



# NCD Zoning Overlay Informational Packet

Elkin Hills Neighborhood  
Office of Planning and Sustainability



# table of contents

This packet provides general information and definitions about the following physical characteristics and features that may be regulated by a Neighborhood Conservation District (NCD) Zoning Overlay:

- Overview of NCD Zoning Overlays Page 3
- Initiation and Development Process Page 4
- Introduction to NCD Zoning Overlays Page 5
- Building Height Page 6
- Lot Size and Common Terms Page 7
- Setbacks Page 8
- Building Envelope Page 9
- Questions? Page 10

## have questions?

If you have questions about the NCD Zoning Overlay process, regulation, terms, etc., please contact the Office of Planning and Sustainability staff at 919-969-5066, or visit the website dedicated to Chapel Hill's NCD zoning overlays at: <http://tinyurl.com/odtzhq2>

For answers to commonly asked questions, please refer to the NCD Zoning Overlay Questions and Answers Booklet which can be found at: <http://tinyurl.com/NCDQandA>

This packet is intended to provide general information and guidelines about NCD zoning overlays. Please refer to the Land Use Management Ordinance for actual ordinance definitions and terms. To access the Land Use Management Ordinance on the internet, follow these directions: Town of Chapel Hill website > Departments > Planning > Plans, Regulations, and Guidelines > Chapel Hill Land Use Management Ordinance; or click here: [LUMO](#)

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The pictures in this packet were taken by Office of Planning and Sustainability staff, and the diagrams are from the Town of Chapel Hill's Land Use Management Ordinance.

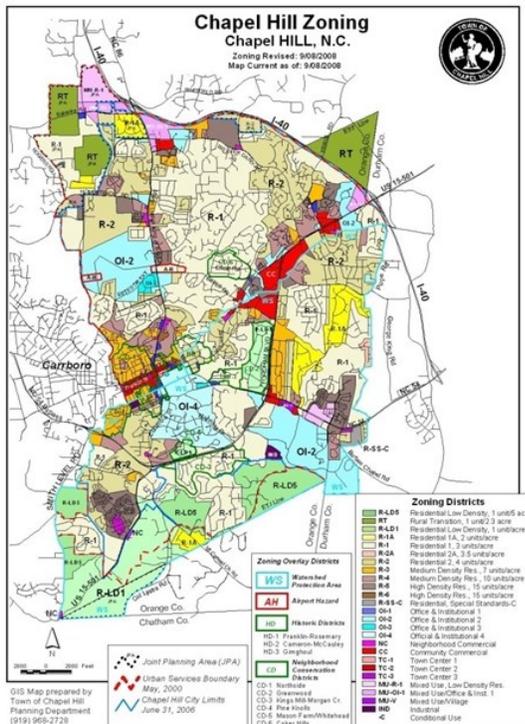
# Overview of NCD Zoning Overlays



## zoning

A Neighborhood Conservation District (NCD) zoning overlay is a set of land use regulations that are applied to a specific neighborhood as an overlay zoning district. Zoning is the division of a city/town into areas, or zones, classifying allowable uses for property and size/dimensional restrictions for structures within these areas.

Zoning districts are established by the Town Council enacting a Zoning Atlas Amendment which designates the zoning districts for Chapel Hill. Basic dimensional regulations (see the Dimensional Matrix below) for each zoning district are identified on the Zoning Map (see Zoning Map below).



Chapel Hill Zoning Map

Table 3.8-1: Dimensional Matrix

Zoning District	(A) Minimum Lot Size	(B) Maximum Density	(D) Minimum Frontage	(E) Minimum Lot Width	(F) Maximum Building Height (Primary)	(G) Maximum Building Height (Secondary)	(H) Minimum Street Setback	(I) Minimum Interior Setback	(J) Minimum Solar Setback	(K) Impervious Surface Ratio	(L) Maximum Floor Area Ratio
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	43,500	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	.400
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
NC	5,500	10.0	40	40	34	60	24	8	11	24/5/7	.264
OH-1	5,500	10.0	40	50	29	60	24	8	11	24/5/7	.264
OH-2	5,500	15.0	40	40	34	60	22	8	9	24/5/7	.264
OH-3	2,000	N/A	15	15	N/A	N/A	0	0	0	24/5/7	.566
OH-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-OH-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

Dimensional Matrix

## grandfathering of structures

Existing structures that were lawfully established but do not conform to the new NCD zoning overlay regulations are “grandfathered” in, meaning that if the structure is demolished or destroyed, it can be rebuilt in the same place and in the same size and height as existed prior to the demolition or destruction. But if the structure is rebuilt, the degree or extent of nonconformity cannot be increased.

Additions to existing structures must conform to the regulations in place at the time of the permit. Property owners are encouraged to talk to Town staff to better understand how proposed regulations may impact future changes to their property.

For example, if a house that did not originally meet the side yard setbacks was damaged, then the house could be rebuilt with the same side yard setbacks that it had before it was damaged. But if an addition was added to the rear, the addition would need to meet the regulations for setbacks for the NCD zoning overlay.

# Initiation and Development Process

## 1. Initiation

A NCD zoning overlay can be initiated through a petition or a Council motion and includes two phases.

**Phase One** is an informational phase that includes a Public Information Meeting to provide general information about the NCD zoning overlay designation.

**Phase Two** includes a Feasibility Review by the Planning Board and a decision by the Town Council about whether to initiate the development of a NCD zoning overlay.

## 2. Development

If the Council initiates the NCD zoning overlay development process, the Planning Board works with residents and property owners to design a NCD Zoning Overlay Plan.

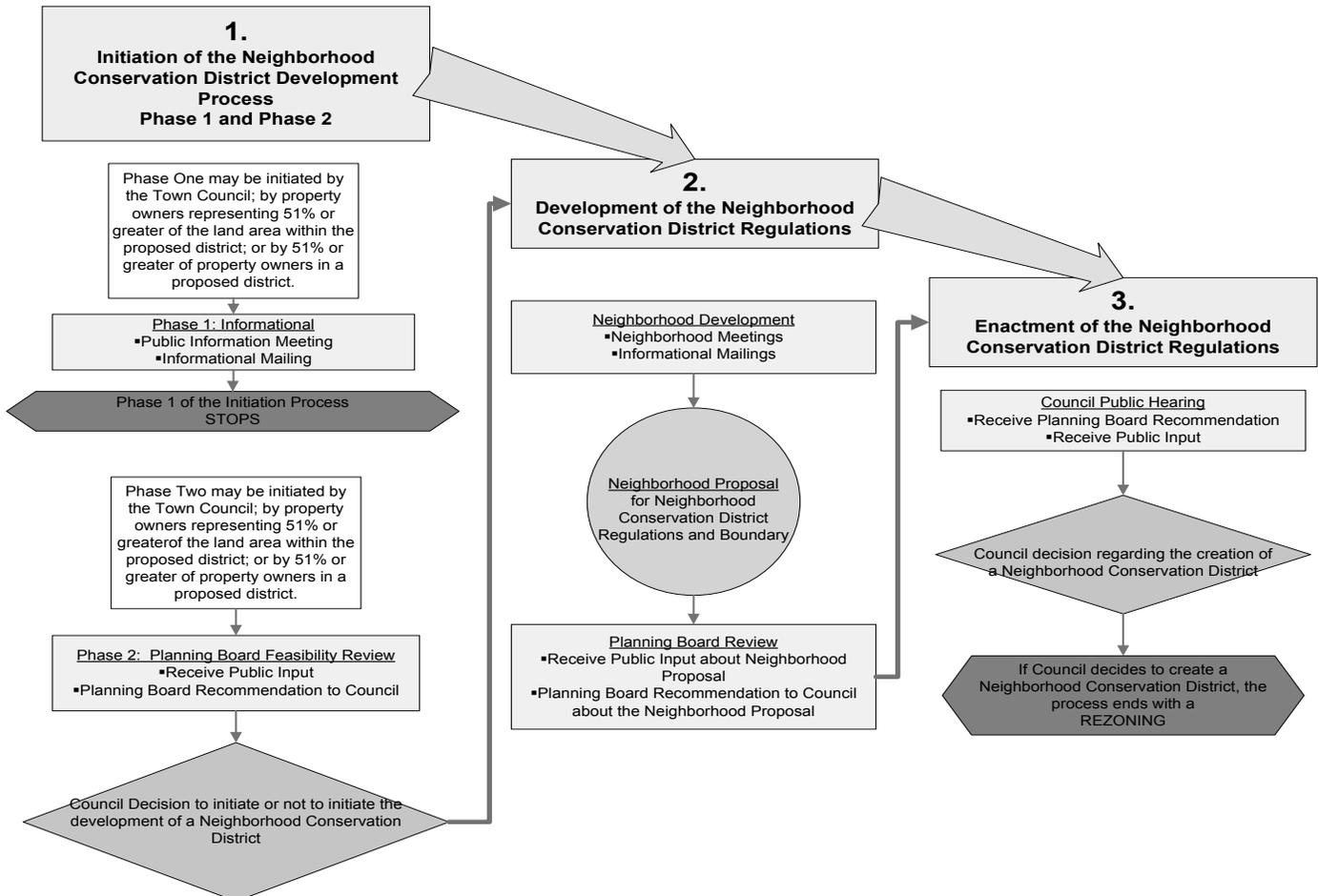
The development process can take up to a year and includes mailings and public meetings.

When the development process is completed, the Planning Board recommends a proposed NCD Zoning Overlay Plan to the Town Council.

## 3. Enactment/Rezoning

The NCD Zoning Overlay Plan consists of a description and map of the district boundary as well as Special Design Standards that apply to development in the district.

Upon receiving a proposed NCD Zoning Overlay Plan, the Council considers the Planning Board and staff recommendation about the plan and any public feedback about the plan. If the Council approves of the proposed plan it creates the NCD zoning overlay through the process of a rezoning.



# Introduction to NCD Zoning Overlays

## zoning regulation examples (enforceable)

The following are examples of regulations that have been used in the Town's existing NCD zoning overlays. Regulations are enforced by the Town through the Zoning Compliance Permit process and are applied to new development. Violations could be subject to fines/penalties. Established development is "grandfathered in" (see page 3).

- Changes to minimum lot size
- Introduction of maximum house sizes
- Changes to the minimum street, interior, and solar setbacks
- Changes to the primary and secondary building height
- Introduction of maximum floor area ratio to restrict house size
- Changes to either allow or further restrict accessory apartments
- Changes to maximum percent of front yard allowed for parking
- Prohibition of duplexes or expanded regulations

## design guideline examples (not enforceable)

The following are examples of issues that have been addressed through design guidelines that have been created for the Town's existing NCD zoning overlays. The purpose of these Design Guidelines is to assist property owners and designers in the planning of new structures and/or improvements to existing structures within Chapel Hill neighborhoods. Design guidelines are not enforceable by the Town.

- Desirable building orientation
- Ideas for site design
- Offering suggestions for parking
- Fencing
- Consideration of porches
- Providing design details for consideration
- Offering landscaping ideas

## additional resources

The following are examples of issues that can be addressed through other Town mechanisms and regulations.

- On-street parking
- Traffic
- Pedestrian crosswalks
- Safety
- Noise
- Garbage and trash
- Minimum code violations

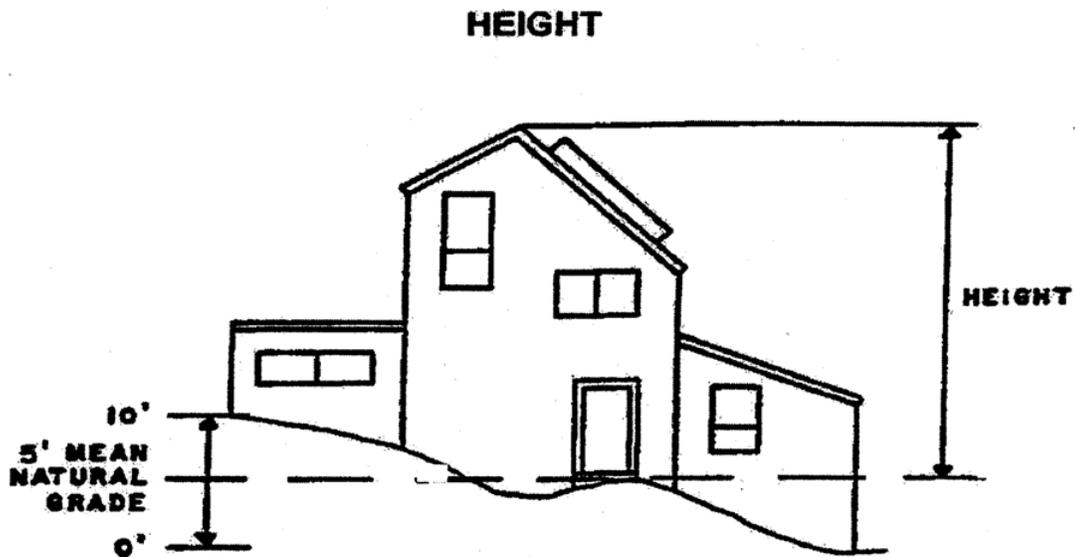


# building height

NCD zoning overlay regulations can restrict the heights of buildings in a neighborhood. These regulations can ensure that new buildings are similar in height to existing buildings which will help new structures to feel more a part of the neighborhood.

The height of a structure, or part thereof, is defined as the vertical distance from the mean natural grade at the foundation to the highest portion of the structure, or part thereof. Two height limitations exist, the primary and the secondary. The primary height limitation is the maximum height allowed for any structure located at the minimum setback required for the structure. The secondary height structure is the absolute maximum height allowed for any structure.

The mean natural grade (as it pertains to the height of a structure) is the vertical distance from the mean natural grade at the foundation to the highest portion of the structure, or part thereof.



# lot size

A NCD zoning overlay may regulate the size of lots, the amount of frontage, and the floor area and floor area ratio of a building.

The **lot size** is the land bounded by lines legally established for the purpose of property division.



## common terms and definitions

**Floor area** — The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are open terraces, patios, atriums, balconies, carports, garages, breezeways, and screened porches.

**Floor area ratio** — A decimal fraction that, when multiplied by the gross land area of a zoning lot, determines the maximum floor area permitted for a zoning lot.

**Footprint** — The area bounded by the external walls of any structure.

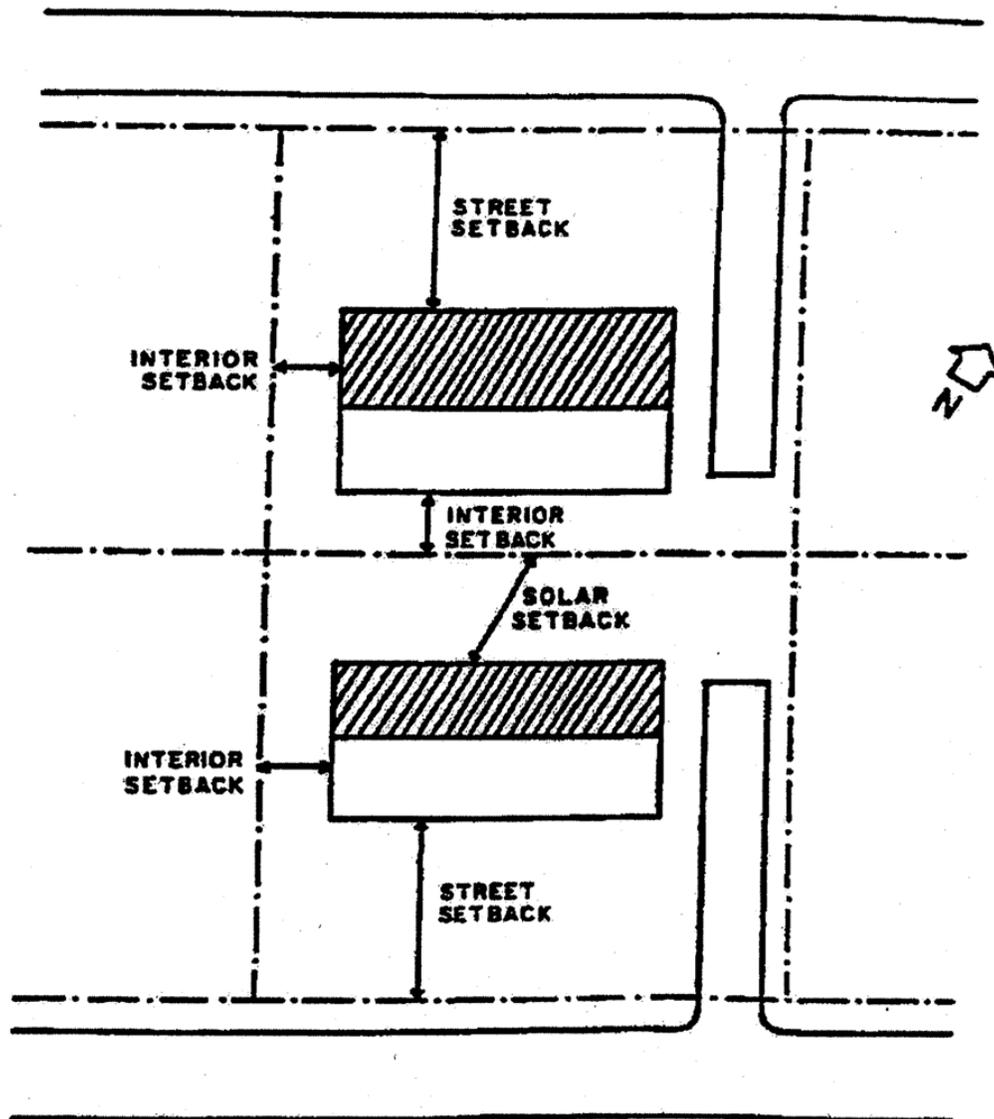
**Frontage** — The property line that abuts the street right-of-way.

**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 ten percent (10%) of the net land area of the zoning lot.

# setbacks

NCD zoning overlays often regulate front-yard and side-yard setbacks on a property.

## SETBACKS



### interior setback

The interior setback is the horizontal distance between the interior lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the interior lot line.

### street setback

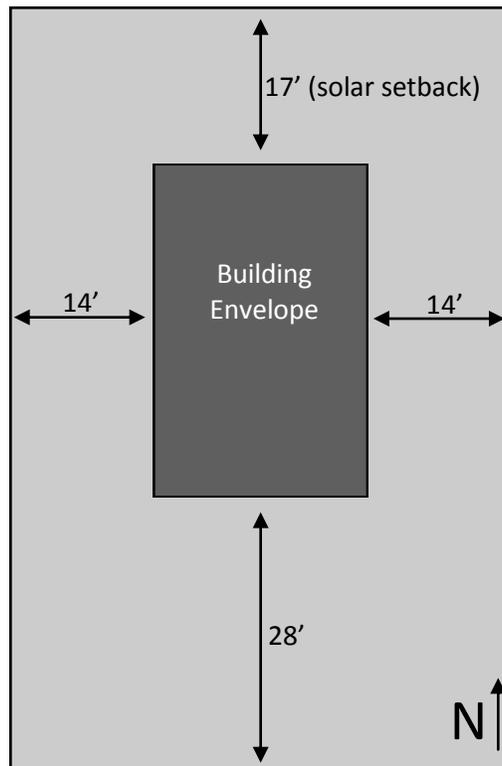
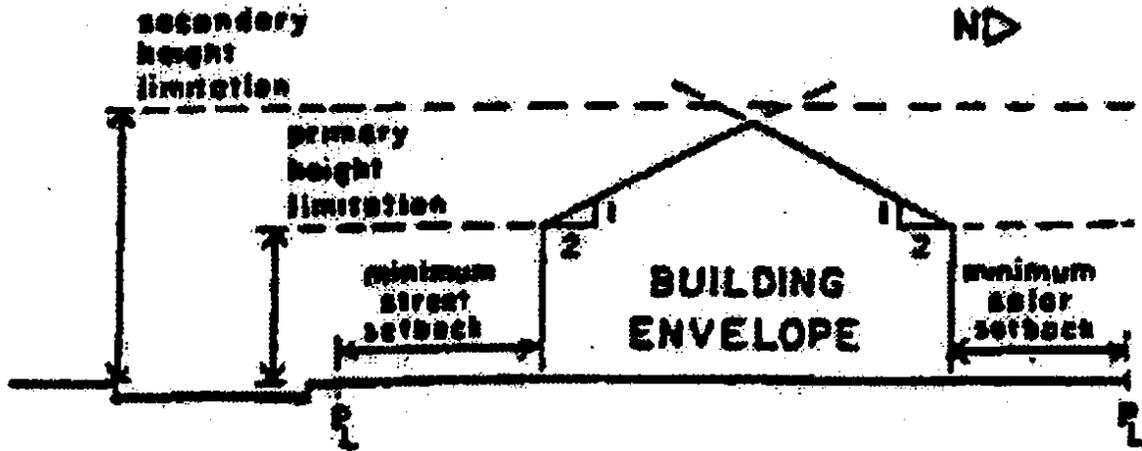
The street setback is the horizontal distance between the street lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the street lot line.

### solar setback

The solar setback is the horizontal distance between the northern-most lot line of a zoning lot and any structure on such zoning lot, measured along the north/south axis in a southerly direction from the north lot line. A north lot line shall be construed to include any portion of a lot's lot line which has an alignment within forty-five degrees ( $45^\circ$ ) of an east/west axis.

# building envelope

A NCD zoning overlay may regulate a structure's building envelope which is defined by setback and height requirements; the building envelope is the three-dimensional space within which a structure is permitted to be built on a zoning lot.



## Questions?

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