

MEMORANDUM

TO: Chapel Hill Planning Commission

FROM: Mary Jane Nirdlinger, Planning & Sustainability
John Richardson, Planning Manager
Eric Feld, Planner II

SUBJECT: Introduction to Proposed Text Amendments for Phase 1 of the [Land Use Management Ordinance Update](#)

DATE: July 21, 2015

PURPOSE

Building from the work we initially presented at the [May 19 Planning Commission](#) meeting, for informational purposes tonight we present an overview of the six text amendments that have been proposed for Phase 1 of the Land Use Management Ordinance (LUMO) Update project. The six topic areas under consideration are as follows:

- [Accessory Apartments](#)
- [Bed and Breakfasts](#)
- [Neighborhood Character Standards](#)
- [Parking Lot Landscaping](#)
- [Signage](#)
- [Water Quality](#)

A draft of each text amendment is attached (Attachment 1), along with a copy of the updated project schedule (Attachment2).

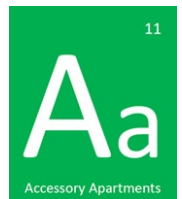
NEXT STEPS

Following our efforts to capture input from Town Advisory Boards (see Attachment 2), we will return to the Planning Commission on the following dates to begin receiving feedback on the topics as described below:

- August 4th – Signage, Bed and Breakfasts, Accessory Apartments and Neighborhood Character Standards
- August 18th –Water Quality and Parking Lot Landscaping
- September 1st – Planning Commission reviews all topics and considers making a final recommendation to Council

ATTACHMENTS

1. Proposed Text Amendments (six topic areas)
2. Project Meeting Schedule



Chapel Hill LUMO Topic Revisions

[NOTE: In order to allow additional opportunities for Accessory Apartments throughout the Town, a series of sections of the code must be amended, including the calculation of minimum lot size in the footnotes to Table 3.8-1 and the parking standards (to require one off-street space for a new accessory apartment). The definition of a single-family dwelling with accessory apartment is also included since it affects the size of the accessory unit.

Rules for Interpretation of Table 3.8-1:

...

Column (B): The minimum lot size figures are expressed in square feet. Where a zoning lot is located in more than one zoning district, the minimum gross land area required of such zoning lot shall be the sum of the areas derived by multiplying the minimum gross land area required for each represented district by the proportion of the zoning lot located within that district. For all dwellings, except single-family dwellings and single-family dwellings with accessory apartment, the minimum lot size is two (2) times the figures shown in Column (B).

Column (C): Applies to all residential uses except single-family dwellings and single-family dwellings with accessory apartment. The maximum density requirements (Column (C)) are expressed in dwelling units per gross acre.

...

Column (L): Maximum floor area allowed shall be the number of square feet derived by multiplying gross land area by the applicable floor area ratio (FAR), as shown in Table 3.8-1. A maximum floor area ratio shall not apply to public cultural facilities or single-family dwelling units (with or without an accessory apartment). Where a lot is partially within the resource conservation district, the maximum allowable floor area of the portion of the lot outside of the resource conservation district shall be calculated as the sum of: (a) the product of (1) the floor area ratio of the portion of the zoning lot outside the resource conservation district, and (2) the area, in square feet, of the portion of the zoning lot outside the resource conservation district; and (b) the product of (1) the floor area ratio applicable to a permitted use in the resource conservation district, and (2) the area, in square feet, of the portion of the zoning lot within the resource conservation district.

[NOTE: existing standard, highlight added]

5.9.5. Parking Design Standards

All parking areas shall meet the following minimum design requirement:

...

(c) Except for single-family dwellings, single-family dwellings with accessory apartments or two-family dwellings, all parking spaces and maneuvering space shall be surfaced with an all-weather material or gravel, which shall be maintained in a safe and sanitary condition.

...

(g) Except for single-family dwellings, single-family dwellings with accessory apartments or two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

...

Except for single-family dwellings, single-family dwellings with accessory apartments ~~one-~~ or two-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

5.9.7. Minimum and Maximum Off-Street Parking Space Requirements

Use	Vehicular Parking				Bicycle Parking
	Town Center Zoning Districts		Non-Town Center Zoning Districts*		
	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces	Minimum Bicycle Parking Requirements***
Dwelling, single-family and single-family with accessory unit	N/A	N/A	N/A	N/A	N/A
Dwelling, single-family with accessory apartment	1 per Accessory Apartment constructed after [effective date]	N/A	1 per Accessory Apartment constructed after [effective date]	N/A	N/A

Appendix A - Definitions

...

Dwelling units, single-family—with accessory

apartment. A dwelling or combination of dwellings on a single zoning lot consisting of two dwelling units, provided the floor area of one of the dwelling units does not exceed 50% of the floor area of the other dwelling unit, nor is greater than 750 square feet and further provided the dwelling’s exterior design and entry locations give the dwelling the appearance of a single-family dwelling. Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than 4 persons who are not related by blood, adoption, marriage, or domestic partnership.

[NOTE: existing definition, highlight added]



Chapel Hill LUMO Topic Revisions

Sec. 3.7. Use Regulations

Table 3.7-1: Use Matrix

Uses	Use Group	RT	R-LD5	R-LD1	R-1A	R-1	R-2A	R-2	R-3	R-4	R-5	R-6	Stds.
Bed & Breakfast	B	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.5.2
Uses	Use Group	NC	OI-1	OI-2	OI-3	CC	TC-1, TC-2, TC-3	I	MH	Stds.			
Bed & Breakfast	B	P	P	P	P	P	P	=	=	Sec. 7.5.2			

Sec. 6.21. Bed & Breakfast

6.21.1. Standards

- A. The use must be located in a structure originally constructed as a detached single-family dwelling or a structure purpose-built for bed & breakfast lodging.
- B. The structure must be the permanent residence of the owner or manager of the structure.
- C. The structure must have interior stairs that serve all habitable living spaces within the structure.
- D. No other such lodging may be located facing the same street within 600 feet of the proposed use.
- E. No guest room or suite may contain less than 100 square feet of floor area.
- F. The number of guests may not exceed 23 persons per night.
- G. Breakfast and an evening “happy hour” are allowed, provided they are served to guests only. The price of any meal must be included with the room. No other meals are allowed, except in conjunction with permitted special events. Separate or additional kitchens for guests are not allowed.
- H. The bed & breakfast must provide a minimum of .75 on-site vehicular parking spaces per available guest room plus 1 space for the resident manager/owner and 1 for each employee. The bed & breakfast may provide a maximum of .5 on-site vehicular parking spaces per available guest room plus 2 spaces for the resident manager/owner and 1 for each employee.

- I. No exterior advertising is allowed except one non-illuminated sign not to exceed 2 square feet in display area.

6.21.2. Special Events

- A. Special events (such as weddings, receptions and other similar functions) may be held in conjunction with a bed & breakfast subject to the following conditions:
 1. Special events may be held no more frequently than one day each calendar month.
 2. Special events may occur between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends.
 3. Special events may not have total attendance greater than 25 persons, plus service personnel.
 4. Special events may not include amplified sound.
- B. Special events (such as weddings, receptions and other similar functions) that do not meet the standards in paragraph 1 above may be allowed by special events permit.

6.21.3. Site Plan Review

No more than 7 guest rooms are permitted by right. Up to 12 guest rooms may be allowed by site plan review.

6.21.4. License Required

- A. A Town license is required prior to establishment of a bed & breakfast, whether permitted by right or by site plan review. The Town license must be renewed every 2 years.

- B. To stay in good standing with the Town, the property owner shall pay all occupancy tax obligations in a timely manner.
- C. At the time of license renewal, the Town Manager must review records of the Town's Business Management Department, Police Department, and the Town's Inspections Division to determine whether there have been substantial management issues associated with the bed & breakfast over the license period. Where such issues exist, a special use permit will be required prior to issuance of a bed & breakfast license renewal.

Appendix A. Definitions

...

Bed & Breakfast. A group of not more than 12 guest rooms in a private home intended for offering accommodations for a period of less than one week.

Chapel Hill LUMO Topic Revisions

[NOTE: It is presumed these new standards will be applied as an overlay district. The initial overlay will cover neighborhoods developed before 1965. Additional neighborhoods may apply the overlay as well, if desired.]

3.12. Neighborhood Character Overlay

3.12.1. Intent

The Neighborhood Character Overlay is intended to encourage reinvestment and reinforce the established character of designated residential neighborhoods in the Town. The standards are intended to accommodate the majority of infill development in existing residential neighborhoods, and have been crafted to allow an applicant (and Town staff) to look to the surrounding residential context for guidance regarding compatibility.

3.12.2. Establishment of Neighborhood Character Overlay

The Contextual Infill Overlay District is established here. The boundaries of the district are as shown on the Official Zoning Atlas.

2.3.5. Neighborhood Character Standards

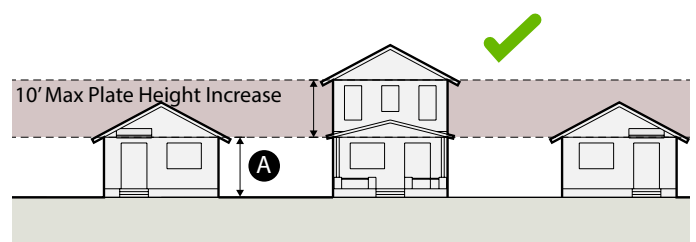
A. Applicability

1. [These standards apply within the Neighborhood Character Overlay shown on the Official Zoning Atlas.](#)
2. [These standards apply to any residential project under 2 acres in size located adjacent to an existing single-family or duplex residential lot.](#)
3. [These standards do not apply to nonresidential development \(which must follow the standards of the underlying zoning district\).](#)

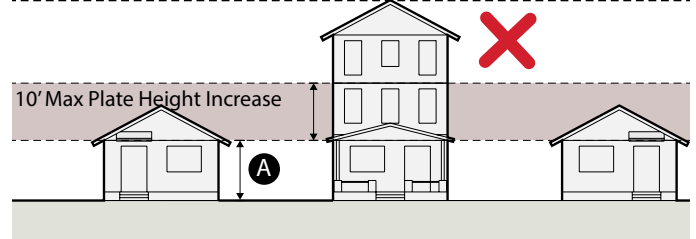
B. Height

Height may not exceed 10 feet above the plate height of the tallest house on the immediately adjacent lots on the same block face, and in no case may height exceed the applicable underlying zoning district standard.

Height Allowed by District Zoning

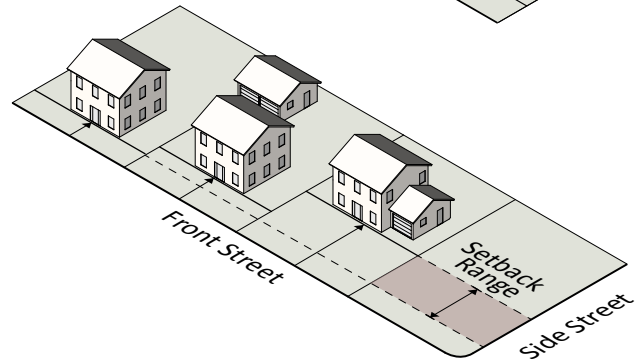


Height Allowed by District Zoning



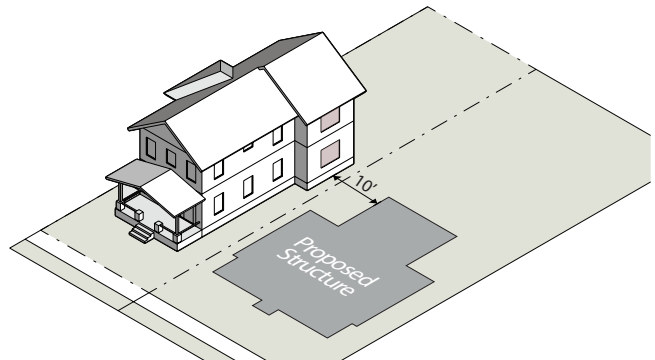
C. Front Setback

1. Proposed structures must be located within the range of front setbacks on the same block face. This range of setbacks is measured on the basis of the 2 closest lots in both directions along the street.
2. Where a setback in these four lots is significantly out of the range of setbacks along the same block face, it may be eliminated from the range by the Town Manager. Where the two closest lots are interrupted by a street, they are not included in the calculation.
3. The proposed structure must be located within this range of setbacks (no closer than the narrowest setback, and no further than the deepest setback).



D. Side Setback

1. The minimum side setback for the respective district applies.
2. Where the side wall of an existing structure is located within 3 feet of the adjoining property line, windows or other openings in the proposed structure that would allow for visibility into the side yard of the adjacent lot are not allowed unless a minimum 10-foot building separation is provided.
3. Windows that do not allow visibility into the side yard of the adjacent lot (clerestory windows or translucent windows) are allowed regardless of the building separation.

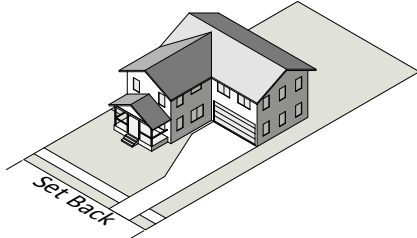
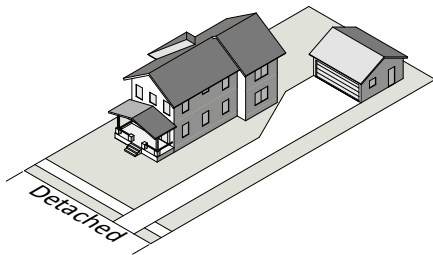
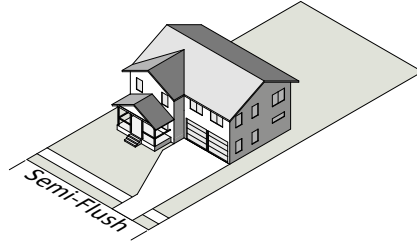
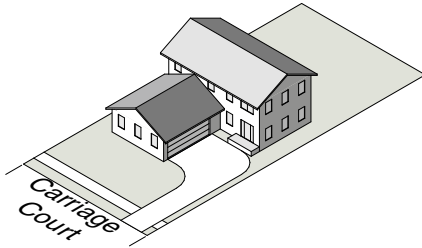
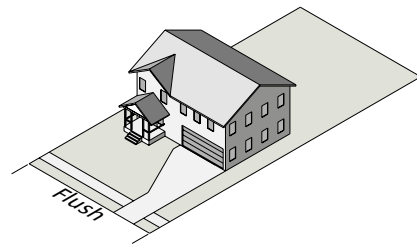
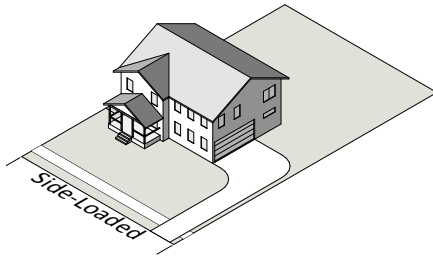


E. Garages and Carports

1. A street-facing garage or carport is not allowed, except as follows:
 - a. When it is located as a detached structure behind the principal structure.
 - b. When street-facing garages or carports exist on more than half of the lots fronting the same block face.

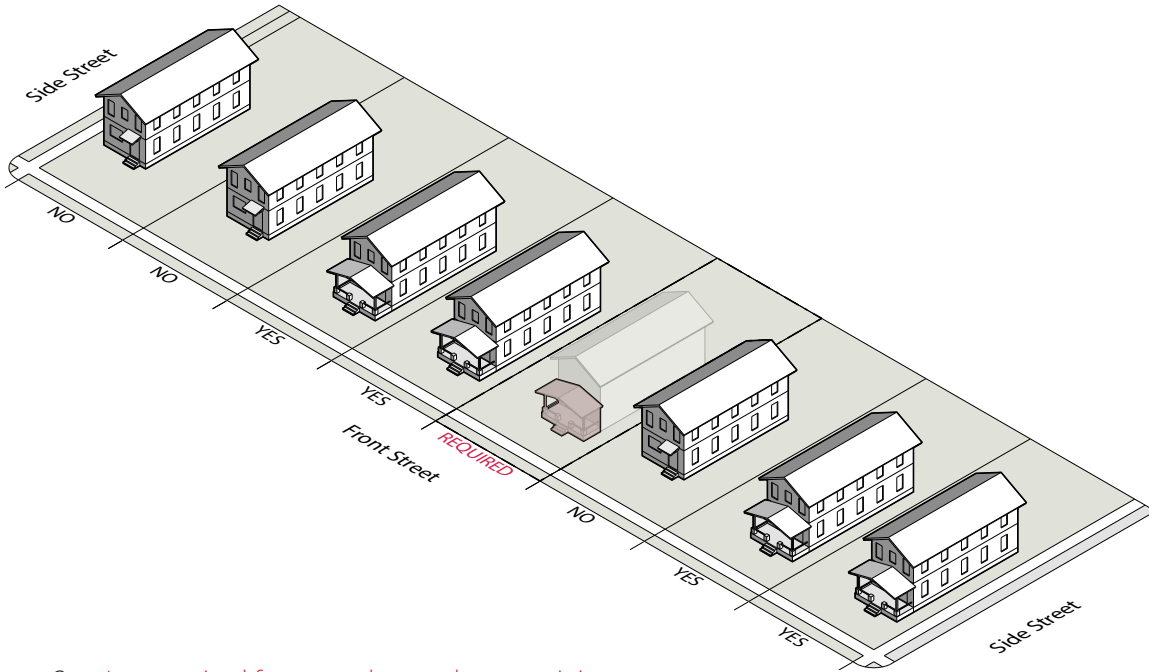
Garages That Are NOT Considered Street-Facing

Garages That Are Street-Facing

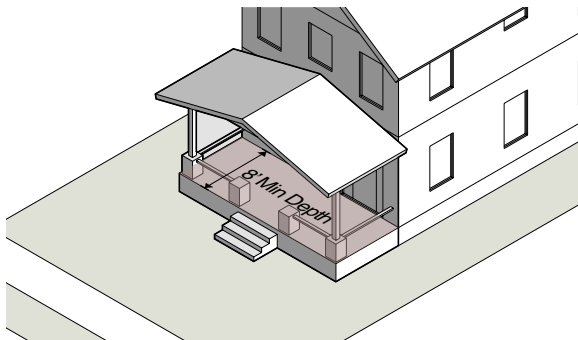


F. **Front Porches**

1. A front porch is required where front porches are provided on more than half of the lots fronting on the same block face.

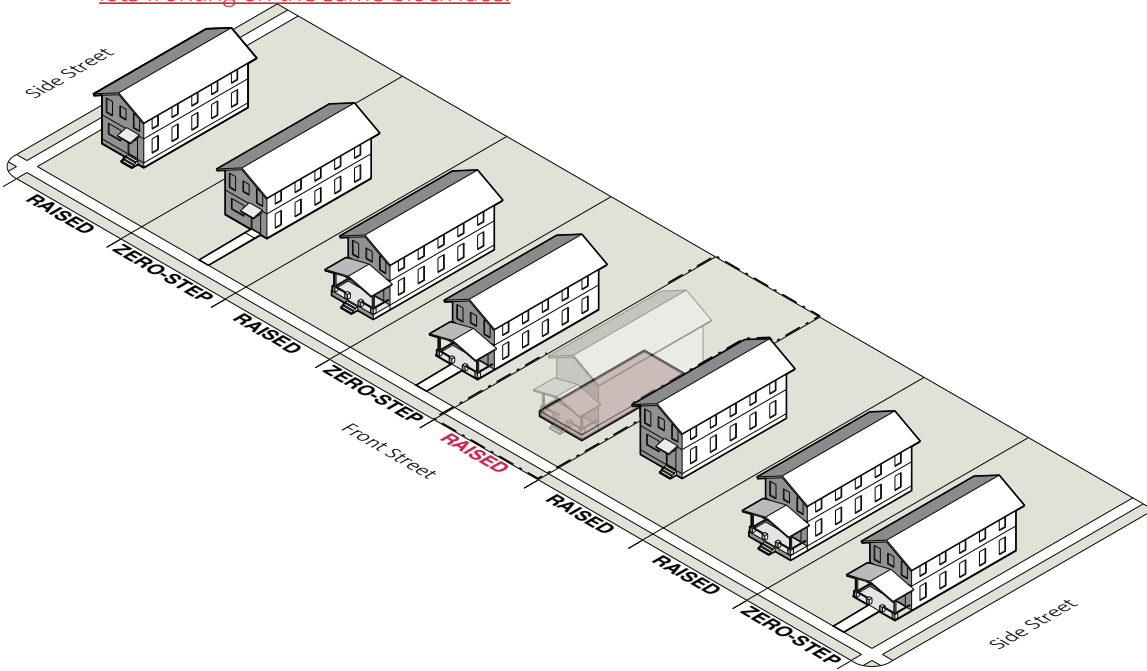


2. Any required front porch must have a minimum depth of 8 feet, except where a house on the same block face has a front porch less than 6 feet in depth, in which case a required front porch minimum depth of 6 feet is allowed.

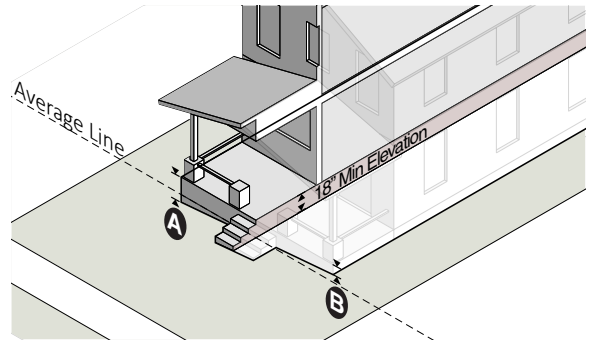
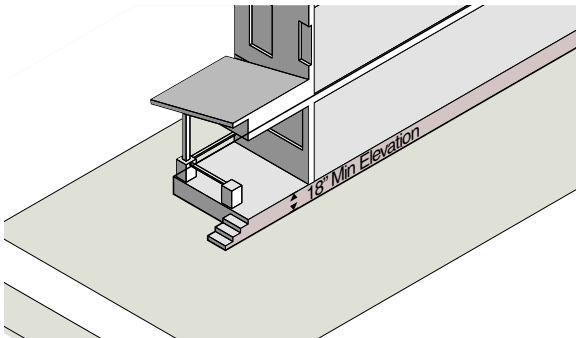


G. **Ground Floor Elevation**

1. Raised ground floors are required where raised ground floors occur on more than half of the lots fronting on the same block face.



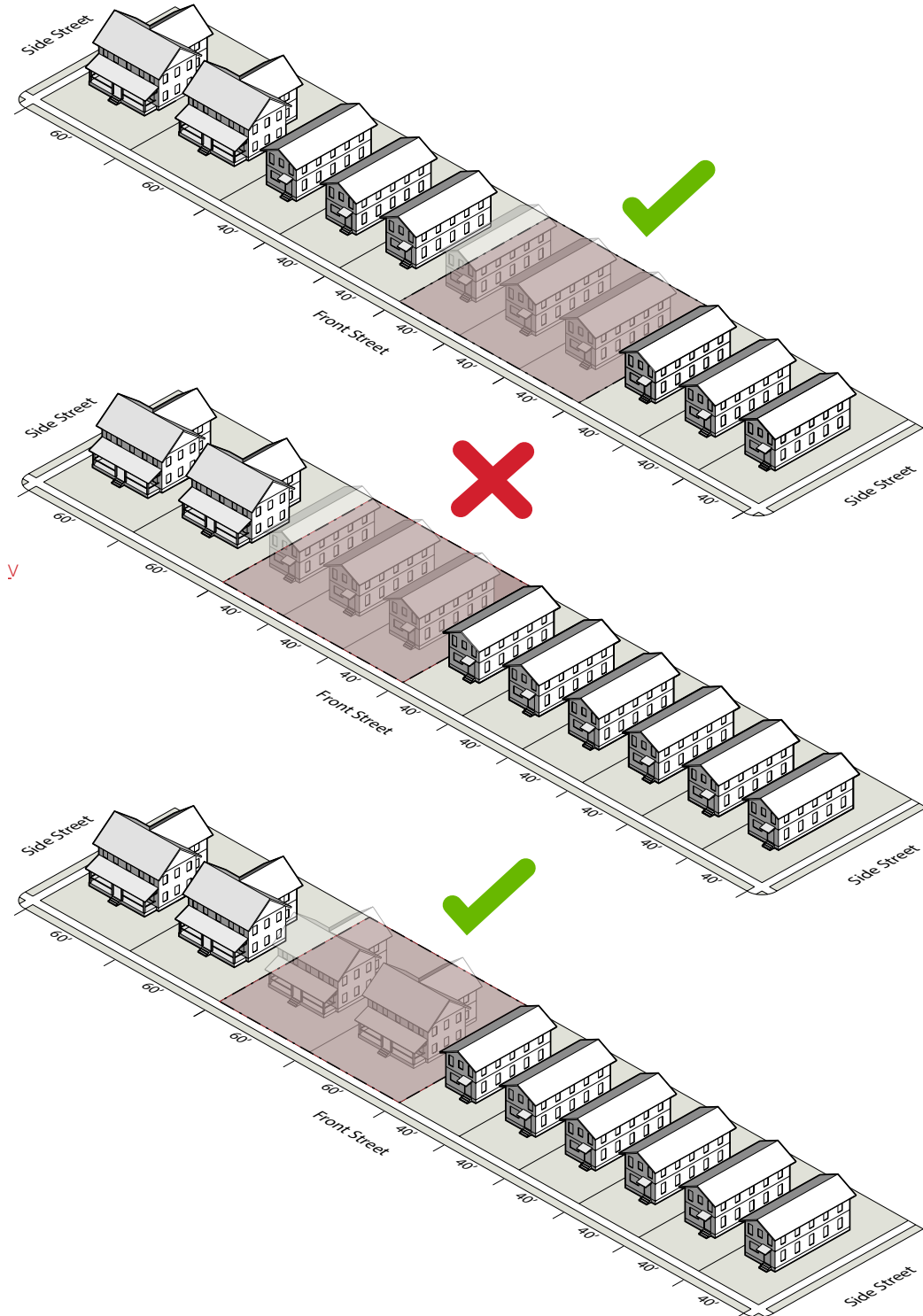
2. Any structure that requires a raised ground floor must have a ground floor elevation of at least 18 inches measured from average grade along the foundation to the top of the finished floor. In the event of a demonstrated disability hardship, the Town Manager may approve an alternative zero-step entry design.



H. **Lot Width for New Subdivision**

The minimum lot width requirement for subdivision after [INSERT effective date] is the smaller of:

1. The sum of the widths of the 2 closest lots in both directions along the street (4 lots total) divided by 4; or
2. The sum of the width for all lots fronting on the same block face divided by the total number of lots on the block face.





Chapel Hill LUMO Topic Revisions

Sec. 5.9. Parking and Loading

5.9.9. Parking Landscaping

A. General Provisions

1. Purpose Statement

It is the intent of this Section to protect and promote the public health, safety, and general welfare by requiring the landscaping of parking areas which will serve to:

- a. Reduce radiant heat from surfaces;
- b. Reduce wind and air turbulence;
- c. Reduce noise;
- d. Reduce the glare of automobile lights;
- e. Mitigate and ameliorate stormwater drainage problems; and
- f. Protect and preserve the appearance, character and value of adjacent properties.

2. Applicability

a. New Construction

- i. All new surface parking lots with more than 10 spaces shall provide parking lot landscaping in accordance with this subsection.
- ii. Multiple platted lots contained on a single site plan, and any separate parking areas connected with drive aisles, are considered a single parking area.

b. Additions

- i. An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the area of the parking lot.
- ii. When an existing parking lot is increased in area, landscaping is required for the new parking area only.
- iii. When an existing parking lot is increased in area by more than 50%

cumulatively, landscaping is required for both the existing parking lot and the new parking area.

Except for one- or two-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

3. Multifunctional Landscaping

Nothing in this Section is intended to prevent the applicant from using landscaped areas for stormwater mitigation purposes, including landscape, screening, sidewalk and streetscape areas. Where low impact stormwater management features are incorporated, grading and edge treatments for landscaping and screening areas must allow stormwater inflow. In such cases, no berming or curbs are necessary. The Town Manager may modify the landscaping standards of this subsection or the Design Manual to achieve this end.

B. Design Standards

1. Entrance Drives

Entrance drives into parking facilities shall be bordered by a landscaped buffer strip a minimum of 8 feet in width, which shall be landscaped in accordance with Town landscaping standards.

2. Surface Parking Lots

a. Foundation Buffer Strip Planting

Parking facilities, unless located on or within a structure, shall Ground-level parking facilities and the ground level of parking structures must be separated from the exterior wall of a structure (exclusive of paved pedestrian and bicycle entrance ways or loading areas) by a landscaped buffer strip at least 5 feet in width, which shall be landscaped in accordance with Town landscaping standards.

b. Perimeter Screening

All surface parking lots (of any size) with frontage on any portion of a public street (not including an alley) shall be screened with the following:

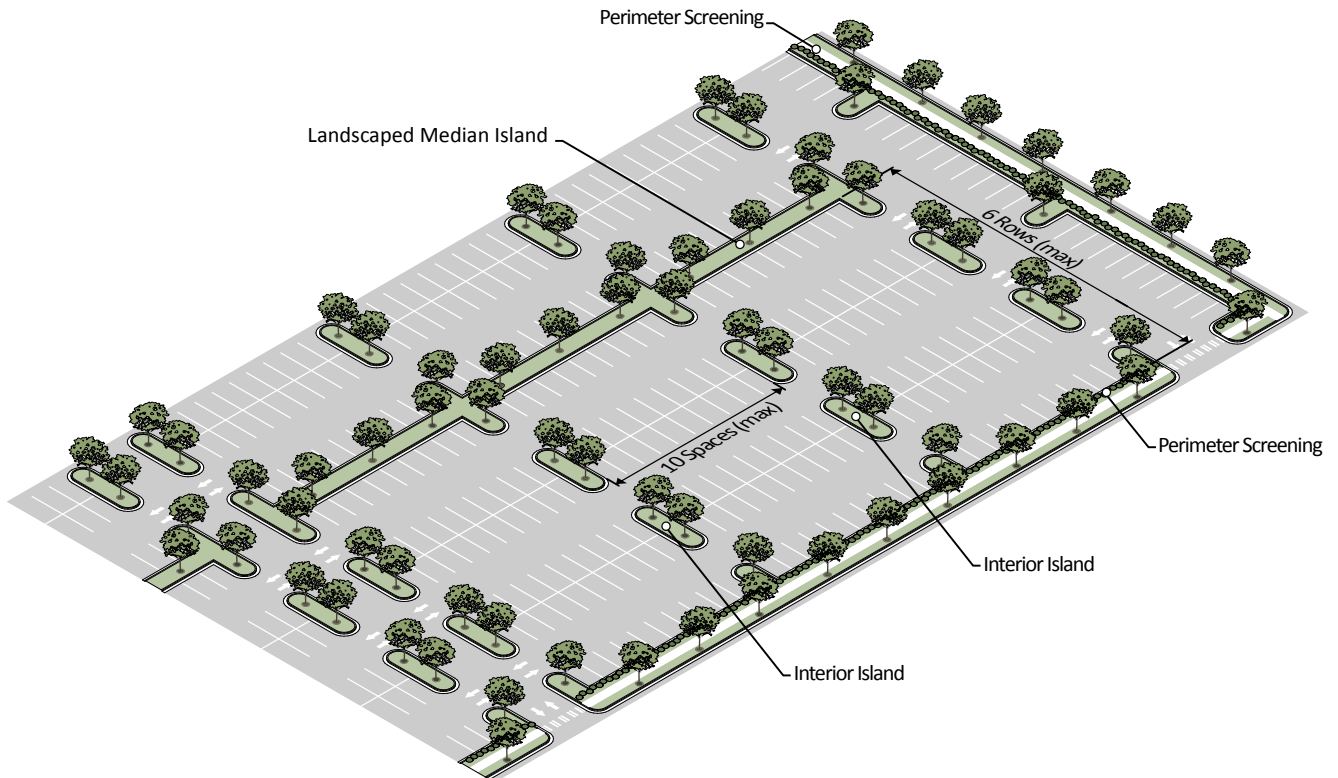
- i. A minimum 5-foot wide, landscaped area with a continuous row of shrubs between the street and parking lot. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting. OR
- ii. A 36-inch wall may be substituted for the 5-foot wide landscaped area with a continuous row of shrubs.
- iii. Breaks for pedestrian and vehicle access are permitted.

c. Interior Islands

- i. A landscaped interior island must be provided every 10 parking spaces in excess of 20 spaces. Interior islands

must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

- ii. An interior island abutting a single row of parking spaces must be a minimum of 8 feet in width and 150 square feet in area. Each island must include 1 canopy tree.
- iii. An interior island abutting a double row of parking spaces must be a minimum of 8 feet in width and 300 square feet in area. Each island must include 2 canopy trees.
- iv. Interior islands may be installed below the level of the parking lot surface to allow for runoff capture if included as part of an approved stormwater management plan.



Vegetation shall be provided within and adjacent to ground-level parking areas which will, in the opinion of the Town Manager, be sufficient to achieve shading of at least 35% of the parking area surface on noon on August 21 when the vegetation matures.

d. **Median Islands**

- i. A landscaped median island must be provided between every 6 single parking rows. Intervals may be expanded in order to preserve existing trees.
- ii. A landscaped median island shall be a minimum width of 8 feet, as measured from back of curb to back of curb.
- iii. Landscaped median islands may be installed below the level of the parking lot surface to allow for runoff capture if included as part of an approved stormwater management plan.
- iv. Any trees planted in landscaped median islands must be canopy trees unless the median is designed as a bioretention basin.

e. **Pedestrian Access**

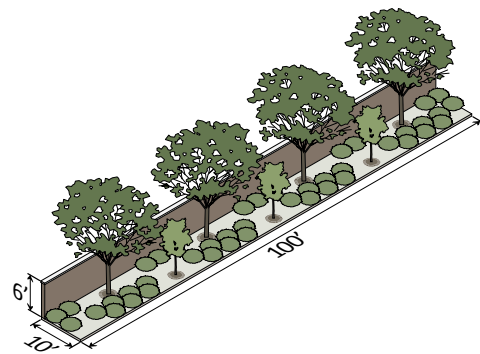
- i. Well-marked, ADA-compliant pedestrian access must be provided.
- ii. Access perpendicular to the main entrance from the parking area should be provided, whenever possible,
- iii. Where a sidewalk is added to a median, additional median width equal to the sidewalk width must be provided.

f. **Trees**

No parking space shall be farther than 75 feet from the trunk of a tree.

3. **Parking Adjacent to Residential Zoning**

Ground-level parking facilities and the ground level of parking structures must be screened from any adjacent residentially property zoned property residential with the following buffer. by means of an effective screening device which is at least 6 feet in height above the grade of the edge of the parking area. Appropriate screening devices may include solid decorative brick walls, wood fences, berms, tight evergreen hedges which shall reach the required height within 2 years of planting, or any combination of the above.



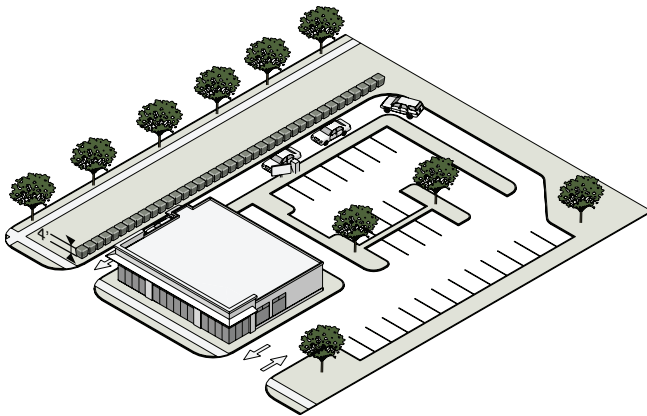
Depth (min)	10'
Wall Height (min/max)	6'/8'
Fence Height (min/max)	not allowed
Shade Trees (min per 100')	4
Understory Trees (min per 100')	3
Shrubs (min per 100')	40
Shrub Height (min)	4'

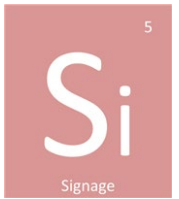
4. Drive-Thru Screening

- a. Where drive-thru windows and lanes are permitted to be placed between a public street (not including an alley) or ground floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru must be screened.
- b. Screening must be a continuous compact evergreen hedge or a screening wall. At the time of installation, a hedge must be at least 3 feet in height and reach a height of 4 feet within 3 years of planting. A screening wall must be a minimum height of 4 feet. The wall must be compatible with the principal building in terms of texture, quality, material and color.

C. Plant Installation and Maintenance

- 1. Where vehicles hang over medians or islands, shrubs and trees must be planted a minimum of 3 feet from back of the curb or wheel stop.
- 2. All plants and trees must be maintained and installed in accordance with in the Town of Chapel Hill Design Manual. The applicant shall be responsible for maintaining such vegetation in a safe and sanitary condition.
- 3. In providing the vegetation required in this subsection herein, the retention of existing significant vegetation must may be retained where, in the opinion of the Town Manager, the vegetation is significant and can it is feasibly be preserved. to retain the existing vegetation.





Chapel Hill LUMO Topic Revisions

Sec. 5.14. Signs

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- [8.14.2. Applicability 3](#)
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- [8.14.4. Signs Exempt from Regulation 3](#)
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NOTE: KEY CHANGES

Although some of the existing LUMO sign text has been used in this Section, the entire draft is shown as NEW (underlined in red) to ensure reviewers will read the existing as well as new portions of the Section.

- Applied basic approach to regulating from Ephesus Church/Fordham Form District
- Expanded prohibited signs
- Eliminated requirement for text only, trademarks, service marks
- Eliminated limit on anchor tenants on sign except for Development ID Sign
- Eliminated size difference between illuminated and non-illuminated signs
- Increased cantilevered ground sign to 9 SF from 3 SF
- Eliminated 2:1 ratio for shape of commercial center and ground sign
- Allowed variable display area on projecting sign based on height placement of sign
- Deleted commercial center and ground sign display area doubling when wall sign area is reduced
- Eliminated building width requirement for projecting sign
- Eliminated wall sign relationship to window height
- Modified limits on gas station pump toppers to allow 1 per pump
- Modified Parking Lot Identification Banners to eliminate seasonal requirement

Sec. 5.14. Signs

5.14.1. Intent

It is the intent of this section to authorize the use of signs with regard to size, layout, style, typography, legibility, and arrangements compatible with their surroundings; appropriate to the identity of individual properties, occupants, or of the community; and as appropriate to traffic safety.

5.14.2. Applicability

- A. No sign visible from the public right-of-way, whether exterior to or interior to a structure, shall be erected, displayed, or substantially altered (unless specifically exempted) except in accord with the provisions of this Land Use Management Ordinance and until a zoning compliance permit has been issued for the sign.
- B. Except where expressly exempted in this Section, all signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.

5.14.3. Signs in the Right-of-Way

- A. Signs must not encroach into the public right-of way unless expressly exempted in this Section.
- B. Wall signs, awning signs, canopy signs, projecting signs, crown signs and shingle signs may encroach over the public sidewalk but must not encroach on or over any streets or alleys. All signs must be a minimum of 24 inches inside the curb line or edge of pavement, whichever is greater.

5.14.4. Signs Exempt from Regulation

- A. The following signs are exempt from regulation and permit requirements under this Section, provided that signs comply with the provision of this section and are not illuminated.
 1. Signs bearing only property identification numbers and names, post office box numbers, names of occupants of the premises on which the signs are located, or other identification of premises not of a commercial nature, provided the signs are not illuminated and do not exceed 2 signs per zoning lot and 2 square feet in area per display surface.

2. Flags and insignia of a government, when not displayed in connection with a commercial promotion.
3. Legal notices, identification and informational signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body.
4. Memorial signs, plaques or tablets, and names and construction dates of buildings when cut into any masonry surface.
5. Signs directing and guiding traffic and parking on private property on which the signs are located, provided such signs are not illuminated, bear no advertising, and do not exceed 4 square feet in area per display surface. [NOTE: Directory signs with tenant names and locations that are not visible from the public right-of-way have no restriction on area.]
6. Real estate signs advertising the sale, rental, or lease of the premises, provided the signs:
 - a. Do not exceed 1 sign per street frontage and 4 square feet in area per display surface for property zoned residential; and
 - b. Do not exceed 1 sign per street frontage and 16 square feet per display surface for property zoned non-residential or located within an approved planned development.
7. Construction site identification signs whose message is limited to project name, identification of architects, engineers, contractors and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building and the expected completion date. Construction site identification signs may not exceed 4 square feet in area per display surface and 6 feet in height for single-family or duplex construction; and 32 square feet in area per display surface and 8 feet in height for multifamily or non-residential construction. The signs must be non-illuminated. Construction site identification signs must not exceed 1 sign per construction site, must not be erected prior to the issuance of a building permit, and must be removed within 7 days of issuance of a certificate of occupancy.
8. As part of a Construction Management Plan, the Town may exempt construction fencing signs from regulation provided that such signs are

removed once construction fencing is no longer required.

9. Temporary political signs advertising candidates or election issues, provided such signs do not exceed 4 square feet in area per display surface, and provided that any such signs, on private property, are removed within 10 days after the primary or election day; and provided further that any such signs in the public right-of-way are not erected prior to 30 days before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day. The NC Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in this paragraph. Signs in the right-of-way must be placed in compliance with the following:
 - a. The sign permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.
 - b. No sign is permitted in the right-of-way of a fully controlled access highway.
 - c. No sign is allowed closer than 3 feet from the edge of pavement of the road.
 - d. No sign may obscure motorist visibility at an intersection.
 - e. No sign may be higher than 42 inches above the edge of the pavement of the road.
 - f. No sign may be larger than 864 square inches.
 - g. No sign may obscure or replace another sign.
10. Yard or garage sale signs announcing yard or garage sales, provided the signs do not exceed one sign per site of the sale and 4 square feet in area per display surface, and are removed within 7 days of posting.
11. Public event announcements by public or non-profit organizations of special events or activities of interest to the general public, provided such signs do not exceed 1 sign per site of such events or activities and 12 square feet in area per display surface, and are removed within

14 days of posting. [NOTE: expand to allow for temporary commercial event activity?]

12. Temporary signs announcing grand openings of new businesses only, provided such signs are attached to the building in which the business is located, do not exceed 32 square feet of display area per business site, and are displayed for a period not to exceed 45 days.
13. Information kiosks or bulletin boards erected by or on behalf of a governmental body on public property or rights-of-way in the Town Center Districts for the display of handbills or posters of community interest, provided such kiosks or bulletin boards contain no more than 6 square feet in area per sign display surface, and a maximum of 72 square feet per kiosk or bulletin board.
14. Signs stating that a business (other than a home occupation) is open, provided that there is no more than one such sign per business establishment, any illumination is steady (does not blink or flash), and the sign does not exceed 2 square feet in display area.
15. Non-commercial signs not covered by other exemptions listed in this section, provided such signs are located on private property and are non-illuminated. [NOTE: Still necessary?]

5.14.5. Prohibited Signs

The following signs are prohibited.

A. Moving Signs

Animated, rotating, or other moving or apparently moving signs, including vehicular billboards.

B. Wind Signs

Devices consisting of banners, streamers, pennants, wind-blown propellers, balloons, inflatable devices, strung light bulbs and similar installations, unless approved by the Town Manager for non-commercial, non-profit enterprises.

C. Digital Changeable Copy

Digital changeable copy that scrolls, blinks, or flashes, including but not limited to LCD, LED and any similar technology, except as used to display time and temperature or gas price.

D. Roof Signs

Any sign visible from a public right-of-way that is constructed and maintained wholly upon or over the roof of a building.

E. Human Signs

A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This may also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

F. Signs That Are Not Permanent

Any sign that is not permanently affixed to the ground or a structure (except sidewalk signs), including but not limited to trailer signs, signs on vehicles that are parked in a manner that serves the purpose of an advertising device, and temporary signs advertising property for sale, lease or rent.

G. Traffic Safety Precautions

Notwithstanding any other provision in this Land Use Management Ordinance, the following restrictions shall apply to signs in order to preserve the safety of pedestrian, bicycle, and vehicular movement:

1. No sign may make use of the words "STOP", "SLOW", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
2. Except as used to display time and temperature, no sign may contain flashing lights.
3. No sign, or part of a sign, may be located within a sight distance area established below.

4. No sign may be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.

5.14.6. General Standards

A. Subject Matter Related to Premises

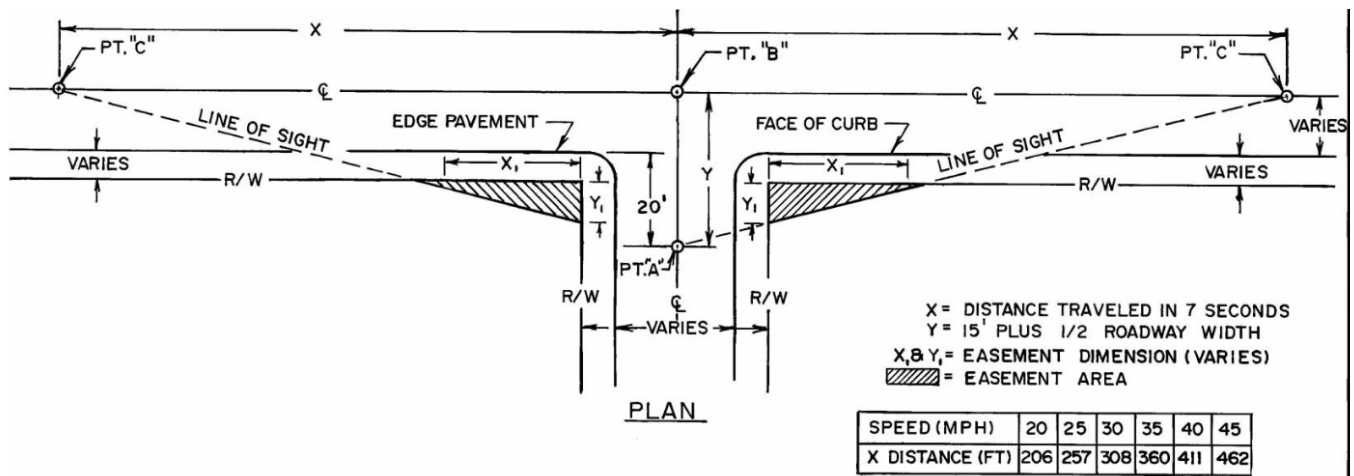
The subject matter of any sign must be related to the premises on which the sign is located, except where specifically exempted by this Land Use Management Ordinance.

B. Cessation or Vacation of Use

When the use or establishment to which a sign is related ceases or is vacated, any sign, including all of its supports, frames and hardware, must be removed within 4 months of the cessation or vacating of the use or establishment unless the sign is used by a new use or establishment on the premises in conformance with all current regulations of this Land Use Management Ordinance.

C. No Signs in Public Right-of-Way

All signs, including the supports, frames, and embellishments, shall not be located within any public right-of-way (except where specifically exempted by this Land Use Management Ordinance). No sign may be attached, affixed, or painted on any utility pole, light standard, telephone or telegraph pole, any tree, rock or other natural object.



D. Unified Sign Plan

1. Where a zoning lot contains more than one principal use or establishment, the provisions of this Section apply to the zoning lot as a whole, and the owners of the zoning lot are responsible for allocating permitted signs and display surface area among the individual uses or establishments.
2. A unified sign plan is an overall plan for placement and design of multiple signs for a building or group of buildings on a zoning lot.
3. The unified sign plan submitted for a zoning lot must show all signs located or proposed on the zoning lot.
4. The unified sign plan must display harmony and consistency with regard to theme, number and size of signs, placement of signs, materials and colors, size and style of lettering, and type of sign illumination.

E. Noncommercial Messages

1. Whenever this Section permits a commercial sign, a noncommercial message may be substituted for the commercial message.
2. The right to substitute the noncommercial message does not waive any other requirement imposed by this Land Use Management Ordinance as to number, size, construction, location, lighting, safety or any other regulated attribute.

F. Address on Ground Signs

The street address number must be included on all ground signs. Numerals must be at least 9" in height. The area of the address is included in any calculation of total sign area.

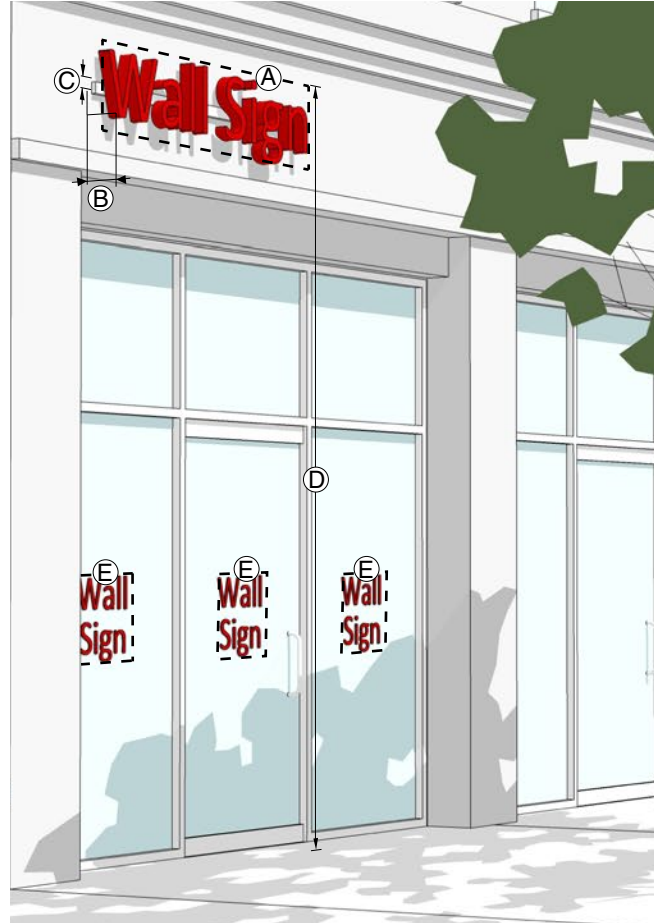
G. Site Plan Review by Planning Commission

The Planning Commission may approve signs in the Neighborhood Commercial districts that comply with the standards of this Section as part of a site plan review.

5.14.7. Permitted Signs	RT, R-, MH, PD-H	TC-, CC, NC, OI-, MU-V, I	PD-SC PD-OI, PD-MU, PD-I	Mixed Use OI-1, Mixed Use R-1	Sign Area Allocation (max)
Building Signs					
	P*	P	P	P	
	P*	P	P	P	
	P*	P	P	P	Maximum 5% of the building facade for all of these sign types combined
	P*	P	P	P	
	P*	P	P	P	
	--	P	P	P	Maximum 2.5% of the building facade (in addition to other building signs)
Ground Signs					
	P*	P	--	--	
	P*	P	--	--	
	P*	P	P	P	Based on sign area
	P	--	P	P	

KEY: P = Sign type permitted P* = For allowed nonresidential uses only -- = Not Permitted

A. Wall Sign



Description

A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

Standards

1. No portion may extend above the roof line or above a parapet wall of a building with a flat roof. No portion may extend above the lower eave line of a building with a pitched roof.
2. Must not cover windows or architectural details.
3. Wall sign area includes signs visible from the outside that are located inside the building within 5 feet of the window.
4. For a cinema or theater, may be constructed as a marquee that extends less than 10 feet from the building and is at least 10 feet above the sidewalk (or finished grade where there is no sidewalk).
5. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

	RT, R- MH, PD-H	NC, CC, TC-, OI-, MU-V, Ind	PD-SC, PD-OI PD-MU, PD-I	MU OI-1, MU R-1
(A) Display surface, building identification (max)	16 SF	limited by allocation	40 SF	limited by allocation
(A) Display surface, each establishment (max)	--	--	15 SF	limited by allocation
(B) Projection from bldg facade (max)	12"	12"	12"	12"
(C) Raceway (max % of letter height)	35%	35%	35%	35%
(D) Height above sidewalk (max)	18'	18'	18'	18'
(E) % of each window area (max)	15%	15%	15%	15%

Number of Signs

1. In the RT, R-, MH and PD-H Districts, maximum 1 wall sign per street frontage.
2. In all other districts, maximum of 1 wall sign per individual establishment per street frontage.

B. Awning Sign



Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

Standards

1. Sign must not extend outside the awning.
2. Signs are not permitted on the sloping face of the awning. [NOTE: Allow signs on sloping face?]
3. Not allowed above the ground story.
4. May only be externally illuminated in accordance with Sec. 8.14.11.

Dimensions

A	Display surface (max)	9 SF
B	Width (max % of awning width/depth)	75%
C	Height of message (max)	12"
D	Clear height above sidewalk (min)	8'

Number of Signs

1. A maximum of 1 awning sign is permitted per awning.
2. Awning sign may be on either the front or side valance.

C. **Canopy Sign**



Description

A sign placed at the front edge of a canopy so that the display surface is parallel to the plane of the front building facade.

Standards

1. Must not extend outside the overall length or width of the canopy, however, may extend above or below the canopy, provided the clear height is met.
2. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
3. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

Ⓐ	<u>Width (max % of canopy width)</u>	<u>75%</u>
Ⓑ	<u>Height of text and graphics (max)</u>	<u>2'</u>
Ⓒ	<u>Depth (max)</u>	<u>1'</u>
Ⓓ	<u>Raceway (max % of letter height)</u>	<u>35%</u>
Ⓔ	<u>Clear height above sidewalk, canopy and sign (min)</u>	<u>10'</u>

Number of Signs

1. A maximum of 1 sign is permitted per canopy.

D. **Projecting Sign**



Description

A sign applied to or mounted to the wall or surface of a building or structure, with a display surface that projects 12 inches or more from the outside wall of the building or structure.

Standards

1. May be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used for a corner projecting sign, provided it does not exceed the allowed height and width.
2. No portion may extend above the roof line or above a parapet wall of a building with a flat roof. No portion may extend above the lower eave line of a building with a pitched roof.
3. On buildings 4+ stories, the projecting sign must be located below the window sills of the 4th story.
4. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

Height (max)

- | | | |
|---|--|------------|
| Ⓐ | <u>Mounted below 2nd floor</u> | <u>4'</u> |
| | <u>Mounted between 2nd and 3rd floor</u> | <u>8'</u> |
| | <u>Mounted between 3rd and 4th floor</u> | <u>12'</u> |

- | | | |
|---|--|----------------|
| Ⓑ | <u>Distance from building facade (min/max)</u> | <u>1' / 2'</u> |
|---|--|----------------|

- | | | |
|---|-------------------------------|-----------|
| Ⓒ | <u>Projection width (max)</u> | <u>4'</u> |
|---|-------------------------------|-----------|

- | | | |
|---|--------------------|------------|
| Ⓓ | <u>Depth (max)</u> | <u>12"</u> |
|---|--------------------|------------|

- | | | |
|---|--|------------|
| Ⓔ | <u>Clear height above sidewalk (min)</u> | <u>10'</u> |
|---|--|------------|

Number of Signs

1. Maximum 1 projecting sign per individual establishment per street frontage.
2. Must be located at least 25 feet from any other projecting sign or shingle sign.
3. Not allowed on a zoning lot with a commercial center or ground sign.

E. **Shingle Sign**



Description

A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

Standards

1. Must be located within 5 feet of an accessible building entrance.
2. Hanging bracket must be an integral part of design.
3. Must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a 1-story building.
4. May only be externally illuminated in accordance with Sec. 8.14.11.

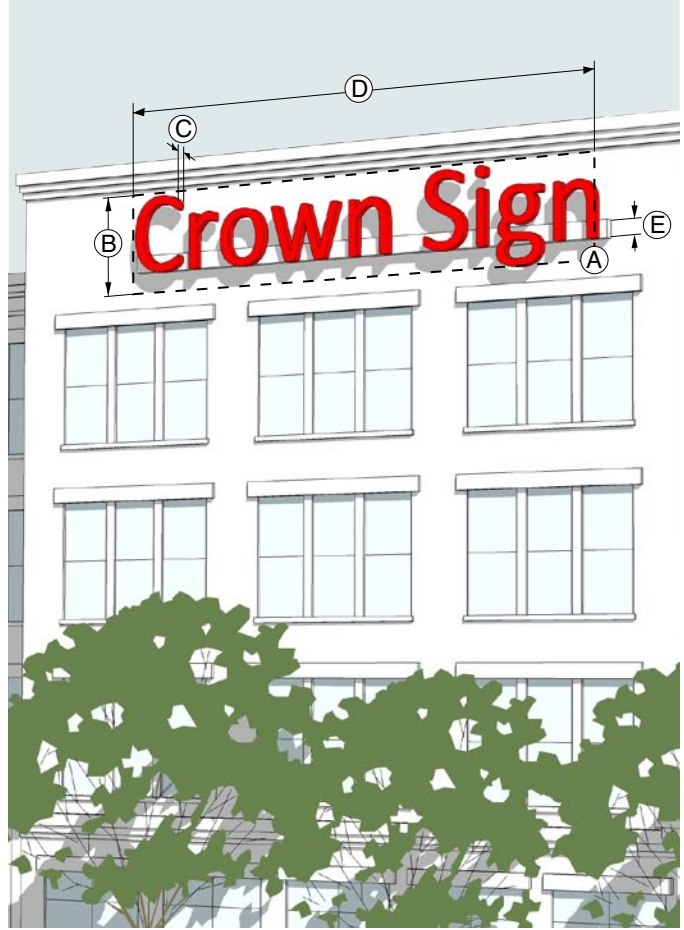
Dimensions

(A)	<u>Display surface (max)</u>	<u>9 SF</u>
(B)	<u>Height (max)</u>	<u>3'</u>
(C)	<u>Spacing from building facade (min/ max)</u>	<u>6"/12"</u>
(D)	<u>Projection width (max)</u>	<u>3'</u>
(E)	<u>Depth (max)</u>	<u>6"</u>
(F)	<u>Clear height above sidewalk (min)</u>	<u>10'</u>

Number of Signs

1. Maximum of 1 shingle sign or projecting sign per individual establishment per street frontage.
2. A shingle sign must be located at least 25 feet from any other shingle sign or projecting sign.

F. **Crown Sign**



Description

A wall sign extending not more than 3 feet from the building facade located on the upper horizontal band of a building at least 55 feet and 4 stories in height.

Standards

1. Only permitted on buildings at least 55 feet and 4 stories in height.
2. Must not be placed below the start of highest floor or extend above the roof line.
3. Must not cover windows or architectural details.
4. May only be internally illuminated in accordance with Sec. 8.14.11.

Dimensions

(A) Display surface (max)	250 SF
(B) Height (max)	8'
(C) Projection - measured from building facade (max)	3'
(D) Width (max % of facade width)	75%
(E) Raceway (max % of letter height)	25%

Number of Signs

1. No more than 1 sign per building facade and no more than 2 signs per building.
2. No more than 1 tenant or building may be identified on the sign.

G. Commercial Center Sign



Description

A commercial center sign is a free-standing sign attached to a contiguous structural base or planter box permanently affixed to the ground. Commercial center signs do not include free-standing signs supported by poles.

Standards

1. Allowed for commercial centers, defined as a center with a minimum of 4 retail business tenants and 8,000 SF of retail business floor area.
2. Zoning lot must have 100 feet of street frontage minimum.
3. Sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
4. Sign must be located at least 250 feet from any other ground sign.
5. Minimum 9" letter height for all text.
6. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

	NC, CC, OI-1, OI-2, MU-V, MU OI-1, MU R-1, PD-MU	
	Street up to 35 MPH	Street 35 MPH +
(A) Sign structure plus display surface (max)	100 SF	144 SF
(A) Display surface only (max)	50 SF	72 SF
(B) Height (max)	12'	14'
(C) Width (max)	10'	10'
(D) Thickness (max)	12"	12"

Number of Signs

1. Maximum 1 commercial center sign per street frontage.

H. Ground Sign



Description

A ground sign is a free-standing sign attached to a contiguous structural base or planter box the same width or greater width than the message portion of the sign, permanently affixed to the ground. Ground signs do not include free-standing signs supported by poles.

Standards

1. Zoning lot must have a minimum 100 feet of street frontage to qualify for a ground sign (for smaller lots, see Cantilevered Ground Sign). Lot must be accessible by automobile and contain off-street parking for the principal use.
2. Buildings housing principal uses must be located at least 20 feet back from abutting right-of-way.
3. Sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
4. Sign must be located at least 150 feet from any other ground sign.
5. Minimum 9" letter height for all text.
6. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

	RT, R-, MH, PD-H	TC-	All Other Districts
(A) Display surface (max)	16 SF	8 SF	30 SF
(B) Height (max)	6'	8'	8'
(C) Width (max)	10'	10'	10'
(D) Thickness (max)	12"	12"	12"

Number of Signs

1. In the RT, R-, MH and PD-H Districts, maximum 1 ground sign per lot.
2. In all other districts, maximum 1 ground sign per street frontage.
3. No ground sign permitted on the same zoning lot as a projecting sign.

I. Cantilevered Ground Sign



Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by a post and the sign hangs from a bracket or support.

Standards

1. No minimum street frontage required.
2. Buildings housing principal uses must be located at least 20 feet back from abutting right-of-way.
3. Must be set back at least 5 feet from the front lot line and 5 feet from a side lot line.
4. Hanging bracket must be an integral part of design.
5. Sign must be located at least 25 feet from any other ground sign.
6. May only be externally illuminated in accordance with Sec. 8.14.11.

Dimensions

A	<u>Display surface (max)</u>	<u>9 SF</u>
B	<u>Support height (max)</u>	<u>10'</u>
C	<u>Sign height (max)</u>	<u>6'</u>
D	<u>Display surface height, width (max)</u>	<u>3'</u>

Number of Signs

1. 1 cantilevered ground sign per street frontage.
2. No cantilevered ground sign permitted on same zoning lot as a projecting sign.

J. Development Identification Sign



Description

A permanently affixed sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal that is used to identify entry to a development.

General Provisions

1. Must be set back at least 10 feet from the front property line and 15 feet from a side property line.
2. Must not conflict with any clear sight triangle.
3. Must be constructed of brick, stone, wood, metal or glass.
4. May contain the name and logo of the development and one anchor tenant.
5. May be externally or internally illuminated in accordance with Sec. 8.14.11.

Dimensions

	RT, R-, MH, PD-H	PD-SC, PD-OI, PD-MU, PD-I	MU OI-1, MU R-1
Ⓐ <u>Sign area (max, single side only)</u>	16 SF	20 SF	40 SF
Ⓐ <u>Sign area (max each, if two sides)</u>	8 SF	=	20 SF
Ⓐ <u>Sign area (max, for development with a cinema, single side only)</u>	=	=	80 SF
Ⓑ <u>Height (max)</u>	6'	6'	8'

Number of Signs

1. One development identification sign is allowed per primary entrance in the PD-SC, PD-OI, PD-MU and PD-I Districts.
2. In all other districts, 2 development identification signs are allowed per primary entrance, one on each side.

5.14.8. Specialty Sign Types

A. Sidewalk Sign

A sidewalk sign is a movable sign not secured or attached to the ground or surface upon which it is located. This sign type is typically an A-frame or spring-mounted sign.

1. A sidewalk sign is not permitted in any residential district.
2. A sidewalk sign is permitted only along roadways with a posted speed limit of 35 MPH or less.
3. A sidewalk sign must be no more than 42" tall and 36" wide. The sign face must be no more than 9 square feet in area.
4. There may be no more than 1 sidewalk sign per tenant, generally located adjacent to the primary facade in front of the business.
5. Each sidewalk sign must be located at least 25 feet from any other sidewalk sign.
6. A sidewalk sign must be located outside the public right-of-way, except in the Town Center, where sidewalk signs may be placed within the right-of-way in accordance with Chapter 16 of the Town Code. The sign must not obstruct vehicular, bicycle or pedestrian traffic, and must comply with ADA clearance and accessibility.
7. The sign must be removed and placed indoors at the close of each business day.
8. No illumination is permitted.



B. Parking Lot Identification Banners

1. Non-illuminated parking lot identification banners may be hung from private street lights in all non-residential districts for no more than 90 days with the approval of the Town Manager and the Community Design Commission.
2. Each parking lot identification banner must not exceed 4 square feet in display area, and must be limited to the name of the building or development.
3. One or two banners may be approved for display from each street light.
4. The colors, shape, materials, appearance and duration of display for such banners must be approved by the Town Manager and the Community Design Commission.

C. Gas Stations

1. Pumps

Signs located on the top of gas pumps (pump toppers) must comply with the following standards:

- a. Gas stations may install one pump topper per pump.
- b. Pump toppers are limited to a maximum of 6 square feet per side and no more than 2 sides per pump.
- c. The base of the pump must be a neutral color, and must not contain any signage.
- d. No internal illumination of the pump or pump topper is allowed.

2. Canopies

Gas station canopy signs must comply with the following standards:

- a. The sign must be an integral component of the pump canopy (composed of lettering mounted, painted or otherwise affixed to the pump canopy, and not located on the top or bottom of the canopy).
- b. The features, materials, colors and designs used in the pump canopy must be similar to the principal structure. Such features are considered similar where the materials and colors of the canopy are the same as the predominant materials and colors of the principal structure.

- c. Each canopy sign may not exceed 4 square feet of display area. The maximum letter height or trademark height must not exceed 18 inches.
- d. Additional canopy sign area may be permitted by transferring building sign display area. If building sign display area is transferred, one canopy sign is permitted on each side of a canopy, up to a maximum of three sides.
- e. The canopy must not encroach upon any publicly dedicated rights-of-way.
- f. The message must be limited to the name or registered trademark of the establishment located on the zoning lot.
- g. No internal canopy illumination is permitted.

3. Digital Gas Price Display

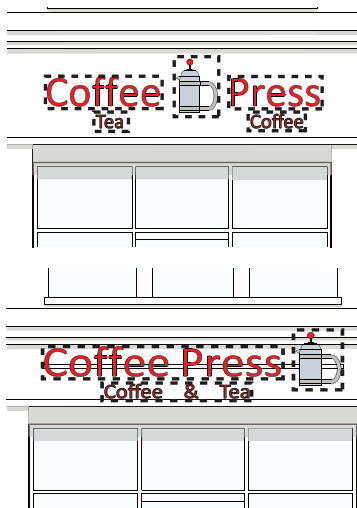
Gas prices may be displayed as digital (electronic) changeable copy).

5.14.9. Sign Measurements

A. Computation of Sign Area

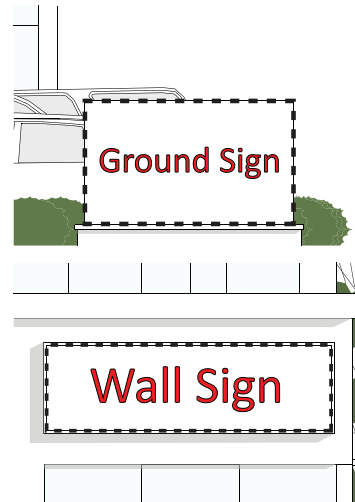
The area of all signs is determined as follows:

- 1. For wall signs, awning signs, canopy signs and crown signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses all the letters or logo.

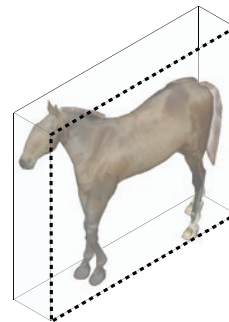


- 2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate

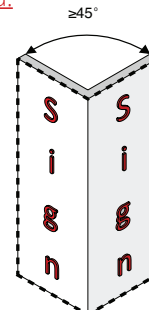
the sign from the structure on which it is mounted. Display surface includes the face of the structure that the message is affixed to. Display surface does not include any structural members not bearing advertisement.



- 3. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- 4. The area for a sign with more than one face is calculated by adding the area of all sign faces that are 45 degrees or greater; where the sign face angle is less than 45 degrees only the area of the largest sign face is computed as part of the sign area.



B. Measurement of Sign Height

The total height of a sign is measured from the highest point of the sign or supporting structure to the top of the abutting sidewalk (or the crown of the adjacent roadway where no sidewalk exists).



C. Sign Setback

Signs required to be set back are typically measured from the property line. However, in instances where the property line is adjacent to a drainage area or other right-of-way that may reasonably be anticipated to exist in the future, the Town Manager may allow the sign to be placed at the property line without any setback.

D. Sign Maintenance

All signs must be maintained in good condition and present a neat and orderly appearance. Failure by the owner or tenant to remove poorly maintained signs may result in enforcement action by the Town. The Town Manager may cause to be removed (after due notice) any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.

5.14.10. Changeable Copy

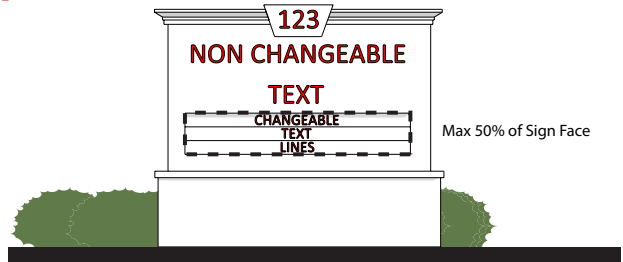
Changeable copy on signs must meet the following requirements.

A. Defined

A sign or portion of a sign that has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects (not consisting of an illumination device) that may be changed or re-arranged manually or mechanically without altering the face or the surface of the sign.

B. Where Allowed

1. Manual changeable copy signs are limited to the following uses:
 - a. Place of worship or school;
 - b. Theater with marquee; and
 - c. Gas station.
2. Manual changeable copy is allowed in conjunction with a permitted commercial center sign, ground sign or marquee wall sign only.
3. The manual changeable copy portion of the sign may be no greater than 50% of the total sign area on each display face.



4. No electronic or digital changeable copy is allowed, except for digital time and temperature signs and gas price signs at gas stations,

5.14.11. Sign Illumination

Illumination of signs must be in accordance with the following requirements.

A. Prohibited Light Sources

The following light sources are not permitted:

1. Blinking, flashing, chasing or scolling.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that creates a hazard to operators of motor vehicles.

B. Brightness

The light from any illuminated sign must not be of an intensity or brightness that will interfere with the comfort, convenience and general welfare of residents or occupants of adjacent properties. Brightness must not exceed Town maximum footcandle standards.

C. Internal Illumination

1. Internal illumination is not allowed in the RT, R-, MH and PD-H Districts.
2. Channel letters may be internally lit, halo lit or back-lit.
3. For internally illuminated signs, the background must be opaque or a substantially darker color than the sign message.
4. Light emitting diodes (LED)'s are permitted as a light source only where the LED is behind an acrylic, metal or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.

D. External Illumination

Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties. External lighting of signs in the RT, R-, MH and PD-H Districts is permitted if illumination levels are low and all fixtures are concealed.

E. Raceways and Transformers

1. If a raceway is necessary, it must not extend in width or height beyond the area of the sign.
2. Raceways must be finished to match the background wall or canopy, or integrated into the overall design of the sign.

3. Visible transformers are not permitted.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit cabinet signs with darker background



Chapel Hill LUMO Topic Revisions

[NOTE: The issue of Water Quality is regulated in a variety of places in the LUMO, including the Watershed Protection District (WPD), in the Impervious Surface Ratios of the Dimensional Matrix, and in the environmental performance standards for Steep Slopes.]

Sec. 3.6. Overlay Districts

3.6.4. Watershed Protection District (WPD)

A. Intent

1. The watershed protection district (herein sometimes WPD) is intended to be applied to a portion of the New Hope Watershed draining to Jordan Lake in order to ensure long-term water quality of the Jordan Lake Reservoir, to protect possible future sources of drinking water for the town and surrounding localities, and to control pollution sources affecting water quality.

~~Watershed protection regulations are applied by the Town of Chapel Hill pursuant to North Carolina General Statutes, Chapter 143, Article 21, Watershed Protection Rules, and implementing regulations of the North Carolina Environmental Management Commission, or its successor statutes and regulations. [NOTE: Consolidated under "Authority" below.]~~

2. In the interpretation and application of this Article, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Strictly construed in favor of the public interest and community benefit; and
 - c. Deemed neither to limit nor repeal any other powers provided by Town ordinance or state statute.

B. Authority

This ~~section~~ article is established pursuant to the authority vested in the Town of Chapel Hill by the Session Laws and the General Statutes of North Carolina, particularly North Carolina General Statutes Chapter 143, Article 21, the authority referenced in section 1.2 of this ordinance, and implementing regulations of the North Carolina Environmental Management Commission or successor statutes and regulations (Administrative Code Section 15 NCAC

28, .0100, .0200, and .0300), hereafter referred to as "state watershed regulations."

[NOTE: Portions moved from another section.

Elements referring to local zoning authority added for completeness.]

C. Establishment of Watershed Protection District

1. The watershed protection district is established for certain lands within the New Hope Watershed as a district that overlays other zoning districts established in ~~article~~ Section 3. All development within the watershed protection district shall comply with the requirements of this ~~section~~ article. In addition, all development within the watershed protection district shall comply with the requirements of any additional overlay districts and the underlying zoning district.
2. The area of the district shall be defined generally as an area extending 5 miles from the normal pool elevation of the Jordan Lake Reservoir, or to the ridge line of the watershed, whichever is less.
3. The specific location of the watershed protection district shall be set by ridge lines, identifiable physical features such as highways, or property lines, and shall be shown on the official zoning atlas.

D. ~~Development in the Watershed Protection District~~ Applicability

This ~~Article~~ section shall apply to development and land-disturbing activities within the WPD after the effective date (July 1, 1993) of this ~~section~~ article with the following exemptions: unless exempted by this section, or permitted by section 3.6.4(d), or allowed pursuant to a variance authorized by this article and approved by the board of adjustment.

1. ~~Application of Watershed Protection District to~~ Continued Use, Operation or

Maintenance of Development Existing on July 1, 1993

- i. This ~~section~~article shall not apply to the continued use, operation or maintenance of any development existing, or for which construction had substantially begun, on or before July 1, 1993. In addition, this ~~Section~~ article shall not apply to existing development which has established a vested right under North Carolina zoning law as of July 1, 1993, based on the following criteria:
 - ii. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid approval to proceed with the project;
 - iii. Having an outstanding valid building permit; or
 - iv. Having expended substantial resources (time, labor, money) and having an approved site specific development plan pursuant to section 20.4 of the Development Ordinance.
- a. With respect to the requirements of this section, such development shall not be considered as nonconforming within the meaning of Section 7 of this Appendix.

~~Multiple lots under single ownership as of July 1, 1993 are not subject to the provisions of this ordinance if vested rights have been established in accordance with North Carolina law. If no vested rights are established, then owners must comply with the provisions of this ordinance. Compliance may include requiring the recombination of lots.~~

[NOTE: The multiple lots, single owner language isn't interpreted from the original state regulations correctly. See below for better interpretation.]

- 2. **New Development Not Requiring an Erosion and Sedimentation Control Permit**
New development activities that do not require an erosion and sedimentation control permit under State law or approved local government

program shall be exempt from the provisions of this section.

- 3. **Application To Existing New Single Family Development on Lots Existing as of July 1, 1993, and Two-Family Lots**

~~This article shall not apply to Single family and two-family development constructed or to be constructed on existing single family lots created prior to July 1, 1993. This exemption is not applicable to multiple lots under single ownership. For purposes of constructing a single family or two-family dwelling, lots of record as of July 1, 1993 which are established through a duly approved and properly recorded final plat shall be exempt from the provisions of this section appendix.~~ [NOTE: The Town currently requires development activity of every size to go through WPD review. This language is an exemption allowed by the State that the Town does not currently offer.]

[NOTE: All exceptions in the state regulations refer only to single residential units, which excludes duplexes.]

- 4. **Existing Lots That Do Not Meet Intensity Requirements**

- a. Lots of record as of July 1, 1993 that do not meet the intensity requirements in subsection 3.6.4(f) and that are not contiguous to any other lot owned by the same party are exempt from the provisions of this section if it is developed for single family residential use.
- b. Lots of record as of July 1, 1993 that do not meet the intensity requirements in subsection 3.6.4(f) and that are contiguous to any other lot owned by the same party must be recombined in order to establish a lot or lots that meet or nearly meet the intensity requirements for the intended type of development.

[NOTE: This is what was intended by limitations on "multiple lots owned by the same owner" – to reduce nonconforming lots (for example, lots too small to meet the intensity regulations).]

- 5. **Application of the Watershed Protection District to the Redevelopment**

**or Expansion of Development:
Redevelopment**

~~Redevelopment is allowed under the provisions of this article if the redevelopment activity that does not have a net increase of built-upon area, redevelopment of lawfully established single family residences, or redevelopment that meets other exemption criteria of this section is exempt from the provisions of this section. Redevelopment activity that does have a net increase of built-upon area must provide equal or greater stormwater control than the previous development, subject to the performance standards in subsection 3.6.4(g), except that there are no restrictions on lawfully established single family and two family residential redevelopment.~~

6. Expansions to Existing Development

Expansions to existing development as of July 1, 1993 must meet the requirements of this ~~section~~Article; however, the built-upon area of existing development is not required to be included in density and impervious surface area calculations, and there are no restrictions on expansion of lawfully established single family and two family development.

7. Reconstruction of Buildings or Built-Upon Areas

~~Any building or built-upon area existing prior to July 1, 1993 not meeting the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, provided:~~

- a. ~~Repair or reconstruction is initiated within 12 months and completed within 2 years of such damage or removal.~~
- b. ~~The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided, subject to the performance standards in subsection 3.6.4(g).~~
- c. ~~Reconstruction of buildings or built-upon area initially constructed on or after July 1, 1993 must meet the requirements of this section.~~

- d. ~~Reconstruction of single family residential development is exempt from these requirements.~~

[NOTE: This concept added from model ordinance.]

E. Permitted Uses within the Watershed Protection District

- 1. The requirements or permitted uses indicated in the underlying zoning district, or any applicable overlay zone, apply in the watershed protection district, provided the standards of sections 3.6.4(f) and 3.6.4(g) are met.
- 2. ~~Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.~~
- 3. ~~Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101 - .0209).~~

F. Intensity Regulations

- 1. ~~Land Use Intensity Regulations~~The intensity regulations are those generally applicable to the underlying zoning district, or any applicable overlay zone, except as modified below.
- 2. ~~Additional Intensity Regulations~~In order to prevent an excessive amount of stormwater runoff from damaging the water quality of the reservoirs, it is desirable to require as much infiltration as possible of runoff from hard surfaces onto land areas which can absorb and filter runoff. [NOTE: Overlaps and belongs with Intent, rather than this subsection.]
- 3. Any development in the watershed protection district shall be subject to ~~the following options~~one of two options, or a combination of options, to control non-point source and stormwater pollution, as described in Table 3.6.4-1. ~~All options must meet the applicable performance standards in subsection 3.6.4(g).~~

Table 3.6.4-1: Development Options

Options	Land Use
Low-Density	Development activities shall not exceed 2 dwelling units per acre (gross land area) or 24% built-upon area (impervious surface area) of gross land area.
High Density	Development activities which exceed the low density option requirements must control the runoff from the first inch of rainfall. In addition, the built-upon area may not exceed 50% of gross land area for residential development or 70% for development with a non-residential component. All development under the high density option must meet the applicable performance standards of section 3.6.4(g).

Options	Land Use	Drainage / Stormwater Requirements	Standards
Low Density	Single-family residential	With curb and gutter	Development shall not exceed 2 dwelling units per acre on a project basis. No residential lot shall be less than 1/2 acre or 20,000 square feet excluding roadway right-of-way, except within and approved cluster development.
		Without curb and gutter	Development shall not exceed 3 dwelling units per acre on a project basis. No residential lot shall be less than 1/3 acre, except within an approved cluster development.
	Other residential and non-residential	With curb and gutter	Development shall not exceed 24% built-upon area on a project basis.
		Without curb and gutter	Development shall not exceed 36% built-upon area on a project basis.
High Density	Single-family residential	Use stormwater control measures	Development shall not exceed 50% built-upon area on a project basis.
	Other residential and non-residential	Use stormwater control measures	Development shall not exceed 70% built-upon area on a project basis.

F. Stream Buffer Requirements

All development shall comply with the provisions of section 3.6.3, resource conservation district. In addition, the following standards for stream buffers shall apply to all perennial streams in the watershed protection district, in the event the resource conservation district is less restrictive than the following:

1. For developments choosing the low density option, the required stream buffer is 30 feet.
2. For developments choosing the high density option, the required stream buffer is one 100 feet.
3. For all developments, no new development is allowed within the stream buffer area; water-dependent structures, and public projects such as road crossings and greenways may be allowed where no practicable alternative exists; these activities shall minimize built-upon

area, divert runoff away from surface waters and maximize the use of best management practices.

All stream buffers shall be a natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. If clearing, grading, or other land-disturbing activities have occurred and have reduced the effectiveness of the buffer, the buffer shall be replanted in accordance with a landscape plan to be approved by the town manager.

A stream buffer shall be measured landward from the normal pool elevation of impounded structures and from the bank of each side of perennial streams or rivers.

[NOTE: Requirement for this was removed by passage of Jordan Rules in 2009. RCD currently provides similar protection for developments that need to meet WPD.]

G. Performance Standards

The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance within the Watershed Protection District.

1. Hazardous Materials

Any proposed development which uses and stores hazardous materials shall prepare an emergency contingency plan as part of its development application. The emergency contingency plan shall be prepared in accordance with the requirements of the Superfund Amendments and Reauthorization Act (SARA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or Section 311 of the Clean Water Act, as amended. The plan shall identify buildings and the locations of points of storage and use of hazardous materials and shall be updated annually. The plan shall be approved by the town manager.

Any container or tank used to store hazardous materials shall be equipped with leak detection devices and shall be double-walled or have other secondary containment features to be approved by the town manager.

Points of storage or use of hazardous materials shall be protected by a corrosion-resistant dike, sized to handle the maximum amount of hazardous material to be stored or used.

All floor drains that could collect hazardous materials shall be connected to a corrosion resistant tank or catch basin sized to handle the maximum amount of hazardous material to be stored or used. These floor drains shall not be open to the site's natural drainage system.

2. Solid Waste Minimization

All development shall submit a plan to be approved by the town manager which minimizes solid waste and promotes the recycling of materials in accordance with Section 5.13 of the Development Ordinance.

3. Ownership, Design, and Maintenance of Engineered Stormwater Controls

~~Unless otherwise approved, ownership of the engineered stormwater controls shall remain~~

~~with the property owner or a property owner's association.~~

~~Development activities which exceed the low density option requirements must control and treat stormwater runoff. Engineered stormwater controls~~ Stormwater control measures shall be designed and constructed in accordance with standards and specifications established by the town manager, and designed to control and treat runoff from the first 1 inch of ~~stormwater precipitation and remove 85% of the Total Suspended Solids~~ using wet detention ponds, or using other ~~methods~~ measures accepted by the state.

Unless otherwise approved, ownership of the ~~engineered stormwater controls~~ stormwater control measures shall remain with the property owner or a property owner's association.

The property owner shall post a performance bond or other surety instrument satisfactory to the town manager, in an amount approved by the town manager to assure maintenance, repair, or reconstruction necessary for adequate performance of the ~~engineered stormwater controls~~ stormwater control measures.

~~The establishment of a stormwater utility by the Town of Chapel Hill shall be deemed adequate financial assurance.~~

4. Construction Standards

~~The construction of new roads, bridges, residential and non-residential~~ New development shall minimize built-upon area, minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, maximize the flow length through vegetated areas, divert stormwater away from surface water supply waters as much as possible, and employ best management practices to minimize water quality impacts. **[NOTE: Modified to match state regs.]**

5. Cluster Provisions

The clustering of development ~~superseding general cluster development requirements of in accordance with~~ section 3.8.8, where they conflict, of the Development Ordinance is

encouraged, subject to the following additional standards:

- a. ~~Minimum lot sizes are not applicable to single family cluster development projects; however, the~~ overall density of the project meets the associated density ~~or and~~ drainage/stormwater control requirements of section 3.6.4~~(e) for all land use types;~~
- b. ~~Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways;~~
- c. Built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow; and
- d. The remainder of the tract shall remain in a vegetated or natural state. The title to this area shall be conveyed to an incorporated property owners association, a local government for preservation as a park or open space, a conservation organization, or placed in a permanent conservation or farmland preservation easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

[NOTE: Town's cluster provisions in 3.8.8. differ from state regulations. Details here based on state model ordinance.]

H. Variances from the Board of Adjustment

1. Application

An owner of property who alleges that carrying out the strict letter of the provisions of this articlesection would create practical difficulties or unnecessary hardships may apply for a variance. Applications shall meet the following requirements:

- a. An application for a variance from the board of adjustment shall be filed with the town clerk in accord with the provisions of section 4.12.1. In addition to materials required by that section, the application must also comply with applicable submittal requirements.

~~On receipt of a complete application, the town manager shall cause an analysis to be made by appropriate town staff based on the findings required in section 4.12.2. Within a reasonable period of time, the town manager shall submit the application and a report of his or her analysis to the board of adjustment.~~

2. Burden of Proof

- b. Any owner of property applying to the board of adjustment for a variance from the provisions of this articlesection shall have the burden of establishing that such variance should be granted by the board.

3. Referral

~~The board of adjustment, before taking final action on an application for a variance, may refer such application to town advisory boards or commissions.~~

- c. For all proposed variances, the town manager shall notify in writing all other local governments having jurisdiction within the watershed area governed by the state regulations and the entity using the water supply for consumption. A reasonable comment period shall be allowed for local governments to submit comments to the board of adjustment prior to a decision by the board.

2. Minor Variances

~~This article is established pursuant to North Carolina General Statutes Chapter 143, Article 21, and implementing regulations of the North Carolina Environmental Management Commission (Administrative Code Section 15-NCAC 28,.0100, .0200, and .0300), hereafter referred to as "state watershed regulations". A request for a variance from any requirement of this article that does not conflict with any provision in state watershed regulations as amended, may be considered by the board of adjustment of the Town of Chapel Hill.~~

3. Major Variances

- a. A request for a variance from any requirement of this article that conflicts with any provision in state watershed regulations, as amended, constitutes a major variance ~~of a more significant nature. A request for such a variance may only be~~

~~granted in unique circumstances when necessary to accommodate important social and economic development.~~ A request for such a variance shall be considered by the board of adjustment and referred to the North Carolina Environmental Management Commission or its successor agency, in accordance with the following procedures:

- b. If the board of adjustment decides in favor of granting the variance, the board of adjustment shall prepare a preliminary record of the hearing with all deliberate speed and send it to the Environmental Management Commission. The preliminary record of the hearing shall include:
 - i. The variance application;
 - ii. The hearing notices;
 - iii. The evidence presented;
 - iv. Motions, offers of proof, objections to evidence, and rulings on them;
 - v. Proposed findings and exceptions; and
 - vi. The proposed decision, including all conditions proposed to be added to the permit.
- c. If the Environmental Management Commission approves the variance as proposed, approves the variance with additional conditions, or denies the variance, the commission shall prepare a decision and send it to the board of adjustment. The board of adjustment shall prepare a final decision in accordance with the commission's decision.

~~An application for a variance from the board of adjustment shall be filed with the town clerk in accord with the provisions of section 4.12.1. In addition to materials required by that section, the application must also comply with applicable submittal requirements.~~

~~On receipt of a complete application, the town manager shall cause an analysis to be made by appropriate town staff based on the findings required in section 4.12.2. Within a reasonable period of time, the town manager shall submit the application and a report of his or her analysis to the board of adjustment.~~

2.—Burden of Proof

~~Any owner of property applying to the board of adjustment for a variance from the provisions of this article shall have the burden of establishing that such variance should be granted by the board.~~

3.—Referral

~~The board of adjustment, before taking final action on an application for a variance, may refer such application to town advisory boards or commissions.~~

~~For all proposed variances, the town manager shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the watershed area governed by the state regulations and the entity using the water supply for consumption.~~

I. Correction of Violations

The owner of any land within the watershed protection district shall be presumed responsible for any violation of this article section committed on his or her property. The owner of any land within the watershed protection district shall be responsible for correcting any activity undertaken therein in violation of this article section. In addition, any other person found in violation of this article shall be liable as provided by law. The town may institute any appropriate action to restrain or prevent any violation of this article section or to require any person who has committed any such violation to correct the violation or restore the conditions existing before the violation. The town manager shall enforce this section as provided for in article section 4.13 of this appendix.

J. Other Approvals Required

No permit or approval required to be issued by the town under the provisions of this article section shall be valid until all other permits or variances for the same proposal required by any other ordinance of the town or Orange or Durham Counties or statute of the State of North Carolina or the United States have been received from those agencies from which such permits or variances are required.

K. Records and Filings

1. The town manager shall maintain records of all development permits, approvals, or variances regarding development within the watershed

protection district. Such records shall include all actions on applications for such permits, approvals, or variances, as well as any conditions attached thereto.

2. The town manager shall submit annually a description of each project receiving a variance and the reasons given by the board of adjustment for granting the variance to the North Carolina Environmental Management Commission.
3. The town manager shall maintain records of annual inspections of engineered stormwater management controls.
4. The town manager shall notify any applicant in writing of the decision on any application for any permit, approval, or variance with respect to property within the watershed protection district and shall file a copy of it with the town's planning department.
5. The applicant shall record any variance with the Orange County Register of Deeds within sixty (60) days after written notice of approval of such variance by the board of adjustment.

Sec. 3.8. Dimensional Standards

Table 3.8-1: Dimensional Matrix

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Zoning District	Lot Size (min)	Density (max)	Frontage (min)	Lot Width (min)	Building Height, Primary (max)	Building Height, Secondary (max)	Street Setback (min)	Interior Setback (min)	Solar Setback (min)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)
R-LD5	217,800	0.2	200	250	29	35	30	16	20	.24 .5/.7	.025
RT	100,000	0.4	160	200	29	35	30	16	20	.24 .5/.7	.031
R-LD1	43,560	1.0	100	125	29	35	30	16	19	.24 .5/.7	.047
R-1A	25,000	2.0	80	100	29	38	29	15	18	.24 .5/.7	.062
R-1	17,000	3.0	64	80	29	40	28	14	17	.24 .5/.7	.076
R-2A	14,500	3.5	56	70	29	50	27	10	12	.24 .5/.7	.087
R-2	10,000	4.0	52	65	29	50	26	11	13	.24 .5/.7	.093
R-3	5,500	7.0	40	50	29	60	24	8	11	.24 .5/.7	.162
R-4	5,500	10.0	40	50	34	60	22	8	9	.24 .5/.7	.230
R-5	5,500	15.0	40	50	39	60	20	6	8	.24 .5/.7	.303
R-6	5,500	15.0	40	50	39	60	20	6	8	.24 .5/.7	.303
R-SS-C	N/A	N/A	N/A	N/A	39	60	10	0	N/A	.24 .5/.7	1.10"
TC-1	N/A	N/A	12	15	44	60	0	0	0	N/A	1.97
TC-2	N/A	N/A	12	15	44	90	0	0	0	N/A	1.97
TC-3	N/A	N/A	12	15	44	120	0	0	0	N/A	4.00
CC	5,500	15.0	40	50	34	60	22	8	9	.24 .5/.7	.429
N.C.	5,500	10.0	40	40	34	60	24	8	11	.24 .5/.7	.264
OI-1	5,500	10.0	40	50	29	60	24	8	11	.24 .5/.7	.264
OI-2	5,500	15.0	40	40	34	60	22	8	9	.24 .5/.7	.264
OI-3	2,000	N/A	15	15	N/A	N/A	0	0	0	.24 .5/.7	.566
OI-4	2,000	N/A	12	15	N/A	N/A	0	0	0	N/A	N/A
I	17,000	N/A	64	80	26	50	26	11	13	.24 .5/.7	.071
MH	100,000	N/A	160	200	29	35	30	16	20	.24 .5/.7	.019
MU-OI-1	N/A	N/A	N/A	N/A	44	90	0	0	0	.24 .5/.7	.264
MU-R-1	N/A	N/A	N/A	N/A	29	90	0	0	0	.24 .5/.7	.076
MU-V arterial	5,500	20.0	80	62	70	114	0	0	20	.24 .5/.7	1.2
MU-V collector	5,500	15.0	40	50	44	90	0	0	20	.24 .5/.7	.500
MU-V local	5,500	15.0	70	40	32	40	0	0	17	.24 .5/.7	.500

* Impervious Surface Ratio within the Watershed Protection District is further regulated in Table 3.6.4-1: Development Options. [NOTE: .24 Impervious Surface Ratio deleted from this Town-wide Table. Requirement remains in place in the Watershed Protection District (WPD).]

Rules for Interpretation of Table 3.8-1:

~~Column (K): For areas located within the watershed protection district, impervious surface is regulated under the provisions of section 3.6.4 of this appendix. For areas not located in the watershed protection district, the following impervious surface restrictions apply to all new development except single-family and two-family dwellings constructed or to be constructed on existing lots created prior to January 27, 2003 (or for which a preliminary plat has been approved by the town council prior to that date):~~

The maximum amount of ~~new~~ impervious surface on a lot, including building footprints and paved parking areas, is derived by multiplying the gross land area of the lot by the ratio established in Column (K). The ~~maximum~~ impervious surface ratio is ~~0.50 for residential development, 24 under a low density option, as defined in Table 3.6.4-1. For residential development under a high density option, as defined in Table 3.6.4-1, the~~ impervious surface ratio is ~~.50~~. For development with a non-residential component, ~~under a high density option as defined in Table 3.6.4-1,~~ the ~~maximum~~ impervious surface ratio is .70. Impervious surface restrictions shall not apply to town center zoning districts.

~~Lakes/ponds shall not be considered to be impervious surfaces.~~

~~Existing impervious surface on a lot as of January 27, 2003, shall not be included in impervious surface calculations, and shall not be considered to be a nonconforming feature.~~

~~For lots outside of the Watershed Protection District smaller than 10,000 square feet, the maximum amount of impervious surface under the low density option shall be 40%.~~

Sec. 5.3. Critical Areas and Environmental Performance Standards

5.3.1. Erosion and Sedimentation Control

All developments shall comply with the provisions of applicable soil erosion and sedimentation control regulations (article 5 of chapter 5 of the town code of ordinances). Certification of compliance with or exemption from the requirements of such regulations shall be submitted to the town manager prior to issuance of any zoning compliance permit for the development. No engineering construction permit or building permit shall be issued until certification of the completion of control measures and facilities required for all associated land-disturbing activity has been submitted to the town manager.

5.3.2. Steep Slopes

A. Purpose and Intent Statement

The purpose of this subsection is to minimize the grading and site disturbance of steep slopes by restricting ~~impervious surfaces and~~ land disturbance ~~in such areas on steep slopes~~, and by requiring special construction techniques in ~~for development on steeply slopes and areas in order to~~ These provisions are intended to:

1. Protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity,
2. Protect the plant and animal habitat of steep slopes from the effects of land disturbance, and
3. Preserve the natural beauty and economic value of the town's wooded hillsides.

B. Definitions

For purposes of this section, "slope" means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance ("rise") by the horizontal distance ("run"), and multiplying the ratio by 100.

~~A "steep slope" is equal to or steeper than 15%. For purposes of this section, a "slope" shall include only those areas of size 400 square feet or greater. ThreeFour different categories of slopes are established in this section, as described in Table 5.3-1. The construction and development restrictions~~

~~are established in Table 5.3-1 for each category of slopes.~~

~~"Cut and fill slopes" include all slopes graded by excavating part of a higher area, raising the surface of a lower area, or combining the two methods of construction.~~

C. Applicability

~~For purposes of this section, a "steep slope" shall include only those areas of size 400 square feet or greater. Three different categories of steep slopes are established in this section, as described in Table 5.3-1.~~

Steep slope regulations contained in this section shall not apply to single family dwelling units or two-family/accessory apartment dwelling units on lots lawfully created prior to January 27, 2003, or lots created pursuant to a preliminary plat approved by the town manager prior to January 27, 2003.

D. Contents of Application Application Requirements

The following information shall be provided for any application proposing development on a lot or parcel that includes a ~~steep~~ slope ~~of at least 15%~~ 10%:

1. A slope and topographic map ~~for both existing and proposed conditions~~ based on a ~~certified boundary~~ survey depicting contours at an interval of 5 feet or less. The map shall indicate, through cross-hatching or separate colors, all areas within each slope category ~~described above. Slope determinations shall be made upon areas with a size of 400 square feet or greater in the categories~~ described in Table 5.3-1, below. ~~An analysis of the direction, rate and volume of stormwater runoff leaving each area within a slope category described above.~~
2. ~~A map showing t~~The location of any existing swales, streams, or ~~other watercourses~~ areas of concentrated flow.
3. A map showing current land use cover type or ground cover on steep slopes.
4. A map showing soil types for the whole site, and providing from the county soil survey the names of the soil types and depths to bedrock for each type.

- 5. Additional information may be required if steep slopes will be impacted by development.
- 2. ~~The following information shall be provided for any application proposing development on a lot or parcel that includes a slope greater than 15%:~~
 - a. ~~A detailed site analysis of soil conditions;~~
 - b. ~~A detailed site analysis of hydrology;~~
 - c. ~~A detailed site analysis of bedrock conditions; and~~
 - d. ~~A detailed site analysis of any other engineering and environmental considerations as may be required by the town manager in order to determine whether the proposed development will create a threat to the public health, safety and general welfare or cause land subsidence, erosion, or increases in the rate of volume of stormwater entering adjoining properties.~~

E. Design Requirements

- 1. All cut and fill slopes must not exceed a 3 (horizontal) to 1 (vertical) ratio, equivalent to a slope of 33%. Steeper slopes may be conditionally approved by the Town Manager upon certification by a licensed soil or geotechnical engineer or geologist, stating that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist. As a condition of approval, a designated state certified person on the grading crew shall be employed by the developer to determine soil stability on all cut and fill slopes and take appropriate measures where unstable soils are encountered.
- 2. Land disturbance shall not exceed 25% of the combined area containing slopes of 25% or greater unless a variance is granted by the Board of Adjustment.

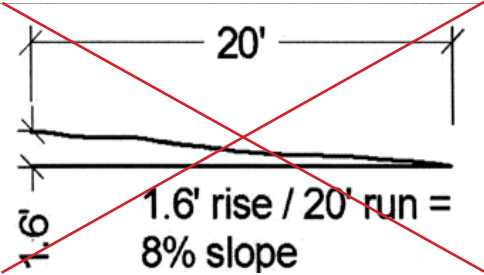
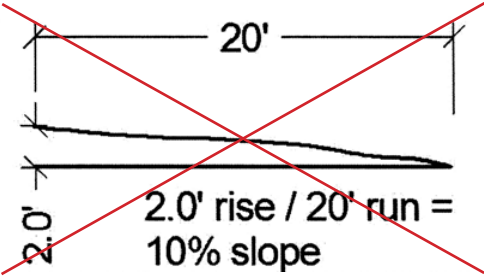
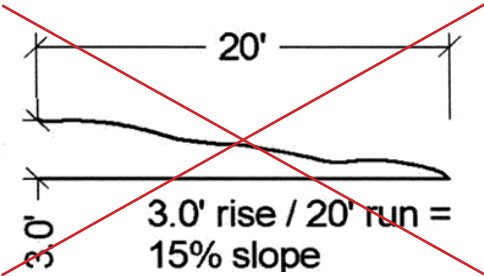
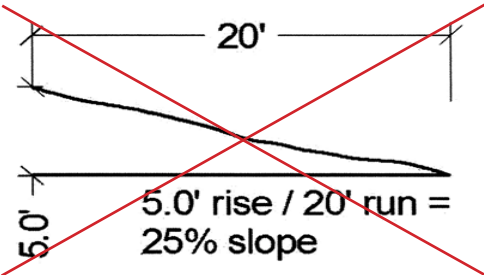
F. Construction Techniques

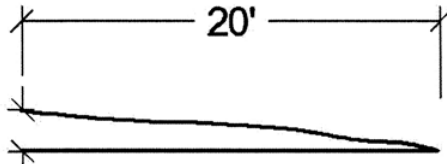
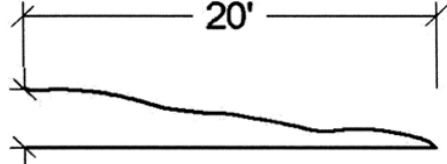
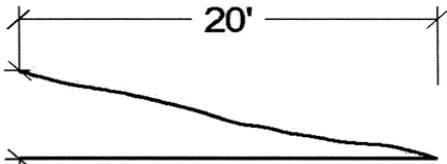
- 1. ~~Construction activities on slopes greater than 15% shall comply with the following:~~
 - 1. All perimeter dikes, swales, ditches, perimeter slopes; all slopes 2:1 or steeper; all slopes between 2:1 and 3:1 and greater than 10 feet

in length; and all slopes between 3:1 and 4:1 and greater than 50 feet in length and all slopes steeper than 3:1 shall be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable but in any event within 7 calendar days of any phase of gradingthe last land-disturbing activity.

- 2. All other dDisturbed areas shall be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable but in any event within must be stabilized within 14 calendar days of termination or completion of any phase of grading. by a temporary or/ permanent ground-cover sufficient to restrain erosion.Exposed soil that is not under continuous construction for a period of morth than 15 calendar days shall be revegetated with temporary or permanent vegetation so that the soil is not left exposed following issuance of a certificate of occupancy; vegetation shall be reestablished.
- 3. When any given area of construction is completed, it must have a permanent, stabilizing ground cover applied within the specified time period above. If irrigation is not provided, then the exposed soil shall be planted with species which can survive without irrigation. Vegetative cover or any alternative cover (rock, masonry, etc.) shall be maintained in perpetuity.
- 2. ~~Disturbed areas on Sslopes greater than 25% = 14 days but it depends...~~
 - b.2. ~~All cut and fill slopes shall not exceed a 3 (horizontal) to 1 (vertical) by the town manager uponNo construction shall take place without certification, by a qualifiedlicensed soils or geotechnical engineer or geologist, stating that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.~~
- 2. ~~No cut and fill slopes shall exceed a 3 (horizontal) to 1 (vertical) ratio, equivalent to a slope of 33%, without the Town Engineer's.~~

Table 5.3-1: Slope Construction Restrictions and Requirements

Slope Category	Illustration	Development Restrictions
<10%	 <p>20'</p> <p>1.6'</p> <p>1.6' rise / 20' run = 8% slope</p>	No additional building restrictions pursuant to this Section.
10 to 15%	 <p>20'</p> <p>2.0'</p> <p>2.0' rise / 20' run = 10% slope</p>	Site preparation techniques shall be utilized which minimize grading and site disturbance.
Greater than 15%, less than 25%	 <p>20'</p> <p>3.0'</p> <p>3.0' rise / 20' run = 15% slope</p>	Building and site preparation may occur upon demonstration of specialized site design techniques and approaches as described in subsection (d).
25% or higher.	 <p>20'</p> <p>5.0'</p> <p>5.0' rise / 20' run = 25% slope</p>	Generally unsuitable for development. Land disturbance shall not exceed 25% of the area containing 25% or greater slopes unless a variance is granted by the Board of Adjustment. For disturbed areas, building and site preparation shall utilize specialized site design techniques and approaches as described in subsection (d).

Slope Category	Illustration	Development Restrictions
<u>Less than 15%</u>	 <p data-bbox="548 394 857 478">2.0' rise / 20' run = 10% slope</p>	No additional application requirements, design requirements, construction requirements, or land disturbance limitations pursuant to this Section
<u>15% or greater, but less than 25%</u>	 <p data-bbox="548 730 857 814">3.0' rise / 20' run = 15% slope</p>	See D. above for application requirements. See E. above for design requirements. See F. above for construction requirements.
<u>25% or greater</u>	 <p data-bbox="548 1024 857 1108">5.0' rise / 20' run = 25% slope</p>	See D. above for application requirements. See E. above for design requirements. See F. above for construction requirements.

Appendix A. Definitions

...

Gross land area: All area within the boundaries of a zoning lot (net land area) plus half of the following areas located within or adjoining the lot: (1) publicly-owned or otherwise permanently dedicated open space, such as parks, recreation areas, water bodies, cemeteries and the like, and (2) public streets; provided that the total amount of credited open space and public streets shall not exceed 10% of the net land area of the zoning lot.

Net land area. All area within the boundaries of a development project.

Development project. A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this zoning code.

[NOTE: New supporting definitions (net land area, development project) that enable the proposed changes to the WPD standards.]

ATTACHMENT 2
(pp. 52-53 of memo item)



Meeting Schedule



Summer 2015

June*

15th – Zoning Fair for Public Drafts of



- Midday session 1:00-2:30pm
- Evening session 5:00-6:30pm

16th – Zoning Fair for Public Drafts of



- Midday session 12:00-1:30pm
- Evening session 6:00-7:30pm

23rd – Community Design Commission reviews



July*

14th – Historic District Commission reviews



14th – Environmental Stewardship Advisory Board reviews



21st – Planning Commission is introduced to **ALL** topics

28th – Stormwater Management Advisory Board reviews



**Boards meet as necessary to develop recommendations for Planning Commission and Council*

August*

4th – Planning Commission reviews



11th – Housing Advisory Board reviews



18th – Planning Commission reviews



**Boards meet as necessary to develop recommendations for Planning Commission and Council*

Fall 2015

September

1st – Planning Commission makes a recommendation on **ALL** topics

28th – Council Public Hearing for **ALL** topics

October

26th – Council Business Meeting for possible action on **ALL** topics

November

23rd – (*Tentative*) Council Business Meeting for possible action on **ALL** topics