

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ENCOURAGE NON-RESIDENTIAL DEVELOPMENT AND INCREASE PEDESTRIAN PERMEABILITY IN THE BLUE HILL DISTRICT (2018-##-##/O-#)

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

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

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

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

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

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

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

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

SECTION 1

Sec. 3.11.2. District Character, Subsection 3.11.2.1. Districts and Frontages, Subsection C. Subdistricts is hereby revised to read as follows:

- C. *Subdistricts established.* In order to implement the vision of the Ephesus Church Road/Fordham Boulevard Focus Area Plan, the following subdistricts have been established and are depicted on the Regulating Plan in section 3.11.2.2.
1. *Walkable Residential (WR-).* The Walkable Residential Subdistrict is intended to create residential neighborhoods with a mix of housing types, together with civic buildings and open space essential to creating neighborhoods. The Walkable Residential Subdistricts are differentiated by the maximum building height permitted.
 - a. *WR-3:* maximum height limit of three (3) stories (forty-five (45) feet).
 - b. *WR-7:* maximum height limit of seven (7) stories (ninety (90) feet).
 2. *Walkable Mixed Use (WX-).* The Walkable Mixed Use Subdistrict is intended to accommodate a mix of compatible uses in close proximity to one another (residential, civic, retail, office, service and entertainment uses) to create mixed use neighborhoods for residents, employees and visitors to live, work and play. The Walkable Mixed Use Subdistricts are differentiated by the maximum building height permitted.
 - a. *WX-5:* maximum height limit of five (5) stories (sixty (60) feet).
 - b. *WX-7:* maximum height limit of seven (7) stories (ninety (90) feet).
 3. **Walkable Commercial (WC-).** **The Walkable Commercial Subdistrict is intended to accommodate a mix of compatible non-residential uses in close proximity to one another (civic, retail, office, service and entertainment uses) to create vibrant activity areas for residents, employees and visitors. The Walkable Commercial Subdistricts are differentiated by the maximum building height permitted.**
 - a. **WC-5: maximum height limit of five (5) stories (sixty (60) feet).**
 - b. **WC-7: maximum height limit of seven (7) stories (ninety (90) feet).**

SECTION 2

Sec. 3.11.2. District Character, Subsection 3.11.2.2. Regulating Plan is hereby revised to read as follows:

The Walkable Residential (WR-), Walkable Mixed Use (WX-), **and Walkable Commercial (WC-)** subdistricts are identified and located on the Town of Chapel Hill Official Zoning Map. The Regulating Plan is intended to show the general areas of each subdistrict and associated road frontage(s). Additional street right-of-way or public easement may be required at the time of development, in accordance with the Ephesus Church/Fordham Boulevard Small Area Plan, the Ephesus Fordham District Illustrative Block Studies, the Ephesus Fordham sections of the Mobility and Connectivity Plan and this section 3.11.

SECTION 3

Sec. 3.11.2. District Character, Subsection 3.11.2.4. is hereby retitled to read as follows:

*"3.11.2.4. Walkable Mixed Use (WX-5 and WX-7) **and Walkable Commercial (WC-5 and WC-7)**"*

SECTION 4

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 1. Lot, Table Section Lot Dimensions is hereby revised to read as follows:

"Lot Parameters		
(C)	Outdoor amenity space ratio (min)	0.06 <u>0.08</u>
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
(D)	<u>Lot Coverage (max)</u>	<u>To be determined</u>

Outdoor amenity space is a ratio of net land area. Recreation space is a ratio of gross land area. **Lot coverage is a ratio of the area of all buildings, structured parking, and accessory structures to gross land area.**"

SECTION 5

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 3. Mass is hereby revised to include a new table section as follows:

"(H) Ground Floor Elevation		
	Ground floor elevation (min/max)	2' / 4'
<u>(I) Building Footprint</u>		
	<u>Cumulative land area encompassed by all portions of a single building or structure (max)</u>	<u>To be determined"</u>

SECTION 6

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7) and Walkable Commercial (WC-5 and WC-7), Subsection 1. Lot, Table Section Lot Dimensions is hereby revised to read as follows:

"Lot Parameters		
(C)	Outdoor amenity space ratio (min)	0.06 0.08
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
(D)	<u>Lot Coverage (max)</u>	<u>To be determined</u>

Outdoor amenity space is a ratio of net land area. Recreation space is a ratio of gross land area. **Lot coverage is a ratio of the area of all buildings, structured parking, and accessory structures to gross land area.**

SECTION 7

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

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

	- Residential	9'
	- Nonresidential	13'
(G)	Upper story height, floor to ceiling (min)	9'
(H) Ground Floor Elevation		
	- Residential (min/max)	2' / 4'
	- Nonresidential (min/max)	0' / 2'
(I) Building Footprint		
	<u>Cumulative land area encompassed by all portions of a single building or structure (max)</u>	<u>To be determined</u>

*The second story shall be at least 2/3rds the floor area of the first story"

SECTION 8

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

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

Restaurant/bar, except as listed below:	--	--	P	P	<u>P</u>	<u>P</u>	Sec. 3.11.3.5.C.9
Drive-thru	--	--	S	S	<u>S</u>	<u>S</u>	Sec. 3.11.4.1.F
Retail sales, except as listed below:	--	--	P	P	<u>P</u>	<u>P</u>	Sec. 3.11.3.5.C.10
Drive-thru	--	--	S	S	<u>S</u>	<u>S</u>	Sec. 3.11.4.1.F
Fuel sales	--	--	P	P	<u>P</u>	<u>P</u>	Sec. 3.11.3.5.C.10.a
Vehicle sales/service	--	--	P	P	<u>P</u>	<u>P</u>	Sec. 3.11.3.5.C.11
Industrial Uses							
Light industrial	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.D.1
Self-service storage	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.D.2
Warehouse & distribution	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.D.3
Waste-related service	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.D.4
Heavy industrial	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.D.5
Open Uses							
Agriculture, except as listed below:	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.E.1
Community garden	P	P	P	P	<u>P</u>	<u>P</u>	Sec. 3.11.3.5.E.1.a
Resource extraction	—	—	—	—	<u>—</u>	<u>—</u>	Sec. 3.11.3.5.E.2

KEY: P = Use permitted — = Use not permitted
S = Use permitted following Town Council approval of Special Use Permit"

SECTION 9

This ordinance shall be effective upon enactment.

This the X day of XX, 2018.