

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTIONS 3.4, 3.5, 3.8, 6.1, 6.17, 6.24, 6.25, 6.26, APPENDIX A AND TABLES 3.7-1 AND 3.8-1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH NEW ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD (2019-05-22/O-2)

WHEREAS, residents of the Historic Rogers Road Area in the Northwest Chapel Hill and Northern Carrboro areas partnered with the Marian Cheek Jackson Center to author a report entitled *Rogers Road: Mapping Our Community's Future*, completed in May 2016; and

WHEREAS, the Town Council subsequently requested that Town staff develop new zoning standards for the Rogers Road area, based on the recommendations of the report along with additional community input; 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 *Rogers Road: Mapping Our Community's Future*; and

WHEREAS, the Council finds that the establishment of new zoning districts in the Historic Rogers Road Neighborhood is appropriate and especially significant to the preservation of the historic nature and characteristics of the neighborhood, and will encourage uses that will complement these characteristics; and

WHEREAS, upon consideration the Council finds that the ordinance 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 Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- 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 connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- 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)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

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

SECTION 1

Section 3.4 Conditional Districts, Subsection 3.4.1 Conditional Use Districts is hereby revised to read as follows:

"For the TC-1, TC-2, TC-3, CC, N.C., OI-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, **HR-L, HR-M, HR-X**, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-1-C, TC-2-C, TC-3C, CC-C, N.C.-C, OI-2-C, OI-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, **HR-L-C, HR-M-C, HR-X-C**, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by section 3.7, Table 3.7-1 (Use Matrix), for the parallel general use district are permitted only upon issuance of a special use permit by the town council pursuant to section 4.5 of this appendix."

SECTION 2

Section 3.4 Conditional Districts, Subsection 3.4.3 Conditional Zoning Districts is hereby revised to read as follows:

"Conditional Zoning Districts, except the Innovative, Light Industrial Conditional Zoning District established in 3.4.4, parallel each of the following general use zoning districts:

R-5
R-6
HR-X
TC-1
TC-2
TC-3
CC
N.C.
OI-3
OI-2
OI-1
MU-V

Except as otherwise provided in the innovative, light industrial conditional zoning district (LI-CZD), development in a conditional zoning district is subject to the same standards applicable to the parallel general use zoning district including overlay district regulations, as modified by the approved district-specific plans and conditions:

- a) That are proposed or agreed to by the owner(s) of the subject land;
- b) That incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel general use district; and,
- c) That are limited to conditions that address conformance of the allowable development and use of the rezoning site with town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.

One goal of the town's comprehensive plan is to promote energy conservation through building design. Therefore, applicants are encouraged to meet the Architecture 2030 Challenge guidelines as amended."

SECTION 3

Section 3.5. Special Districts is hereby revised to insert a new **subsection 3.5.7** as follows:

"3.5.7. Historic Rogers Road Neighborhood District

a) **Purpose and Intent**

The purpose of the Historic Rogers Road Neighborhood (HR) District is to implement the relevant goals and recommendations of the *Mapping Our Community's Future* community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR District is to:

- 1) Create opportunities for long-term residents to continue living in the community and to age in place;**
- 2) Preserve the socioeconomic and cultural diversity of the neighborhood;**
- 3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;**
- 4) Respect and protect the natural character of the neighborhood;**
- 5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;**
- 6) Provide greater residential housing choice, affordability, and diversity;**
- 7) Increase economic opportunities within the neighborhood;**
- 8) Increase recreational resources within the neighborhood; and**
- 9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.**

b) **Applicability**

Except where exempted in Section 3.5.7(c), Exemptions, the standards in this section apply to all land and development located within the HR district and subdistrict boundaries as identified and located on the Chapel Hill Zoning Atlas.

c) **Exemptions**

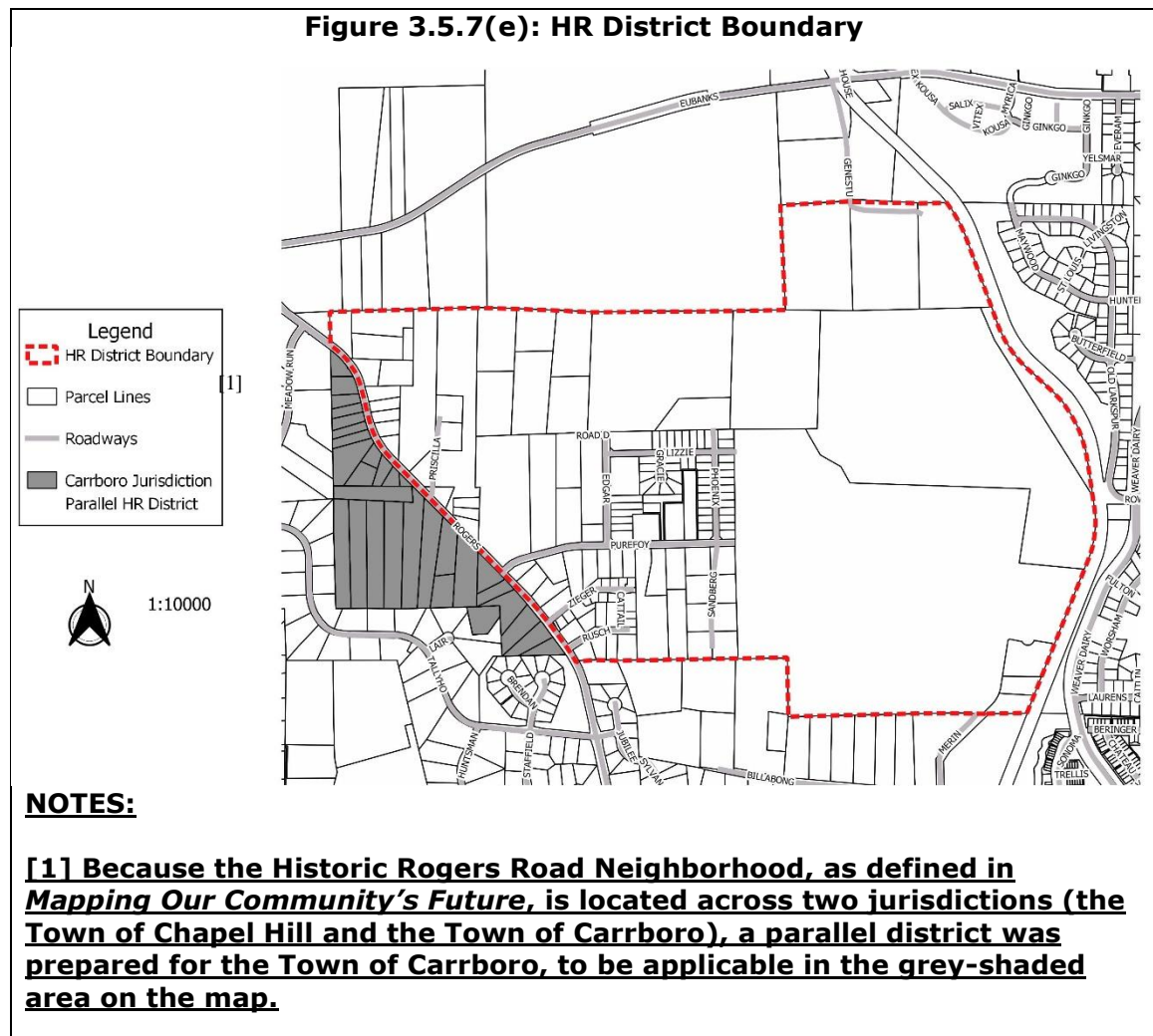
Minor additions to lawfully-established buildings that existed on May 22, 2019 are exempt from the standards in this section. For the purposes of this section, "minor additions" are defined as increases in the amount of floor area on a lot of up to 25 percent beyond what existed on May 22, 2019 or up to a maximum total size of 2,000 square feet of heated floor area, whichever is greater.

d) **Effective Date**

The effective date of these standards is May 22, 2019.

e) **District Boundary**

The boundary for the HR District is depicted in Figure 3.5.7(e), below:



f) **Subdistricts Established**

The HR District is comprised of subdistricts, or character areas. The purpose and intent of each subdistrict is as follows:

1) **Residential-Low Density (HR-L) Subdistrict**

The Residential-Low Density (HR-L) Subdistrict is established with the intent to protect and preserve the character of existing lower-density areas (minimum lot size 14,500 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.

- 2) **Residential-Medium Density (HR-M) Subdistrict**
The Residential-Medium Density (HR-M) Subdistrict is established with the intent of designating areas within the neighborhood for medium-density (minimum lot size 9,000 square feet, or no more than five lots per acre) residential development that offers a broader range of housing options and increased home occupation opportunities for residents.
- 3) **Housing and Employment Mixed-Use (HR-X) Subdistrict**
The Housing and Employment Mixed-Use (HR-X) Subdistrict is established with the intent of providing areas within the neighborhood with a broader range of housing and employment options. These areas are intended to concentrate new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-X Subdistrict include live-work units, flex offices, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities.
NOTE: As of May 22, 2019, no lands bear the HR-X designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.
- 4) **Conservation (HR-C) Subdistrict**
The Conservation (HR-C) Subdistrict is established with the intent of preserving and protecting environmentally sensitive areas as well as lands under joint management by the Town of Chapel Hill and Orange County.
NOTE: As of May 22, 2019, no lands bear the HR-C designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.

g) Modification of District Standards

- 1) **Minor modifications or deviations of up to 10 percent may be approved by the Planning Director through an administrative adjustment for the following numerical requirements:**
 - A. **Maximum single-family home size;**
 - B. **Maximum block length; or**
 - C. **Street Configuration**
- 2) **In order to be granted a modification, the applicant requesting the modification must demonstrate all of the following:**
 - A. **The modification is consistent with the character of development on surrounding land and results in development that is compatible with surrounding land uses;**
 - B. **The modification results in development that is consistent with both the purpose and intent statement of the HR District, as stated in Section 3.5.7(a), and the purpose and**

intent statement of the subdistrict in which the development is located, as stated in Section 3.5.7(g)(2);

- C. The modification compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
- D. The modification will not pose a danger to the public health or safety; and
- E. Any adverse impacts resulting from the modification will be fully mitigated.

3) No modification granted under this section shall result in a change in use.

h) Development Standards

This section sets out the special standards for new development or redevelopment in the HR District. Development standards not listed in this section (including Recreational Area for Residential Subdivisions, Required Buffers for Adjacent Vacant Land Zoning, and Permitted Sign Types, Dimensional Standards, and Lighting) shall comply with the standards for development in the R-1 District listed in Article 5.

1) Buffering

A. Purpose and Intent

The standards in this section are intended to protect the residential character of existing neighborhoods surrounding new mixed-use development in the HR District.

B. Applicability

The standards in this section shall apply to lands in the Housing and Employment Mixed-Use (HR-X) Subdistrict.

C. Buffering Standards

- 1. Development in the HR-X Subdistrict shall maintain an undisturbed perimeter buffer of no less than 30 feet in which no development shall occur.
- 2. Development in the HR-X Subdistrict shall be screened with existing vegetation and/or new plantings to meet the requirements of a Type D buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual. The intent of this buffer type is to create a fully opaque screen separating development in the HR-X subdistrict from surrounding residential uses.
- 3. Buffering requirements between other land uses and/or zoning designations shall comply with Section 5.6.

2) Exterior Lighting

A. Purpose and Intent

The standards in this section are intended to protect the primarily residential nature of the neighborhood, limit impacts on surrounding properties, and limit environmental impacts of nighttime lighting with a dark skies approach.

B. Applicability

The standards in this section shall apply to:

1. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
2. Non-residential development in the HR-L and HR-M Subdistricts.

C. Lighting Standards

1. Shielding

Exterior lighting fixtures shall be shielded in such a way that directs light downward.

2. Not Visible from Lot Line or Streets

Exterior lighting fixtures shall be configured such that the bulb or source of illumination is not visible from grade level of adjacent lots or street rights-of-way.

3) Signage

A. Purpose and Intent

The signage standards in this section are intended to increase home-based employment opportunities for residents of the Historic Rogers Road Neighborhood by allowing limited signage for Major Home Occupation and Minor Home Occupation uses.

B. Applicability

1. The standards in this section shall apply to Major Home Occupation and Minor Home Occupation uses within the HR District.
2. All other developments and uses located in the HR District shall comply with the signage standards in Section 5.14.

C. Signage Standards

1. A lot that houses a legally-established Major Home Occupation as an accessory use may have either:
 - a. A maximum of one wall-mounted sign with a maximum area of eight square feet; or
 - b. A maximum of one cantilevered ground sign with a maximum area of four square feet.
2. A lot that houses a legally-established Minor Home Occupation as an accessory use may have a maximum of one wall-mounted sign with a maximum area of four square feet.
3. Signs shall be non-illuminated.
4. Such signs shall comply with the standards of Section 5.14.3, Signs in the Public Right-of-Way, 5.14.5, Prohibited Signs, and 5.14.6, General Standards

4) **Maximum Residential Building Size**

A. **Purpose and Intent**

The intent of the limitations on residential building size in this section is to protect the character of the Historic Rogers Road Neighborhood through compatible residential design.

B. **Applicability**

The standards in this section shall apply to new single-family, duplex, and triplex residential uses in any subdistrict of the HR District established after May 22, 2019.

C. **Measurement**

- 1. The standards listed below apply to heated square feet of a residential structure only.**
- 2. Portions of a residential structure used for a home occupation shall count toward the maximum square footage.**
- 3. For duplex and triplex dwellings, the maximum size is applied to each unit. For example, a duplex can be up to 2,400 square feet in size (up to 1,200 square feet per dwelling unit).**

D. **Standards**

Table 3.5.7(h)(4) shows the standards for maximum residential building size in the HR District.

<u>Table 3.5.7(h)(4): Maximum Residential Building Size</u>	
<u>Residential Use Type</u>	<u>Maximum Size (heated square feet per dwelling unit)</u>
<u>Single-family</u>	
<u>HR-L Subdistrict</u>	<u>2,000</u>
<u>HR-M Subdistrict</u>	<u>1,500</u>
<u>HR-X Subdistrict</u>	<u>1,500</u>
<u>Duplex</u>	<u>1,200</u>
<u>Triplex</u>	<u>1,200</u>

5) **Streets**

A. **Purpose and Intent**

The intent of the street standards in this section is to ensure that future development in the Historic Rogers Road Neighborhood is served by adequate streets that:

- 1. Mitigate new traffic generated by development;**
- 2. Increase connections within the neighborhood and between the neighborhood and surrounding areas in accordance with the goals and recommendations in *Mapping Our Community's Future*; and**
- 3. Prioritize the safety of pedestrians, bicyclists, and drivers.**

B. Applicability

1. The standards in this section shall apply to:
 - a. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
 - b. New residential subdivisions in the HR-L and HR-M Subdistricts.
2. Minor subdivisions as defined in Section 4.6.3 shall, at the minimum, include in their applications:
 - a. A description of how the subdivision and future development will accommodate the standards of this section; and
 - b. Dedication of right-of-way for roads meeting these standards.

C. Standards

In addition to compliance with the standards in the Town of Chapel Hill Public Works Engineering Design Manual and Chapter 17, Streets and Sidewalks, of the Town Code of Ordinances, the following standards shall apply to development in the HR District.

1. Maximum Block Length
The maximum block length, as measured from right-of-way line to right-of-way line of two parallel streets forming the sides of a block, or right-of-way line to property line, shall be 850 linear feet. Nothing shall prevent block lengths of less than 850 linear feet.
2. Preferred Street Configuration
 - a. To the maximum extent practicable, new streets shall be configured in accordance with the following guidelines:
 - i. New roadways shall extend and connect existing roadways into a coherent street network;
 - ii. New roadways shall intersect at right (90 degree) angles;
 - iii. New roadways shall be configured in straight-sided blocks, rather than curvilinear;
 - iv. New roadway networks shall avoid the use of permanent dead-end streets (including cul-de-sac streets);
 - v. New roadways shall follow lot lines so as to serve lots on both sides of the roadway; and
 - vi. New roadways shall be configured such that a minimum of 50% of each side of the roadway, by length, is usable for development. This may include future off-site development if a roadway is located at the site boundary.

- b. Nothing in this section shall prevent the installation of dead-end streets expected to be extended in the future for the purpose of connection to future development.
- c. In cases where adherence to these guidelines is made impracticable by environmental constraints, existing infrastructure, existing structures, lot lines, or easements, applicants shall work with the Planning Director and applicable staff members to propose a street network that meets the goals and standards of this section.

6) Stormwater

In addition to the standards and requirements of Section 5.4, Stormwater Management, stormwater facilities in the HR District shall, to the maximum extent practicable:

- A. Incorporate into their design public amenities such as pervious walking paths, open space, low-impact design features, and landscaping;
- B. Utilize Low Impact Development (LID) methods for stormwater management in accordance with the NC Department of Environmental Quality; and
- C. Avoid features such as chain-link fences, un-landscaped or gravel-only stormwater catchment areas, and visible stormwater pipes."

SECTION 4

Section 3.7. Use Regulations, Subsection 3.7.3 Use Groups, Table 3.7-1: Use Matrix is hereby revised to insert four new columns for the Historic Rogers Road Neighborhood District, to the right of "MH", with letters and symbols as follows:

"Uses	Historic Rogers Road Neighborhood District			
	<u>HR-L</u>	<u>HR-M</u>	<u>HR-X</u>	<u>HR-C</u>
Accessory use customarily incidental to a permitted principal or special use	A	A	A	A
Adult day care facility (See also Article 6)	<u>P, A</u>	<u>P, A</u>	<u>P, A</u>	=
Agriculture, Female Chickens	=	=	=	=
Agriculture, livestock	=	=	=	=
Agriculture, non-livestock	=	=	=	=
Automated teller machines (ATM) (Walkup)	=	=	=	=
Automated teller machines (ATM) (Drive-up)	=	=	=	=
Automotive Repair	=	=	=	=
Automotive repair (less collision, service and painting)	=	=	=	=
Automotive, trailer, and farm implement sales or rental	=	=	=	=
Bank	=	=	=	=
Barber shop/beauty salon	=	=	=	=
Business—Convenience	=	=	=	=
Business—General	=	=	=	=
Business—Wholesale	=	=	=	=
Business, office-type	=	=	P	=
Car wash (See also Article 6)	=	=	=	=
Cemetery (See also Article 6)	=	=	=	=
Child day care facility (See also Article 6)	<u>P, A</u>	<u>P, A</u>	<u>P, A</u>	=
Clinic	=	=	P	=
Club	=	=	=	=
College or University	=	=	=	=
Drive-in window (See also Article 6)	=	=	=	=
Dwelling Units, Single Family	<u>P</u>	<u>P</u>	<u>P</u>	=
Dwelling units, single-family with accessory apartment	A	A	A	=
Dwelling units, duplex (See also Article 6)	<u>P</u>	<u>P</u>	<u>P</u>	=
Dwelling units, multifamily, 3 to 7 dwelling units	=	=	P	=
Dwelling units, multifamily, over 7 dwelling units	=	=	=	=
Essential services	=	=	=	=
Extraction of earth products (See also Article 6)	=	=	=	=
Fine arts educational institution (See also Article 6)	=	=	=	=
Flex space	=	=	=	=
Food Truck	=	=	=	=
Fraternity dwelling (See also Article 6)	=	=	=	=
Group care facility (See also Article 6)	S	S	S	=
Hangar, medical aircraft	=	=	=	=
Home occupation	A	A	A	=
Hospital	=	=	=	=
Hotel or motel	=	=	=	=

Independent Senior Living Facility (See also Article 6)	—	—	P	—
Kennel	—	—	—	—
Landfill (See also Article 6)	—	—	—	—
Maintenance/storage facility	—	—	—	—
Manufactured home park	—	—	—	—
Manufactured home, Class A	P	P	—	—
Manufactured home, Class B	—	—	—	—
Manufacturing, light	—	—	—	—
Outdoor skateboard ramp (See Article 6)	—	—	—	—
Park/ride (See also Article 6)	—	—	—	—
Parking, off-street	—	—	—	—
Personal services	—	—	—	—
Place of assembly, over 2,000 seating capacity (See also Article 6)	—	—	—	—
Place of assembly, up to 2,000 seating capacity	—	—	P	—
Place of worship (See Article 6)	P	P	P	—
Public cultural facility	P	P	P	P
Public service facility (See also Article 6)	S	S	S	S
Public use facility	P	P	P	P
Publishing and/or printing	—	—	—	—
Recreation facility: Commercial	—	—	—	—
Recreation facility: Non-profit	P	P	P	P
Research activities	—	—	—	—
Research Activities, Light	—	—	—	—
Residence hall	—	—	—	—
Residential support facility	—	—	—	—
Rooming house	—	—	—	—
School, elementary or secondary	P	P	P	—
Service station/convenience store (See also Article 6)	—	—	—	—
Shelter	—	—	—	—
Self-Storage Facility, Conditioned	—	—	—	—
Solid waste management facility	—	—	—	—
Supply yard	—	—	—	—
Temporary portable building: Construction-related (See also Article 6)	—	—	—	—
Temporary portable building: Not construction-related	—	—	—	—
Tourist home	—	—	—	—
Veterinary hospital or clinic	—	—	—	—
Vocational school	—	—	—	—
Water and wastewater treatment plan	—	—	—	—
Wireless Communication Facilities				
Collocation on existing tower or base station	—	—	—	—
Small wireless facility ^ , concealed: new base station or new dual purpose tower	—	—	—	—
Small wireless facility ^ , non-concealed: new base station or new tower	—	—	—	—
Macrocell facility: new concealed base station	—	—	—	—
Macrocell facility: new concealed dual-purpose tower	—	—	—	—
Macrocell facility: new non-concealed base station	—	—	—	—
Macrocell facility: new non-concealed tower	—	—	—	—

SECTION 5

Section 3.7. Use Regulations, Subsection 3.7.3 Use Groups, Table 3.7-1: Use Matrix is hereby revised to insert new rows for additional uses, in the appropriate alphabetical order, to read as follows:

"Uses	Use Group	General Use Zoning District											
		R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C
<u>Dwelling units, Live-Work (See also Article 6)</u>	<u>B</u>	=	=	=	=	=	=	=	=	=	=	=	=
<u>Dwelling units, triplex (See also Article 6)</u>	<u>A</u>	=	=	=	=	=	=	=	=	=	=	=	=
<u>Dwelling Unit, Upper Story</u>	<u>A</u>	=	=	=	=	=	=	=	=	=	=	=	=
<u>Flex office</u>	<u>C</u>	=	=	=	=	=	=	=	=	=	=	=	=
<u>Home occupation, Major (See also Article 6)</u>	<u>A</u>	=	=	=	=	=	=	=	=	=	=	=	=

										<u>Historic Rogers Road Neighborhood District</u>			
TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	<u>HR-L</u>	<u>HR-M</u>	<u>HR-X</u>	<u>HR-C</u>
=	=	=	=	=	=	=	=	=	=	=	=	<u>P</u>	=
=	=	=	=	=	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	=
=	=	=	=	=	=	=	=	=	=	=	=	<u>P</u>	=
=	=	=	=	=	=	=	=	=	=	=	=	<u>P</u>	=
=	=	=	=	=	=	=	=	=	=	<u>A</u>	<u>A</u>	<u>A</u>	=

Planned Development (PD-)						
H	SC(N)	SCI	OI	MU	I	DA-1
=	=	=	=	=	=	=
=	=	=	=	=	=	=
=	=	=	=	=	=	=
=	=	=	=	=	=	=
=	=	=	=	=	=	=

SECTION 6

Section 3.8. Dimensional Standards, Subsection 3.8.2 Dimensional Regulations, Table 3.8-1 Dimensional Matrix is hereby revised as follows to insert new rows for the HR Subdistricts, a new column for Street Setback (max feet), and associated footnotes. Note that the Street Setback (max feet) will be listed as 'N/A' for all other Zoning Districts in the Dimensional Matrix:

"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, 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)
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) 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) 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 7

Section 3.8 Dimensional Standards, Subsection 3.8.8 Cluster Development, subsection (b) is hereby revised to read as follows:

- “(b) *Approval requirements.* The town council may approve a cluster development in any residential district, **or the HR-L or HR-M Special Districts,** if it finds that:
- (1) The tract proposed for cluster development is at least two (2) acres in size.
 - (2) Public, separate, water supply and sewerage connections are available for every subdivided lot.
 - (3) The total number of lots proposed for the tract, excluding parcels of reserved recreation area, is not greater than the number determined by multiplying the total gross land area by the maximum density established in section 3.8 for that zoning district.
 - (4) The recreation area reserved within the tract shall conform to the recreation area standards of section 5.5.
 - (5) The minimum amount of land reserved as recreation area shall be the sum of all reductions in minimum gross land area as a result of the cluster form of development, combined with the minimum recreation area reservation required in section 5.5. Only the minimum recreation area reservation required in section 5.5 may be dedicated outside the boundaries of the land being subdivided as specified in section 5.5.2.”

SECTION 8

Section 6.1 Adult day care facility or child day care facility is hereby revised to read as follows:

“The zoning lot on which an adult day care facility or child day care facility is located shall have access onto an arterial or collector street in R-1, ~~and R-2,~~ **and HR-L** zoning districts.”

SECTION 9

Section 6.17 Uses requiring special frontage is hereby revised to read as follows:

“Each of the principal uses identified below shall be permitted in RT, R-LD5, R-LD1, R-1A, R-1, R-2A, ~~and R-2,~~ **and HR-L** zoning districts only if the zoning lot on which such use is located meets the specific requirements identified herewithin. The zoning lot on which the following principal uses are located shall front on either an arterial or collector street for a width equal to or exceeding the minimum lot width established in Table 3.8-1, for that particular zoning district:

- (a) Place of worship.
- (b) School, elementary or second.
- (c) Public cultural facility.”

SECTION 10

Article 6, Special Regulations for Particular Uses is hereby revised to insert new Sections 6.24, 6.25, and 6.26 as follows:

"6.24. Home Occupation, Major

A Major Home Occupation shall adhere to the following standards:

1. Permit Required

A Zoning Compliance Permit shall be required in order to operate a major home occupation.

2. Business as Accessory Use

a. The business shall be clearly incidental and subordinate to the residential use of the property.

b. No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the total square footage calculation for the home.

3. Prohibitions

a. The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

4. Mitigation of Impacts

In order to minimize impacts in the form of noise, vibration, dust, odor, light, or glare on neighboring properties, a Major Home Occupation shall adhere to the following standards:

a. General Operations

Major home occupations shall:

1. Have no more than six non-resident employees

b. Location of Business Activities

Major home occupations shall:

1. Locate all business activities a minimum of 40 feet from all lot lines

2. Locate all noise, dust, vibration, odor, light, and glare-producing activities, regardless of time of day, either:

a. A minimum of 60 feet from all lot lines; or

b. In a completely enclosed indoor area

3. Locate noise-producing activities such that the maximum root mean square steady state sound level measured at any point on the boundary plane of all lot lines does not exceed 65 dBA.

c. Screening and Buffering

Major home occupations shall screen any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) using a Type

"C" buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual or a fully opaque fence or wall of a minimum height of 6 feet;

d. Vehicles and Traffic Generation

Major home occupations shall:

1. Provide off-street parking for all business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles;
2. Have no more than three business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles, parked in such a location as to be visible from a roadway or adjacent lot;
3. Fully screen parking areas for any business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles, beyond the three allowed in (2) above, using a Type "C" buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual or a fully opaque fence or wall of a minimum height of 6 feet;
4. Be limited to vehicles allowed under a Class C license; and
5. Produce a maximum of 50 trips per day to or from the business.

e. Hours of Operation

Major home occupations shall cease any activity that results in noise, vibration, dust, odor, light, or glare between the hours of 6 PM and 8 AM.

f. Events

Events that are conducted in connection with the home occupation and that exceed the number of permitted daily trips, vehicles, or traffic generation are limited to one per year.

6.25. Live-Work Dwelling Unit

1. The work space of a live-work dwelling unit shall meet the standards of the commercial building code, while the dwelling portion shall meet residential standards. Applicants interested in establishing live-work dwelling units are advised to consult with town inspections staff on properly combining the two sets of standards.
2. Live-work dwelling units may be constructed as standalone buildings, or as a series of attached units.
3. The separation between living and working space, as well as the separation between units in a multi-unit structure, shall meet Fire Code requirements.
4. A live-work dwelling is distinguished from a home occupation by the fact that a live-work building is designed, inspected, and intended

from the application phase to host two different uses, residential and employment, and is not expected to revert to a purely residential use. In a live-work dwelling unit, the residential and employment uses are equally considered principal uses of the space. A home occupation, by contrast, is often established after a residential structure is proposed, permitted, and built, and may at any time revert to a purely residential use. In the case of a home occupation, the business use is clearly incidental to, or accessory to, the residential use.

6.26 Triplex Dwelling Unit

- 1. Triplex projects in the HR-L and HR-M Subdistricts shall only be permitted from nonprofit tax exempt organizations involving permanent residential development in which annual documentation is provided that 100% of the dwelling units will be occupied by low-moderate income households (less than 80% of area median income by household size as defined by the Department of Housing and Urban Development) in perpetuity.**
- 2. The separation between units of a triplex dwelling shall meet Fire Code requirements.”**

SECTION 11

Appendix A – Definitions is hereby revised to insert the following new definitions in the appropriate alphabetical order:

“Flex Office: A building providing use flexibility for office and light industrial uses, such as printing, design, light assembly of products, artist space, or storage/warehousing. A flex office could also host a coworking center, where many individual small business owners or freelancers work alongside one another in common space, or a business incubator, where individuals working to launch new businesses can rent affordable space in which to perform office work and access shared resources such as printers, scanners, and other tools and services such as financial counseling and management training.”

“Home Occupation, Major: A Major Home Occupation is an accessory business use of a residentially-zoned property. Major Home Occupations (as distinguished from “Home Occupations”) are those that meet one or more of the following criteria:

- 1. Employ more than one non-resident;**
- 2. Utilize outdoor storage of materials, supplies, products, or machinery;**
- 3. Has external evidence of the conduct of the home occupation, such as noise, vibration, dust, odor, light, or glare; or**
- 4. Uses more floor area of the dwelling unit than is allowed for a “Home Occupation” use.**

Examples of Major Home Occupations include: lawncare or landscaping services, woodworking shops, small engine repair, appliance repair,

metalworking, and any home business with more than one non-resident employee."

"Live-Work Dwelling Unit: A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is typically found on the building's ground floor."

"Subdistrict: A portion of a base or overlay district that has unique standards or variations in the range of allowable uses."

"Triplex Dwelling Unit: A single structure comprised of three dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot."

"Upper Story Dwelling Unit: A dwelling unit located on a floor above a nonresidential use. The residents of the building may or may not be associated with the nonresidential use, and the two portions are usually leased or sold separately from one another. Upper story dwelling units shall be limited to one floor of residential over one floor of nonresidential."

SECTION 12

This ordinance shall be effective upon enactment.

This the 22nd day of May, 2019.