

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REQUIREMENTS FOR THE USES AND RATIO OF USES PERMITTED IN THE MIXED USE-OFFICE/INSTITUTIONAL-1 ZONING DISTRICT (2007-04-11/O-4)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance regarding modification to the requirements for uses and the ratio of uses in the Mixed Use-Office/Institutional-1 zoning district and finds that the amendments are warranted in order to achieve the purposes of the Comprehensive Plan;

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

Section 1. Subsections 3.5.1(e)(2), 3.5.1(e)(3), and 3.5.1(e)(5) of the Chapel Hill Land Use Management Ordinance are hereby revised to read as follows:

(e) Permitted Uses and Development Intensities - Mixed Use-OI-1

- (1) The uses permitted in the Mixed Use OI-1 Zone, except in situations described in subsection (2) below, are single and two family dwellings, and those other non-residential uses listed in Section [3.7](#) as permitted in the OI-1 zone, except that "Medical Aircraft Hangar" is not permitted. The land use intensity ratios, setbacks, and height limitations that apply in the Mixed Use Zone, except in situations described in subsection (2) below, are those that apply to the OI-1 zone, as set forth in Section [3.8](#).
- (2) If development of property in a Mixed Use-OI-1 zone is proposed, and the proposal meets all of the following thresholds, then the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:
 - A. Minimum lot size of 20 contiguous acres (may include parcels on both sides of a street).
 - B. Uses proposed in one of the following mixed-use combinations:
 - Office, Commercial, and Residential uses
 - Office and Commercial uses
 - Office and Residential uses.
 - C. Office, Commercial, and Residential uses, as defined and permitted in Section 3.5.1(e)(3), individually shall not utilize more than 55% of the approved floor area nor less than 20% of the approved floor area. At least 60% of floor area devoted to "business, office type" uses, as defined in this Land Use Management Ordinance.
 - ~~D. No more than 85% of floor area devoted to "business, office type" uses.~~

- (3) If a development proposal in a Mixed Use-OI-1 District meets all of the thresholds listed in subsection (2), then the following use and intensity regulations shall apply:
- A. For commercial floor area, permitted uses shall be those listed in Section [3.7](#) as permitted uses in the Community Commercial (CC) District, except as noted in paragraph D below.
 - B. For residential floor area, permitted uses shall be those listed in Section [3.7](#) as permitted uses in the R-5 District, except that in addition, multifamily development of more than 7 units shall be permitted.
 - C. For office floor area, permitted uses shall be those listed in Section [3.7](#) as permitted uses in the OI-1 District, including *Business, Office Type and Clinic.*
 - D. The following uses are not permitted in the Mixed Use-OI-1 Zone:
 - Automotive Repair
 - Automotive, Trailer, and Farm Implement Sales or Rental
 - Kennel
 - Supply Yard
 - Veterinary Hospital
 - E. Dimensional Standards shall be those listed in Section [3.8](#), for the Community Commercial (CC) Zone.
 - F. For the portions of a site devoted to residential development, the density limitations described in Section 3.8 for the R-5 zone shall apply.
 - G. Minimum Setbacks from the perimeter boundary of the specified development tract shall be as follows:
 - Street: 50 feet
 - Interior: 50 feet
 - Immediately Adjacent to Residential Use or Residentially Zoned Property: 50 feet

- H. Minimum Setbacks internal to the specified development tract shall be as follows:
- Street: 0 feet
 - Interior: 0 feet
- I. The Minimum Setback parking area from the perimeter boundary of the specified development tract shall be 75 feet from the street.
- J. Maximum Height Limits shall be as follows:
- Primary: 44 feet
 - Secondary: 90 feet
- K. Type "C" buffers shall be required around all perimeters of the development tract, except in circumstances where a higher level of buffer is required. A Type "D" buffer with a minimum width of 50 feet shall be required adjacent to a non-interstate arterial street.
- (4) All design standards specified in [Article 5](#) of this Chapter and in the Town's Design Guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this Article with the following special provisions:
- A. Site Analysis: Any application for mixed use development shall include a site evaluation analysis which identifies the physical character of the site. Elements of the site to be investigated include topography, slope conditions, soil characteristics and subsurface constraints, drainage patterns, vegetation, and other existing conditions.
- B. Outparcels: Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development. All plans for outparcels within a mixed use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the Design Guidelines.
- C. Off-street parking requirements shall be 80% of the minimum requirements listed in [Section 5.9](#).
- (5) Development tracts of between ten (10) and twenty (20) acres can meet the Mixed Use Threshold in the following manner. If development of property in a Mixed Use-OI-1 zone is proposed, and the proposal meets all the following thresholds,

then the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:

- A. Development is proposed on tracts of size between ten (10) and twenty (20) contiguous acres (may include parcels on both sides of a public street if at least five acres of the total are located on both sides of the street).
- B. The proposed development tract is adjacent to, or across a public street from, a Mixed Use Development that has been approved by the Town Council in accordance with the provisions of this Article.
- C. The proposed uses, circulation patterns and buffers are demonstrated to be compatible with the adjacent approved Mixed Use Development. In addition, landscape treatments and architecture shall be demonstrated to be compatible with the adjacent approved Mixed Use Development to the extent such landscape treatments and architecture have been specified in the adjacent Special Use Permit approved by the Town Council.
- D. Uses proposed in one of the following mixed-use combinations:
 - Office, Commercial, and Residential uses
 - Office and Commercial uses
 - Office and Residential uses.
- E. Office, Commercial, and Residential uses, as defined and permitted in Section 3.5.1(e)(3), individually shall not utilize more than 55% of the approved floor area nor less than 20% of the approved floor area. At least 60% of floor area devoted to "business, office type" uses, as defined in this Land Use Management Ordinance.
- F. ~~No more than 85% of the proposal's floor area shall be devoted to "business, office type" uses.~~

Section 2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Section 3. That the amendments shall become effective upon enactment.

This the 11th day of April, 2007.