

**ATTACHMENT 1
PRELIMINARY RECOMMENDATION
ORDINANCE A**

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REQUIREMENTS TO ESTABLISH HIGHER DENSITY RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendments to the Land Use Management Ordinance regarding creation of three new higher density zoning districts and finds that the amendments are warranted in order to achieve the purposes of the Comprehensive Plan including encouraging a balanced transportation system and promoting a healthy downtown;

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

Section 1. Subsection 3.4 of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

“3.4 Conditional Use Districts

For the TC-1, TC-2, TC-3, CC, NC, 0I-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-1-C, TC-2-C, TC-3C, CC-C, NC-C, 0I-2-C, 0I-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes § 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by section 3.7, Table 3.7-1 (Use Matrix), for the parallel general use district are permitted only upon issuance of a Special Use Permit by the Town Council pursuant to section 4.5 of this appendix.

A residential-special standards-conditional (R-SS-C) district and residential-high density-conditional districts (R-HD1-C, R-HD2-C, R-HD3-C, R-HD4-C) are hereby established, pursuant to North Carolina General Statutes Section 160A-382. Uses allowed in this district shall be those described in section 3.7 and Table 3.7-1 (Use Matrix) of this appendix, and are permitted only upon issuance of a Special Use Permit by the Town Council pursuant to section 4.5.

(Ord. No. 2007-02-26/O-5, § 2)”

Section 2. That the first two rows of Table 3.7-1 of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

“Table 3.7-1: Use Matrix

Use Group	General Use Zoning District																Planned Development (PD-)									
	R-LD5	RT	R-LDI	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6, RH-D1-C, RH-D2-C, RH-D3-C, RH-D4-C	R-SS-C	TC-1, TC-2, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	MH	H	SC(N)	SCI	OI	MU

Section 3. That Table 3.8-1 of the Chapel Hill Land Use Management Ordinance is amended to include the four following zoning districts:

“Table 3.8-1: Dimensional Matrix

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Zoning District	Minimum Lot Size	Maximum Density	Minimum Frontage	Minimum Lot Width	Maximum Building Height (Primary)	Maximum Building Height (Secondary)	Minimum Street Setback	Minimum Interior Setback	Minimum Solar Setback	Impervious Surface Ratio	Maximum Floor Area Ratio
<u>R-HD1-C</u>	<u>NA</u>	<u>NA</u>	<u>40</u>	<u>50</u>	<u>40</u>	<u>60</u>	<u>10</u>	<u>6</u>	<u>8</u>	<u>.24/.5/.7</u>	<u>0.75</u>
<u>R-HD2-C</u>	<u>NA</u>	<u>NA</u>	<u>40</u>	<u>50</u>	<u>50</u>	<u>75</u>	<u>10</u>	<u>6</u>	<u>8</u>	<u>.24/.5/.7</u>	<u>1.0</u>
<u>R-HD3-C</u>	<u>NA</u>	<u>NA</u>	<u>40</u>	<u>50</u>	<u>50</u>	<u>90</u>	<u>10</u>	<u>6</u>	<u>8</u>	<u>.24/.5/.7</u>	<u>1.25</u>
<u>R-HD4-C</u>	<u>NA</u>	<u>NA</u>	<u>40</u>	<u>50</u>	<u>50</u>	<u>90</u>	<u>10</u>	<u>6</u>	<u>8</u>	<u>.24/.5/.7</u>	<u>1.5”</u>

Section 4. That the fourth paragraph under *Columns (F) and (G)* in the Rules for Interpretation of Table 3.8-1 are hereby revised to read as follows:

“In the residential-high density-conditional, 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.

Section 5. Subsection 3.8.4(b) of the Chapel Hill Land Use Management Ordinance hereby revised to read as follows:

“Subsection 3.8.4(b) *Transitional Control Intensity Modifications*

(b) In all residential-high density-conditional (R-HD-C) zoning districts, nonresidential zoning districts and planned developments R-HD1-C, R-HD2-C, R-HD3-C, R-HD-4-C TC-1, TC-2, TC-3, CC, NC, OI-3, OI 2, OI-1, I PD-SC, PD-0I and PD-I), the following setback and height regulation modifications shall apply:

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

Section 6. Subsection 5.5.2(g) of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

“(g) *Multi-family Dwelling Units*

Active, improved space (either indoors or outside) shall be provided for the common active recreational use of residents of multi-family developments. For sites that abut or include areas designated as future greenways in the Town’s Comprehensive Plan, land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the Town along the greenway may be substituted for required improved recreation space. The minimum size of such active recreation space shall be the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown below:

Zoning Districts	Recreation Space Ratio
TC-1, TC-2, TC-3	.120
CC	.046
NC	.039
OI-2	.046
OI-1	.046
I	.032
<u>R-HD1-C,</u> <u>R-HD2-C,</u> <u>R-HD3-C,</u> <u>R-HD4-C</u> R-SS-C, R-6, R-5	.050
R-4	.039
R-3	.032
R-2, R-2A, R-1	.025
R-1A	.022

R-LD1	.020
All Others	.015"

Section 7. Subsection 5.6.6-1 of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

“Table 5.6.6-1 Schedule of Required Buffers

Adjacent* Existing Principal Use#	Proposed Principal Use					
	Major Subdivision creating lots for single or two-family dwellings or Class A mobile home	Any Residential-High Density – Conditional Zoning District	Any other principal use in Use Group A, except essential services	Any principal use in Use Group B	Automotive repair, maintenance and/or storage facility, light manufacturing, supply yard	Any principal use in Use Group C other than the above
Dwellings, single-family or two-family, Class A Mobile Home	--	B	B	C	D	C
Any other principal use in Use Group A, except Essential Services	B	B	B	C	D	C
Interstate Highway	E	E	E	E	E	E
Railroad, non-Interstate, Arterial Street	D	--	D	D	D	D
Collector Street	C	--	D	C	C	C
Any use in Use Group B	C	C	C	B	C	B
Automotive Repair, Maintenance and/or Storage Facility, Light Manufacturing, Supply Yard	D	D	D	C	B	B
Any other use in Use Group C	C	C	C	B	B	B
Adjacent, Conditional Zoning:						
R-LD5, RT, R-LD1 R-1, R-2, R-3	--	B	B	C	D	C
R-4, R-5, R-6, R-HD1-C, R-HD2-C, R-HD3-C, R-HD4-C	B	B	B	C	D	C
OI-1, OI-2	C	C	C	B	C	B
I	D	D	D	C	B	B
NC, CC, OI-3, TC-1, TC-2, TC-3	C	C	C	B	B	B”

Section 8. That the amendments shall become effective upon enactment.

This the ____ day of _____, 2008.