

**Oldham
Statement of Justification
LUMO Text Amendment Request to the Town of Chapel Hill**

LUMO Text Amendment

In conjunction with the Oldham SUP application, the Applicant requests a minor text amendment that would remove floor area (FA) limits for residential development within Planned Development-Housing projects. For a conventional subdivision, FA limits would not normally apply at all. Currently for a PD-H, limits apply to the property at large, but not on a lot-by-lot basis. Application of current FA limits for this site would not allow market-based home sizes to be constructed throughout the neighborhood, even considering that the number of units is substantially less than the theoretical number anticipated by the zoning district. So an unintentional disparity seems to exist between stated FA limits, other zoning parameters, and incentives for alternative methods of achieving better design solutions (via PD-H). The Applicant believes that the current FA requirement is unnecessarily prescriptive, and in this instance, detrimental to the project. According to Planning Staff, the current FA requirement is not necessarily desirable; and corrective action appears to be appropriate. In consultation with Staff, the preferred solution appears to be a LUMO text amendment that would eliminate the application of FA limits to single family components of projects having a PD-H designation. The Applicant understands that this measure has been taken on a project-specific basis for previous projects approved by the Town, so the general concept and justification for this proposed amendment is familiar.

As a practical matter, it would be necessary to adjust the application fee schedule for PD-H applications to delete the floor area as a basis for fee calculation; and instead, base the fee on the actual number of new residential units. This text amendment request, therefore, includes changing the application fee for a PD-H from the current rate of \$6,721 + \$26/100 sq ft to a new rate of \$6,721 + \$250/unit.

Excerpts from LUMO

6.18.4 Planned Development Housing (PD-H).

The following regulations and requirements apply to a planned development-housing (PD-H), defined for purposes of these regulations as a planned development primarily for dwellings and related uses and facilities.

(a) *Intent.*

With respect to timing of development of particular PD-H, it is intended that in addition to other policies and limitations set forth in this appendix, consideration shall be given to general

housing needs in the town as a whole and in the sub-community in which development is proposed, and the need for particular types of housing. In such consideration, due weight shall be given to availability of existing supply of housing types for which there is evident need in view of the age characteristics and economic characteristics of the population, and to the amount and types of potential housing being developed under issued special use permits and building permits.

(b) *Minimum land area.*

Except as provided for subsection 6.18.1(f), the minimum gross land area required for a zoning lot containing a PD-H shall be five (5) acres in residential districts, one (1) acre in non-residential districts.

(c) *Permitted uses.*

Permitted principal and accessory uses of land or structures within a PD-H shall be as established in section 3.3 of this appendix.

(d) *Intensity regulations.*

Except as otherwise provided in this appendix, the intensity regulations applicable within a PD-H shall be as established in section 3.8 for the zoning district in which such PD-H is located. ***Single family residential development within a PD-H shall not be subject to floor area limits, except as required by section 3.8.5.***

The setbacks of the underlying zoning district apply only to the perimeter of the planned development.

(e) *Design standards.*

Except as otherwise provided in this appendix, the design standards applicable within a PD-H shall be as established in article 5, with the following additions;

(1) Where a PD-H zoning lot adjoins land that is zoned residential and developed with lots of a size which limits their use to single-family detached residences, an appropriate transition between the PD-H and the adjoining single family lots shall be provided. An appropriate transition shall consist of at least bufferyards and screening as required in section 5.6. In a PD-H with a gross land area of twenty-five (25) acres or more, only those land uses permitted by right in the zoning district of the PD-H zoninglot shall be permitted within one hundred (100) feet from the adjoining single-family dwelling lots.

(2) Vehicular access to streets shall be limited and controlled as follows:

A. If the street or portion thereof serves fifty (50) or fewer dwelling units, vehicular access from off-street parking and service areas may be directly to the street from the sites of individual dwelling units. Determination of number of dwelling units served shall be based on normal routes of traffic anticipated in the development; and

B. Vehicular access to other streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free flow of traffic on streets without excessive interruption.

Table 3.8-1 Dimensional Matrix

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) ~~located outside of a planned development.~~ 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.