

**AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE NEIGHBORHOOD CONSERVATION DISTRICT PROCESS (2007-10-08/O-7)**

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 Neighborhood Conservation District Process 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. Section 3.6.5 of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

**“3.6.5 Neighborhood Conservation District**

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*Purpose Statement: Within the Town of Chapel Hill there are unique and distinctive older in-town residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the Town and are worthy of preservation and protection. Some of these districts are designated as historic districts, others may lack sufficient historical, architectural or cultural significance at the present time to be designated as Historic Districts. As a matter of public policy, the Town Council aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts through the establishment of Neighborhood Conservation Districts.*

*The purposes of a Neighborhood Conservation District in older Town residential neighborhoods or commercial districts are as follows:*

- *to promote and provide for economic revitalization and/or enhancement*
- *to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm and flavor;*
- *to protect and enhance the livability of the Town;*
- *to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;*
- *to stabilize property values;*
- *to provide residents and property owners with a planning bargaining tool for future development;*
- *to promote and retain affordable housing;*
- *to encourage and strengthen civic pride; and*
- *to encourage the harmonious, orderly and efficient growth and redevelopment of the Town.*

**(a) Designation criteria**

To be designated a Neighborhood Conservation District, the area must meet the following criteria:

- (1) The area must contain a minimum of one block face (all the lots on one side of a block);
- (2) The area must have been platted or developed at least ~~25~~ 40 years ~~ago~~ prior to the date of the submittal and acceptance of a petition to initiate Phase One of the Neighborhood Conservation District process, or prior to a Town Council action to initiate Phase One of the Neighborhood Conservation District process;
- (3) At least 75% of the land area in the proposed district is presently improved; ~~and~~
- (4) The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association;
  - A. scale, size, type of construction, or distinctive building materials;
  - B. lot layouts, setbacks, street layouts, alleys or sidewalks;
  - C. special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
  - D. land use patterns, including mixed or unique uses or activities; or
  - E. abuts or links designated historic landmarks and/or districts.
- (5) The area must be predominantly residential in use and character.

Any designated Historic Overlay District shall be deemed to satisfy the criteria listed above.

**(b) Zoning Authority**

Separate ordinances are required to designate each district. Ordinances designating each Neighborhood Conservation District shall identify the designated district boundaries, and specify the individual purposes and standards for that district.

## (1) Overlay district.

Neighborhood Conservation Districts are designed as overlays to the regular zoning districts. Property designated within these districts must also be designated as being within one of the General Use Districts. Authorized uses must be permitted in both the General Use District and the overlay district. Property designated as a Neighborhood Conservation District may have additional designations. Such property shall comply with all applicable use restrictions.

## (2) Zoning designation.

A. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (CD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., R-4 (CD-1), R-1 (CD-2), etc.

B. The designation of property within a Neighborhood Conservation District places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.

C. In the event of a conflict between the provisions of a specific Neighborhood Conservation District ordinance and the General Use District regulations, the provisions of the Neighborhood Conservation District ordinance shall control.

D. Except as modified by this Section, the procedures for zoning changes set forth in Section 4.4 shall otherwise apply to the designation of an area as a Neighborhood Conservation District.

~~(e) — Application Procedures~~

~~(1) — A proposal for designation as a Neighborhood Conservation District may be initiated:~~

~~A. — at the direction of Town Council, or~~

~~B. — at the request of owners representing 51% of the land area within the proposed district, or~~

~~C. — at the request of 51% of property owners in a proposed district.~~

**(c) Initiation**

The process to initiate the designation of a Neighborhood Conservation District shall consist of two phases. Phase One must be completed in order to initiate Phase Two.

- (1) Phase One shall consist of a Town sponsored Public Information Meeting to provide general information about Neighborhood Conservation Districts including a review of existing Neighborhood Conservation Districts and an explanation of the rezoning process.
  - A. Phase One may be initiated by the Town Council; by property owners representing 51% of the land area within the proposed district, upon submittal and acceptance of a petition by the Town Council; or by 51% of property owners in a proposed district upon submittal and acceptance of a petition by the Town Council.
  - B. The Town Manager shall prescribe the form(s) on which a Neighborhood Conservation District petition is made.
  - C. The Planning Board shall review the Council motion or the petition to initiate Phase One of the process to create a Neighborhood Conservation District. The Planning Board shall designate a preliminary boundary and set a date to hold a Public Information Meeting regarding the proposed Neighborhood Conservation District.
  - D. Notification of the Public Information Meeting shall be sent to all property owners located within the preliminary boundary and within 500 feet of the boundary.
- (2) Phase Two shall consist of a Planning Board Feasibility Review and Town Council action.
  - A. Phase Two may be initiated by the Town Council; by property owners representing 51% of the land area within the proposed district, upon submittal and acceptance of a petition to the Town Council; or by 51% of property owners in a proposed district upon submittal and acceptance of a petition to the Town Council.
  - B. The Town Manager shall prescribe the form(s) on which a Neighborhood Conservation District petition is made.
  - C. The Planning Board shall review the Council motion or the petition to initiate Phase Two of the process to create a Neighborhood Conservation District. The Planning Board shall set a date and conduct a Neighborhood Conservation District Feasibility Review.

- D. Notification of the Planning Board's Neighborhood Conservation District Feasibility Review time, date, and place shall be sent to all property owners located within the preliminary boundary and within 500 feet of the boundary.
- E. The Town Staff shall submit to the Planning Board a written analysis of the petition and include a recommendation with specific reference to:
- the community goals: a statement of objective for the Neighborhood Conservation District;
  - the level of urgency: a description of current development activity in the neighborhood;
  - the plenary or committee structure: a proposal of who will participate in the process of drafting a Neighborhood Conservation District rezoning proposal. A Committee structure shall include 10% of households in the initial boundary or twenty people, whichever is less, and a Plenary structure shall open the process to the entire neighborhood; and
  - the initial boundary: a map of properties to be included in the Neighborhood Conservation District .
- F. The Planning Board shall conduct the Neighborhood Conservation District Feasibility Review. The Neighborhood Conservation District Feasibility Review shall be open to the public and all interested persons shall be given the opportunity to present arguments in favor of or against a rezoning and to ask questions.
- G. After the Neighborhood Conservation District Feasibility Review, the Planning Board shall submit its recommendation to the Town Council with specific reference to the community goals, the level of urgency, the plenary or committee structure, and the initial proposed boundary of the Neighborhood Conservation District.
- H. After the Neighborhood Conservation District Feasibility Review, the Town Council shall review the Planning Board's recommendation and the Town Staff recommendation and act on the petition. Action on the petition may include endorsement to begin the rezoning process to establish a Neighborhood Conservation District or to not begin the process.
- I. Endorsement to begin the rezoning process shall include reference to the community goals, the level of urgency, the plenary or committee structure, and the initial boundary of the Neighborhood Conservation District.

- J. Notification of the Town Council action shall be sent by first class mail to owners of properties located within the preliminary boundary and within 500 feet of the boundary.

**(d) Designation Procedures**

- ~~(2)~~(1) Following initiation for designation of a Neighborhood Conservation District, the Planning Board, or a Committee designated by the Town Council with representation from the Planning Board, shall develop a neighborhood conservation plan for the proposed district that may include:
- A. maps indicating the boundaries, age of structures and land use of the proposed district;
  - B. maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district; and
  - C. design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.
- ~~(3)~~(2) All owners of properties within the proposed district shall be afforded the opportunity to participate in drafting the conservation plan. A conservation plan shall be approved as part of a Zoning Atlas Amendment creating a Neighborhood Conservation District.

**(d)(e) Design Standard**

- (1) The conservation plan approved as part of the zoning ordinance creating a Neighborhood Conservation District may include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; lawn or landscaping equipment, but not including lawnmowers or hand tools; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.
- (2) The conservation plan, and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same material and design.

- (3) The Design Standards for the Neighborhood Conservation District may include the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
- A. building height, number of stories;
  - B. building size, massing (frontage, entrance location/features);
  - C. lot size, coverage;
  - D. front and side yard setbacks;
  - E. off-street parking and loading requirements;
  - F. paving, hardscape covering.

In addition, the Design Standards may include, but shall not be limited to, the following elements:

- A. building orientation;
- B. general site planning (primary, ancillary structures);
- C. density;
- D. floor area ratio;
- E. signage;
- F. architectural style and details;
- G. building materials;
- H. garage entrance location;
- I. front window, dormer size and location;
- J. landscaping;
- K. fences and walls;
- L. entrance lighting;
- M. driveways and sidewalks;
- N. satellite dishes, utility boxes;
- O. street furniture;
- P. public art;
- Q. demolition (see subsection ~~(e)~~ (f));
- R. roof line and pitch.

~~(e)~~ **(f) Administration of Ordinance**

- (1) No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Zoning Compliance Permit by the Town Manager.
- (2) The Town Manager shall review the design plans to determine compliance with the design standards contained in the neighborhood conservation plan adopted for the district.

- (3) If the Town Manager determines that the design plans are in conformance with the design standards adopted for the district, the Town Manager shall approve the plans and issue a Zoning Compliance Permit and the Department of Building Inspections may issue a building permit.
- (4) If the Town Manager determines that the design plans are not in conformance with the design standards adopted for the district, the Town Manager shall not approve the plans, and will issue Notification of Non-Compliance, identifying the specific Design Standards violated.
- (5) The applicant may appeal the Town Manager's determination to the Board of Adjustment ~~for a final determination~~ as provided in Section 4.12."

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

Section 3. This ordinance shall become effective upon enactment.

This the 8th day of October, 2007.