

DRAFT ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH A NEW INNOVATIVE, LIGHT INDUSTRIAL CONDITIONAL ZONING DISTRICT (LI-CZD) (2017-__ - __/O-)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment changes to the Land Use Management Ordinance regarding establishment of a new Innovative, Light Industrial conditional zoning district (LI-CZD) and finds that the amendment is warranted in order to achieve the purposes of the Comprehensive Plan, as it relates the following themes and goals of the Comprehensive Plan:

- A creative place to live, work, and play because of Chapel Hill’s arts and culture (Goal PFE.2)
- Balance and sustain finances by increasing revenue and decreasing expenses (Goal CPE.1)
- Foster success of local businesses (CPE.2)
- A community that welcomes and supports change and creativity (GPNS.6)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (TGC.1)

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

Section 1 – The introductory, unnumbered Section of Article 3. Zoning Districts, Uses, and Dimensional Standards, is hereby amended to read as follows:

“ARTICLE 3. - ZONING DISTRICTS, USES, AND DIMENSIONAL STANDARDS

This article establishes zoning districts and describes the various uses permitted within the zoning districts, as well as design regulations. Several types of zoning districts are established.

First, "General Use" districts (section 3.3) divide the town into various residential, commercial and industrial zones. Each district establishes uses that are permitted "as of right," and uses permitted only as "special uses." Special uses require a public hearing in order to assess whether conditions are needed in order to make the use compatible with other uses in the district. The uses permitted in each district are listed in [section 3.7](#).

“Conditional” Districts (section 3.4) include district-specific conditions agreed upon by the the town council and the property owner(s) to ensure that the use or group of uses is compatible with

adjoining districts and uses. There are two types of Conditional Districts, each with different application procedures and requirements for establishment by the town council: Conditional Use Districts (sections 3.4.1-2) and Conditional Zoning Districts (section 3.4.3)

"Special" districts (section 3.5) involve uses which cannot be adequately addressed by the base district regulations. Unlike the overlay districts, these districts are independent of the general use zoning districts. The special districts have separate use and design regulations.

"Overlay" districts are established in [section 3.6](#). Within these districts, the standards of both the general use and overlay districts apply. These districts address special situations such as groundwater recharge, historic preservation, airport hazards, and utility conversions where the base district regulations are not sufficient to protect the public.

One essential function of zoning is to regulate the dimensional aspects of development. [Section 3.8](#) establishes regulations governing the configuration and location of lots, buildings, structures and paved surfaces. This includes lot size, density, intensity, lot width, and setbacks from streets and property lines. These standards are consolidated in a schedule called the Dimensional Matrix (Table 3.8-1). The amount of a lot that may be covered with built or paved surfaces ("impervious surface ratio") is also established in the dimensional matrix.

[Section 3.9](#) establishes incentives in the form of additional density and other regulatory measures in order to encourage redevelopment and enhanced site design. Landowners are permitted through rezoning to transfer densities from environmentally sensitive sites that are inappropriate for development to sites that are suitable for increases in density.

Some uses, while permitted in a zoning district, raise special concerns which require additional regulations. These regulations are established in [article 6](#). They apply regardless of whether the use is permitted as of right or as a special use within the district.”

Section 2 – Article 3. Section 3.1 Establishment and intent of zoning districts is hereby amended to read as follows:

“3.1. - Establishment and intent of zoning districts.

The town and its extraterritorial planning jurisdiction are hereby divided into zoning districts as enumerated below. The use regulations and intensity regulations applicable for such zoning districts are designated in sections 3.7 and 3.8 of this article.

3.1.1 General Use Districts may be established by the town council approval of a general rezoning pursuant to the procedures established in section 4.4.2 of this Appendix. Such approval authorizes the full range of uses in accordance with the standards applicable to the general use district.

3.1.2 Conditional Use Districts may be established by the town council approval of a conditional use district rezoning pursuant to the procedures established in section 4.4.2 of this Appendix. Conditional use districts parallel general use districts and require an approval of an accompanying special use permit, which incorporates district-specific site plans and conditions agreed to by the owner(s) of the rezoned land. A special use permit application must be submitted within one (1) year of an approved rezoning pursuant to the procedures established in section 4.5.3 of this Appendix. Such approval authorizes the development of the conditional use district-specific site plan in accordance with the standards applicable to the general use district as modified by the stipulations contained within the special use permit.

3.1.3 Conditional Zoning Districts may be established by the town council approval of a conditional zoning district (CZD) rezoning pursuant to the procedures established in section 4.4.3 of this Appendix. Conditional zoning districts incorporate district-specific sketch plans and conditions agreed to by the owner(s) of the rezoned land. Such approval authorizes development of the conditional zoning district-specific sketch plan in accordance with the standards applicable to the conditional zoning district, as modified by the conditions contained with the CZD rezoning approval.

Section 3 – The following Section heading amendments are made to Article 4. Section 3.4:

The title to Section 3.4 is revised to read:

“3.4. Conditional Use Districts.

The current Section 3.4 Conditional Use Districts is renumbered 3.4.1.

The current Section 3.4.1 is renumbered retitled to read:

“3.4.12 Residential-Special Standards-Conditional ~~Zoning~~ Use Districts.”

Section 4 – Article 3. Section 3.4 Conditional Districts is hereby amended to add a new Section as follows:

“3.4.3 Innovative, Light Industrial Conditional Zoning District

a) Innovative, Light Industrial Conditional Zoning District (LI-CZD) Established

The Innovative, Light Industrial conditional zoning district (LI-CZD) is hereby established as a conditional zoning district (CZD). A LI-CZD may be established through the town council’s approval of a CZD rezoning application pursuant to section 4.4.3, which incorporates district-specific sketch plans and conditions agreed to by the owner(s) of the rezoned land. Once a LI-CZD is established, a property owner may submit a Final Plans applications to the town manager for review and approval in accordance with the standards of this Appendix and the conditions and sketch plan attached to the CZD rezoning approval.

b) Purpose

The LI-CZD district is intended to support and encourage job-creating uses that fit Chapel Hill’s character and desired brand of being a place for creative, sustainable and entrepreneurial companies to start, grow or relocate. Encouraged uses include research activities; manufacturing, light; food processing, light and flex space, and associated support functions serving both the needs of the community and region. A LI-CZD may only be applied to areas designated as an innovative, light industrial opportunity area on the land use plan as adopted and amended by the town council.

A LI-CZD is intended to be applied to areas within the Town limit so that municipal services can be provided to properties containing innovative, light industrial uses that will need the full range of municipal services such as police, fire, public works, transit, and building inspections. It is further intended to increase the town’s non-residential tax base, provide a place for innovative, light industrial businesses to locate, and to promote a healthy and sustainable economy

in order to provide the range of services desired by the community and necessary to maintain public health, safety, and welfare.

c) Standards applicable to development in a LI-CZD

1) Intent: The standard conditions applicable to a LI-CZD are intended to foster an efficient use of land enabling productive use of limited developable land in Chapel Hill and allowing for enhanced protection of environmentally sensitive areas that may be present on a lot. Development in a LI-CZD shall be designed in a manner that provides a mix of non-residential uses which are integrated, interrelated, and linked by non-vehicular connections and vehicular connections consistent with the adopted comprehensive plan and its various adopted elements. Development shall be designed in a manner to be congruent with adjacent land uses, and mitigate impacts to surrounding properties to the full extent required by this Appendix

2) Standard Conditions:

- A. The following standard conditions, contained within subdivisions (c)(3)-(c)(8), apply to development within a LI-CZD and shall be included in a CZD rezoning approval.
- B. Where a general standard or provision of this appendix expressly conflicts with a standard established in this division (c) the standards of this division (c) control, otherwise the general standards and provisions of the appendix are applicable to development within a LI-CZD district.
- C. The town council, in approving a CZD rezoning may determine that additional and/or alternate standards are appropriate provided that the intent of the LI-CZD standards have been met to an equal or greater degree.

3) Stormwater Management Performance Criteria

- A. Stormwater Management is required in accordance with section 5.4 of this appendix except as listed below to provide additional protections to ensure

that the impacts of innovative, light industrial development are mitigated on surrounding properties and the community as a whole.

- B. The stormwater runoff rate leaving the site post development shall exceed the established criteria in section 5.4.6(c) of this appendix for the 25-year 24-hour storm event by ten (10) percent**
- C. Notwithstanding section 5.4.6(a) of this appendix the minimum impervious area treated for eighty-five (85) percent average annual TSS removal shall be fifty (50) percent of the post construction total impervious area**

4) Landscape Buffer Requirements

- A. Landscape Buffers are required in accordance with section 5.6.6 of this appendix except as listed below.**
- B. Proposed development that directly abuts a railroad track, does not require a buffer on that lot line.**
- C. Proposed development abutting a non-Interstate, Arterial Street, shall require a Type C buffer on that lot line**
- D. Proposed development abutting vacant land zoned MU-R-1 or MU-OI-1 shall require a Type B buffer on that lot line.**

5) Landscape Protection Plan

- A. Landscape protection plans are required in accordance with section 5.7.3 of this appendix except that specimen trees are not required to be identified on landscape protection plans. Rare trees and significant tree stands are required to be identified and protected in accordance with section 5.7 of this appendix.**

6) Parking and Loading

- A. Vehicular Parking Minimum and Maximum Ratios: To accommodate and encourage wide variety of innovative, light industrial, research activity, and flex space uses in the LI-CZD, an alternative parking ratio, differing up to thirty (30) percent of the ratios established in section 5.9.7 of this appendix, may be granted by the town manager if, based on substantial evidence, the town manager finds that compliance with the full minimum off street vehicular parking space requirements of section 5.9.7 of this appendix would not be required by the applicant's proposed use or that compliance with the maximum off street vehicular parking space requirements would not provide enough parking spaces required by the applicant's proposed use.
- B. Loading docks shall be placed to the rear or side façade of buildings and not on the same side as the primary public entrance.
- C. Placement of parking areas. The applicant is encouraged to limit the amount of parking between the building and the public right of way, except where parking is adjacent to a railroad track.

7) Accessory Uses

- A. Accessory Uses, listed as "A" in table 3.7-1 of this appendix, on a cumulative basis shall constitute no more than 1/3 of the built floor area of a given zoning lot at any one time.

8) Signage

- A. Signage shall be allowed in accordance with the requirements for the "I" zoning district pursuant to section 5.14 of this appendix."

Section 5– Article 3. Section 3.7 Use Regulations, Table 3.7-1: Use Matrix is hereby amended to add a new column entitled “LI-CZD” to the right of “I” with the letters and symbols noted below]

Uses	<u>LI-CZD</u>
Accessory use customarily incidental to a permitted principal or special use	<u>A</u>
Adult day care facility (See also Article 6)	<u>=</u>
Agriculture, Female Chickens	<u>=</u>
Agriculture, livestock	<u>=</u>
Agriculture, non-livestock	<u>=</u>
Automated teller machines (ATM) (Walkup)	<u>A</u>
Automated teller machines (ATM) (Drive-up)	<u>=</u>
Automotive Repair	<u>A</u>
Automotive repair (less collision, service and painting)	<u>A</u>
Automotive, trailer, and farm implement sales or rental	<u>=</u>
Bank	<u>A</u>
Barber shop/beauty salon	<u>A</u>
Business—Convenience	<u>A</u>
Business—General	<u>Z</u>
Business—Wholesale	<u>P, A</u>
Business, office-type	<u>Z</u>
Car wash (See also Article)	<u>=</u>
Cemetery (See also Article)	<u>=</u>
Child day care facility (See also Article 6)	<u>A, Y</u>

Clinic	<u>A</u>
Club	=
College or University	=
Drive-in window (See also Article 6)	=
Dwelling Units, Single Family	=
Dwelling units, single-family with accessory apartment	=
Dwelling units, duplex (See also Article)	=
Dwelling units, multifamily, 3 to 7 dwelling units	=
Dwelling units, multifamily, over 7 dwelling units	=
Essential services	<u>P. A</u>
Extraction of earth products (See also Article)	=
Fine arts educational institution (See also Article)	<u>A</u>
Flex space	<u>P. A</u>
Food Truck	<u>A</u>
Fraternity dwelling (See also Article 6)	=
Funeral home	=
Group care facility (See also Article 6)	=
Hangar, medical aircraft	=
Home occupation	=
Hospital	=
Hotel or motel	=
Independent Senior Living Facility (See also Article 6)	=

Kennel	<u>=</u>
Landfill (See also Article 6)	<u>=</u>
Maintenance/storage facility	<u>A, Y</u>
Manufactured home park	<u>=</u>
Manufactured home, Class A	<u>=</u>
Manufactured home, Class B	<u>=</u>
Manufacturing, light	<u>P, A</u>
Outdoor skateboard ramp (See Article 6)	<u>=</u>
Park/ride (See also Article)	<u>Y, Z</u>
Parking, off-street	<u>A, Y</u>
Personal services	<u>A</u>
Place of assembly, over 2,000 seating capacity (See also Article)	<u>=</u>
Place of assembly, up to 2,000 seating capacity	<u>Z</u>
Place of worship (See Article)	<u>A, Y</u>
Public cultural facility	<u>A</u>
Public service facility (See also Article 6)	<u>Y, Z</u>
Public use facility	<u>Z</u>
Publishing and/or printing	<u>P, A</u>
Radio, television or wireless transmitting and/or receiving antenna (See also Article)	<u>Y, Z</u>
Radio, television or wireless transmitting and/or receiving antenna, accessory	<u>A</u>
Recreation facility: Commercial	<u>Z</u>
Recreation facility: Non-profit	<u>Z</u>

Recreation facility: Outdoor commercial	=
Research activities	<u>P, A</u>
Residence hall	=
Residential support facility	=
Rooming house	=
School, elementary or secondary	=
Service station/convenience store (See also Article 6)	=
Shelter	=
<u>Storage Facility, Conditioned</u>	<u>Y, Z</u>
Solid waste management facility	<u>Z</u>
Supply yard	<u>Y</u>
Temporary portable building: Construction-related (See also Article 6)	<u>A, Y</u>
Temporary portable building: Not construction-related	<u>A</u>
Tourist home	=
Veterinary hospital or clinic	<u>A</u>
Vocational school	<u>A</u>
Water and wastewater treatment plan	=

Section 6. Revise the footnotes at the end of Table 3.7.1 to include the additional language as shown:

"A" Permitted as an accessory use; **In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as A, Y.**

"P" In OI-3, OI-4, **LI-CZD** and MH: Permitted as a principal use;

In all zones except OI-3, OI-4, **LI-CZD**, and MH: For all uses except existing public elementary and secondary schools. Permitted as a principal use if 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 as a special use. The floor area threshold of twenty thousand (20,000) square feet for special use does not apply to increasing the floor area in existing buildings in the town center-1, -2, and -3 zoning districts, so long as the redevelopment does not increase the building footprint or height (excluding solar panels, HVAC equipment and screening thereof) and does not significantly alter the building's exterior. For existing public elementary and secondary schools, "P" indicates permitted as a principal use.

Note: The use groups established in the 2nd column of Table 3.7-1 are used to determine whether a site plan is needed for a change in use (see Section 4.7.1(f), and the applicability of buffers (see Section 5.6.6, Schedule of Required Buffers).

“Y” In LI-CZD, permitted under additional prescribed standards in section 6.22

“Z” In LI-CZD, permitted when the town council approves this use as a part of a CZD rezoning application. Additional prescribed standards in section 6.22 apply to a use labeled as “Y,Z”.

Section 7. Insert a new row beneath shelter entitled “Storage Facility, Conditioned” in Table 3.7.1 to read as follows:

		General Use Zoning District											
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-C
<u>Storage Facility, Conditioned</u>	<u>C</u>	=	=	=	=	=	=	=	=	=	=	=	=

TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH
=	=	=	=	=	=	=	=	<u>Y,Z</u>	=

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

Section 8 – Article 3. Section 3.8.2 (g)(2) Dimensional Regulations is hereby to read as follows:

“(2) In the Town Center - 1 to 3, Office/Institutional 3 to 4, **and LI-CZD** 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.”

Section 9 – Article 3. Section 3.8.2 Dimensional Regulations, Table 3.8-1: Dimensional Matrix is hereby amended by adding a new row, in its alphabetical location as follows:

(A)	(B)	(C)	(D)	(E)	(F)	(G)
Zoning District	Lot Size (square feet min)	Density (units per acre min max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Primary Setback (max feet)	Building Height, Secondary Core (max feet)
<u>LI-CZD</u>	<u>17,000</u>	<u>0.0</u>	<u>64</u>	<u>80</u>	<u>N/A</u>	<u>90</u>

(H)	(I)	(J)	(K)	(L)
Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)
<u>20</u>	<u>10</u>	<u>12</u>	<u>N/A/.7</u>	<u>N/A</u>

Section 10 – Article 3. Section 3.8.4 Transitional Control Intensity Modifications, is hereby amended as follows:

3.8.4 Transitional Control Intensity Modifications.

(a) In office/institutional—Three (3) districts, all development located within one hundred (100) feet of a residential district shall observe floor area ratios equal to those required for office/institutional—1 districts, as shown in Table 3.8-1.

(b) In all nonresidential zoning districts and planned developments (TC-1, TC-2, TC-3, MU-V, CC, N:C-, OI-3, OI-2, OI-1, I, **LI-CZD**, PD-SC, PD-OI and PD-I), the following setback and height regulation modifications shall apply:

(1) Minimum street setback across a street from residentially zoned land shall be equal to the street setback applicable in the residential district across the street. Except when MU-V development is separated from the residential district by an arterial street with a right-of-way of one hundred (100) feet or greater, in which case the setbacks of the underlying zoning district would apply.

(2) Minimum interior setback adjacent to residentially zoned land shall be equal to the interior setback applicable in the adjacent residential district.

(3) Minimum solar setback adjacent to residentially zoned land shall be equal to the solar setback applicable in the adjacent residential district. ~~The primary height limitation applicable at any of the modified setbacks identified in subsections (1) through (3) above shall not exceed thirty-five (35) feet.~~

(4) The primary height limitation applicable at any of the modified setbacks identified in (1)—(3) above shall not exceed thirty-five (35) feet.

Section 11– Article 3. Section 3.9.2 (b), Transfer of Development Rights Receiving districts designated, the “I Industrial” row is hereby amended to read as follows:

<u>I, LI-CZD</u>	Industrial <u>districts</u>
-------------------------	------------------------------------

Section 12 – Article 4. Section 4.4.1 (c) Initiation is hereby amended by inserting in the first line after the words “a conditional use district” the following phrase:

“or conditional zoning district “

Section 13 – The title to Article 4. Section 4.4.2 Procedures is hereby amended to read as follows:

“4.4.2 Procedures – *general rezoning and conditional use district rezoning*”

Section 14 – Article 4. Zoning Amendments is hereby amended to add two new sections as follows:

“4.4.3 Procedures – *conditional zoning district rezoning*”

(a) Application submittal requirements.

(1) Applications for amendments to this appendix, as provided in subsection 4.4.1(a), shall be filed with the town manager.

(2) The town manager shall prescribe the form(s) on which applications are made. Applications shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved. The town manager shall prescribe any other material that may reasonably be required to determine compliance with this appendix, with sufficient copies for necessary referrals and records.

(3) An application for conditional zoning district (CZD) rezoning shall include a sketch plan in accordance with its definition in this appendix.

(4) No application shall be accepted by the town manager unless it complies with such requirements. Applications that are not complete shall be returned to the applicant, with a notation of the deficiencies in the application.

(b) Town manager's report to planning commission.

When the town manager accepts an application for amendment, the town manager shall cause appropriate officials to determine if it conforms with the intent of this article and upon completion of his/her report shall submit his or her report at the next regularly scheduled meeting of the planning commission.

(c) Planning commission review.

(1) The planning commission shall review the application and the town manager's report and recommendations, and shall submit a written recommendation to the town council.

(2) The planning commission shall prepare its recommendations within thirty (30) days of the meeting at which the town manager's report is submitted to the planning commission and shall forward its recommendations to the town council at the town council's next available public hearing scheduled for amendment applications or within such further time consented to in writing by the applicant or by town council resolution. If the planning commission fails to complete its recommendation to the town council within this time limit, or extensions thereof, the town council may proceed in its consideration without the planning commission's recommendations.

(d) Public hearing.

(1) After it receives the town manager's report and the planning commission's recommendation or, if applicable, the expiration of the time limit prescribed in subsection 4.4.3.(c)(2), the town council shall hold a hearing on the application at the next available regularly scheduled public hearing in order to receive comments and exhibits pertaining to the application. The town council, by resolution, shall adopt a schedule of public hearings.

(2) Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in the planning jurisdiction once a week for two (2) consecutive weeks, with the first notice to be published not less than ten (10) nor more than twenty-five (25) days prior to the date of the hearing.

(e) Town council action. The town council shall act on the application after reviewing the application, the planning commission's recommendation and the town manager's

report, and the public comment thereon. Based on its findings as to conformity with the intent of this article, The town council shall:

- 1) Approve the application as submitted;
- 2) Approve the application with conditions; or
- 3) Deny the application.

(f) Conditions. In accordance with North Carolina General Statute 160A-382(b) any conditions of approval shall be:

- 1) Expressly set forth in the approval;
- 2) Agreed upon by the property owner(s) and town council
- 3) Limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Appendix, including compliance with the adopted comprehensive plan and its adopted elements; and
- 4) Related in both type and scope to the anticipated impacts of the proposed development.

(g) Effect of denial or withdrawal on subsequent applications. When the town council shall have denied an application for amendment or the application shall have been withdrawn, by written notice, after publication of the first public hearing notice required in subsection 4.4.3.(d), the town manager shall not accept another application for the same or similar CZD rezoning affecting the same property or a portion thereof, until the expiration of a twelve-month period extending from the date of denial or withdrawal, as appropriate.

(h) Amended applications. If the applicant proposes any substantial changes to the application subsequent to acceptance of the application, an amended application shall be submitted and reviewed as an original application.

(i) Actions subsequent to decision.

(1) The town manager shall cause notice of the disposition of the application to be sent to the applicant and shall cause a copy of the decision to be filed in the office of the planning department.

(2) In the case of approval, any necessary changes to the official zoning atlas shall be entered in accordance with the provisions of article 3.

(3) In the case of approval or approval with conditions, the sketch plan and conditions are incorporated into the conditional zoning district and are binding on the land.

(4) In the case of approval or approval with conditions, the applicant may subsequently submit final plans to the town manager for approval, in a form and content prescribed by the town manager. Approval of such plans shall be based on compliance with all applicable regulations and requirements, including all conditions and sketch plan attached to the CZD rezoning approval.

4.4.4. Minor Changes to Approved Sketch Plans.

The town manager may approve minor changes to sketch plans attached to an approved CZD rezoning as long as such changes continue to comply with the approving action of the town council and all other applicable requirements or are required specifically by a condition of approval. The town manager shall not have the authority to approve changes to approved sketch plans that constitutes a modification of the sketch plan. If a modification is proposed, the town manager shall require the filing of an application for approval of the modification. An application for modification of a sketch plan shall be reviewed in accordance with the procedures established in subsections 4.4.1 and 4.4.3

- a. All minor changes must be consistent with the approved sketch plan. Consistency means the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the approved sketch plan.**
- b. The following shall constitute a modification to a sketch plan and require the filing of an application for approval of the modification.**
 - 1. An increase of twenty (20) percent or more in the floor area approved by the town council, whether such addition is proposed at one (1) time or over an extended period of time.**
 - 2. An increase of ten (20) percent or more in the number of parking spaces approved by the town council, whether such addition is proposed at one (1) time or over an extended period of time.**

3. Substantial changes in the location of building or development areas approved by the town council

4. Substantial changes in pedestrian and bicycle or vehicular access or circulation approved by the town council.

5. A change in a condition of town council approval”

Section 15 – Article 5. Section 5.6.6. Table 5.6.6-1. Schedule of Required Buffers is hereby amended by adding to the line for I, “LI-CZD” as follows:

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 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, light manufacturing, supply yard	Any principal use in Use Group C other than the above
<u>I, LI-CZD</u>	D	D	C	B	B

Rules of interpretation for schedule of required buffers:

— No buffer required.

* Adjacent land uses and vacant land uses and lands across a local street from the proposed use.

Existing uses includes uses approved as part of development for which a Special Use Permit or Zoning Compliance Permit has been issued.

Section 16 – Article 5. Section 5.7.2 Tree Canopy Coverage Standards, Subdivision is hereby amended as follows:

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, **and conditional zoning district rezonings.**

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:

Table 1: Minimum Tree Canopy Coverage Standards

[Insert new row beneath Mixed Use, Other]

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

Section 17 – Article 5. Section 5.8.1(g) External Circulation is hereby amended by adding in the third sentence, following the words “special use permit modification” the phrase “conditional zoning district rezoning”:

Section 18 – Article 6. Special Regulations for Particular Uses is hereby amended to add a new Section 6.22 as follows:

“6.22 Prescribed Standards for Uses within an LI-CZD District.

The following uses are permitted under prescribed standards within an LI-CZD. In approving a conditional rezoning, the town council may determine that additional and/or alternate standards are appropriate provided that the intent of the LI-CZD standards have been met to an equal or greater degree.

a) Maintenance And/or Storage Facility

- 1). Any areas use for outdoor storage shall be on an all-weather surface that drains to a stormwater management control.**
- 2). Outdoor storage shall be screened in accordance with section 5.6.7 from internal and external streets.**
- 3). In no case shall any personal or private property that is unrelated to and/or not required by an onsite use or activity be stored for any period of time outside of an enclosed building.**

b) Storage Facility, Conditioned

- 1). Storage facilities, conditioned may not be located on the ground floor of a building.**
- 2). Storage facilities, conditioned may not make up more than 1/3 of the floor area on a zoning lot.**
- 3). In no case shall any storage of any materials, goods, or property associated with a conditioned storage facility occur outdoors.**

c) Supply Yard

- 1). Any areas use for outdoor storage shall be on an all-weather surface that drains to a stormwater management control.**
- 2). Outdoor storage shall be screened in accordance with section 5.6.7 from internal and external streets.**
- 3). In no case shall any personal or private property that is unrelated to and/or not required by an onsite use or activity be stored for any period of time outside of an enclosed building.”**

Section 19 – The following definitions in Appendix A is hereby amended as follows:

Flex Space: A building designed to accommodate a combination of office, **food processing—light**, wholesale, **retail**, and warehousing functions, the exact proportions of each use being subject to needs over time. ~~Flex space buildings are typically located in business or industrial parks and usually have a footprint exceeding ten thousand (10,000) square feet.~~ They are usually designed with loading docks to the rear and parking in the front. The front façade **and other public street-facing facades are** is often treated with a higher quality of architectural finish than the rear and sides.

Maintenance and/or storage facility: Land, building, or structure devoted primarily to the maintenance and/or storage of equipment, and materials **primarily intended for business or governmental purposes.**

Manufacturing, light: Manufacturing, processing, creating, renovating, painting, cleaning, assembly of goods, merchandise, **food processing, light** and equipment, or other industrial uses which have all operations and storage within enclosed structures **and provided that that they are operated in a manner the prevents exteneral effects such as, but not limited to, smoke, soot, dirt, vibration, and odor from being detatable on any lot line of the zoning lot.**

Research activities: Research, development, and testing **conducted in dry labs, wet labs, or other types of facilities,** related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Section 20 – Appendix A is hereby amended to add new definitions as follows:

“Food Processing, Light: A facility for the preparation, processing, canning, or packaging of food products, including the production of alcoholic beverages, provided that all food processing, light, activities are completely enclosed and that they are operated in a manner that prevents external effects such as, but not limited to, smoke, soot, dirt, vibration, and odor from being detactable on any lot line of the zoning lot. Light food processing facilities may include areas for accessory uses including retail sales and/or eating and drinking establishments that serve the products processed on site.

Sketch Plan: A plan that depicts the general configuration and relationship of the principal elements of the proposed development such as uses, intensity, access and circulation, open space, any areas containing an environmental constraint, and the development envelop. Development envelope means the area, as designated on the approved sketch plan, containing buildings, parking areas, vehicle circulation areas, and other appertunant impervious features. Not included are below ground utility lines, above-ground stormwater management areas, landscape and natural areas, and other non-impervious features.

Storage Facility, Conditioned: A conditioned building devoted to the storage of personal or business related equipment, records, goods, and belongings that contains separate conditioned storage spaces that are designed to be leased or rented individually. All storage shall be within an enclosed building. Storage spaces with individual exterior accesses are not permitted.

Storage Facility, Unconditioned: Land, unconditioned building, or structure devoted primarily to the storage of personal equipment, goods, and belongings that contain separate unconditioned storage spaces that are designed to be leased or rented individually. Storage spaces are primarily accessed through individual exterior accesses. This use is explicitly not permitted within the jurisdiction of the Town of Chapel Hill.”

Section 20: This ordinance is effective the date enacted.