

3.5.2 Office/Institutional – 4 District (OI-4)

(a) Purpose and Intent

The purpose and intent of the Office/Institutional-4 District (OI-4) is to establish procedural and substantive standards for the Town Council's review and approval of development on large tracts of land where the predominant use is to be college, university, hospital, clinics, public cultural facilities, and related functions.

The objective of this Section and the OI-4 district is to allow for growth and development while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development. A key feature of this district is the preparation of a Development Plan that would allow the property owner, immediate neighbors, and the larger community to understand specifically what levels of development are being proposed, and what impacts would likely accompany the development, so that mitigation measures can be designed and implemented.

(b) Overview of Development Review Procedures

Procedures in this zoning district are designed to facilitate:

- Articulation of development plans that involve multiple buildings in multiple locations over an extended time period on a given tract of land, as defined in a Development Plan;
- Identification of total infrastructure needs for such proposed development as specified in a Development Plan and cumulative impacts resulting from full development as specified in a Development Plan; and
- Provision of measures to mitigate the negative impacts, including off-site construction of parking decks as described in subsection (c)(2), phased in a manner appropriate with the pace of construction.

To this end, owners of property zoned OI-4 are encouraged to prepare detailed Development Plans, as described below, for review and approval by the Town Council. For buildings that are included in an approved Development Plan, Site Development Permits for individual buildings are to be issued by the Town Manager, following a determination by the Town Manager that such individual building plans are generally consistent with the Town Council-approved Development Plan.

For development proposed within an OI-4 zoning district that is not included in a Town Council-approved Development Plan, but is a minor change according to the provisions of subsection (i) of this Section, the Town Manager may approve a change to the Development Plan and issue a Site Development Permit. For development proposed within an OI-4 zoning district that is not included in a Town Council-approved Development Plan and that cannot be considered a minor change to the Plan according to

subsection (i) of this Section, such development shall be considered to be a Special Use, and subject to the Special Use Permit procedural requirements of Section 4.5 of this Chapter. In the alternative, the applicant may apply to the Town Council for an amendment to the Development Plan.

Once a property is zoned Office/Institutional-4, all regulations, standards, and procedures prescribed for the previously-applicable zoning district shall apply until (1) a Development Plan is approved; or (2) six months have elapsed, whichever comes first.

(c) Development Plan

A Development Plan shall address issues such as general location and size of new facilities, parking, utilities, stormwater management, impervious surface, and access/circulation. A Development Plan shall identify the general location, size, and proposed uses of buildings. A Development Plan shall project anticipated impacts on streets, water and sewer facilities, stormwater runoff, air quality, noise, and lighting.

(1) Submittal Requirements. Application submittal requirements shall include the following:

- A. Specific descriptions of proposed development with building locations, building sizes, parking arrangements, and description of building heights with consideration of impact on adjacent areas.
- B. Analysis of impacts resulting from proposed development, along with options to mitigate impacts relating to:
 - Transportation Management (traffic, transit, parking, bikes, pedestrians, air quality);
 - Stormwater Management Analysis (quantity and quality); and
 - Noise and Lighting Analysis.

Individual effects must be evaluated in the context of the whole Development Plan and not in isolation. Impacts shall be evaluated in accordance with guidelines endorsed for use by the Town Council.

C. Preliminary timetable and sequencing schedule for building construction and for related mitigation measures.

(2) Off-site Components. Mitigation measures involving construction of parking decks may need to be developed outside the boundaries of the Development Plan. Notwithstanding any other provision of this Land Use Management Ordinance, a parking deck proposed to mitigate impacts of a Development Plan, and approved by the Town Council as part of a

Development Plan, may be located on a site not within the boundaries of an OI-4 zoning district. Any such facility shall be reviewed as a Site Development Permit according to the provisions of subsection (h) (2) of this Section.

(d) Permitted Uses and Development Intensities

Permitted uses shall be identical with uses listed in the Use Matrix (Section [3.7](#)) as being permitted in OI-3, except that Place of Assembly shall be considered to be a permitted use and not a special use. The maximum floor area allowed shall be as provided in a Development Plan that is approved by the Town Council. Special restrictions apply in Perimeter Transition Areas (see subsection (f)).

For purposes of calculating compliance with a specified maximum floor area, the following land uses shall not be counted as floor area: new residential development (including Dwellings and Residence Halls), and new Public Cultural Facilities.

(e) Standards

Development in the OI-4 zoning district shall be designed in a manner that provides a mix of uses which are integrated, interrelated and linked by pedestrian ways, bikeways, and other transportation systems. Development Plans shall, as practical and consistent with applicable laws and regulations, include measures to encourage reduction of automobile use and promote alternative modes of transportation; to mitigate adverse environmental impacts; to promote conservation of non-renewable energy resources; and to achieve visual continuity in the siting and scale of buildings. Specifically, a Development Plan shall address the following:

- (1) Noise: Noise levels from development proposed in the Development Plan shall not exceed those allowed by the Town of Chapel Hill Noise Ordinance.
- (2) Environment: Development proposed in the Development Plan shall minimize impacts on natural site features, and be accompanied by measures to mitigate those impacts.
- (3) Transportation: Development proposed in the Development Plan shall be accompanied by measures to mitigate transportation impacts that are caused by the development.
- (4) Stormwater Management: Development proposed in the Development Plan shall be accompanied by measures to mitigate stormwater impacts (quantity and quality) that are caused by the development.
- (5) Public Utilities: There shall be a general demonstration that water, sewer, and other needed utilities can be made available to accommodate development proposed in the Development Plan.

- (6) Historic Districts: The provisions of Section [3.6.2](#) of this Chapter shall apply to any development proposed within one of Chapel Hill's Historic Districts.

(f) *Perimeter Transition Areas*

A Development Plan shall designate a Perimeter Transition Area establishing appropriate standards at borders of the Development Plan, necessary to minimize impacts of development proposed in the Development Plan on adjacent property, to be approved by the Town Council as part of the Development Plan. Standards shall address:

- (1) Screening mechanical equipment
- (2) Exterior lighting
- (3) Height limits
- (4) Landscaping

(g) *Procedures for Approval of Development Plans*

Applications for a Development Plan, Special Use Permit, or Site Development Permit shall be filed with the Town Manager.

- (1) Application Submittal Requirements. The Town Manager shall prescribe the form(s) of applications as well as any other material he/she may reasonably require to determine compliance with this Section. Applications shall include information described in subsection (c) (1).
- (2) Process for Review.
 - A. Applications for Development Plan approval shall be reviewed by the Planning Board and forwarded to the Town Council for consideration at a public hearing.
 - B. Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in the planning jurisdiction once a week for two (2) successive weeks, with the first notice to be published not less than ten (10) nor more than twenty-five (25) days prior to the date of the hearing.
 - C. The Public Hearing shall be open to the public and all interested persons shall be given the opportunity to present evidence and arguments and to ask questions of persons who testify. The Town Council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses to avoid undue delay. All persons who intend to present evidence at the public hearing shall be sworn.

D. The applicant shall bear the burden of presenting evidence sufficient to establish persuasively that the proposed development will comply with the determinations required in subsection (g) (3).

E. A record of the proceedings of the hearing shall be made and shall include all documentary evidence presented at the hearing. Town Council action on an application for Development Plan approval shall occur within 90 days of the date of submittal of a complete application.

(3) Town Council Action.

A. The Town Council shall approve a Development Plan unless it finds that the proposed development would not:

- Maintain the public health, safety, and general welfare; or
- Maintain the value of adjacent property.

B. Town Council action shall be to:

- Approve;
- Approve with conditions; or
- Deny.

(h) Actions After Decision on Development Plan

(1) Recording Approval. If the application for approval of a Development Plan is approved or approved with conditions, the Town Manager shall issue the approval in accord with the action of the Town Council. The applicant shall record such approval in the office of the County Register of Deeds. The Development Plan, including all conditions attached thereto, shall run with the land and shall be binding on the original applicant as well as all successors, assigns, and heirs.

(2) Individual Site Development Permits. If the Development Plan is approved, or approved with conditions, the Town Manager may then accept applications for individual Site Development Permits for specific buildings that are described in the Development Plan. No work on a building identified on the Development Plan may begin until a Site Development Permit has been issued. The Town Manager shall prescribe the form(s) of applications as well as any other material he/she may reasonably require to determine compliance with the Development Plan. Any application for a Site Development Permit in a Perimeter Transition Area shall include provisions for mailed notification to property owners within 1,000 feet of the proposed development. If the Town Manager finds that the application is consistent with the Development Plan, he/she

shall approve the application and issue the Site Development Permit within 15 working days of the submittal of a complete application. If the Town Manager finds that the application is not consistent with the Development Plan he/she shall deny the application within 15 working days of the acceptance of the application and refer the applicant to the Special Use Permit process described in Section [4.5](#) of this Chapter. Alternatively, the applicant may apply for an amendment to the Development Plan.

- (3) Expiration, Abandonment, Revocation of Development Plan. If an application for a Site Development Permit pursuant to an approved Development Plan has not been submitted to the Town Manager within two (2) years of the date of approval of the Development Plan, the approval shall automatically expire. On request by the holder of an approved Development Plan, the Town Council shall approve the abandonment of the Plan if it determines that no subsequent development approvals have been granted and no construction activity has taken place pursuant to the Development Plan. If material conditions of a Development Plan are violated, and remain in violation after giving the property owner a reasonable amount of time to correct such violation, the Town Council may revoke the Plan after notification to the property owner and opportunity for property owner response at a public meeting of the Town Council.

(i) Process for Amending Development Plan

The Town Manager is authorized to approve minor changes and changes in the ordering of phases in an approved Development Plan, as long as such changes continue to be in compliance with the approving action of the Town Council and all other applicable requirements, and result in a configuration of buildings that is generally consistent with the approved Development Plan. The Town Manager shall not have the authority to approve changes that constitute a modification of the Development Plan.

Before making a determination as to whether a proposed action is a minor change or a modification, the Town Manager shall review the record of the proceedings on the original application for the Development Plan and any subsequent applications for modifications of the Development Plan, and shall use the following criteria in making a determination:

- (1) A change in the boundaries of the Development Plan approved by the Town Council shall constitute a modification;
- (2) A substantial change in the floor area or number of parking spaces approved by the Town Council shall constitute a modification. (General rule: more than a 5% increase in overall net new floor area or parking in a Development Plan approved by the Town Council would be considered substantial.);

- (3) Substantial changes in pedestrian or vehicular access or circulation approved by the Town Council shall constitute a modification. (General rule: changes that would affect access or circulation beyond the boundaries of a Development Plan would be considered substantial.); and
- (4) Substantial change in the amount or location of open areas approved by the Town Council shall constitute a modification.

If the proposed action is determined to be a modification, the Town Manager shall require the filing of an application for approval of the modification, following procedures outlined in this Section for initial approval of a Development Plan.