



**TOWN OF CHAPEL HILL**  
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## Modification to Regulations

Applicants may ask to modify standards of the Land Use Management Ordinance (LUMO) for Conditional Zoning Districts or Special Use Permits. All standards requested for modification must be captured on this form using the format provided. **The request form starts on page two, and the form is fillable.**

Instructions	
<i>LUMO Section</i>	[Add section number and title]
<i>Requirement</i>	[State what's required]
<i>Requested Modification</i>	[State the proposed modified standard]
<i>Purpose or Intent of Regulation</i>	[Copy LUMO language for the purpose/intent of the standard]
<i>Justification</i>	[Provide an explanation for modified standard]
<i>Evaluation [Staff to Complete]</i>	

Example	
<i>LUMO Section</i>	Section 5.3.2(f) Steep slopes
<i>Requirement</i>	No more than 25 percent of the total combined area of slopes 25 percent or steeper shall be disturbed.
<i>Requested Modification</i>	Maximum steep slope disturbance of 30 percent.
<i>Purpose or Intent of Regulation</i>	To minimize the grading and site disturbance of steep slopes by restricting land disturbance on steep slopes, and by requiring special construction techniques for development on steep slopes. These provisions are intended to: <ol style="list-style-type: none"> <li>(1) Protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity,</li> <li>(2) Protect the plant and animal habitat of steep slopes from the effects of land disturbance, and</li> <li>(3) Preserve the natural beauty and economic value of the town's wooded hillsides.</li> </ol>
<i>Justification</i>	Additional disturbance is needed to consolidate development on the east side of the site and protect environmentally sensitive areas.



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### Requested Modifications to Regulations

<b>Project Name</b>	Holy Trinity Anglican Church	<b>Application Number [Staff to Complete]</b>	<b>CZD-25-6</b>
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<b>LUMO Section</b>	Section 3.8.2(k) Maximum Floor Area Ratio
<b>Requirement</b>	Maximum .23 floor area ratio in the R-4 district
<b>Requested Modification</b>	Allow a maximum of 6,500 sf house on each of two subdivided lots fronting Old Lystra Road.
<b>Purpose or Intent of Regulation</b>	It is the intent of this article to provide for performance standards which serve to define the development character of an area, and to ensure the compatibility of development both with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses and development intensities. It is further intended that the establishment of intensity regulations reflect the protection of critical environmental areas and the suitability of land for a particular level of development intensity, in accord with the goals and objectives of the comprehensive plan. The setback and height regulations established in the dimensional matrix are intended to ensure adequate solar access, privacy, and ventilation; access to and around buildings, off-street parking areas, loading space, and service areas; space for landscaping; and spacing between buildings and portions of buildings to reduce potential adverse effects of noise, odor, glare, or fire. Adequate solar access is deemed to consist of varying levels of access ranging from rooftop solar access in high-intensity zoning districts to south wall solar access in low-intensity zoning districts.
<b>Justification</b>	The owner intends to subdivide up to 2 building lots, each of a size over 1 acre, to be sold to individuals to build single family homes. The homes will be internal to the site and not visible from Old Lystra Road. The owner is asking for a modification to exceed the LUMO floor area ratio so that future individual owners may build larger homes. The homes will be built on lots exceeding 1 acre in size in character with the residential density in the surrounding area, and home size will ultimately be constrained by the capacity of the septic field on each of the two lots.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.5.2 Recreation – Minimum Recreation Space
<b>Requirement</b>	.039 Active Recreation Space Ratio
<b>Requested Modification</b>	Provision of active recreation space on site to service the 35,400 sf tiny home future phase and to exclude provision of active recreation for the two single family homes lots which will be subdivided and developed by individual homeowners.
<b>Purpose or Intent of Regulation</b>	<i>Purpose statement: The town hereby finds and determines that an interconnected system of parks, trails, greenways, and bikeways provides a greater public benefit</i>

	<p><i>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. Active recreation space 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.</i></p>
<b>Justification</b>	<p>The total site area is 12.45 acres with the residential portion of the site accounting for 24.9% of the total site area, requiring active recreation space of 5,268 sf. (12.45 ac x .039 active recreation ratio x 24.9% of the site area). Two homesites totalling 18.35% of the land area will be subdivided and sold as single family home sites that are not part of a residential subdivision and will be developed separately from the church. Each site will be over an acre in size and will be low density rural zone in nature.</p> <p>This site is located outside of Town limits and the area is not included in the Town's recreation or Greenways Master Plan or the Connectivity Plan. There are no greenways, sidewalk system, or parks adjacent or nearby to connect to. The church will build a playground on site, which will be about 1,500 sf in size, and will be available for use by church members and by the residents in the future phase tiny homes. They also intend to provide nature trails but these trails would be through the woods on site including in the RCD zone, and they would not connect to a larger system therefore would not be eligible for active recreation credit per the Town definition.</p> <p>The amount of playground space provided would be enough to provide the required .039 active recreation space ratio for the 35,400 sf area to be developed as tiny homes in a future phase. (35,400 x .039 = 1,381 sf) But a payment in lieu for the remainder of the required recreation space would be a financial hardship on the church, and their payment-in-lieu would not likely be used for improvements to Town recreation facilities within walking distance of the project.</p>
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.6 Landscape, screening and buffering
<b>Requirement</b>	20' wide landscape buffer along the northern property line, church use against vacant residential properties
<b>Requested Modification</b>	Waive the required landscape buffer in order to leave existing forest to remain undisturbed.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	There is existing tree coverage in this area which will remain in place.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.6 Landscape, screening and buffering
<b>Requirement</b>	10' wide landscape buffer along the northern property line against residential properties
<b>Requested Modification</b>	Waive the required landscape buffer in order to leave existing forest to remain undisturbed.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	There is existing tree coverage in this area which will remain in place.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.6 Landscape, screening and buffering
<b>Requirement</b>	10' wide landscape buffer along the eastern property line (northeast corner of parcel) against residential properties
<b>Requested Modification</b>	Waive the required landscape buffer in order to leave existing forest to remain undisturbed.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	There is no development or clearing/grading proposed for this area.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.6 Landscape, screening and buffering
<b>Requirement</b>	10' wide landscape buffer along the southeast property line against residential properties
<b>Requested Modification</b>	Waive the required landscape buffer in order to leave existing forest to remain undisturbed.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	Existing forest will be left undisturbed in this buffer zone.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	Section 5.6 Landscape, screening and buffering
<b>Requirement</b>	20' wide landscape buffer along the western property line (beyond the disturbance for church use) against residential properties
<b>Requested Modification</b>	Waive the required landscape buffer in order to leave existing forest to remain undisturbed.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	Existing forest will be left undisturbed in this buffer zone.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	LUMO 3.8.2(d) (Dimensional Standards) and LUMO 6.2.6 (Flag Lots)
<b>Requirement</b>	Minimum lot width of 50' within 200' of the right of way
<b>Requested Modification</b>	Allow a maximum of 300' of distance between the right of way and the minimum 50' lot width.
<b>Purpose or Intent of Regulation</b>	3.8.2: It is the intent of this article to provide for performance standards which serve to define the development character of an area, and to ensure the compatibility of development both with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses and development intensities. It is further intended that the establishment of intensity regulations reflect the protection of critical environmental areas and the suitability of land for a particular level of development intensity, in accord with the goals and objectives of the comprehensive plan. 5.2.6: The Town of Chapel Hill discourages and restricts forming flag lots in subdivisions. A flag lot shall be permitted if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her.
<b>Justification</b>	The property is and oddly shaped 12-acre parcel with little street frontage, and with a distance of 1100 LF between the two street frontage segments it does have. The request for a longer extension on a flag lot would allow for reasonable use of the parcel with low density residential development. Because the parcel is not serviced by OWASA, the layout needs to be supported by existing septic field locations, which this layout accommodates. As a bonus, the longer extension into the main portion of the flag lot would protect landscaping near the right of way. A single access point which allows vehicular access to the main church use as well as the two subdivided residential lots means that total impervious is reduced as all three uses share a main driveway. The longer distance for the flag lot allows for more environmental protection by reducing impervious and reducing clearing needed for driveway access.
<b>Evaluation [Staff to Complete]</b>	

<b>LUMO Section</b>	
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<i>Requirement</i>	
<i>Requested Modification</i>	
<i>Purpose or Intent of Regulation</i>	
<i>Justification</i>	
<i>Evaluation [Staff to Complete]</i>	

<i>LUMO Section</i>	
<i>Requirement</i>	
<i>Requested Modification</i>	
<i>Purpose or Intent of Regulation</i>	
<i>Justification</i>	
<i>Evaluation [Staff to Complete]</i>	