Subject: Consider Land Use Management Ordinance Text Amendments to Improve the Residential Permitting Process and Development-Related Regulations.

Staff: Mary Jane Nirdlinger, Executive Director
Phil Mason, Development Manager
Chelsea Laws, Inspections Manager

Department: Planning and Sustainability

Overview: Continuation of the February 15, 2016 Public Hearing to consider options for a proposed text amendment to the Land Use Management Ordinance (LUMO) pertaining to development-related improvements.

These changes are the result of a Home Builder Association’s (HBA) petition to Council in April 27, 2015 regarding concerns with the residential development approval process. Staff responded to HBA concerns at the May 27 and October 19, 2015 Council meetings.

Staff Recommendation
That the Council:

- Adopt the Resolution of Consistency with the 2020 Comprehensive Plan for the proposed Ordinance amending development-related provisions; and
- Enact the Ordinance amending development-related provisions.

Decision Points

- Close the Public Hearing
- Take action on the recommended Ordinance

Key Issues

- The Council raised the following issues in regard to the proposed text amendments at the February 15, 2016 Public Hearing, including:
  - The Council may want to assess broader strategies for further improvements to Town regulations outside of the currently proposed development-related amendments.
  - The Council is concerned about “aging in place” that would allow seniors to stay in their homes while minimizing tax valuation due to improvements.

Fiscal Impact/Resources: None at this time.

1 http://chplan.us/council02152016
2 http://chplan.us/council04272015
3 http://chplan.us/council05272015
4 http://chplan.us/council10192015
Where is this item in its process?

Council Goals:

<table>
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<tr>
<th></th>
<th>Create a Place for Everyone</th>
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<th>Develop Good Places, New Spaces</th>
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<td>☒</td>
<td>Support Community Prosperity</td>
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<td>Nurture Our Community</td>
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<td>Facilitate Getting Around</td>
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<td>Grow Town and Gown Collaboration</td>
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Attachments:

- Manager’s Report
- Staff Report
- Ordinance to Amend Development-Related Provisions of the Use Management Ordinance
- Residential Text Amendment Chart with Explanations
- LUMO Text Amendment Summary
  - Height Comparison Memorandum
    - Height Comparison Chart
  - Water-Sewer Connection Memorandum
    - 2005-2015 Utility Variance Cases
- Approved resolution from February 15, 2016 Public Hearing for Council to discuss more global strategies regarding Town regulations at an upcoming work session.
Manager’s Report
Business Meeting – 03/21/2016

Overview: Continuation of the February 15, 2016 Public Hearing to consider options for a proposed text amendment to the Land Use Management Ordinance (LUMO) pertaining to development-related improvements.

A Land Use Management Ordinance Text Amendment requires the Manager’s recommendation.

Manager’s Analysis:
- Tonight the Council continues the public hearing for the proposed text amendments to the Land Use Management Ordinance (LUMO) for development-related improvements.
- As required by Section 4.4.2.f. of the Land Use Management Ordinance, I have reviewed the record of the public hearing. Based on a review of staff responses in the Key Considerations section of the staff memorandum, I believe the Council can approve the proposed text amendments to the Land Use Management Ordinance with the enactment of the Ordinance.

Manager’s Recommendation:
- That the Council enact the Ordinance, approving changes to development-related regulatory provisions; and
- That the Council continue discussions at a future work session about broader changes to the LUMO to facilitate the review and approval of development applications.

1 http://chplan.us/council02152016
Overview: This is a continuation of the February 15, 2016 Public Hearing to consider proposed development-related text amendments. The amendments are related to the petition submitted by the Home Builders Association (HBA) of Durham, Orange and Chatham Counties on April 27, 2015 regarding concerns with the residential development approval process. Staff responded to HBA concerns at the May 27 and October 19, 2015 Council meetings. On October 19, 2015, the Council called a Public Hearing for February 15, 2016 to 1) receive an update on development-related improvements and 2) receive a Draft Ordinance with recommended Text Amendment to improve regulations pertaining to residential development. Council approved a resolution at the February 15 Public Hearing to discuss more global strategies regarding Town regulations at an upcoming work session.

Staff Recommendation
That the Council:
- Approve the Resolution of Consistency with the 2020 Comprehensive Plan, for the proposed Ordinance amending development-related regulations, and
- Enact the Ordinance amending development-related regulations.

Advisory Board/Commission Recommendations:

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<th>Advisory Board/Commission</th>
<th>Support Staff Recommendation?</th>
<th>Notes/Edits</th>
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<td>Planning Commission</td>
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Key Issues:
- Issues raised by Council members at the February 15, 2016 Public Hearing:
  - Council Comment: The Council may want to assess more global strategies for further improvements to Town development regulations, rather than continually making small adjustments.
    - Staff Response: Related to this comment, the Council approved a resolution at the February 15 Public Hearing to discuss broader strategies regarding Town regulations at an upcoming work session.
  - The Council is concerned about “aging in place” and allowing for seniors to make residential improvements and stay in their homes while minimizing tax valuation.
    - Staff recognizes the importance of aging in place and will provide staff support if the Council wishes to pursue strategies to address aging in place with the Orange County Commissioners.
- Proposed Ordinance amendments will advance permitting performance in Development Services by clarifying regulations and simplifying requirements.

1 http://chplan.us/council02152016
2 http://chplan.us/council04272015
3 http://chplan.us/council05272015
4 http://chplan.us/council10192015
Staff Report
Business Meeting – 03/21/2016

Context and Background:
• April 27, 2015 - The Durham-Orange-Chatham Homebuilder’s Association (HBA) petitioned the Council for improvements to the residential development review system.
• May 27, 2015 - The Council received an update from Town staff in response to the HBA petition.
• October 19, 2015 - The Council received an update from Town staff in response to the petition, which provided improvements made to date. The Council approved a resolution calling a Council Public Hearing for February 15, 2016 to consider LUMO Text Amendments pertaining to residential development improvements.
• Following the October 19 update to Council, a series of meetings (including a public information meeting) occurred with the Home Builders Association (HBA) of Durham, Orange and Chatham Counties, Chapel Hill Realtors, and individual builders.
• At the February 15, 2016 Public Hearing, the Council received public feedback, provided comment to staff, and approved a resolution to discuss broader strategies regarding Town regulations at an upcoming work session.
• In response to Council concerns, recent development-related improvements made in Development Services include streamlining processes, procedures and requirements, developing new performance measures, providing better communications to public, and establishing regulatory and technology improvements. Collectively, these changes are advancing the quality of customer service and efficiencies that benefit customers of Chapel Hill’s Development Services.
• In order to maximize the above administrative changes, staff also recommends a package of development-related amendments to the Land Use Management Ordinance.
• These changes are relatively small compared to the more extensive and necessary changes to development-thresholds affecting, for example, what kind of applications the Council and Planning Board review and approve, subdivision regulations, and tree protection regulations. Staff thinks that many long-standing regulations in the Land Use Management Ordinance may unnecessarily extend the time for review and approval of some development applications. We recommend that the Council schedule a work session discussion at a future date to review some of these provisions and consider if adjustments may be possible.
• Staff notes that the Council has already initiated some changes to the Land Use Management Ordinance (LUMO), beginning with the guiding document, Critique and Technical Report\(^5\) of the Ordinance, and implementation of the LUMO Update project\(^6\) and subsequent amendments to the Ordinance.

Fiscal Impact/Resources: The proposed amendment to development-related regulations in the Land Use Management Ordinance will not require additional resources.

\(^5\) http://chplan.us/lumoreport2011
\(^6\) http://chplan.us/lumoupdate
RESOLUTION OF CONSISTENCY
(Approving the Resolution of Consistency)

A RESOLUTION REGARDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE AMENDMENT TO IMPROVE DEVELOPMENT-RELATED REGULATIONS AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2016-03-21/R-8)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) to improve development-related regulations and finds that the amendment, if enacted, 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 Chapel Hill 2020 Comprehensive Plan:

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.3)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal GPNS.8)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (NOC.5)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal NOC.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 21st day of March, 2016.
ORDINANCE

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO IMPROVE DEVELOPMENT-RELATED REGULATIONS (2016-03-21/O-1)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendments to the Land Use Management Ordinance to change development-related provisions and finds that the amendments are necessary to comply with the enabling legislation and are consistent with the goals of the Chapel Hill 2020 Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. That Article 3, Section 3.7, table 3.7-1, the Use Matrix - footnotes of the Chapel Hill Land Use Management Ordinance are hereby revised as follows.

Table 3.7-1: Use Matrix

| Definitions of uses are listed in Appendix A |

KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use;

"P" Permitted as a principal use;

In all zones except OI-3, OI-4 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 20,000 square feet, and area of disturbed land is less than 40,000 square feet; otherwise permitted as a special use. The floor area threshold of 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).
Note: In zoning districts R-1, R-2, R-2A, and R-3, the "— Not Permitted" is effective until June 30, 2003, after which date dwelling unit, duplex shall become a "P" permitted as a principal use.

Section 2. That Article 3, Section 3.8.1, Section 3.8.2, Table 3.8-1, and the footnotes of Table 3.8-1 of the Chapel Hill Land Use Management Ordinance are hereby revised as follows.

[Editor’s Note: the rules for interpretation, presently footnotes of table 3.8-1, are proposed to be relocated to the new Section 3.8.2. No changes to the rules for interpretation except for columns g and h concerning height. The present Section 3.8.1 and Section 3.8.2 are proposed to be merged.]

“3.8.1 Establishment and General Applicability of Dimensional Regulations

Except as otherwise specifically provided in this chapter, regulations governing the dimensions of lots and buildings are hereby established as described in section 3.8.2 and shown in Table 3.8-1.

3.8.2 General Applicability of Dimensional Regulations

(a) No land or structure shall be used or occupied, and no structure, or part thereof, shall be constructed, erected, altered, or moved except in compliance with the dimensional regulations herein specified for each zoning district.

(b) No portion of land used in connection with an existing or proposed structure or use of land and necessary for compliance with the dimensional regulations of this article shall also be used, through sale or otherwise, as part of the land required in connection with any other development.

(c) Except as otherwise provided in this chapter, dimensional regulations applicable to OI-3 and OI-4 zoning districts and planned development zoning lots shall be applied to the district or lot as a whole and not to individual parts thereof.

3.8.2 Dimensional Regulations

About the Building Envelope. Sections (f)-(j) define the three-dimensional building envelope. All structures, or portions thereof, must be placed within the building envelope and may not encroach the building envelope unless specifically exempted by this Appendix.

- Divisions (f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope.

- Divisions (h)-(j) regulate the street, interior, and north setback lines, respectively, which together define the perimeter setback line and horizontal extent of the building envelope.
Definitions. Refer to Appendix A for definitions of applicable terms.

(a) Zoning District. Column (A) refers to the applicable Zoning District. The requirements set forth in sections (b)-(j) below, relate to the zoning district specified in the row under Column (A).

(b) Minimum Lot Size. Column (B) is expressed in square feet of gross land area.

Notes:

(1) Where a zoning lot is located in more than one zoning district, the minimum gross land area required of such zoning lot shall be the sum of the areas derived by multiplying the minimum gross land area required for each represented district by the proportion of the zoning lot located within that district.

(2) For all dwellings, except single-family and Single Family with Accessory Apartment, the minimum lot size is two (2) times the figures shown in Column (B).

(c) Maximum Density. Column (C) applies to all residential uses except single-family dwellings and single family dwellings with Accessory apartments. Column (C) is a maximum residential density, expressed in dwelling units per acre of gross land area.

(d) Minimum Frontage. Column (D) is the minimum width of the lot measured along the street.

Notes:

(1) Where a zoning lot fronts on two (2) or more streets, minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

(2) Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirement shall be thirty (35) feet.

(e) Minimum Lot Width. Column (e) is the minimum width of the lot, expressed in feet, measured at least twenty-five (25) feet interior from the minimum street setback. No portion of a lot, created as part of a subdivision, between a street setback and the opposite interior (rear) setback, shall be less than twenty (20) feet in width.

Exception:

(1) Authorized flag lots, created as part of a subdivision and subject to the lot layout standards in Section 5.2, may contain areas between a street setback and the opposite interior (rear) setback that are less than twenty (20) feet in width. Authorized flag lots shall reach the minimum lot width at a point not to exceed 200 feet from the street right-of-way.
Notes:

(2) Where a zoning lot fronts on two (2) or more streets, minimum lot width requirements shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

(3) Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum lot width shall be reached at a distance derived by the following formula: \( D = 50 \times (W) \times (35) - 50 \), where \( W \) = minimum required lot width, and \( D \) = maximum distance from street right-of-way to where the lot width equals the minimum required width for that district.

(f) Maximum Setback Height Column (F) is the maximum allowable height at the perimeter setback line of a zoning lot, as defined by the minimum street, interior, and solar setbacks.

  (1) Height shall be measured from mean finished grade, along the street façade of the building. Where a structure fronts more than one street, height shall be measured from the lower, more restrictive mean finished grade.

  (2) To determine mean finished grade, take the spot elevations from the highest and lowest points of the foundation. The average of these two (2) spot elevations is the mean finished grade and the elevation from which height measurements are made.

  (3) The entire structure, and all portions thereof, is subject to the maximum setback height.

Exceptions:

A. The structure or part thereof is below the allowable core height, as described in division (g) below.

B. The structure or part thereof is explicitly exempted in section 3.8.3 Exceptions to Setback and Height Requirements, below.

C. The structure or part thereof is explicitly exempted as provided elsewhere in this Appendix.

(4) For purposes of applying setback and height regulations to development within an OI-3 or OI-4 zoning district or within a townhouse development or a planned development, all contiguous land within the district, townhouse development, or planned development shall be considered as a single zoning lot.

(g) Maximum Core Height: Column (G) is the maximum allowable height in the interior or core area of a lot. The core height provides additional allowable height on the interior of a zoning lot based on the horizontal distance measured away from the perimeter setback line.
of the lot. The allowable core height increases with the distance interior to the lot, measured from the perimeter setback line at a rate described below.

(1) In all Zoning Districts, except those explicitly named in subdivision (2), the allowable core height increases at a rate of one (1) feet in height for every two (2) feet of distance interior to the lot, measured away from the perimeter setbacks. This is equivalent to a slope of \( \frac{1}{2} \) (rise/run) or 1:2.

(2) In the Town Center – 1 to 3, Office/Institutional 3 to 4 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 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.

(3) No structure, or part thereof, shall project beyond the allowable core height of a structure or part thereof.

Exceptions:

A. The structure or part thereof is explicitly exempted in section 3.8.3 Exceptions to Setback and Height Requirements, below.

B. The structure or part thereof is explicitly exempted as provided elsewhere in this Appendix.

(4) If a structure is located in the vicinity of an airport, the height limitations set forth in Federal Aviation Regulations, Part 77, or successor regulations, shall apply where such limitations are stricter than those established in this appendix.

(h) Minimum Street Setback. Column (H) establishes a minimum setback from the street right-of-way line. Where a zoning lot fronts on a street with a right-of-way width not meeting the standards of this appendix, street setback shall be measured from a line running parallel to the centerline of the street at a distance from such centerline equal to one-half (1/2) the standard right-of-way width for the street.

Exception:

(1) The Town Manager or Town Council may exempt lots from this requirement upon making one of the following findings:

A. Where a building line has already been established by existing structures along the block which are situated on lots comprising at least twenty-five (25) per cent
of the street frontage, the building may be constructed at the established building line; or

B. The existing right-of-way is adequate to encompass any anticipated need for widening of the street or other improvements, and widening of the right-of-way to town standards would create nonconforming street setbacks for other structures on the street.

(i) Minimum Interior Setback. Column (I) establishes a minimum setback measured from the interior lot lines.

Exception:

(1) The interior setback requirements may be reduced to zero (0) under certain conditions (see section 5.2.8.).

Note:

(2) Side setbacks are set at zero (0) in many non-residential districts in order to encourage the formation of a street wall, as is found in traditional commercial centers such as the TC district along Franklin Street.

(j) Minimum Solar Setback. Column J establishes a minimum setback measured from north lot lines. Where a solar setback and either a street or interior setback both apply to the same portion of a lot line, the required minimum setback shall be the greater of the two.

Exceptions:

(1) The solar setback may be reduced to zero (0) under certain conditions (see section 5.2.8).

(2) Minimum solar setback requirements shall not apply to any structure, or part thereof, when the proposed height of the structure is 90%, or less, of the maximum allowed setback height. In such cases, the lesser interior setback may be used instead.

(k) Maximum Impervious Surface Ratio. Column K establishes the maximum ratio of impervious surface on a lot. The maximum amount of impervious surface area is derived by multiplying the gross land area of the lot by the ratio established in Column (K) and as described below:

(1) Residential development: (.50)

(2) Non-residential or mixed-use development: (.70).

Exception:

(3) Impervious surface restrictions shall not apply to town center zoning districts.
(l) Maximum Floor Area Ratio. Maximum floor area allowed shall be the number of square feet derived by multiplying gross land area by the applicable floor area ratio (FAR), as shown in Table 3.8-1.

Exceptions:

(1) A maximum floor area ratio shall not apply to single-family dwelling units (with or without an accessory apartment).

(2) For two-family duplex dwellings on a single zoning lot, the floor area ratio shall be .40 in all zones and overlay zones, except where the overlay zone establishes a more restrictive floor area ratio for duplexes.

(3) A maximum floor area ratio shall not apply to public cultural facilities.

(4) For public elementary and secondary schools, the maximum floor area ratio shall be 0.174 unless a higher floor area ratio is established in Column (L).

(5) Where a lot is partially within the resource conservation district, the maximum allowable floor area of the portion of the lot outside of the resource conservation district shall be calculated as the sum of:

A. The product of, and

   (i) The floor area ratio of the portion of the zoning lot outside the resource conservation district, and

   (ii) The area, in square feet, of the portion of the zoning lot outside the resource conservation district

B. The product of

   (i) The floor area ratio applicable to a permitted use in the resource conservation district, and

   (ii) The area, in square feet, of the portion of the zoning lot within the resource conservation district.

[Dimensional Matrix begins on next page]

[Relocate Table 3.8-1 to start on the next page after Division 3.8.2 (l)]

[Editor’s note: The rules for interpretation, currently footnotes to Table 3.8-1, are proposed to be reformatted and relocated to be placed within section 3.8.2. The Dimensional Matrix, Table 3.8-1 would follow section 3.8.2. Two existing footnotes are proposed to remain after the table: 1) the explanation of “N/A” and 2) a note regarding exempt subdivisions in RLD-5 zoning districts.]

“Rules for Interpretation of Table 3.8-1:

Footnotes
Generally. The requirements for the parameters set forth in Columns (B) through (L), above, relate to the zoning district specified in the row under Column (A), above. Refer to Appendix A for definitions of "Building Envelope" and "Height."

(1) The notation "N/A" indicates that the requirement does not apply within the particular zoning district.

The dimensions specified in Columns (D) through (J) are expressed in linear feet. The dimensions specified in Column (B) are expressed in square feet. Columns (K) and (L) are ratios applied to the gross land area of a site. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout Standards (Section 5.2 of this Chapter).

(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.

Column (A): Column (A) refers to the applicable Zoning District.

Column (B): The minimum lot size figures are expressed in square feet. Where a zoning lot is located in more than one zoning district, the minimum gross land area required of such zoning lot shall be the sum of the areas derived by multiplying the minimum gross land area required for each represented district by the proportion of the zoning lot located within that district. For all dwellings, except single-family, the minimum lot size is two (2) times the figures shown in Column (B).

Column (C): Applies to all residential uses except single-family dwellings. The maximum density requirements (Column (C)) are expressed in dwelling units per gross acre.

Column (D): Where a zoning lot fronts on two (2) or more streets, minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements. Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirement shall be thirty (35) feet.

Column (E): The width of a zoning lot shall equal or exceed the required minimum lot width for a depth of at least twenty-five (25) feet from the minimum street setback. Except for an authorized flag lot, no portion of a lot, created as part of a subdivision, between a street setback and the opposite interior (rear) setback, shall be less than twenty (20) feet in width. Where a zoning lot fronts on two (2) or more streets, minimum lot width requirements shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement. Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum lot width shall be reached at a
distance derived by the following formula: \( D = 50 \times (W) \times (35) - 50 \), where \( W \) = minimum required lot width, and \( D \) = maximum distance from street right-of-way to where the lot width equals the minimum required width for that district. Flag lots shall reach the minimum lot width at a point not to exceed 200 feet from the street right-of-way.

**Columns (F) and (G):** (Note definition of "Building Envelope" in Appendix A). Building height is expressed in feet. Column (F) refers to height at the setback lines, while Column (G) imposes an absolute maximum in the event that upper floors contain additional setbacks as described below. Except where provided for additional setbacks in subsections (1) and (2), below, or where otherwise specifically provided by this chapter, no structure, or part thereof, shall project beyond the building envelope defined by the minimum street, interior, and solar setbacks and the maximum heights established in the dimensional matrix for the zoning district in which such structure is located. For purposes of applying the following setback and height regulations to development within an OI-3 or OI-4 zoning district or within a townhouse development or a planned development, all contiguous land within the district, townhouse development, or planned development shall be considered as a single zoning lot. Height may exceed the primary height limit (Column (F)), up to the amount established in the secondary height limit (Column (G)), in accordance with the following:

Except for the town center, mixed use zoning districts, office/institutional-3, and office/institutional-4 zoning districts, the height of a structure may exceed the primary height limitation established in the dimensional matrix, provided that for each foot the height of such structure exceeds the primary height limitation, the minimum street, solar, and interior setbacks applicable to that portion of the structure exceeding the primary height limitation shall be increased by two (2) feet.

In the town center, mixed use zoning districts, office/institutional-3, and office/institutional-4 zoning districts, the height of a structure may exceed the primary height limitation established in the dimensional matrix provided that for each foot the height of such structure exceeds the primary height limitation, the minimum street and interior setbacks applicable to that portion of the structure exceeding the primary height limitation shall be increased by one foot, and the minimum solar setback applicable to that portion of the structure exceeding the primary height limitation shall be increased by one and seven-tenths (1.7) feet.

If a structure is located in the vicinity of an airport, the height limitations set forth in Federal Aviation Regulations, Part 77, or successor regulations, shall apply where such limitations are stricter than those established in this appendix.

**Columns (H):** Column (H) establishes a minimum setback from the street right-of-way line. Where a zoning lot fronts on a street with a right-of-way width not meeting the standards of this appendix, street setback shall be measured from a line running parallel to the centerline of the street at a distance from such centerline equal to one-half (1/2) the standard right-of-way width for the street. The town manager or town council may exempt lots from this requirement upon making one of the following findings:
Where a building line has already been established by existing structures along the block which are situated on lots comprising at least twenty-five (25) percent of the street frontage, the building may be constructed at the established building line; or

The existing right-of-way is adequate to encompass any anticipated need for widening of the street or other improvements, and widening of the right-of-way to town standards would create nonconforming street setbacks for other structures on the street.

Column (I): The interior setback requirements may be reduced to zero (0) under certain conditions (see section 5.2.8.). Additional setbacks are required for height increases as set forth in the reference notes to Column (H), above. Side setbacks are set at zero (0) in many non-residential districts in order to encourage the formation of a street wall, as is found in traditional commercial centers such as the TC district along Franklin Street.

Column (J): The solar setback may be reduced to zero (0) under certain conditions (see section 5.2.8). Minimum solar setback requirements shall not apply to any structure, or part thereof, where it is demonstrated to the town manager that the extent of the shadows projected for such structure at noon on the winter solstice does not exceed the maximum horizontal shadow pattern permitted by application of the minimum solar setback and maximum height limitations. Where a solar setback and either a street or interior setback both apply to the same portion of a lot line, the required minimum setback shall be the greater of the two (2).

Column (K): The maximum amount of impervious surface on a lot, including building footprints and paved parking areas, is derived by multiplying the gross land area of the lot by the ratio established in Column (K). The maximum impervious surface ratio is .50 for residential development. For development with a non-residential component, the impervious surface ratio is .70. Impervious surface restrictions shall not apply to town center zoning districts.

Column (L): Maximum floor area allowed shall be the number of square feet derived by multiplying gross land area by the applicable floor area ratio (FAR), as shown in Table 3.8-1. A maximum floor area ratio shall not apply to public cultural facilities or single-family dwelling units (with or without an accessory apartment). Where a lot is partially within the resource conservation district, the maximum allowable floor area of the portion of the lot outside of the resource conservation district shall be calculated as the sum of: (a) the product of (1) the floor area ratio of the portion of the zoning lot outside the resource conservation district, and (2) the area, in square feet, of the portion of the zoning lot outside the resource conservation district; and (b) the product of (1) the floor area ratio applicable to a permitted use in the resource conservation district, and (2) the area, in square feet, of the portion of the zoning lot within the resource conservation district.

For two-family duplex dwellings on a single zoning lot, the floor area ratio shall be .40 in all zones and overlay zones.
For public elementary and secondary schools, the maximum floor area ratio shall be .174 unless a higher floor area ratio is established in Column (L).”

Section 3. That Article 3, Section 3.8.3 of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

“3.8.3 Exceptions to Setback and Height Regulations

(a) The following features shall not be subject to the required minimum setbacks provided the town manager determines that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements:

(1) Roof overhangs which do not exceed thirty-six (36) inches in length;

(2) Free-standing signs and projecting signs, provided such signs comply with the sign standards established in section 5.14;

(3) Fences and walls not exceeding six (6) feet in height;

(4) Flagpoles, home satellite dishes and TV antennas, bridges, and transmission poles, towers, and cables; and

(5) The decking of patios. Patios, decks and swimming pools not exceeding three (3) feet in height, provided they are not constructed closer than five (5) feet from the property line of the zoning lot. Protective railings, as required by building code, may be added to the decking height.

(b) The following features may project above the building envelope defined by the maximum height limitations and additional setback requirements contained in Rules for Interpretation of Table 3.8-1, Columns (F) and (G), below, provided the town manager determines that such features do not significantly impair the degree of solar access provided adjacent properties through application of the appropriate solar setback requirements:

(1) Chimneys, accessory radio or television antennas, flagpoles, monuments, cupolas, parapets, dormers, clock towers or decorative towers with a footprint not exceeding twenty (20) percent of the principal building, provided the projection of such structures above the building envelope does not exceed fifteen (15) percent of the maximum height limitation that defines the portion of the building envelope penetrated by such structures; (Ord. No. 2004-02-23/O-2)
(2) Steeples, or solar collectors, provided the projection of such structures above the building envelope does not exceed fifteen (15) percent of the maximum height limitation that defines the portion of the building envelope penetrated by such structures;

(3) Spires, smokestacks, water tanks, windmills, radio and television transmitting towers, or relay towers, provided such structures do not exceed in height the horizontal distance therefrom to the nearest lot line; and

(4) Transmission poles, towers, and cables.”

Section 4. That Article 4, Section 4.6.3(b) of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

“(b) Minor subdivision—Planning commission review.

The minor subdivision—planning commission review approval process is a one-step procedure involving planning commission approval of a final plat. A minor subdivision eligible for planning commission review is a subdivision not included in subsection 4.6.3(a) that does not:

(1) Create more than four (4) lots from any one tract of land or lots of record on October 8, 1956, whether such lots are created at one time or over an extended period of time; and

(2) Dedicate or improve any new street other than widening approved existing streets; and

(3) Extend a public water or sanitary sewerage system other than laterals to individual lots; and

(4) Install drainage improvements which would require easements through one or more lots to serve other lots.”

Section 5. That Article 4, Section 4.9.1 of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

“4.9.1. Applicability.

(a) Except as otherwise specifically provided in this chapter, it shall be unlawful to begin any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development, or to begin any construction, moving, alteration, or renovation, except for ordinary repairs or maintenance, of any building or other structure, including accessory structures and signs, until the town manager has issued for such action a zoning compliance permit, certifying that such development complies with the applicable provisions of this chapter. After cursory review, the town manager or designee, may not require a zoning compliance permit for smaller-scale single- or two-family residential activities, such as landscaping and construction of decks, porches, sheds, garages, and stoops.
(b) It shall also be unlawful to change the type of use or type of occupancy of any land or structure, or to extend any use on any lot on which exists a nonconforming use, until the town manager has issued for such action a zoning compliance permit, certifying that such intended uses comply with the applicable provisions of this chapter.

(c) Thresholds for Exceptions to Zoning Compliance Permit Requirement: Single family development meeting all conditions contained in this section 4.9.1(c) may be exempted from the requirement to obtain a zoning compliance permit after an initial review by the town manager or designee.

1) The project adds less than 500 square feet of impervious surface area
2) The project includes less than 1,500 square feet of land disturbance
3) The project does not include grading or filling of soil
4) The project is at least 5 feet away from the nearest setback line and building height limitation
5) The project work limits are at least five (5) feet from the boundary of any Resource Conservation District or Jordan Watershed Riparian Buffer
6) The project is not occurring within the regulatory floodplain
7) The project does not contain steep slopes as defined in section 5.3.2 of this ordinance

Section 6. That Article 4, Section 4.9.2(b) of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

4.9.2. Procedures.

“(b) Action on the application.

The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable provisions of this chapter, including all applicable conditions of an approved special use permit, major or minor subdivision, site plan review, or certificate or appropriateness, and shall be one of the following:

(1) Approval of application; or
(2) Approval of application subject to reasonable conditions to ensure compliance with applicable regulations and conditions; or
(3) Denial of application.

Final action shall be taken within thirty staff (30) working days of the acceptance of an a zoning compliance permit application, or within such further time consented to by written notice from the applicant or by town council resolution. Failure of the town manager to reach a decision within the prescribed time limit, or extensions thereof, shall result in the approval of the application as submitted.”
Section 7. That Article 5, Section 5.3.2(d) of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

“(d) Contents of application Requirements.
The following information shall be provided for any application proposing development where the project area includes an area of steep slopes:

(1) A slope and topographic map for both existing and proposed conditions based on a map depicting contours at an interval of 2 feet or less. The map shall indicate, through cross-hatching or separate colors, all areas within each slope category described in Table 5.3-1, below.
(2) The location of any existing swales, streams, or other areas of concentrated flow.
(3) A map showing current land use cover type or ground cover on steep slopes.
(4) A map showing soil types for the whole site, and providing from the county soil survey the names of the soil types and depths to bedrock for each type.
(5) Additional information may be required if steep slopes will be impacted by development.

(6) Applications for subdivisions shall include a slope and topographic map for both existing and proposed conditions based on a map depicting contours at an interval of two (2) feet or less. The map shall indicate, through cross-hatching or separate colors, all areas within each slope category described in Table 5.3-1, below. Areas containing slopes of 4:1 (25%) or steeper shall be called out on recorded subdivision plats for single – and two-family development along with a note that reads “No more than 25% of the total combined area of 4:1 (25%) or steeper shall be disturbed.”

Section 8. That Article 5, Section 5.9.5 of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:

“5.9.5. Parking Design Standards.

All parking areas shall meet the following minimum design requirement:

(a) Ingress to and egress from parking areas shall conform to the design manual for such features as curbs, driveway cuts, etc.
(b) In the town center, TND or TOD districts, if a setback is provided between a principal structure and a street, such setback shall not be used for off-street parking.
(c) Except for single – or two-family dwellings, all parking spaces and maneuvering space shall be surfaced with an all-weather material or gravel, which shall be maintained in a safe and sanitary condition. This division (c) does not apply to parking areas that are not within the front yard area of a single-family zoning lot.
(d) No parking area or maneuvering space shall be located within a public street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.
(e) The size of parking spaces shall be adequate for the safe parking of vehicles and maneuvering space shall be provided so that parking movements and un-parking can be accomplished in one continuous maneuver. Parking facilities designed to accommodate five (5) or more vehicles shall be designed in accord with the standards for stalls and aisles as set forth in the standard details and specifications.

(f) Curbed islands shall be required at the ends of or between parking aisles where necessary for traffic control or drainage control.

(g) Except for single- or two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

(h) Parking facilities shall be designed to connect with parking facilities on adjacent zoning lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.

(i) All off-street parking facilities shall be provided with a drainage system meeting the design standards contained in section 5.4.

(j) All lighting of and within parking facilities shall conform to the lighting design standards contained in section 5.11.

(k) Adequate provision shall be made for the ventilation, dispersion, and removal of smoke and gases from above-ground and below-ground parking structures.

(l) Parking facilities designed to accommodate five (5) or more vehicles shall provide areas as necessary for the parking of motorcycles, mopeds, and bicycles. Such areas shall be clearly defined and reserved for the exclusive use by motorcycles, mopeds, and bicycles.

(m) Parking facilities designed with the appropriate number, size and type of handicapped parking spaces, ramps, crosswalks and associated infrastructure to comply the Americans With Disabilities Act standards, North Carolina Accessibility Code, and town standard. Such spaces shall be clearly defined and reserved for the exclusive use by handicapped persons.

(n) Parking facilities shall be designed with walkways and lighting to facilitate safe walking movements to and from parked vehicle.”

Section 9. That Article 5, Section 5.12.1(a)(1) of the Chapel Hill Land Use Management Ordinance is hereby revised as follows:


(a) Service by public systems.

(1) All development within the boundaries of Chapel Hill's Urban Services Area, as defined in the comprehensive plan, shall be served by a public water supply and a public sanitary sewer system. No zoning compliance permit or building permit shall be issued for any structure within the town's urban services area (as defined in the comprehensive plan), absent evidence that the structure can be served by public water and sewer facilities. Existing development not served by public water and sewer shall not be considered as nonconforming within the meaning of article 7 of this chapter. Provided however that permits may be issued to authorize the reconstruction, rehabilitation,
renovation, or expansion of a development existing on or before January 27, 2003, whether or not such development is served by a public water supply and a public sanitary sewer system, subject to applicable regulations, including demonstration of compliance with county health department regulations. (Ord. No. 2003-09-22/O-2, § 1)

**Exception:** The town manager, or designee, may exempt single- and two-family development from the requirement for public water and sewer facilities, based on the presentation of substantial evidence by the applicant that such public facilities are not immediately adjacent to the lot and are not accessible by private lateral utility service lines. A letter from the Orange Water and Sewer Authority or successor agency stating that an extension of public water or sewer main would be required to serve the subject property shall constitute substantial evidence as described above. New development that is granted this exception, to allow private water or sewer facilities, shall connect to public water and sewer facilities, by private lateral utility service lines, at such time that public facilities become accessible by private lateral utility service lines.”

Section 10. That the following definitions in Appendix A of the Chapel Hill Land Use Management Ordinance are hereby revised as follows:

“About the Building Envelope. Sections (f)-(j) define the three-dimensional building envelope. All structures, or portions thereof, must be placed within the building envelope and may not encroach the building envelope unless specifically exempted by this Appendix.

- Divisions (f) and (g) regulate the setback height and core height which together define the vertical extent of the building envelope.
- Divisions (h)-(j) regulate the street, interior, and north setbacks, which together define the perimeter setbacks and horizontal extent of the building envelope.
- Building envelope: The three-dimensional space within which a structure is permitted to be built on a zoning lot, and which is defined by setback and height regulations. Divisions 3.8.2 (f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope. Divisions 3.8.2 (h)-(j) regulate the street, interior, and north setback lines, respectively, which together define the perimeter setbacks and horizontal extent of the building envelope.”

“Developer: A person who undertakes land disturbance development activities.”

“Development: Any man-made change to improved or unimproved real estate, including, but not limited to: the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing of vegetation; any division of a parcel of land
into two (2) or more parcels and any use or some changes in use of any structures or land. Development shall may also include any land disturbing activity on improved or unimproved real estate that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.”

“Height (of a structure or part thereof) The vertical distance from the mean natural grade Mean Finished Grade at the foundation along the street façade to the highest portion of the structure, or part thereof. To determine mean finished grade, take the spot elevations from the highest and lowest points of the foundation. The average of these two (2) spot elevations is the mean finished grade and the elevation from which height measurements are made.”

“Height limitation, primary setback height: The maximum height allowed for any structure located at the perimeter setbacks on a zoning lot, as defined by the applicable minimum setback lines. The setback height is the lower limit of the vertical portion of the building envelope. Setback heights are established in Division 3.8.2(f) at the minimum setback required for such structure. The minimum setbacks and primary/secondary height limits are established in the dimensional matrix, section 3.8, Table 3.8-1.”

“Height limitation, secondary core height: The absolute maximum height allowed for any structure located in the interior or core area of a lot. The core height is the upper limit of the vertical portion of the building envelope. The allowable core height, at any given point on a lot, increases with the horizontal distance interior to the lot, measured away from the perimeter setback lines. Core heights are established in Division 3.8.2(g) as shown in section 3.8: “

“Lot line, interior: Any lot line that is not a street lot line; a lot line separating a lot from another lot. Where a lot line is located within an access easement that does not meet the standards of a street contained within this appendix, the easement boundary adjacent to the lot shall be considered the interior lot line.”

Section 11. That this ordinance shall be effective the date it is enacted.

This the 21st day of March, 2016.
Residential Improvement Text Amendments
streamlining zoning compliance approvals for residential projects

Contents
How to use this chart: .................................................................................................................................................................................................... 1
Article 3. – Zoning Districts, Uses, and Dimensional Standards..................................................................................................................................... 2
Article 4- Procedures...................................................................................................................................................................................................... 4
Article 5- Design and Development Standards .............................................................................................................................................................. 5
Appendix A Definitions .................................................................................................................................................................................................. 7

How to use this chart:
This chart is organized by article of the Land Use Management Ordinance (LUMO) and the proposed Text Amendments (or changes) appear in order by their article and section. The column on the left is the Section of the LUMO that is propped to change. The middle column is the proposed change. A key describing the text mark-ups appears on the bottom of each page. The column to the right is an explanation of the proposed change. The changes are identified as either clarifications or considerations.

Clarifications are edits designed to improve the clarity, consistency and predictability of the language used in the LUMO regulations. They do not include changes to the regulations themselves.

Considerations are edits to improve the usability, predictability, of the regulations. The intent of these considerations is to make the regulations for single family houses easier to understand and easier to follow and enforce while maintaining the intended outcomes and benefits from the existing regulations

Prepared by: Jay Heikes, Office of Planning and Sustainability
Last Revised: January 9, 2016

Key for proposed text edits: Added | Removed | Unchanged | [ACTION]
## Article 3. – Zoning Districts, Uses, and Dimensional Standards

<table>
<thead>
<tr>
<th>Reference</th>
<th>Proposed Change</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>3.7 Use Regulations</td>
<td>Note: In zoning districts R-1, R-2, R-2A, and R-3, the &quot;—&quot; Not Permitted is effective until June 30, 2003, after which date dwelling unit, duplex shall become a &quot;P&quot; permitted as a principal use</td>
<td>CONSISTENCY / CLARIFICATION This change removes a redundant footnote that duplicates information that was added to table 3.7-1 as part of Ordinance No. 2004-02-23/O-2</td>
</tr>
<tr>
<td>Table 3.7-1 “footnote”</td>
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<tr>
<td>3.8 Dimensional Standards</td>
<td>(a)(4) Flagpoles, <strong>home satellite dishes and TV antennas</strong>, bridges, and transmission poles, towers, and cables; and</td>
<td>CONSISTENCY / CLARIFICATION Code of Federal Regulations Chapter 47, Section 1.4000 prohibits restrictions on the following with regards to home satellite dishes and TV antennas: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal. Given Chapel Hill’s tree cover, there are many lots where the setback is the only logical place for a satellite dish, alternative placement may not meet these 3 conditions.</td>
</tr>
<tr>
<td>3.8.3 “Exceptions to Setback and Height Regulations”</td>
<td>(a)(5) The decking of <strong>patios</strong>, decks and swimming pools not exceeding three (3) feet in height, provided they are not constructed closer than five (5) feet from the property line of the zoning lot. <strong>Protective railings, as required by building code, may be added to the decking height.</strong></td>
<td>CONSISTENCY / CLARIFICATION State building code requires railings on decks in excess of 24” in height. The new language clarifies that the 3 foot height restriction applies to the decking. This is consistent with the exception allowing fences and walls up to 6 feet in height up to the property line.</td>
</tr>
<tr>
<td>3.8.3 “Exceptions to Setback and Height Regulations”</td>
<td>(b)(1) Chimneys, accessory radio or television antennas, flagpoles, monuments, cupolas, <strong>parapets, dormers</strong>, clock towers or decorative towers with a footprint not exceeding twenty (20) percent (20) of the principal building, provided the projection of such structures above the building envelope does not exceed fifteen (15) percent of the maximum height limitation that defines the portion of the building envelope penetrated by such structures;</td>
<td>CONSISTENCY Inclusion of additional similar architectural features into building height envelope exceptions.</td>
</tr>
<tr>
<td>Table 3.8-1</td>
<td><strong>Combine Sections 3.8.1 and 3.8.2. Relocate footnotes to new</strong></td>
<td>CONSISTENCY / CLARIFICATION</td>
</tr>
</tbody>
</table>
section 3.8.2, adopt lettering scheme that matches table columns] [relocate table 3.8-1 to be after new section 3.8.2

This change increases the readability of the dimensional requirements. The current rules for the dimensional table are located in the footnotes. This change moves them to a new section in front of the dimensional table. The rules themselves do not change but improvements to organization and language are made. See attached Ordinance for details.

| Table 3.8-1 “Rules for Interpretation of Table 3.8-1” | Columns (F), (G), and (J) (Primary and Secondary Height, Building Envelope, Solar Setback) | NOTES:
| | | • [Clarify / reorganize these sections]
| | | • {rewritten sections 3.8.2(f) and 3.8.2(g)}
| | | • {base height measurements on mean finished grade on the street façade of the finished structure}
| | | • {rename Primary height: Setback Height}
| | | • {rename Secondary height: Core Height}
| | | • {confirm that all portions of a structure must be under the height limit unless specifically exempted}
| | | • {Division (j-2) Minimum solar setback requirements shall not apply to any structure, or part thereof, when the proposed height of the structure is 90%, or less, of the maximum allowed setback height. In such cases, the lesser interior setback may be used instead.}
| | | CLARIFICATION / CONSIDERATION
| | | The following changes increase the readability of the dimensional requirements and the ease of applying and enforcing these regulations. The height limits themselves are not proposed to change. See also definitions for height, and height limitations.
| | | Solar setback amendment to allow application of standard interior setback in cases where the setback height is 90% or less than the maximum allowed. See attached Ordinance for details.

| New Section 3.8.2“Building Envelope” | About the Building Envelope. Sections (f)-(j) define the three-dimensional building envelope. All structures, or portions thereof, must be placed within the building envelope and may not encroach the building envelope unless specifically exempted by this Appendix.
| | • Divisions (f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope.
| | • Divisions (h)-(j) regulate the street, interior, and north setbacks, respectively, which together define the perimeter setback line and horizontal extent of the building envelope.
| | CLARIFICATION / CONSIDERATION
| | This addition helps to explain what the building envelope is, what the applicable requirements are related to the building envelope, and how its components interact to create the three-dimensional dimensional requirement.
### Article 4- Procedures

<table>
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<tr>
<th>Reference</th>
<th>Proposed Change</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.6 Subdivisions</strong></td>
<td>(b)(1) Create more than four (4) lots from any one tract of land or lots of record on October 8, 1956, whether such lots are created at one time or over an extended period of time; and</td>
<td><strong>CLARIFICATION</strong> This date used to determine whether or not a subdivision is creating more than 4 lots.</td>
</tr>
</tbody>
</table>

| **4.9 Zoning Compliance Permit** | **CONSIDERATION** Adds flexibility for staff to exempt small projects, after a review of exhibits and other information from the applicant, from the requirements of a Zoning Compliance Permit. Current practice is to require a Zoning Compliance Permit. | **NOTE:** all projects exempted from the Zoning Compliance Permit requirement must still comply with all applicable provisions of LUMO such as use, setbacks, and height. If changed, the project would no longer require an actual Zoning Compliance Permit. |

| [Insert new division 4.9.1 (c)] | **Exemptions:** Single Family Development meeting all of the conditions contained in this division 4.9.1(c) shall be exempt from the requirement to obtain a Zoning Compliance Permit: | **CONSIDERATION** Adds flexibility for staff to exempt small projects, after a review of exhibits and other information from the applicant, from the requirements of a Zoning Compliance Permit. Current practice is to require a Minor Zoning Compliance Permit. |
| | 1) **The project adds less than 500 square feet of impervious surface area** | This section establishes a set of thresholds to apply to applications for residential projects. If a project meets all thresholds, it would qualify for this exemption. The project would still be reviewed, but it |
| | 2) **The project includes less than 1,500 square feet of land disturbance** | |
| | 3) **The project does not include the grading of soil** | |
| | 4) **The project is at least 5 feet away from the nearest setback line and 3 feet away from the nearest building height limitation** | |
5) The project is at least 15 feet from the boundary of any Resource Conservation District or Jordan Watershed Riparian Buffer
6) The project is not occurring within the regulatory floodplain
7) The project does not contain steep slopes as defined in section 5.3.2 of this ordinance

This new section mirrors language found in section 4.7 of LUMO that establishes thresholds for site plan review.

NOTE: all projects exempted from a Zoning Compliance Permit must still comply with all applicable provisions of LUMO, the project would just not receive a Zoning Compliance Permit.

4.9.2 “Procedures” (b) action on the application

Final action shall be taken within thirty (30) staff working days of the acceptance of a zoning compliance permit application, or within such further time consented to by written notice from the applicant or by town council resolution. Failure of the town manager to reach a decision within the prescribed time limit, or extensions thereof, shall result in the approval of the application as submitted.

CLAIRIFICATION
This clarification established that the timeline is days the application is spent in staff’s care and does not include time the applicant is revising the application.

### Article 5- Design and Development Standards

<table>
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<tr>
<th>Reference</th>
<th>Proposed Change</th>
<th>Explanation</th>
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</thead>
<tbody>
<tr>
<td>5.3 Critical areas and environmental performance standards</td>
<td></td>
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</tbody>
</table>
| 5.3.2 “Steep Slopes” (a) For purposes of this section, "slope" means the ratio of elevation change to horizontal distance, expressed as a percentage. | CLARIFICATION
Corrects typo from per-centage to percentage |
| 5.3.2 (d) “steep Slopes” (6) Applications for subdivisions shall include a slope and topographic map for both existing and proposed conditions based on a map depicting contours at an interval of 2 feet or less. The map shall indicate, through cross-hatching or separate colors, all areas within each slope category described in Table 5.3-1, below. Areas containing slopes of 4:1 (25%) or steeper shall be called out on recorded subdivision plats for single – and CONSIDERATION:
Shifts requirement of identifying steep slopes for single- and two- family development to the subdivision process and requires areas where development is limited by steep slopes to be shown on the subdivision plat itself. This will create a more transparent process and will make it easier to explain |
### 5.9 Parking and Loading

#### 5.9.5 Parking Design Standards

Except for single- or two-family dwellings, all parking spaces and maneuvering space shall be surfaced with an all-weather material or gravel, which shall be maintained in a safe and sanitary condition. **This division (c) does not apply to parking areas that are not within the front yard area of a single family zoning lot.**

**CONSISTENCY** Eliminates conflict with requirement for all-weather surface contained in section 5.9.9 (b). and Duplex parking standards in section 6.19

### 5.12 Utilities

#### 5.12.1 “Water and Sewerage”

(a) Service by public systems

(1) All development within the boundaries of Chapel Hill's Urban Services Area, as defined in the comprehensive plan, shall be served by a public water supply and a public sanitary sewer system. No zoning compliance permit or building permit shall be issued for any structure within the town's urban services area (as defined in the comprehensive plan), absent evidence that the structure can be served by public water and sewer facilities. Existing development not served by public water and sewer shall not be considered as nonconforming within the meaning of article 7 of this chapter. Provided however that permits may be issued to authorize the reconstruction, rehabilitation, renovation, or expansion of a development existing on or before January 27, 2003, whether or not such development is served by a public water supply and a public sanitary sewer system, subject to applicable regulations, including demonstration of compliance with county health department regulations. (Ord. No. 2003-09-22/O-2, § 1)

**Exception:** The town manager, or designee, may exempt single- and two-family development from the requirement for public

**CONSIDERATION**

LUMO currently requires all new homes within the Urban Services Boundary to connect to OWASA water and sewer, regardless of whether or not service is available near the property. A variance is required to construct a well and/or a septic system. Over the last 10 years, 93% of properties that requested such a variance were granted one.

The new language in this section establishes a threshold for when connections are required. Typically, if utilities are not immediately adjacent, applicants will seek to work with neighboring properties to redraw lot lines to gain access to public utility mains. In some cases this is not possible, or utilities are more than one property away, in these cases an extension of the public water or sewer main is required. Construction of new public mains is almost universally cost prohibitive for an individual property and results in a variance from this requirement.

The Orange Water and Sewer Authority (OWASA) currently determines where connections may be made to public water and sewer mains. When the
water and sewer facilities, based on the presentation of substantial evidence by the applicant that such public facilities are not immediately adjacent to the lot and are not accessible by private lateral utility service lines. A letter from the Orange Water and Sewer Authority or successor agency stating that an extension of public water or sewer main would be the only alternative to is to extend a main, OWASA is currently presenting this information to applicants. For additional information, see attached technical memo on utility variances and attached Ordinance.

### Appendix A Definitions

<table>
<thead>
<tr>
<th>Reference</th>
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</tr>
</thead>
<tbody>
<tr>
<td>“Building Envelope”</td>
<td><strong>Building envelope</strong>: The three-dimensional space within which a structure is permitted to be built on a zoning lot, and which is defined by setback and height regulations. Divisions 3.8.2 (f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope. Divisions 3.8.2 (h)-(j) regulate the street, interior, and north setback lines, respectively, which together define the perimeter setback line and horizontal extent of the building envelope.</td>
<td><strong>CLARIFICATION</strong> This addition to the definition matches a new explanation added to the new section 3.8.2</td>
</tr>
<tr>
<td>“Developer”</td>
<td><strong>Developer</strong>: A person who undertakes land disturbance <strong>development</strong> activities.</td>
<td><strong>CLARIFICATION</strong> Development is a broader definition than land disturbance.</td>
</tr>
<tr>
<td>“Development”</td>
<td><strong>Development</strong>: Any man-made change to improved or unimproved real estate, including, but not limited to: the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing of vegetation; any division of a parcel of land into two (2) or more parcels and any use of some changes in use of any structures or land. Development shall <strong>may</strong> also include any land disturbing activity on improved or unimproved real estate that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.</td>
<td><strong>CLARIFICATION</strong> Changes to make the definition less redundant and easier to read.</td>
</tr>
<tr>
<td>“Height”</td>
<td><strong>Height (of a structure or part thereof)</strong>: The vertical distance</td>
<td><strong>CONSIDERATION / CLARIFICATION</strong></td>
</tr>
</tbody>
</table>
from the mean natural grade to the highest portion of the structure, or part thereof. To determine mean finished grade, take the spot elevations from the highest and lowest points of the foundation. The average of these two spot elevations is the mean finished grade and the elevation from which height measurements are made.

**Primary Height**

*Height limitation, primary setback height:* The maximum height allowed for any structure located at the perimeter setbacks on a zoning lot, as defined by the applicable minimum setback lines. The setback height is the lower limit of the vertical portion of the building envelope. Setback heights are established in Division 3.8.2(f) at the minimum setback required for such structure. The minimum setbacks and primary/secondary height limits are established in the dimensional matrix, section 3.8, Table 3.8-1.

**Secondary Height**

*Height limitation, secondary core height:* The absolute maximum height allowed for any structure located in the interior or core area of a lot. The core height is the upper limit of the vertical portion of the building envelope. The allowable core height, at any given point on a lot, increases with the horizontal distance interior to the lot, measured away from the perimeter setback lines. Core heights are established in Division 3.8.2(g) as shown in section 3.8.

**Lot Line, interior**

Lot line, interior: Any lot line that is not a street lot line; a lot line separating a lot from another lot. Where a lot line is located within a access easement that does not meet the standards of a street contained within this appendix, the easement boundary adjacent to the lot shall be considered the interior lot line.

Existing height measurement is difficult to explain, demonstrate, follow, and enforce. Use of mean natural grade is confusing to designers, contractors, and surveyors. It leads to less predictable outcomes for homeowners and neighbors.

The attached changes increase the readability of the dimensional requirements and the ease of applying and enforcing these regulations. The height limits themselves are not proposed to change.

These changes simplify the measurement of height, base it on the finished conditions of the property as opposed to pre-construction conditions, and clarify that (1) the all portions of the structure must be below the height limits, and within the building envelope, unless specifically exempted elsewhere in LUMO and (2) clarify the applicability of the building envelope or secondary height allowance and help to explain how it is measured. For additional information, see attached technical memo regarding height and attached Ordinance.

**CLARIFICATION**

This language is only found in the definition of Lot Line, street. There are cases where a sub-standard street easement (less than 30 feet in width) exists and this definition is needed so that the effective lot line, from which the setback is measured, is the edge of the easement rather than the property line.
MEMORANDUM

TO: Mary Jane Nirdlinger, Executive Director of Planning & Sustainability
FROM: Phil Mason, Planning Manager for Development Services
       Jay Heikes, Planner
SUBJECT: Technical Memorandum - Possible Changes to Height Measurements
DATE: January 12, 2016

PURPOSE

The Town Council has requested information about possible changes to the Town’s Land Use Management Ordinance (LUMO) that could reduce the time and expense associated with the permit process for single- and two-family construction applications. Among those possible changes are revisions to the methodology for measuring residential building height in section 3.8 of the LUMO. This memorandum provides information about these possible changes.

BACKGROUND

Chapel Hill’s current required method of measuring and regulating residential building height is overly complex and sometimes leads to unpredictable outcomes. A comparison of peer jurisdictions, attached, reveals that Chapel Hill’s regulations are both unique and relatively complex. Refining and clarifying these regulations would make them more understandable and predictable and lead to improved outcomes for residents, designers, contractors, and Town staff. Improving the clarity and predictability of the height rules would also meet Town Council’s and Home Builder Association’s interests in improving the process for building single-family homes in Chapel Hill.

KEY PROPOSED CHANGES

1. Amend the base of height measurement
   a. Measure height from mean finished grade, establishing the mean point on a line across the street frontage face of the structure
   b. Determine mean finished grade from street (front) façade
2. Clarify and rename primary and secondary heights
3. Clarify the definition of building envelope
4. Clarify that the roof height regulation includes the entire roof surface

DISCUSSION

Four parts of the height rules are in need of clarification or amendment. Height is measured from a point on the base of a home to point somewhere on the roof. These changes would amend the base point from which height is measured, clarify the primary and secondary height limits, and clarify that the entire roof surface is subject to the height limits.
1. **Height Measurement – Base:** Chapel Hill’s current method of measuring the base of the height from natural grade taken from the mean elevation of the footprint of the entire building foundation is unique in the comparison to other jurisdictions. Using pre-construction conditions to determine the post-construction height limit is unpredictable for neighbors and the homeowner, difficult to measure during construction, and difficult to enforce post-construction. The current method, in effect, establishes an arbitrary height limit that does not align well with post-construction conditions. The following two changes would simplify the base measuring point for height limits while still providing the intended benefits of the existing height limit regulations.

   a. **Measure the base from Mean Finished Grade:** This change would make it easier to measure height during plan review, construction and post construction. It adds predictability since the new height regulation would be based on the ground conditions that would match those of the finished house. We do not believe this would result in significant visual impacts for the following reasons: (1) Street setbacks, typically 20 to 30 feet, provide significant separation between other structures and the street, and (2) the current LUMO height requirements, from the vantage point of the street, allow slightly taller homes on cut slopes and slightly shorter homes on fill slopes. This change would reverse that situation and result in slightly taller homes on fill slopes and slightly shorter homes on cut slopes. This would have the effect of slightly lowering the actual heights from the vantage point of the street.

   b. **Determine Mean Grade from street façade of house:** The change would measure height based on the street (front) façade of the house only. This change would make the measurement of height simpler and would continue to mitigate visual impacts of height.

2. **Allowable Heights:** The primary and secondary heights definitions would be rewritten to better explain and define the allowable height. Chapel Hill and three other peer jurisdictions allow buildings to exceed the maximum primary height limit at the setback line based on the distance from the building setback. This allowance varies by jurisdiction; Chapel Hill allows a one-foot increase in roof height for every two feet in distance away from the setback up to a maximum secondary height. The extra allowable height varies between six and 31 feet depending on the zoning district. We recommend new, more
intuitive terms “setback height” to replace primary height and “core height” to replace secondary height. These terms better explain the two height limits and where they apply to the lot. By not changing the height limits themselves, existing houses would continue to conform to height limits and new houses would be comparable to existing houses. In addition to this clarification, a separate change is proposed that would extend an existing height exemption for architectural features such as cupolas and chimneys to also include parapets and dormers. This existing exemption allows an increase in allowable height of up to 15%, provided that the features do not take more than 20% of the roof area.

3. **Building Envelope:** Changes are also proposed to the definition of the building envelope to better explain that it is made up of a vertical component with height limitations and horizontal requirements with minimum setbacks. Amending the language pertaining to building envelope, setback height, and core height would better explain the relationship between these dimensions comprising the three dimensional volume of the building envelope.

4. **Height Measurement – Roof:** The definition of height would be rewritten to clarify that all roof surfaces must be under the vertical portion of the building envelope. This would not be a change from the existing requirement, but it would provide additional clarity that all structures must be fully contained by the building envelope unless specifically exempted by the LUMO.

![Figure 2 Building Envelope – all roof surfaces must be under the vertical portion of the building envelope.](image)

**SUMMARY**

Refining and clarifying the height regulations would make them more understandable, predictable and lead to improved outcomes for residents, designers, contractors, and Town staff. These improvements will be procedural in nature and not have a significant impact on the effective height of residential structures. We believe these changes would meet an expressed community interest of simplifying the residential permitting process.
<table>
<thead>
<tr>
<th></th>
<th>Chapel Hill Ext.</th>
<th>Asheville</th>
<th>Chatham County</th>
<th>Durham</th>
<th>Greenville</th>
<th>Orange County</th>
<th>Raleigh</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base</strong></td>
<td>Mean grade</td>
<td>Finished floor</td>
<td>Mean grade</td>
<td>Mean grade</td>
<td>Mean grade</td>
<td>Mean grade</td>
<td>Mean grade</td>
</tr>
<tr>
<td><strong>Base - type of grade</strong></td>
<td>Natural</td>
<td>NA</td>
<td>Finished</td>
<td>Finished</td>
<td>Finished</td>
<td>Finished</td>
<td>More restrictive</td>
</tr>
<tr>
<td><strong>Roofs - flat</strong></td>
<td>Roof surface</td>
<td>Ceiling height</td>
<td>Peak roof height</td>
<td>Highest roof surface</td>
<td>Highest roof surface</td>
<td>Highest roof surface</td>
<td>Highest roof surface</td>
</tr>
<tr>
<td><strong>Roofs - pitched</strong></td>
<td>Roof surface</td>
<td>Ceiling height</td>
<td>Peak roof height</td>
<td>Mean roof height</td>
<td>Mean roof height</td>
<td>Mean roof height</td>
<td>Peak roof height</td>
</tr>
<tr>
<td><strong>Roofs - mansard</strong></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Highest roof surface</td>
<td>NA</td>
<td>Highest roof surface</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Roofs - mean calculation</strong></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Not specified</td>
<td>Top of wall to peak</td>
<td>Eave to ridge</td>
<td>NA</td>
</tr>
</tbody>
</table>

| **Secondary Height Allowance** | | | | | | | |
| **Secondary height?** | Yes | Yes | No | Yes | No | Yes | No |
| **Slope - from setback** | 1 to 2 | 1 to 2 | NA | 1 to 1 | NA | 2 to 1 | NA |

| **Allowed Height by Equivalent Zoning District (Primary / Secondary - if applicable)** | | | | | | | |
| **Units** | Feet | Feet | Feet | Feet | Feet | Feet | Feet | Feet and stories |
| R-LD1 (1 Acre lots) | 29/35 | NA | 60 | NA | NA | 25/75 (2 acre) | 40 / 3 stories |
| R-1A (1/2+ acre lots) | 29/38 | 40/unlimited | NA | 35/45 | NA | NA | 40 / 3 stories |
| R-1 (1/3+ acre lots) | 29/40 | NA | NA | NA | 35 | NA | NA |
| R-2 (1/4 acre lots) | 29/50 | 40/40 | NA | 35/45 | 35 | NA | 40 / 3 stories |
| R-3 (1/8 acre lots) | 29/60 | 40/40 | NA | 35/45 | 35 | NA | 40 / 3 stories (1/10 acre) |
| R-4 (1/8 acre lots) | 34/60 | NA | NA | NA | NA | NA | NA |
| R-5,6 (1/8 acre lots) | 39/60 | NA | NA | NA | NA | NA | NA |

**Exceptions / notes**
- Architectural features - 20%
- Parapet walls, Architectural features, Lots sloping toward street - use mean grade, Lots sloping away from street - extra story on rear
MEMORANDUM

TO: Mary Jane Nirdlinger, Executive Director of Planning and Sustainability
FROM: Phil Mason, Planning Manager for Development Services
Jay Heikes, Planner
SUBJECT: Technical Memorandum - Possible Changes to Public Water / Sewer Connection Requirements
DATE: January 12, 2016

PURPOSE

The Town Council has requested information about possible changes to the Town’s Land Use Management Ordinance (LUMO) that could reduce the time and expense associated with the permit process for single- and two-family construction applications. Among those possible changes are regulations pertaining to allowing residential utilities, including wells and septic systems, in section 5.12.1 of the LUMO. This memorandum provides information about these possible changes.

BACKGROUND

Chapel Hill’s water / sewer connection requirements are unique when compared to peer municipalities. These requirements result in added time and expense for residential applications, typically with the same outcome as with peer municipalities, applicants are allowed to build wells and septic systems. In Chapel Hill applicants are required to obtain a utility variance that is granted by the Board of Adjustment if a convincing hardship case is presented for constructing private water and sewer facilities. Given the time and cost burden and the frequency of successful variance requests, the benefits of this process are questionable. Therefore, staff recommends streamlining the process and establishing an administrative approval threshold for applications for private utilities associated with residential development.

KEY PROPOSED CHANGES

Change the water / sewer connection requirement in LUMO 5.12 to require a connection when 1) water / sewer service is available adjacent to the property and 2) when such a connection does not require extension of a public water / sewer main. This would eliminate the need for a variance from the Board of Adjustment except in cases where applicants have access to public utilities and wish to install a private well / septic system.

DISCUSSION

Chapel Hill’s Urban Services Boundary (USB) and requirement for public water and sewer connection within the USB are unique when compared to Raleigh, Greenville, and Asheville. In addition, Orange Water and Sewer Authority’s (OWASA) connection policies prohibit private
water and sewer laterals running through neighboring properties, which further complicates the connection requirement. The result is the need to extend a water and/or sewer main, which is often cost prohibitive for any one individual property. This requirement is often deemed a hardship and a utility variance is granted by the Board of Adjustment. Since 2005, 15 properties out of 16 (94%), have been granted a utility variance. Staff’s recommendation is to modify the public utility requirement to be less cost prohibitive by requiring a connection for individual lots only when 1) water / sewer service is available adjacent to the property and 2) when such a connection does not require extension of a public water / sewer main. Changing this requirement would reduce the time and cost involved in constructing well and septic systems while maintaining outcomes similar to the current regulations.

SUMMARY

A streamlined process for public water and sewer utility variances would make the permitting process for homes that are not adjacent to public utilities more predictable and lead to improved outcomes for homeowners and their contractors. We believe these changes would meet an expressed community interest of simplifying the residential permitting process as well as reduce the time burden on the Board of Adjustment.
# 2005-2015 Utility Variance Cases

<table>
<thead>
<tr>
<th>Date</th>
<th>Application Type</th>
<th>Property Location</th>
<th>Applicant Names</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/2/2015</td>
<td>Variance - Utility / Septic</td>
<td>1950 Billabong Lane</td>
<td>David Tilson</td>
<td>Approved</td>
</tr>
<tr>
<td>9/10/2014</td>
<td>Variance - Utility / Septic</td>
<td>106 Farrington Drive</td>
<td>Peter Wheeler</td>
<td>Approved</td>
</tr>
<tr>
<td>9/10/2014</td>
<td>Variance - Utility / Septic</td>
<td>107 Farrington Drive</td>
<td>Karthik Shyam</td>
<td>Approved</td>
</tr>
<tr>
<td>8/6/2014</td>
<td>Variance - Utility / Septic</td>
<td>111 Farrington Road</td>
<td>Drees Horne and Linda Martin</td>
<td>Approved</td>
</tr>
<tr>
<td>6/4/2014</td>
<td>Variance - Septic</td>
<td>816 My Carmel Church Road</td>
<td>Peter and Kirsten Reith</td>
<td>Approved</td>
</tr>
<tr>
<td>12/4/2013</td>
<td>Variance - Utility / Septic</td>
<td>1006 Wave Road</td>
<td>Jacques El-Chayeb</td>
<td>Approved</td>
</tr>
<tr>
<td>8/1/2012</td>
<td>Variance - Utility / Well</td>
<td>550 Chase Park</td>
<td>Davis Andrews</td>
<td>Approved</td>
</tr>
<tr>
<td>1/6/2010</td>
<td>Variance - Utility / Septic</td>
<td>16 Dogwood Acres Drive</td>
<td>Jim Anderson</td>
<td>Approved</td>
</tr>
<tr>
<td>8/6/2009</td>
<td>Variance - Utility / Septic</td>
<td>3 Lanier Drive</td>
<td>Dayna Kelly and Thomas Roberts</td>
<td>Approved</td>
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<tr>
<td>10/3/2007</td>
<td>Variance - Utility / Septic</td>
<td>7700 Rogers Road</td>
<td>Jeff Easterling</td>
<td>Approved</td>
</tr>
<tr>
<td>6/25/2007</td>
<td>Variance - Utility / Septic</td>
<td>7628 Rogers Road</td>
<td>Ye Tun</td>
<td>Approved</td>
</tr>
<tr>
<td>6/7/2006</td>
<td>Variance - Utility / Septic</td>
<td>915 Linden Road</td>
<td>Charlie Billings</td>
<td>Approved</td>
</tr>
<tr>
<td>6/7/2006</td>
<td>Variance - Utility / Septic</td>
<td>303 Lone Pine Road</td>
<td>Rebecca and Monroe Cobey</td>
<td>Denied</td>
</tr>
<tr>
<td>3/8/2006</td>
<td>Variance - Utility / Septic</td>
<td>1424 Poinsett Drive</td>
<td>Tony Hall</td>
<td>Approved</td>
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<tr>
<td>2/1/2006</td>
<td>Variance - Utility / Septic</td>
<td>303 Lone Pine Road</td>
<td>Rebecca and Monroe Cobey</td>
<td>Denied</td>
</tr>
<tr>
<td>10/5/2005</td>
<td>Variance - Utility / Septic</td>
<td>100 Marcus Road</td>
<td>Bradley and Martha King</td>
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<tr>
<td>9/7/2005</td>
<td>Variance - Utility / Septic</td>
<td>Arboretum Drive</td>
<td>Matthew Robbins and Kendra Millis</td>
<td>Approved</td>
</tr>
</tbody>
</table>
RESOLUTION ADOPTED FEBRUARY 15, 2016
(Scheduling a Work Session item to discuss Chapel Hill’s Future Ordinance)

A RESOLUTION SCHEDULING A WORK SESSION AGENDA ITEM TO DISCUSS
CHAPEL HILL’S FUTURE LAND USE MANAGEMENT ORDINANCE (2016-02-15/R-3)

WHEREAS, the Chapel Hill Town Council is proposing a work session agenda item to discuss
the future Chapel Hill Land Use Management Ordinance last receiving a major amendment in
January 27, 2003, as enacted by Council; and

WHEREAS, In November 11, 2011 the Town Council received the Land Use Management
Ordinance Critique and Technical Report, which was a critical analysis of the LUMO,
recommending changes; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan was approved by Council on June 25,
2012, reflecting the community’s values, aspirations and an updated vision for Chapel Hill; and

WHEREAS, the Land Use Management Ordinance, through its regulations, is the framework
that allows the vision of the 2020 Comprehensive Plan to become a reality; and

WHEREAS, although some changes recommended in the 2020 Comprehensive Plan have been
made to the Land Use Management Ordinance, including for example, the Ephesus-Fordham
Zoning District, in many ways it is out-of-date and not well aligned with 2020 Comprehensive
Plan; and

WHEREAS, the Council has many options going forward as regards the Chapel Hill Ordinance,
which calls for a wider discussion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the
Council will schedule a future work session to consider future Land Use Management Ordinance
options.

This the 15th day of February, 2016.