

## Town Manager's Revised Recommendations

November 5, 2002

(Note: All references to "single-family" are intended to mean "single-family or two-family/accessory apartment; **yellow highlight** means change since 10/28)

### 1. Neighborhood Conservation Districts

**Recommendation:** Same as 3<sup>rd</sup> Draft. 51% threshold for initiating, final approval by Town Council.

Key Fact: Approval of the standards in a District is by Town Council action.

Nonconforming Issues: None

### 2. Minor Subdivisions

**Recommendation:** Same as 3<sup>rd</sup> Draft. Require approval by Planning Board.

Key Facts: A minor subdivision is one that creates not more than 4 lots, and does not involve new streets or extension of public utility lines; also includes townhouse lots within an approved multi-family development.

Nonconforming Issues: None

Alternate: Keep as staff action.

### 3. Burial of 3-phase Electric Lines

**Recommendation:** Same as 3<sup>rd</sup> Draft. Require burial by developer if present legal tests are satisfied; seek legislation to authorize broader requirement.

Key facts: New procedure now in place to have off-site information available when Council considers applications; new notification mechanisms for spraying being requested.

Nonconforming Issues: None

Alternative: Council could add language to require burial of 3-phase lines always, with Town commitment to fund.

### 4. Height Limits

**Recommendation:** Stay with existing regulations, establishing a 29' height limit at the setback line of a property.

Nonconforming Issues: None, with recommendation

Alternatives: Stay with 3<sup>rd</sup> Draft recommendation of 20' primary height limit in all residential zones; or adjust to 24' as most recently recommended; Apply reduced limit only to R-4, R-5, and R-6 zones, because of small setbacks; Regulate in terms of "stories" instead of feet, with no limit on the height of a story (not recommended). Note that the standards established for a Neighborhood Conservation District could set height limits and specific setback requirements, as desired.

### 5. Parking

**Recommendation:** Eliminate maximums, let the reviewing body (Planning Board or Town Council) decide based on facts of each case.

Key Facts: Many/most existing commercial developments have considerably more parking than recommended maximums.

Nonconforming Issues: None, with recommendation

Alternatives: Use maximums recommended in 3<sup>rd</sup> Draft; Adjust 3<sup>rd</sup> Draft so that maximums are all at least 25% higher than minimums; Create new maximums, using national standards for minimum parking.

## 6. Front Yard Parking

**Recommendation:** Same as 3<sup>rd</sup> Draft. Parking limited to 40% of frontyard townwide.

Key Facts: Limitation currently exists in Historic Districts only.

Nonconforming Issues: Compliance required 6 months after notification.

## 7. Floor Area Ratio for Single-family, two-family dwellings

**Recommendation:** Change to require for duplexes, but not for single-family; change proposed ratio for duplex from .3 to .4; add that existing duplex structures are NOT nonconforming.

Nonconforming Issues: None, with recommended language, only applies to new duplexes.

Alternative: Stay with Third Draft recommendation of .3 for all; change to .4.

## 8. Occupancy Restrictions

**Recommendation:** Specify that more than 4 unrelated persons per dwelling unit is treated as a rooming house.

Key Facts: 3<sup>rd</sup> Draft suggests no specific occupancy limits; Issue is related to new Rental Licensing Program.

Nonconforming Issues: No new nonconformities would be created. Noncompliance is a zoning violation, enforced through normal channels.

Alternatives: No limit on number of unrelated persons; Limit number to 2, or 3.

## 9. Tree Protection Regulations

**Recommendation:** Extend regulation to single-family/2-family development, as shown in 3<sup>rd</sup> Draft, but raise threshold to 5,000 sq ft of newly disturbed land area.

Key Facts: 3<sup>rd</sup> Draft suggests a 2,000 square foot threshold; 5,000 sq ft would trigger requirements for many, but not all new single-family homes; would likely not be triggered for expansions; 5,000 sq ft threshold would match recommended stormwater management threshold. None of the proposed requirements would prevent an owner of a single-family or two-family dwelling from removing a tree.

Nonconforming Issues: None

Alternatives: Set threshold at 2,000 sq ft.

## 10. RCD - Distance for Protected Area

**Recommendation:** Establish protected area as 100' from the banks of any perennial stream (50' streamside, 50' managed use), and 50' from the banks of any intermittent stream (25' streamside, 25' managed use). Eliminate limit on expansion of non-residential uses.

Key Facts: 3<sup>rd</sup> Draft recommends 150' from all streams; Manager's 10/28 Preliminary Recommendation suggests 100' from all streams. Recent analysis by Engineering Department indicates extensive presence of what would be determined to be intermittent streams, currently not regulated by RCD.

Nonconforming Issues: For existing structures, no nonconforming status would result from change to the RCD boundary. There would be no restriction on expansion.

Alternatives: 100' protected area around all streams; 150' protected area for all streams.

### 11. RCD - 2' or 3' Above Floodplain

**Recommendation:** Same as 3<sup>rd</sup> Draft. Increase RCD elevation from its present definition of 2' above the regulatory floodplain, to 3' above. Upon receipt of new floodplain maps, RCD elevation would be set as the 100-year flood elevation.

Key Facts: New maps might be available for Chapel Hill within the next 2 years.

Nonconforming Issues: For existing structures, there would be no nonconforming status resulting from any change to the RCD boundary. There would be no restriction on expansion outside of regulatory floodplain.

Alternatives: Keep RCD elevation at 2' above the 100-year floodplain.

### 12. RCD - Variance for Streets/Bridges

**Recommendation:** Require Special Use Permit or Preliminary Plat approval from Council, rather than Variance, for streets and bridges within the RCD.

Key Facts: 3<sup>rd</sup> Draft prohibits new streets or bridges within the RCD without a variance.

Nonconforming Issues: None

Alternatives: Stay with language in the Third Draft.

### 13. RCD - What is Exempt from Regulation

**Recommendation:** Include language that specifies that, for ANY zoning lot existing as of date of enactment, or for which a Preliminary Plat or Site Plan Review has been approved, the RCD boundary shall be calculated based on Development Ordinance language in effect immediately prior to enactment of a new ordinance.

Key Facts: 3<sup>rd</sup> Draft would only exempt existing structures located in the RCD from new RCD regulations - undeveloped lots would be subject to newly defined boundary.

Nonconforming Issues: Recommended language would exempt all existing lots and those approved by a Preliminary Plat or Site Plan Review from changes to the RCD boundary.

Alternatives: Stay with language in 3<sup>rd</sup> Draft, which would apply new RCD boundary to undeveloped lots.

### 14. Steep Slopes

**Recommendation:** For portions of a site that have slopes 25% or greater, limit land disturbance in those areas to 50%; apply to all development except single-family dwellings; apply only to newly disturbed land after date of enactment of new ordinance.

Nonconforming Issues: None, if enacted as proposed above.

Alternatives: Limit land disturbance in steep areas to 15%; do not exempt single-family; apply to existing and new land disturbance.

## 15. Impervious Surface Limitations

**Recommendation:** Limit new impervious surface on a lot to 24% (or 50%, if stormwater facilities are provided) of the currently pervious areas. Exempt from calculations all impervious surface as of date of enactment, unless otherwise regulated as part of watershed rules. Exempt single-family and two-family uses constructed or to be constructed on existing lots created prior to the date of enactment (or for which a Preliminary Plat has been approved by the Town Council prior to the date of enactment).

**Key Facts:** The southern half of Chapel Hill is covered by State-mandated watershed restrictions, and these more stringent rules (in place since 1993) would apply in those areas. Single-family/two-family exemption would mirror similar provision in watershed regulations.

**Nonconforming issues:** None, with above recommendation.

**Alternatives:** Stay with 3<sup>rd</sup> Draft.

## 16. Stormwater Management

**Recommendation:** Same as 3<sup>rd</sup> Draft, except exempt single-family/two-family from volume requirements.

**Key Facts:** Recent analysis by Chapel Hill Engineering Department indicates that controlling volume on small, individual lots is impractical, requiring extensive storage.

**Nonconforming Issues:** None.

**Alternatives:** Apply volume requirements to all development as included in 3<sup>rd</sup> Draft; Delete volume requirements from all development.

## 17. Nonconforming Status

**Recommendation:** Incorporate all recommendations noted above, which will eliminate all nonconforming issues for single-family development (both for existing structures and for undeveloped single lots).

**Nonconforming Issues:** These recommendations would address all concerns that have been raised about nonconforming status for single-family development.

**Alternatives:** Keep provisions that are in the 3<sup>rd</sup> Draft, which would create numerous nonconforming features; enact Manager's 10/28 preliminary recommendation, which would address some but not all nonconforming concerns.

## 18. Stormwater Management

(See Item 16, above.)

New Issue: Water/Sewer Requirement  
(Issue #19)

**Recommendation:** Add language to clarify that development that exists as of date of enactment without public water and sewer is NOT nonconforming.

Key Facts: The 3<sup>rd</sup> Draft proposes a requirement that all new development be required to be connected to public water and sewer (no new septic tanks within Urban Services Boundary). A question has arisen about whether the absence of water and sewer on a currently developed lot would create a nonconforming feature.

Nonconforming Issues: None, with recommendation.

Alternatives: Establish that absence of water and sewer is a nonconforming feature; allow new septic tanks under certain conditions.

New Issue: Setbacks in Planned  
Developments (Issue #20)

**Recommendation:** Delete required perimeter setbacks for a Planned Development (currently 50' on exterior boundary, 25' on interior boundary).

Key Facts: Planning Board has pointed out that current setback requirements prevent buildings in a Planned Development from being close to the street, often resulting in parking being located between street and buildings.

Nonconforming Issues: None

Alternatives: Do not change.

New Issue: Response to UNC Comments  
(Issue #21)

**Recommendation:** Add language to clarify the extent to which zoning regulations apply to development on State-owned property.

Key Facts: An October 25, 2002 letter from Vice Chancellor Nancy Suttentfield suggests that language in the Third Draft does not reflect N.C. General Statutes in that the draft Land Use Management Ordinance does not make it clear that soil erosion and sedimentation standards, sign regulations, and overlay zoning districts, cannot be applied to State-owned property.

Nonconforming Issues: None.