egress from parking areas shall conform to the design manual for such features as curbs, driveway cuts, etc.
- (b) In the town center, TND or TOD districts, if a setback is provided between a principal structure and a street, such setback shall not be used for off-street parking.
- (c) All parking spaces and maneuvering space shall be surfaced with an all-weather material or gravel, which shall be maintained in a safe and sanitary condition. This division (c) does not apply to parking areas that are not within the front yard area of a single-family, **single-family dwellings with accessory apartments, or duplex** zoning lot.
- (d) No parking area or maneuvering space shall be located within a public street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.
- (e) The size of parking spaces shall be adequate for the safe parking of vehicles and maneuvering space shall be provided so that parking movements can be accomplished in one continuous maneuver. Parking facilities designed to accommodate five (5) or more vehicles shall be designed in accord with the standards for stalls and aisles as set forth in the standard details and specifications.

- (f) Curbed islands shall be required at the ends of or between parking aisles where necessary for traffic control or drainage control.
- (g) Except for single-family dwellings, single-family dwellings with accessory apartments or ~~two-family duplex~~ dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.
- (h) Parking facilities shall be designed to connect with parking facilities on adjacent zoning lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.
- (i) All off-street parking facilities shall be provided with a drainage system meeting the design standards contained in section 5.4.
- (j) All lighting of and within parking facilities shall conform to the lighting design standards contained in [section 5.11](#).
- (k) Adequate provision shall be made for the ventilation, dispersion, and removal of smoke and gases from above-ground and below-ground parking structures.
- ~~(l) Parking facilities designed to accommodate five (5) or more vehicles shall provide areas as necessary for the parking of motorcycles, mopeds, and bicycles. Such areas shall be clearly defined and reserved for the exclusive use by motorcycles, mopeds, and bicycles.~~
- (~~m~~) Parking facilities designed with the appropriate number, size and type of handicapped parking spaces, ramps, crosswalks and associated infrastructure to comply the Americans With Disabilities Act standards, North Carolina Accessibility Code, and town standard. Such spaces shall be clearly defined and reserved for the exclusive use by handicapped persons.
- (~~n~~-m) Parking facilities shall be designed with walkways and lighting to facilitate safe walking movements to and from parked vehicles.

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.

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	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	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	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	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	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

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**
						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	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 area	1 per 200 sq. ft. of floor area	Min 4; 2 additional spaces per every 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 constructed after [effective date]	N/A	1 per Accessory Apartment constructed after [effective date]	N/A	N/A
Dwelling, Duplex	Efficiency	N/A	1 per dwelling unit	1 per dwelling unit	1.25 per dwelling unit	1 per 4 dwelling units
	1 bedrooms	N/A	1 per dwelling unit	1 per dwelling unit	1.25 per dwelling unit	

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**
2 bedrooms	N/A	1.25 per dwelling unit	1.4 per dwelling unit	1.75 per dwelling unit		
	3 bedrooms	N/A	1.5 per dwelling unit	1.75 per dwelling unit		2.25 per dwelling unit
	4 or more bedrooms	N/A	1.67 per dwelling unit	2 per dwelling unit		2.5 per dwelling unit
<u>Dwelling, Townhouse</u> [CL2]	<u>N/A</u>	<u>1 per dwelling unit</u>	<u>1 per dwelling unit****</u>	<u>2 per dwelling unit****</u>	<u>1 per 4 dwelling units</u>	
Fraternity or sorority house	N/A	1 per 1.25 residents	1 per 3 residents	1 per 2 residents	Min 4; 1 per 3 residents	
Group Care Facility	N/A	1 per 2 beds	1 per 4 beds	1 per 2 beds	Min 4; 1 per 4 beds	
Hospital	N/A	2 per 1 beds	1 per 1.5 beds	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	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	.7 per senior unit	Min. 4; 1 per senior unit	
Maintenance and/or storage	N/A	N/A	1 per 2,500 sq. ft.	1 per 1,500 sq. ft.	Min 4	

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**
facility and self-storage facility, conditioned					
Manufacturing , light	N/A	N/A	1 per 1,250 sq. ft.	1 per 900 sq. ft.	Min 4
Mobile home park	N/A	N/A	1 per unit	2 per unit	N/A
Movie Theatre	N/A	1 per 4 seats	1 per 5 seats	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	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	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	1 per 2 seats	Min 8; 1 per 50 seats

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* **
Public cultural facility	N/A	1 per 350 sq. ft. of floor area	1 per 500 sq. ft. of floor area	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. ft. of floor area	N/A	Min 8; 2 additional spaces per every 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	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	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	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	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	1 per 1.25 staff member	Min 8; 1 per 10 students
School, secondary,	N/A	1 per 3 students	1 per 4 students	1 per 3 students	Min 8; 1 per 10 students

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* **
high school 9-12					
Shelter	N/A	1 per 650 sq. ft. of floor area	1 per 1,000 sq. ft. of floor area	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	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 a duplex, no minimum vehicular parking requirement shall apply and for the purposes of calculating the maximum number of vehicular parking spaces, garage spaces and the driveway are not to be counted.

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

******For Townhouse Development of five (5) or more units, driveways and garages of rear-loaded townhouses shall not count toward maximum parking space requirements**

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

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

to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.

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

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

5.9.9. *Parking in Front Yards.*

- (a) *Applicability.* The restrictions of this section shall apply to single-family, two-family, ~~and~~ triplex, **and fourplex** dwellings **and townhouse developments** in all zoning districts.
- (b) *Generally.* Parking and drive areas located in front yards (between the street and a line drawn parallel to the street from the point of the house that is closest to the street) shall be maintained in a safe and sanitary condition, shall not contribute to soil erosion or to tree damage, and shall be clearly designated and covered with an all weather surface or gravel.
- (c) *Coverage.* Parking and drive areas shall be limited to forty (40) percent of the front yard area of any **zoning** lot. Access to front yard parking shall be limited to properly approved curb cuts or other approved access points.
- (d) *Exceptions.* The town manager may grant an exception to subsection (c) where he/she finds all of the following conditions to exist on the property and all other parking options, including parking in the back and side yard, have been eliminated;
 - (1) The parking area is clearly defined and/or marked with appropriate materials such as rocks, timbers and hedges; and
 - (2) The parking area is maintained in a safe and sanitary condition; and
 - (3) The parking area does not contribute to soil erosion or tree damage; and
 - (4) Access to front yard parking shall be limited to properly approved curb cuts or other approved access points; and
 - (5) The location and dimension of such parking area is traditionally and customarily associated with the subject structure; and
 - (6) The parking area shall be screened by means of an effective screening device between the parking area and the street which is at least four (4) feet in height above the grade of the edge of the parking area. Appropriate screening devices may include decorative brick walls, fences,

evergreen hedges which shall reach the required height within two (2) years of planting, or any combination of the above.

- (7) If the parking lot is located in the historic district, the historic district commission grants a certificate of appropriateness for the parking area.

Section 12. Amend Article 6-Special Regulations for Particular Uses, Section 6.19 Dwelling Units-Duplex to remove reference to two-family developments and incorporate Section 6.28 Accessory Apartments, 6.29 Triplex, 6.30 Fourplex, and 6.31 Townhouses [CL3] to provide specific design standards for these housing types as follows:

6.19. - Dwelling units—Duplex.

The following standards shall apply to development of duplexes:

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

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

- (c) Compatibility with the existing single-family neighborhood is encouraged. The dimensional requirements, height limits, and development standards of the underlying zoning district apply.**

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

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

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

6.28 – Accessory Apartments

The following standards shall apply to the development of accessory apartments:

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

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

- a. No more than seven hundred fifty (750) square feet or seventy-five (75) percent of the floor area of the principal dwelling unit (whichever is smaller); or**

- b. No more than one thousand (1,000) square feet of floor area only if both of the following conditions are met:
 - i. An attached accessory apartment ~~does not increase the existing footprint of the structure (principal dwelling unit, garage or other existing, standalone structure on the property) to which it would be attached~~ is attached to either the principal dwelling unit, garage, or another existing standalone structure on the property; and
 - ii. The attached accessory apartment does not exceed seventy-five (75) percent of the floor area of the principal dwelling unit.
- (c) Subordinate to the principal dwelling unit. The accessory apartment shall be clearly subordinate to the principal dwelling unit as demonstrated in the building design and location and shall take into consideration:
 - a. Integration with principal dwelling unit: Attached accessory apartments shall present the overall appearance of the structure as an individual single family dwelling. A separate entrance to the accessory dwelling may be in view from public right-of-way, but should blend in with the principal dwelling unit in a way that does not indicate its function as an entrance to a separate unit.
 - b. Detached from Main Unit and Appearance. If the accessory dwelling is detached from the main unit, it shall be located behind the wall plane of the street-facing façade of the principal dwelling unit.
 - c. Above the Garage and Appearance. If the unit is located on top of a detached garage, the design shall complement the architectural style of the principal dwelling unit while maintaining the principal dwelling unit as the main emphasis and focus for the lot.
- (d) Compatibility with the principal dwelling unit. In order to ensure that a detached accessory dwelling unit is subordinate to the principal dwelling unit, the height of the accessory dwelling unit's roof shall be at least two (2) feet lower than that of the principal dwelling unit. The dimensional requirements, height limits, and development standards of the underlying zoning district apply.
- (e) Only one accessory apartment per single family lot is permitted.
- (f) Together, the principal dwelling unit and the accessory apartment that are part of a two-family dwelling shall be classified as a rooming house (a different use type and group) if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

6.29 Triplexes and Fourplexes

- (a) Design Standards for Triplexes and Fourplexes in single family neighborhoods where the majority of the lots are developed with detached single-family houses
 - a. Triplexes and Fourplexes in single family residential neighborhoods shall have the exterior appearance of a single-family home by including either:
 - i. A single-entry providing access to multiple units; or

- ii. Separate distinct covered entries.
 - iii. Entries shall face the street from which the dwelling derives its street address.
 - iv. For triples and fourplexes located on street corners, entries shall be provided on different sides of the structure so that entries are visible from both streets.
- b. Compatibility with the existing neighborhood. In order to ensure that a triplex or fourplex is harmonious with the design and the context of the neighborhood, special consideration should be given to the:
- i. Roof design – roof heights, pitches, breaks, and massing shall be similar to those found in the neighborhood
 - ii. Massing – the modulation of facades should be similar to that of existing single family residences
 - iii. Fenestration patterns – Window and door placement, design, proportions, and solid-to-void ratios shall complement the principal dwelling unit.
 - iv. Materials – Use of similar exterior materials should be employed.
- c. The dimensional requirements, height limits, and development standards of the underlying zoning district apply.
- d. If surface parking is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and the street.

6.29 – Townhouse Developments

6.28.1 Minimum Land Area

The minimum gross land area required for a zoning lot containing a townhouse development shall be as established in section 3.8 for the zoning district in which the townhouse development is located.

6.28.2 Intensity Regulations

Except as otherwise provided in this appendix, the intensity regulations applicable within a townhouse development shall be as established in section 3.8 for the zoning district in which such townhouse development is located. For any lot developed with a Townhouse, one accessory dwelling unit is permitted per townhouse lot.

The setbacks of the underlying zoning district apply only to the perimeter of the townhouse development.

6.28.3 Design Standards

Except as otherwise provided in this appendix, the design standards applicable to a townhouse development consisting of five (5) or more units shall be as established in article 5, with the following additions:

(a) Types of Townhouses:

(1) Rear-Loaded: These townhouses have a garage that is placed entirely to the rear of the townhouse and is rear-accessed. The garage can be attached or detached.

The garage must be located either:

- i. **Four (4) feet from the alley right-of-way, easement, or rear access drive; or**
- ii. **A minimum of twenty (20) feet from the alley right-of-way, easement, or rear access drive if the drive also serves as parking**

(2)Front-Loaded: These townhouses have attached garages that are placed entirely on the façade of the townhouse and is accessed from the front.

- i. **Garage doors may constitute no more than 50% of the width of the individual townhouse unit.**
- ii. **Garage doors shall be a minimum of twenty (20) feet from the right-of-way or sidewalk, whichever is closest, if the driveway also serves as parking.**
- iii. **Combined parking and driveway areas shall not constitute more than 40% of the front yard, measure between the front building façade and the front property line.**
- iv. **Parking and drive areas shall be limited to forty (40) percent of the front yard area of any townhouse lot. Access to front yard parking shall be limited to properly approved curb cuts or other approved access points.**

(b) Pedestrian Entrances

(1) Individual entrances to townhouses shall be prioritized over private garages by:

- i. **Emphasizing entrances with trellis, small porch, or other architectural feature that creates a transitional space between outside and inside the dwelling.**
- ii. **Provide a landscaped area in front of each pedestrian entrance.**
- iii. **For townhouse units on street corners, buildings shall incorporate architectural elements that wrap the two exposed sides of the unit.**

(2)Variation in Setbacks

(1)In order to provide visual diversity no more than three (3) contiguous townhouse units shall be allowed with the same setback.

(2)Variations in setback shall be at least three (3) feet.

(c)The required distance between any two (2) rows of townhouses shall be a minimum of ten (10) feet.

(d)Design

(1)In order to provide visual diversity, no more than two (2) contiguous townhouse units shall be allowed to have the same façade design.

(2) For Front-Loaded Townhouses, at least fifty percent (50%) of the units shall incorporate single-width parking configurations."

Section 13. Appendix A Definitions is hereby amended to modify existing definitions and incorporate new definitions:

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

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

Dwelling units, fourplex: A single detached dwelling comprised of four (4) dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot. Any dwelling unit that is part of a fourplex dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

Dwelling units, multifamily: A dwelling or combination ~~or of~~ **of** dwellings on a single lot consisting of ~~three (3)~~ **five (5)** or more dwelling units.

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

Dwelling units, single-family with accessory apartment: A dwelling or combination of dwellings on a **single-zoning** lot consisting of two (2) dwelling units, for which the accessory apartment **meets the standards of Article 6.**

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

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

~~accessory apartment does not exceed seventy five (75) percent of the floor area of the principal dwelling unit.~~

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

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

This definition includes both Duplexes and Single-Family Dwelling with Accessory Apartment.

Dwelling units, Triplex ~~dwelling unit~~: A single, detached-structure dwelling comprised of three (3) dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot. **Any dwelling unit that is part of a triplex dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.**

Dwelling units, Townhouse: A dwelling unit on a single lot which shares at least one (1) common vertical wall with another such dwelling unit on a separate lot. A townhouse dwelling unit shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

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

Land dedicated as recreation ~~area~~ space shall generally be suitable for future recreation improvements such as playgrounds, playfields, or other active recreation purposes. Recreation ~~areas~~ space, in most cases, shall be centrally located within the subdivision, consist of land that is relatively flat and dry, and is otherwise capable of accommodating active recreation.

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

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

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

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

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

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

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

- Open lawn areas
- Large expanses of unimproved space between or around active recreation elements
- Picnic tables and picnic facilities
- Seating areas
- Areas dedicated to lawn games such as badminton, croquet, lawn darts, horseshoes, etc.
- Areas dedicated to table top board games
- Gardens not improved for active gardening by the community
- Orchards

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

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

Townhouse development: A series of two (2) or more of attached single-family dwellings, separated by vertical walls, in which each dwelling has its own front and rear yards, and has appropriated it to the entire building between shared walls. Each dwelling unit is located on a separate single lot.

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

~~**Two-family lot: A lot that is located in a subdivision within a zoning district that allows two family dwelling units, and that does not include covenants, restrictions, or conditions of approval that prohibit the construction of a two-family dwelling unit on the lot.**~~

This the ____ day of _____, 2022.