

ORDINANCE B

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO IMPROVE OUTCOMES FOR AFFORDABLE HOUSING AND STORMWATER MANAGEMENT IN THE BLUE HILL DISTRICT (2019-06-26/O-3)

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

WHEREAS, Town Council has established a goal for development of new affordable housing in the Blue Hill District which is not currently addressed in the purpose statement for the District; and

WHEREAS, in December 2018 the North Carolina General Assembly enacted Session Law 2018-145, which included a revision to G.S. 143-214.7(b3) that affects local government authority over stormwater treatment requirements for redevelopment projects; and

WHEREAS, the area of Chapel Hill that this revised statute most immediately affects is the Blue Hill District; and

WHEREAS, Town staff has worked with stakeholders including Town Council, the Stormwater Management Utility Advisory Board, the Environmental Stewardship Advisory Board, and the local business community to formulate possible modifications to the Blue Hill Form-Based Code that respond to the provisions of the revised statute; and

WHEREAS, on May 21, 2019, the Planning Commission considered Land Use Management Ordinance text amendments on the above topics and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance in response to the revised State statute and the goal for development of new affordable housing; and

WHEREAS, the Council finds that reinvestment in properties in the Blue Hill District is appropriate and especially significant based on the findings of the Ephesus Church-Fordham Small Area Plan; and

WHEREAS, upon consideration the Council finds that the ordinance is warranted due to changing conditions as a result of the aforementioned changes to State statute; and

WHEREAS, the Council further 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 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)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Goal Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal Nurturing Our Community.5)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends Section 3.11. – Blue Hill Form District of the Land Use Management Ordinance, Appendix A of the Town Code, as follows:

SECTION 1

Section 3.11.1.1. Purpose is hereby revised to read as follows:

"The Blue Hill Form District, previously known as the Ephesus/Fordham Form District, established in Section 3.11 is intended for the specific area of the town designated as a focus area in the Comprehensive Plan 2020. This Form District fosters a residential, mixed use and pedestrian-friendly area. **The Form District is also intended to support the Town's Goals for Creating a Place for Everyone and Nurturing Our Community, by promoting diverse and affordable housing options serving a range of income levels as well as improved stormwater treatment for water quality.** Unlike conventional zoning, this Form District fosters more predictable results and a high-quality public realm. This is achieved by prescribing the physical form of buildings and other elements, by addressing the relationship between building façades and the public realm, and by specifying the form and mass of buildings and the scale and types of streets and blocks. This Form District is considered a Special Appearance District, in accordance with Town Charter Chapter 5, Article 5, Appearance of Structures."

SECTION 2

Section 3.11.1.2. Overall Site Design, Subsection C. is hereby revised to read as follows:

"Application of Land Use Management Ordinance Requirements. **Applications for development in the Form District shall meet the standards of subsection 1 or elect to meet the standards of subsection 2 for enhanced development opportunities:**

1. **Conventional Standards**
 - a. **Conditions.** The development shall conform to the standards of **Land Use Management Ordinance Section 5.4.**
 - b. **Standards for Lot, Placement, Mass, and Form.** The development shall conform to the standards of **Section 3.11.2.8.**
 - c. **Exemptions.** Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:
 - i. **Section 3.11.4.3, Stormwater Management**

2. **Enhanced Development Option**
 - a. **Conditions.** The development shall conform to the standards of **Land Use Management Ordinance Section 3.11.4.3.**
 - b. **Standards for Lot, Placement, Mass, and Form.** The development shall conform to the standards of **Section 3.11.2.3 or 3.11.2.4 as applicable based on the Subdistrict.**
 - c. **Exemptions.** Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:
 - i. **Section. 3.6.3, Resource Conservation District**
 - ii. **Section 4.7, Site plan review**
 - iii. **Section 5.3.2, Steep Slopes**
 - iv. **Section 5.4, Stormwater management**
 - v. **Section 5.19 , Jordan watershed stormwater management for new development**
3. **In addition to exemptions outlined above, and** Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply in the Blue Hill Form District:
 1. ~~Article 3, Zoning Districts, Uses, and Dimensional Standards:~~
 - a. ~~Section 3.6.3, Resource Conservation District~~
 - b. ~~a. Section 3.7.2, Use Matrix~~
 - c. ~~b. Section 3.7.3, Use Groups~~
 - d. ~~c. Section 3.8, Dimensional standards~~
 - e. ~~d. Section 3.10, Inclusionary zoning~~
 2. ~~Article 4, Procedures:~~
 - a. ~~Section 4.7, Site plan review~~
 - b. ~~e. Section 4.8, Master land use plan~~
 3. ~~Article 5, Design and Development Standards:~~
 - a. ~~f. Section 5.1, Overall site design~~
 - b. ~~Section 5.3.2, Steep Slopes~~
 - c. ~~Section 5.4, Storm water management~~
 - d. ~~g. Section 5.5, Recreation~~
 - e. ~~h. Section 5.6, Landscaping, screening and buffering~~
 - f. ~~i. Section 5.11, Lighting Standards~~
 - g. ~~j. Section 5.17, Prevention of demolition by neglect~~
 - h. ~~Section 5.19, Jordan watershed stormwater management for new development~~
 4. ~~k. Article 6, Special Regulations for Particular Uses"~~

SECTION 3

Section 3.11.2.3. Walkable Residential (WR-3 and WR-7) is hereby amended to insert new introductory text at the start of the section as follows:

"Development in the Walkable Residential Subdistricts that meets the Enhanced Development Option conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:"

SECTION 4

Section 3.11.2.4 Walkable Mixed Use (WX-5 and WX-7) is hereby amended to insert new introductory text at the start of the section as follows:

“Development in the Walkable Mixed Use Subdistricts that meets the Enhanced Development Option conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:”

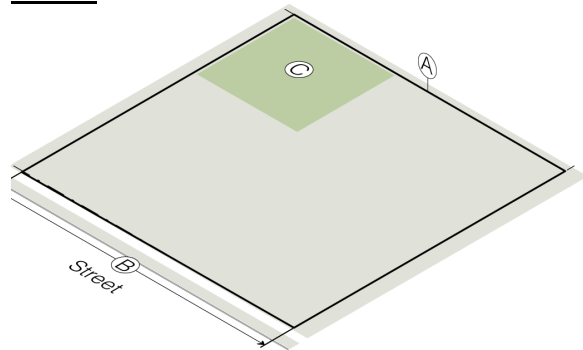
SECTION 5

Section 3.11.2. District Character, is hereby amended to insert a new **Section 3.11.2.8. Conventional Development** as follows:

“3.11.2.8 Conventional Development

Development in the Form District that meets the Conventional conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:

1. Lot

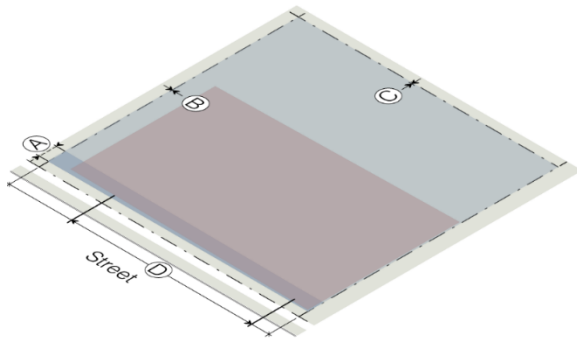


<u>Lot Dimensions</u>		
<u>Ⓐ</u>	<u>Net land Area (min)</u>	<u>5,500 SF</u>
<u>Ⓑ</u>	<u>Lot width (min)</u>	<u>50'</u>
	<u>Street Frontage (min) (see 3.8.2(d))</u>	<u>40'</u>
<u>Lot Parameters</u>		
<u>Ⓒ</u>	<u>Outdoor amenity space ratio (min)</u>	<u>0.06</u>
	<u>Recreation space ratio (min), applies to residential portion of building</u>	
	<u>1–3 story building</u>	<u>0.08</u>
	<u>4+ story building</u>	<u>0.12</u>
	<u>Residential Density (units per acre max) (see 3.8.2(c))</u>	<u>15.0</u>
	<u>Floor Area Ratio (max) (see 3.8.2(l))</u>	<u>.429</u>

Outdoor amenity space is a ratio of net land area.

Recreation space, Residential density, and Floor area ratio are ratios of gross land area.

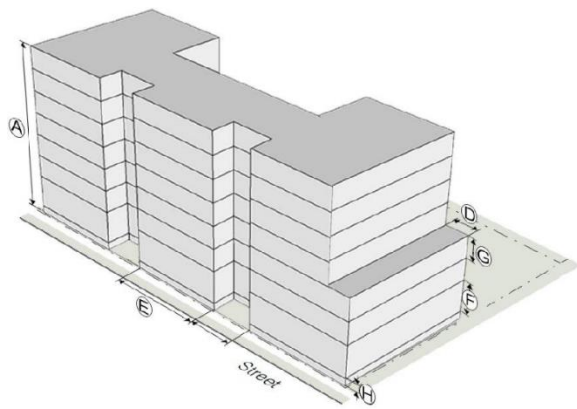
2. Placement



Building Setbacks		
Ⓐ	Front	As defined by Frontage Type
Ⓑ	Side interior (min)	0' or 5'
Ⓒ	Rear (min)	0' or 5'
Ⓒ	Rear, alley (min)	5'
Build-to-Zone (BTZ)		
Ⓓ	Building façade in BTZ (min % of lot width)	As defined by Frontage Type for the Primary Frontage; not applicable for secondary Frontages
Block Parameters		
	Maximum block length	450'
	Maximum block perimeter	1,800'

For additional information regarding other terms, definitions and requirements, see Section 3.11.2.7. Measurements and Exceptions.

3. Mass

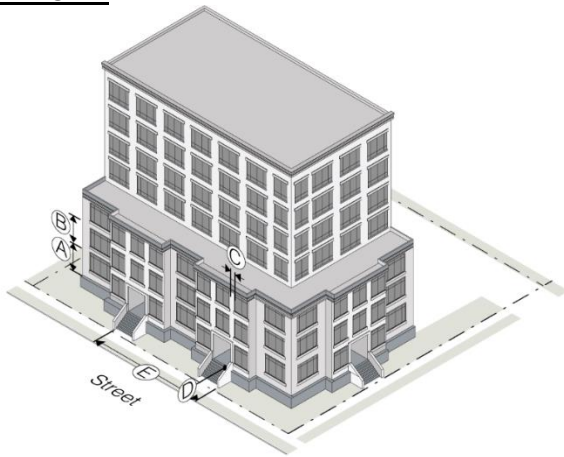


<u>Building Height</u>		
	<u>Building height, Setback (max) (see 3.8.3(f))</u>	<u>34'</u>
<u>Ⓐ</u>	<u>Building height, Core (max) (see 3.8.2(g))</u>	
	<u>- WR-3</u>	<u>3 stories, not to exceed 45'</u>
	<u>- All Other Subdistricts</u>	<u>5 stories, not to exceed 60'</u>
<u>Ⓑ</u>	<u>Building height for principal structures (min)</u>	<u>2 stories*</u>
<u>Mass Variation</u>		
<u>Ⓒ</u>	<u>Average floor plate area (max) above 3rd floor</u>	
	<u>- 3 story buildings or less</u>	
	<u>- 4 story buildings or greater</u>	<u>70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**</u>
	<u>Buildings 4 stories or greater shall meet either the step back or module offset standard below</u>	
<u>Ⓓ</u>	<u>Building step back above 2nd or 3rd floor (min)</u>	<u>10' step back above 2nd or 3rd floor</u>
<u>Ⓔ</u>	<u>Module offset</u>	
	<u>- Average module width (max)</u>	<u>80'</u>
	<u>- Depth of offset (min)</u>	<u>6'</u>
	<u>-Width of offset (min)</u>	<u>12'</u>
<u>Story Height</u>		
<u>Ⓕ</u>	<u>Ground story height, floor to ceiling (min)</u>	
	<u>- Residential</u>	<u>9'</u>
	<u>- Nonresidential</u>	<u>13'</u>
<u>Ⓖ</u>	<u>Upper story height, floor to ceiling (min)</u>	<u>9'</u>
<u>Ⓗ) Ground Floor Elevation</u>		
	<u>- Residential (min/max)</u>	<u>2'/4'</u>
	<u>- Nonresidential (min/max)</u>	<u>0'/2'</u>

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

****Greater floor plate area is permitted above the 3rd floor for a building that includes non-residential uses, subject to provision of a 20' building setback, as described in Section 3.11.2.7.T.**

4. Form



<u>Transparency</u>		
<u>Ⓐ</u>	<u>Ground story (min)</u>	
	<u>- Residential</u>	<u>20%</u>
	<u>- Nonresidential</u>	<u>60%</u>
<u>Ⓑ</u>	<u>Upper story (min)</u>	<u>20%</u>
<u>Ⓒ</u>	<u>Blank wall distance (max)</u>	
	<u>- Residential</u>	<u>50'</u>
	<u>- Nonresidential</u>	<u>30'</u>
<u>Pedestrian Access</u>		
<u>Ⓓ</u>	<u>Principal entrance facing the public realm</u>	<u>required</u>
<u>Ⓔ</u>	<u>Principal entrance spacing along street-facing facade (max)</u>	
	<u>- Residential</u>	<u>50'</u>
	<u>- Nonresidential</u>	<u>100'</u>
<u>Ⓕ</u>	<u>Building pass-through</u>	<u>330' maximum spacing</u>
	<u>Width (min)</u>	<u>12'</u>
	<u>Height (min)</u>	<u>Equal to the height of the adjacent first floor ceiling</u>
<u>Ⓖ Building Elements Permitted</u>		
	<u>Front porch, stoop</u>	
	<u>Balcony</u>	
	<u>Awning/canopy (WX- Subdistricts only)</u>	
	<u>Gallery (WX- Subdistricts only)</u>	
	<u>Forecourt</u>	

SECTION 6

Section 3.11.2.7. Measurements and Exceptions, Subsection F. Outdoor Amenity Space, subsection 4.g. is hereby revised to read as follows:

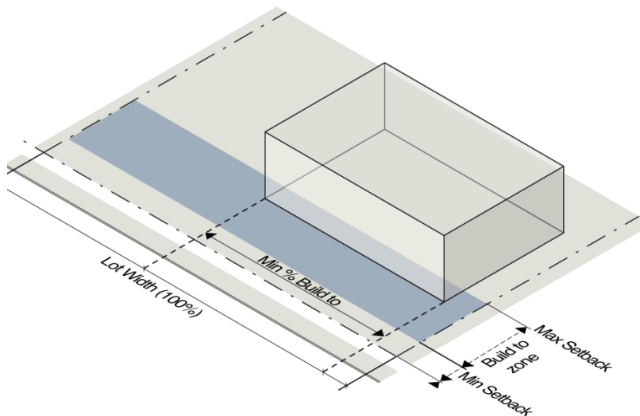
- "g. Outdoor amenity spaces may include but not be limited to:
- i. Facilities such as a playground, sport court, dog park, garden, community garden, park, green, pavilion, seating area plaza or water feature-
 - ii. **Areas used to meet minimum tree canopy coverage as required under Section 5.7.2 for applications that require Council approval.**"

SECTION 7

Section 3.11.2.7. Measurements and Exceptions, Subsection I. Build-to-Zone (BTZ), subsections 1-3 are hereby renamed and revised to read as follows:

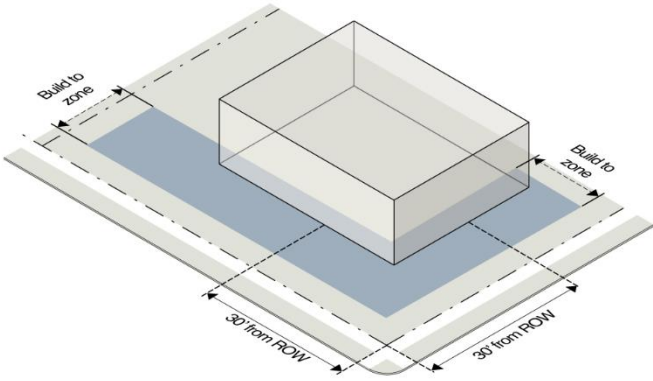
"I. *Build-to zone (BTZ)- Requirements.*

1. The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. The required percentage specifies the amount of the front building façade that must be located in the build-to zone, measured based on the width of the building divided by the buildable width of the lot **and applied as follows:**
 - a. **On a lot developed according to the Conventional conditions, the required build-to percentage applies to the primary Frontage. On a corner lot, the required build-to percentage additionally applies to the continuation of the Frontage for a minimum of seventy-five (75) feet around the corner, in accordance with Section 3.11.2.1.D.7. For additional principal structures along secondary Frontages, the street-facing building façade(s) must meet the maximum setback requirement for at least two-thirds (2/3) of the façade width.**
 - b. **On a lot developed according to the Enhanced Development conditions, the required build-to percentage applies to all Frontages. Secondary Frontages may have a reduced percentage in accordance with Section 3.11.2.1.D.7.**



3. On a Type A Frontage on a corner lot, a building façade, outdoor amenity space, outdoor dining area, and/or building element must be ~~within the build-to zone~~

placed to meet the maximum setback requirement for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



SECTION 8

Section 3.11.2.7. Measurements and Exceptions, Subsection T. Mass Variation, subsections 2 and 3 are hereby revised to read as follows:

- "2. *Building Step Back.* The building step back shall be measured as the horizontal change in the building wall plane, perpendicular to the applicable frontage or property line.
 - a. In addition to applicable frontages, a 10' building step back above the second or third floor is also required for buildings four stories or greater at the boundary of the Form District.
 - b. A 20' building step back above the second or third floor is required for the primary street frontage of a building that utilizes an upper story bonus in accordance with Section 3.11.2.7.T.1.a. A building façade located outside of the build-to zone remains subject to this requirement.
 - c. A building step back is not required where a street-facing façade is located **at the maximum setback line or** outside of the ~~build-to zone~~ **maximum setback**, and is not the primary frontage of a building that utilizes an upper story bonus, or where a building façade facing the Form District boundary is located more than 20' from the boundary.
3. *Module Offset.* The module offset shall be measured as the horizontal change of a portion of the building wall plane at ground level, perpendicular to the applicable frontage. The module width shall be measured for the portion of the wall plane closer to the sidewalk, while the width of offset shall be measured for the portion further from the sidewalk. The dimensions of modules and offsets should maintain a sense of proportion to the building as a whole.
 - a. Offset areas may count towards a build-to zone requirement when the area meets the criteria for a forecourt, outdoor amenity space, or outdoor dining area.
 - b. A module offset is not required where a building façade is located **at the maximum setback line or** outside of the ~~build-to zone~~ **maximum setback**."

SECTION 9

Section 3.11.3 Use Requirements, Section 3.11.3.4 Permitted Use Table is hereby revised in the Table Key to read as follows:

"KEY:

P = Use permitted **under any of the following circumstances:**

- 1. Expansion of an existing public elementary or secondary school**
- 2. Enhanced Development Option conditions are met as specified in Section 3.11.1.2.C**
- 3. Floor area of proposed development is less than twenty thousand (20,000) square feet, and disturbed land is less than forty thousand (40,000) square feet**

Otherwise, permitted following Town Council approval of Special Use Permit.

-- = Use not permitted

S = Use permitted following Town Council approval of Special Use Permit

L = Limited use (refer to section 3.11.3.5.A.4.)"

SECTION 10

This ordinance shall be effective upon enactment.

This the 26th day of June, 2019.