

MEMORANDUM

TO: Community Design Commission

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

SUBJECT: A Response to the Council's Request for Updates to the Ephesus/Fordham Form District Regulations

DATE: May 26, 2015

INTRODUCTION

At the May 19, 2015 Planning Commission meeting, the Commission reviewed a proposed text amendment recommending changes to Section 3.11 of the Land Use Management Ordinance (also known as the Ephesus/Fordham Form District Regulations). Prior to making a recommendation, members of the Commission expressed an interest in garnering feedback from the Community Design Commission (CDC) on the proposed changes—particularly from a design perspective. Tonight, the CDC is being asked to provide the Planning Commission with feedback on the proposed changes.

BACKGROUND

Following Council enactment of the Ephesus/Fordham Form District Regulations at the May 12, 2014 meeting, members of the Council expressed interest in directing the Town Manger to take subsequent actions to renew the Ephesus/Fordham District. In response, the Council adopted a [Resolution on Continued Action](#)¹. Action listed in the Resolution includes recommending future updates to the Ephesus/Fordham Form District Regulations.

To date, the Town's technical review staff has reviewed three Form District Permit applications and three Certificate of Appropriateness applications. The Council provided feedback about the regulations following a work session-style presentation for the proposed Village Plaza Apartments on [October 27, 2014](#)², a work session-style presentation for the proposed CVS at Rams Plaza on [February 9, 2015](#)³ and the first Ephesus/Fordham District progress update on

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2926&meetingid=303>

³ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3057&meetingid=325>

[January 26, 2014](#)⁴. Additionally, the Community Design Commission provided feedback regarding the Ephesus/Fordham Form District regulations in an [email to the Council](#)⁵ on January 26, 2014. A staff response to the Community Design Commission's email is attached to this memorandum.

The package of proposed changes to the Ephesus/Fordham Form District regulations reflects our learning based on Council and Community Design Commission feedback as well as the staff's experience reviewing the first Form District Permit and Certificate of Appropriateness applications.

RECOMMENDATION

We recommend that the Community Design commission review the proposed text amendment and forward comments to the Planning Commission.

ATTACHMENTS

- 1) Proposed Text Amendment Language to Land Use Management Ordinance
Section 3.11 – Ephesus/Fordham Form District
- 2) Staff Response to 1/26/15 Community Design Commission Letter




⁴ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3053&meetingid=324>




⁵ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2293&meta_id=94870



ORDINANCE ATTACHMENT



PROPOSED TEXT AMENDMENT LANGUAGE TO:



Land Use Management Ordinance Section 3.11 – Ephesus/Fordham Form District




No.	Reference	Proposed Change	Explanation	Planning Commission Comment
	Page 4			
1	3.11.1.1. Purpose	The Ephesus/Fordham Form District established in this Section (3.11) Code is intended for the specific area of the Town designated as a focus areas in the Comprehensive Plan 2020. This Form District fosters a series of residential , mixed use and pedestrian-friendly area districts.	 Clarification – provides section number and offers clarity and consistency about the purpose statement (see existing language in District Summary page 6).	
2	3.11.1.2.A Overall Site Design, Purpose	... produces an environment of stable and desirable character, consistent with the Ephesus/Fordham Form District. These standards are implemented to ensure that development within this Form District will be designed, arranged, phased and constructed in a safe, orderly, energy-efficient...	 Clarification – provides clarity and consistency by adding the name of the form district and phasing to its purpose statement (see existing language about Additions and New Buildings page 64).	
3	3.11.1.2.D Overall Site Design, Application of Town Code	For development standards not covered by this Section 3.11 Code , the other applicable sections in the Town’s Code of Ordinances	 Clarification – provides section number.	





		shall be used as the requirement. Similarly...		
4	3.11.1.2.C Overall Site Design, Application of LUMO Requirements	<p>[MOVE edited text to below the list of LUMO provisions that do not apply]</p> <p>Where sections of the Land Use Management Ordinance, other than those listed above, expressly conflicts with a standard set out in this Sec. Section 3.11, the standards of this Section control.</p>	 Clarification – provides new language for (but doesn't change) how the provisions of the Land Use Management Ordinance pertain to the Ephesus/Fordham Form District regulations.	
	Page 5			
5	3.11.1.2.E Overall Site Design, Design Manual	<p>E. Application of Town Design Manual. The Town Council may adopt and maintains a Design Manual which contains specific design and construction standards. Such standards must be...</p>	 Clarification – provides consistency for the subsection header and clarifies that the Town's Design Manual already exists.	
6		<p>F. Application of Town Comprehensive Plan. Unless otherwise provided in this Section 3.11, the Ephesus/Fordham Form District regulations shall serve as a mechanism for accommodating and implementing the guidance of the Town's adopted Comprehensive Plan, which includes but is not limited to other plans related to greenways, bicycle facilities, parks and</p>	 Key Consideration – a new subsection (F) would provide clarity about the application of the Comprehensive Plan and any existing or future plan incorporated by reference.	





7		<p><u>stormwater.</u></p> <p><u>G. Application of Ephesus/Fordham Design Guidelines. For the purposes of maintaining a consistent and cohesive design aesthetic in the Ephesus/Fordham Form District, the Town will maintain an adopted set of design guidelines. Applicants for development should use this guidance in preparing projects for the Community Design Commission’s review.</u></p>	<p> Key Consideration – a new subsection (G) would provide clarity and consistency about the application and maintenance of design guidelines (see existing language in subsection 4.b. on page 62).</p>	
8		<p><u>H. Application of Design Alternatives. 1) Section 3.11.4.7 describes what elements of a project application should be reviewed and approved by the Town Manager and the Community Design Commission. Where a proposed design alternative is required to be reviewed as part of a Certificate of Appropriateness, the Community Design Commission will have the sole authority to review and approve such a proposal. Where a proposed design alternative is not required to be reviewed as part of a Certificate of Appropriateness,</u></p>	<p> Key Consideration – a new subsection (H) would provide for a design alternative that can only be approved by the Community Design Commission. Where approved, this provision would offer some flexibility for instances where site-related constraints make it difficult to meet the prescriptive regulations.</p>	




		<p><u>the Town Manager will have the sole authority to review and approve such a proposal. 2) Where physical conditions or other characteristics of a development site pose a constraint making it difficult to meet the requirements of Section 3.11 (e.g., topography, lot size and shape, etc.), and where the Town Manager or Community Design Commission, as appropriate, makes a finding that a proposed design alternative could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Town Manager or Community Design Commission may approve such an alternative as part of a Form District Permit or Certificate of Appropriateness, as appropriate under 3.11.4.7.</u></p>		
	Page 6			
9	3.11.2.1.D.3 Districts and Frontages, Frontages Established	<p>3. Type C Frontage Streets with significant traffic volumes that are not conducive to sustained pedestrian activity have been designated with a Type C Frontage.</p>	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
10	3.11.2.1.D.4.a Districts and	<p>Where a corner lot has a Type A Frontage and a Type B Frontage,</p>	 Clarification – helps avoid confusion by	





	Frontages, Corner Lot Application of Frontages	Type C Frontage or no designated frontage requirements, the Type A Frontage requirements must be continued a minimum of 75 feet around the corner, measured from the intersection of the two right-of-way lines.	assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
11	3.11.2.1.D.4.b Districts and Frontages, Corner Lot Application of Frontages	Where a corner lot has a Type B Frontage, Type C Frontage or and no designated frontage requirements, the Type B Frontage requirements must be continued a minimum of 75 feet around the corner, measured from the intersection of the two right-of-way lines.	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 7			
12	3.11.2.2. Regulating Plan	The Walkable Residential (WR-), Walkable Mixed Use (WX-) subdistricts are identified and located designated Frontages apply to property as shown on the Town of Chapel Hill Official Zoning Map. The Regulating Plan is map below shows the general areas of each district for illustrative purposes only and is intended to show the general areas of each subdistrict and associated road frontage(s). Additional street right-of-way or public easement may be required	 Clarification – provides clearer and more consistent language about how the zoning districts and frontages of the Regulating Plan apply, as well as how the subdistricts relate to the Town’s Official Zoning Map.	





13		<p>at the time of development, in accordance with the Ephesus Church/Fordham Boulevard Small Area Plan, and this Regulating Plan.</p> <p>[ADD major street names to the Regulating Plan – Fordham Boulevard, Franklin Street, Elliott Road, Ephesus Church Road]</p>	 Clarification – provides information about the location of the district.	
14		<p>[MAKE the edit below in the key and ADD a new color on the regulating plan for Frontage Type C]</p>	 Clarifications – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
15		<p>Type C No Frontage</p>		
Page 8				
16	3.11.2.3. Walkable Residential (WR-3 and WR-7), Lot	<p>Lot Dimensions (A) Net land lot area (min) 1,700 SF</p> <p>Lot Parameters (C) Outdoor amenity space ratio (min, applies to non-residential portion of building 0.20</p> <p>Recreation space ratio (min), applies to residential portion of building. 1-3 story building 0.08 4+ story building 0.12</p>	 Clarification – applies terminology consistent with other parts of Section 3.11 (e.g., “gross land area”); does not change the meaning.	



17		<p>[ADD the following text below the table for Lot Parameters]</p> <p><u>Outdoor amenity space and recreation space are ratios of gross land area.</u></p>	 Clarifications – provides consistent guidance about how the ratios are determined (see connection in 4.a. Standards on pages 19 and 20)	
18 19	<p>3.11.2.3. Walkable Residential (WR-3 and WR-7), Placement</p>	<p>Building Setbacks (A) Front - Type A frontage (min/max) 5'-0/10' - Type B frontage (min/max) 5'-0/85' - Type C No Frontage</p> <p>Build-to Zone (BTZ) (D) Building façade in BTZ (min. % of lot width) - Type C No Frontage</p>	 Clarifications – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.  Clarifications – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 9			
20	<p>3.11.2.3. Walkable Residential (WR-3 and WR-7), Mass</p>	<p>Building Height (B) Building step back above 2nd or 3rd floor (min) in build-to zone - 3 story buildings 10' or less from front property line 10' step back above 2nd floor - 4+ story buildings or greater More than 10' from front property line</p>	 Clarification – simplifies (without limiting) how the step back provision applies, and how it relates to rights-of-way and streetscapes.	


		10' step back above 2nd or 3rd floor n/a		
	Page 10			
21	3.11.2.4. Walkable Residential (WX-5 and WX-7), Lot	<p>Lot Dimensions (A) Net land lot area (min) 1,700 SF</p> <p>Lot Parameters (C) Outdoor amenity space ratio (min, applies to non-residential portion of building) 0.20</p> <p>Recreation space ratio (min), applies to residential portion of building. 1-3 story building 0.08 4+ story building 0.12</p>	 Clarification – applies terminology consistent with other parts of Section 3.11 (e.g., “gross land area”); does not change the meaning.	
22		<p>[ADD the following text below the table for Lot Parameters]</p> <p><u>Outdoor amenity space and recreation space are ratios of gross land area.</u></p>	 Clarifications – provides consistent guidance about how the ratios are determined (see connection in 4.a. Standards on pages 19 and 20)	
23	3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Placement	<p>Building Setbacks (A) Front -Type A frontage (min/max) 5'-0/10' -Type B frontage (min/max) 5'-0/85' -Type C No Frontage</p>	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	
24			 Clarifications - helps	


		Build-to Zone (BTZ) (D) Building façade in BTZ (min. % of lot width) -Type C No Frontage	avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 11			
25		(B) Building step back above 2nd or 3 rd floor (min) in build-to zone - 3 story buildings 10’ or less from front property line 10’ step back above 2nd floor - 4+ story buildings More than 10’ from front property line 10’ step back above 2nd or 3rd floor n/a	 Clarification – simplifies (without limiting) how the step back provision applies and how it relates to rights-of-way and streetscapes.	
	Page 12			
26	3.11.2.5. Frontages, Type A Frontage	Building Location (A) Front Setback (min/max) 5-0’ /10’	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	
27		[MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage]	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
28		(C) Canopy trees are required unless utility conflicts exist three phase or greater power lines are involved, in which case an equivalent or better alternative can be reviewed and approved in accordance with		





		Section 3.11.1.2.H. understory trees are permitted		
	Page 13			
29	3.11.2.5. Frontages, Type B Frontage	Building Location (A) Front Setback (min/max) 5-0' /85'	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	
30		[MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage]	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
31		{C} Canopy trees are required unless utility conflicts exist three phase or greater power lines are involved , in which case an equivalent or better alternative can be reviewed and approved in accordance with Section 3.11.1.2.H. understory trees are permitted		
32		Vehicular Way (E) Hedge planting or wall (36" min) planting zone (36" min height) 5' (min width)	 Clarification – adds language to clarify that 36" is a minimum height standard and that 5' is a minimum zone width standard.	
33		Streetscape: (G) Tree planting zone (min) 6' With grates 6' Without grates 8'	 Clarification – provides consistency with other tree planting zone provisions (see existing Streetscape standards on pages 12 and 14).	



	Page 14			
34	3.11.2.5. Frontages, No Frontage	[Heading] Type C No Frontage	 Clarifications – describes the third frontage type (currently called “No Frontage”) by assigning a name which differentiates it from streets that have no assigned frontage.	
35		[Subheading] TYPE C NOFRONTAGE		
36		Vehicular Way (E) Hedge planting or wall (36" min) planting zone (36" min height) 5' (<u>min width</u>)	 Clarification – adds language to clarify that that 36” is a minimum height standard and that 5’ is a minimum zone width standard.	
37		[MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage]	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
38		(C) Canopy trees are required unless utility conflicts exist three phase or greater power lines are involved, in which case an equivalent or better alternative can be reviewed and approved in accordance with Section 3.11.1.2.H. understory trees are permitted		
	Page 19			
39	3.11.2.7.A Measurements and Exceptions, Lot Area	Net Land Lot Area. Net land Lot area is the area included within the rear, side and front lot lines. Net land Lot area does not include	 Clarification – applies terminology consistent with other parts of Section 3.11 (e.g., “gross land area”); does	



40		<p>existing or proposed right-of-way, whether dedicated or not dedicated to public use.</p> <p><u>[ADD following text as new subsection 3.11.2.7.C and RE-ALPHABETIZE remaining subsections accordingly.]</u></p>	<p>not change the meaning.</p> <p> Clarifications – applies an inline definition for “gross land area” consistent with the Land Use Management Ordinance; helps applicants understand how to determine gross land area, how it is different than net land area, and how it pertains to the calculation for amenity space and recreation space.</p>	
41		<p><u>Gross Land Area. Gross Land Area is 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) existing or proposed right-of-way, whether dedicated or not dedicated to public use; provided that the total amount of credited open space and public streets shall not exceed ten (10) percent of the net land area of the zoning lot.</u></p>		
42	3.11.2.7.C.3 Measurements and Exceptions, Greenway Alternative	Greenway Alternative. Form District development applications for sites that include any land which overlaps a portion of a proposed greenway shown on the Town’s adopted Greenway Master Plan must be designed to	<p> Key Consideration – authorizes the Town Manager to determine whether a proposed greenway alternative is acceptable. Currently, the Town Manager does not have the express authority to deem a</p>	




		<p>accommodate the extension of that greenway in accordance with the Greenway Master Plan. A developer’s financial obligation to contribute to the dedication and construction of the greenway is based on the formulas for calculation of amenity space and recreation space provided in Section 3.11.2.7 this Code. Land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the Town along the greenway may be substituted for required improved outdoor amenity or recreation space, where deemed acceptable by the Town Manager.</p>	<p>proposal acceptable; it must be accepted as proposed.</p>	
43	3.11.2.7.D.2 Measurements and Exceptions, Fee Alternative	<p>Fee Alternative. In lieu of providing recreation space, an applicant may, with the approval of the Town Manager, make a payment to the Town whereby the Town may acquire or develop recreation land or greenways to serve the development. A minimum of 50% of the required recreation space must be met through a payment in lieu. <u>The Town Manager may reduce the minimum requirement of a 50% payment in lieu if the proposed recreation facilities are made available to the general</u></p>	<p> Key Consideration – authorizes the Town Manager to reduce the minimum payment in lieu requirement (50%) where a proposed recreation facility is made available to the general public; provides flexibility where a public benefit could be achieved by lowering the minimum requirement.</p>	




		<p>public. The amount of the payment is the product of the amount of recreational space required multiplied by a dollar amount established by the Town Council annually as part of the budget process. The applicant must make the payment before issuance of a Form District Permit, provided, however, that the Town Manager may allow phasing of payments consistent with the approved phasing of the development.</p>		
44	3.11.2.7.C.3 Measurements and Exceptions, Greenway Alternative	<p>Greenway Alternative. Form District development applications for sites that include any land which overlaps a portion of a proposed greenway shown on the Town’s adopted Greenway Master Plan must be designed to accommodate the extension of that greenway in accordance with the Greenway Master Plan. A developer’s financial obligation to contribute to the dedication and construction of the greenway is based on the formulas for calculation of amenity space and recreation space provided in Section 3.11.2.7 this Code. Land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the Town</p>	<p> Key Consideration – under an administrative review process, this change provides express authority for the Manager to determine whether an applicant’s proposed greenway alternative is acceptable to the Town in accordance with the Council’s guidance (e.g., an adopted plan).</p>	




		along the greenway may be substituted for required improved outdoor amenity or recreation space, <u>where deemed acceptable by the Town Manager.</u>		
	Page 21			
45	3.11.2.7.E. Measurements and Exceptions, Building Setbacks	2. Front setbacks are measured from the edge of the <u>nearest</u> right-of-way <u>line</u> .	 Clarification – adds language to clarify the location of the right-of-way line.	
46		5. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the side or rear property line or be placed a minimum of 5 feet from the side or rear property line <u>or the edge of the right-of-way line where applicable.</u>	 Clarification – provides consistent language with the other inline definitions for side interior and rear setbacks.	
47	3.11.2.7.F.2 Measurements and Exceptions, Built-to Zone (BTZ)	The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the <u>buildable</u> width of the lot.	 Key Consideration – allows for site constraints to be considered when determining how much of a frontage is suitable for development (see related proposal for definition of “buildable” in section 3.11.4.8.B.)	
	Page 26			
48	3.11.3.1.B Permitted Uses	Any one or more uses permitted in a Form District may be established on any lot within the subdistrict,	 Clarification – provides section number.	




		subject to the permitted use table, and in compliance with all other applicable requirements of this Section 3.11 Code .		
	Page 30			
49	3.11.4.1.A.2.c Parking Standards, Additions	When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this 3.11.4.1 Code .	 Clarification – provides section number.	
	Page 31			
50	3.11.4.1.C.1. Parking Standards, Reductions	<u>[ADD a new subsection D as written below]</u> <u>d. A reduction of up to 20% of the minimum parking requirements may be achieved by providing a transportation management plan subject to approval by the Town Manager or subject to approval by the Town Council if the proposed use requires Town Council approval. The transportation management plan shall identify efforts to promote the use of alternate modes of transportation and may include required parking and/or payment to the Town of Chapel Hill Parking Fund in accord with Chapter 11A of the Chapel</u>	 Key Consideration – encourages the use of alternative transportation by allowing a 20% parking reduction with a transportation management plan.	






		<u>Hill Code of Ordinances for a portion of the required spaces.</u>		
	Page 33			
51	3.11.4.1.F Parking Standards, Drive-Thru Standards	1. Location. Drive-thru's must be located are only permitted at the mid-block along all Type A and Type B Frontages. Drive-thru areas, 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 located to the rear of the building and interior to the site. Drive-thru windows and lanes may not be placed along a street-facing façade between a street (not including an alley) and the associated building.	 Clarification – uses language more consistent with Section 3.11 to improve clarity and ensure that drive thru windows and lanes are not to be positioned adjacent to streets shown on the Regulating Plan.	
52		4. 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. Drive-thru windows and lanes must be screened from the public realm along Type A and Type B Frontages and adjacent ground floor residential uses <u>for</u> the entire length of the drive-	 Key Consideration – clarifies and uses language consistent with Section 3.11 to ensure that drive thrus are fully screened from the public realm.	



		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.		
	Page 34			
53	3.11.4.2.C.1.a Landscaping Standards, Surface Parking Lots, Applicability	New Construction. All new surface parking lots with more than 10 spaces must provide parking lot landscaping in accordance with this Section 3.11.4.2 Code . Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.	 Clarification – provides section number.	
54	3.11.4.2.A Landscaping Standards, Perimeter Screening	A minimum 5-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot. For the Type C No Frontage area <u>along Fordham Boulevard, the Community Design Commission CDC</u> will review and have the discretion to increase the required planting zone up to 12' (twelve feet).	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”; offers consistent language about the applicability of the Community Design Commission’s role in perimeter screening.	
	Page 35			
55	3.11.4.2.E.1 Landscaping	Applicability. All new service areas and the installation of new	 Clarification – provides section number.	



	Standards, Applicability	mechanical equipment must provide screening in accordance with this Section 3.11.4.2 Code .		
	Page 36			
56	3.11.4.2.G.1 Landscaping Standards, Fence and Walls, Applicability	Applicability. All new fence and walls must be installed in accordance with this Section 3.11.4.2 Code .	 Clarification – provides section number.	
	Page 38			
57	3.11.4.3.F.4.d Stormwater Management, Design and Performance Standards	Notwithstanding 15A NCAC 2B. 104(q), redevelopment subject to this section that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsections 3.11.4.3.F.4.b. and c. above, or achieve 35% and 5% reduction for nitrogen and phosphorus, respectively, compared to the existing development.	 Key Consideration – clarifies that this provision under section 3.11 applies to all projects (not just those with a net increase in built upon area); eliminates a possible incentive to increase impervious area in order to qualify for this provision.	
	Page 42			
58	3.11.4.4.A.2 Sign Standards, Applicability	No sign may be erected, altered, refurbished or otherwise modified after the effective date of this the Ephesus/Fordham Form District regulations Code except in accordance with the requirements of this Section 3.11.4.4 Code .	 Clarification – provides clarity and consistency about the name of the form district and the section number.	


	Page 43			
59	3.11.4.4.F Sign Standards, Permitted Signs	<p>[CHANGE the text in the table of permitted signs as shown below]</p> <p>WR-Subdistricts: Type B or C No Frontage</p> <p>WX-Subdistricts: Type B or C No Frontage</p>	 Clarifications – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 46			
60	3.11.4.4.A.2 Sign Standards, Applicability	<p><u>Unless specifically exempted, no sign visible from the public right-of-way, whether exterior to or interior to a structure,</u> No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Code.</p>	 Key Consideration – clarifies the application of the sign code in a manner that is consistent with the broader Land Use Management Ordinance.	
61	3.11.4.4.B Sign Standards, Permit Required	<p>Permit Required. Except as specifically excluded in the Land Use Management Ordinance, Sec. 5.14.3, it is unlawful for any person to post, display, substantially change, or erect a sign or advertising device without first having obtained a Form District Sign Permit.</p>	 Clarification – provides the language to make it clear that Form District <u>Sign</u> Permits are required for signage; Form District Permits apply to development projects.	




62	3.11.4.4.D Sign Standards, Unified Sign Plan	Existing unified sign plans approved prior to the effective date of this Article 3 remain in full force and effect for any building located in an existing development. Where an addition to an existing development occurs, a separate unified sign plan that complies with Section 3.11.4.4 must be filed for the addition where the site is occupied by more than one tenant.	 Clarification – provides the language to better explain that a new unified sign plan is only required when there are multiple tenants in an addition.	
Page 55				
63	3.11.4.5.A.1.a Site Lighting, Applicability	The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location must be made in compliance with this Section 3.11.4.5 Code . Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures.	 Clarification – provides section number.	
64	3.11.4.5.A.2.a-c Site Lighting, Additions	a. When a building or site is renovated, any new or replaced outdoor light or lighting fixture must conform to the requirements of Section 3.11.4.5 this Code .	 Clarification – provides section number.	





65		b. When the gross floor area or improved site area is increased, the additional floor or site area must conform to the lighting requirements of Section 3.11.4.5 this Code.	 Clarification – provides section number.	
66		c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the lighting requirements of Section 3.11.4.5 this Code.	 Clarification – provides section number.	
	Page 56			
67	3.11.4.5.D.1-2 Site Lighting, Design and Installation Requirements	1. The maximum light level of any light fixture cannot exceed 5.0 footcandles measured at the back of curb in relation to right-of-way line of a street.	 Clarification – provides clearer guidance without changing the intent of the language.	
68		Where a the Ephesus/Fordham Form District adjoins a residential district, the maximum light level of any light fixture cannot exceed 2.0 footcandles measured at that property line.	 Clarification – provides clarity and consistency about the name of the form district.	
	Page 59			
69	3.11.4.7 Administration of Form Districts	[If WX-5A is approved, REASSIGN “Administration of Form Districts” section to new section 3.11.4.8]	 Clarification – reassigns subsection numbers as appropriate.	






70	3.11.4.7.C.1.a Administration of Form Districts, Review Required	It is unlawful to begin any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development, or to begin any construction, moving, <u>or</u> alteration, or renovation, except for ordinary repairs, of any building or other structure, including accessory structures and signs, until the Town Manager has issued a Form District Permit for such action, certifying that the development complies with the applicable provisions of this Section. <u>Form District Permits are not required for minor modifications such as ordinary repairs, interior upfits or other renovations which do not increase or decrease floor area by more than 5% of the permitted amount or 2,500 square feet, whichever is greater. A Zoning Compliance Permit or other permits may be required for such changes consistent with Section 4.9.</u>	 Key Consideration – consistent with other proposed changes, these amendments clarify the language by distinguishing between minor versus more significant modifications that require a Form District Permit; floor area thresholds (5% or 2,500 square feet) are consistent with other parts of the LUMO. Changes that increase the footprint or number of stories of a building would still require a Form District Permit.	
71	3.11.4.7.C.4.c Administration of Form Districts, Action of the Application	Final action must be taken within 75 45 working days of the acceptance of an application or 15 working days from approval of a Certificate of Appropriateness	 Key Consideration – modifies the maximum number of days allowed for final action to be taken and clarifies that they are working (business)	



		(whichever is later), or within such further time consented to by written notice from the applicant or by Town Council resolution. Failure of the Town Manager to reach a decision within the prescribed time limit, or any extension, will result in the approval of the application as submitted.	days; these changes better reflect our experience with the process to date.	
	Page 60			
72	3.11.4.7.C.7 Administration of Form Districts, Action of the Application	Modification of Form District Permits. The Town Manager may approve a modification of a Form District Permit. <u>A change from what is included in an approved Form District Permit will be considered a modification if it would render a building approved under a Form District Permit out of substantial conformance as defined in subsection 3.11.4.8.B. Any other changes may be approved by the Town Manager or his designee and shall not constitute a modification. The application fee for a modification to a Form District Permit is established by the Council as part of the budget process.</u>	 Key Consideration – consistent with other changes proposed, this text provides a process for distinguishing between minor versus more significant modifications.	
	Page 61			
73	3.11.4.7.D.1.a Administration of	No exterior portion of any building or other <u>related</u> structure	 Clarification – adds language to make it clear	

	Form Districts, Certificate of Appropriateness	(including masonry walls, fences, light fixtures, steps and pavement), or any above-ground utility structure, may be erected, altered, restored or moved within the Form District until an application for a certificate of appropriateness as to exterior architectural features has been approved. <u>The above requirements do not apply to the demolition of any buildings or structures.</u>	that a demolition would not require a certificate of appropriateness; a zoning compliance permit is required for a demolition.	
74	3.11.4.7.D.1.b Administration of Form Districts, Certificate of Appropriateness	For purposes of this Section 3.11, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure visible from any street right-of-way or public easement, including the kind and texture of the building material, and the type and style of all windows, doors and light fixtures. <u>Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types (A to B to C to no frontage).</u> For development along streets with <u>Type C</u> No Frontage requirements, the <u>Community Design Commission</u> shall review and approve <u>certificates of</u>	 Key Considerations – broadens the review of the Community Design Commission by removing any limitations on the number or types of facades that can be reviewed; adds language which asks the Commission to consider the prominence of a building façade (e.g., high visibility) as part of its review; clarifies the third frontage type (currently called “No Frontage”) by assigning a name which differentiates it from streets that have no assigned frontage; spells out acronyms.	

		appropriateness COA's consistent with 3.11.4.2.C.2.a.		
	Page 62			
75	3.11.4.7.D.4.a Administration of Form Districts, Certificate of Appropriateness, Action on the Application	Within 100 60 working days of the acceptance of an application, or within such further time consented to by written notice from the applicant, the Town Manager or the Community Design Commission shall issue a Certificate of Appropriateness, issue a Certificate of Appropriateness with conditions, or deny the application.	 Key Consideration – modifies the maximum number of days allowed for a certificate of appropriateness determination to be taken and clarifies that they are working (business) days; these changes better reflect our experience with the process to date.	
76	3.11.4.7.D.4.d Administration of Form Districts, Certificate of Appropriateness, Action on the Application	The Town Manager or the Community Design Commission may impose such reasonable conditions with the issuance of a Certificate of Appropriateness as will ensure that the spirit and intent of this Section 3.11 Code are achieved.	 Clarification – provides section number.	
	Page 63			
77	3.11.4.7.D. Administration of Form Districts, Certificate of Appropriateness, Action on the Application	[ADD a new subsection as written below] <u>8. Modification of Certificate of Appropriateness. The Community Design Commission may review and approve a modification of a Certificate of Appropriateness. A</u>	 Key Consideration - provides a process for the Community Design Commission to review Certificate of Appropriateness modifications, consistent with Section 3.11 and other changes proposed.	

		<u>modification of this kind is defined as any change that exceeds “minor work” as it is defined in subsection 3.11.4.7.D.1.e. The application fee for a modification to a Certificate of Appropriateness is established by the Council as part of the budget process.</u>		
	Page 65			
78	3.11.4.8.A.1.a Defined Terms, General Provisions	[If WX-5A is approved, REASSIGN “Defined Terms” section to new section 3.11.4.9] All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this <u>Section 3.11.4.9</u> Code or the context in which they are used clearly indicates to the contrary.	 Clarification – reassigns subsection numbers as appropriate.  Clarification – provides section number.	
79	3.11.4.8.A.2 Defined Terms, General Provisions	Graphics, Illustrations and Photographs. The graphics, illustrations and photographs used to visually explain certain provisions of this <u>Section 3.11.4.9</u> Code are for illustrative purposes only.	 Clarification – provides section number.	
80	3.11.4.8.B Defined Terms, Defined Terms	<u>Public Realm means the streetscape or any other non-vehicular, publically accessible area located along a designated</u>	 Key Consideration – defines a term specific to the form district which is used throughout section 3.11 to	

81		<p><u>frontage.</u></p> <p><u>Right-of-way means a fee simple dedication of private property or an easement, whereby public access and utility easements are granted.</u></p>	<p>reinforce the importance of how buildings relate to the pedestrian environment.</p> <p> Key Consideration – describes different ownership models under which streetscapes and streets may accommodate public access and utility easements.</p>	
82		<p><u>Buildable means land area that is suitable and available for development unconstrained by physical layout, topography, regulatory factors, existing or planned public facilities, utilities and the like.</u></p>	<p>Key Consideration – provides a definition to support the use of this term as it is proposed for the description of the build-to zone (see Section 3.11.2.7.F.2 on page 21).</p> <p></p>	
83		<p><u>Street-facing façade means a building façade which directly abuts a street.</u></p>	<p> Key Consideration – provides a definition to support the use of this term as it is used throughout Section 3.11.</p>	
84		<p><u>This Section means Section 3.11 of the Land Use Management Ordinance.</u></p>	<p> Clarification – where a subsection is not specified this language applies to the entire Section 3.11</p>	
85		<p><u>Substantial conformance means conformance which leaves a reasonable margin for minor modification provided that:</u></p>	<p> Key Consideration – provides a process for distinguishing between minor versus more significant</p>	

86		<p><u>such modification is consistent with and does not materially alter the character of the approved development including the uses, layout and relationship to adjacent properties depicted on the approved Form District Permit or Certificate of Appropriateness; such modification does not increase or decrease floor area by more than 5% of the permitted amount or 2,500 square feet (whichever is greater); such modification is consistent with any proffered or imposed conditions that govern development of the site; and, such modification is in accordance with the requirements of the Town of Chapel Hill Land Use Management Ordinance.</u></p> <p><u>Working Day means a day that the Town of Chapel Hill is open during normal business hours. This excludes weekends and observed holidays.</u></p>	<p>modifications, consistent with other changes proposed.</p> <p> Clarification – defines what is meant as a working day</p>	
87		<p><u>Day means one calendar day.</u></p>	<p> Clarification – removes confusion between the terms “Day” and “Working Day”</p>	

Staff Response to 1/26/15 Community Design Commission Letter

Response prepared by the Planning & Sustainability Department Staff

At the January 26, 2015 Town Council Meeting, the Chair of the Community Design Commission, Mr. Jason Hart, provided a letter on behalf of the Commission which included the specific suggestions below. The staff responds with the comments below (in bold).

Review Process Suggestions

- 1) Consider adding a concept stage review prior to official submission. The current total review time allotted only allows the CDC to see projects twice during their regular meetings; once to provide initial comments, and a second time a final decision (approve / deny) must be issued regardless of changes (expected / unexpected) made after the initial comments. A concept review would allow a more integrated approach and save both the applicant and CDC revision time.

***Staff Comment:** We agree that the Certificate of Appropriateness review process can be improved with more meeting opportunities than are currently possible with a 60-day review timeline for the Community Design Commission to review a proposed development. In response to Council, Community Design Commission and applicant feedback, we are recommending that the regulatory review process be extended to 100 working days, which would allow the Community Design Commission additional time to consider approving a Certificate of Appropriateness application. This recommendation would involve a change to the Ephesus/Fordham Form District regulations. If the Community Design Commission needs more time, the applicant has the ability grant an extension to the review timeline.*

Consistent with other Town review processes that do not include Town Council approval, no formal “Concept Plan” is required as part of the Ephesus review process. However, the current process does allow for applicants to seek courtesy review comments from the Commission prior to a formal application submittal. We encourage applicants to consider requesting courtesy review comments from the Community Design Commission prior to a formal application submittal.

- 2) Require review of all building facades visible from any current and future public way – not just street frontage.

***Staff Comment:** In response to this comment, the staff is proposing a text amendment to Section 3.11 of the Land Use Management Ordinance (Ephesus/Fordham Form District) which would enable the Community Design Commission to review all building facades regardless of their relationship to a current or future public way (street or right-of-way).*

Additionally, because the Ephesus/Fordham Form District Regulations place an emphasis on the importance of the public realm experience from “Type A” and “Type B” street frontages, we propose new text recognizing the hierarchy of building facades such that “Type C” street frontages (currently “No Frontage”) or frontages with no designation be the preferable location for any necessary back-of-building features.

- 3) Require 3D views from street level be submitted.

Staff Comment: *Current submittal requirements for Certificate of Appropriateness applications in the Ephesus/Fordham District are consistent with submittal requirements for other applications reviewed by the CDC. Detailed exterior building elevations showing building facades are required, as well as color renderings, sketches, or perspective drawings. While we recommend maintaining the existing submittal requirements, we will continue to look to the Community Design Commission for feedback on the quality of application submittals and associated exhibits.*

- 4) Require material samples be submitted as they are with other developments.

Staff Comment: *We agree with this suggestion and have added it as a submittal requirement on the Certificate of Appropriateness application form.*

Code Revision Suggestions

- 1) Establish a smaller maximum block size to avoid massive buildings and create more human scaled streets.

Staff Comment: *We believe that block size was considered in the early planning of the district. The Regulating Plan found within the Ephesus/Fordham Form District regulations is reflective of a visioning process that was designed to create a more connected pattern of development conducive to a walkable, pedestrian-oriented environment with buildings designed to activate street frontages.*

- 2) Consider stepped zoning or other alternatives to reduce building massiveness and allow more sunlight to the street as buildings rise to the allowed seven stories.

Staff Comment: *We agree that transitions in zoning intensity are important for the success of the District and adjacent neighborhoods. The regulating plan found in the Ephesus/Fordham Form District Regulations is designed to focus more intense development along major transportation corridors and transition to lower intensity as one moves further from the district core. The Ephesus/Fordham Form District*

regulations include provisions to create a more comfortable pedestrian environment. For example, the regulations require that a building be stepped back (above the 2nd or 3rd floor) by an additional 10' from an adjacent street when the building is positioned 10' or less from the property line. Another example is the streetscape requirements that provide for required setbacks, tree planting zones, sidewalks, and other features depending upon the road frontage. The staff is proposing a text amendment that would maintain these requirements and modify the language so that it is consistent with the definitions and terms proposed for other related text amendments. As development progresses in the District, we will continue to check in with the Council and Community Design Commission regarding the quality of the public experience along streets and frontages.

- 3) Consider publically accessible open space provisions and easy pedestrian connectivity to adjacent properties to increase pedestrian activity and create periodic places / destinations.

Staff Comment: *The intent of the Ephesus/Fordham Form District regulations is to foster a more walkable, pedestrian-friendly environment by requiring that new development provides streetscapes and pedestrian ways along all identified frontages in the District. By requiring streetscapes and pedestrian ways (sidewalks and tree planting zones), new development will work to create a more active street front that also improves pedestrian connections within the district. The current regulations have requirements for amenity space, recreation space and greenway extensions. The staff is proposing a text amendment that would further require development to support all adopted planning initiatives of the Town's Comprehensive Plan, including but not limited to the Parks Master Plan, Bike Plan and Stormwater Master Plan. As part of a Council adopted action item, the staff continues to look for opportunities to create parks and open space within the district.*

- 4) Consider additional architectural design guidelines that may account for form, proportion, and context beyond the planning footprint of the building.

Staff Comment: *The staff is drafting a Request for Proposals (RFP) to create design guidelines for the district. As part of this process, the staff will seek input and recommendations from the Community Design Commission for both the RFP as well as any proposals that are submitted in response.*

- 5) Consider adding standards for parking structures, i.e. wrapping them with function or otherwise avoiding exposed utilitarian decks.

Staff Comment: *We are proposing a change to the Ephesus/Fordham Form District Regulations which would allow the Community Design Commission to review all building elevations as part of a Certificates of Appropriateness review. Under the proposed changes, if the Commission believes a design for an exposed parking structure to be inappropriate for any proposed elevation, it may work with the applicant on a more aesthetically appropriate design.*

- 6) Consider incentives (density or height bonuses) for community amenities such as affordable housing, pedestrian malls, quantifiable water and energy savings beyond an acceptable standard (such as ASHREA 90.1 2010), etc.

Staff Comment: *Upon approval of the Form District Regulations on May 12, 2014, the Council approved a [resolution](#)¹ directing the Town Manager to take continued action toward the renewal of the Ephesus/Fordham District. In the resolution, the Council expressed interest in pursuing options for affordable housing for a range of incomes, sustainable design principles that target water and energy use and provision of public amenities. The staff provided the Council with a progress report toward these objectives at the January 26, 2015 meeting.*

In response to Council feedback, the staff is proposing an option to partner with UNC School of Government's Development Finance Initiative to explore strategies for providing affordable housing in the District.

In November of 2014, the Town Council adopted an energy and water incentive which rebates construction permitting fees up to 35% for projects that meet or exceed established Energy Star and water performance standards.

The current regulations do not preclude a property owner from constructing a pedestrian mall.

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595