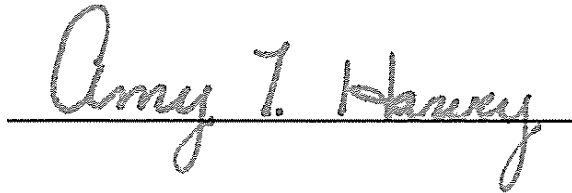


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-05-23/O-5.1) enacted with technical corrections by the Chapel Hill Town Council on May 23, 2018.

This the 4th day of June, 2018.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written over a solid horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 AND SECTION 8.5 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO IMPROVE APPLICABILITY OF THE BLUE HILL DESIGN GUIDELINES, CHAPEL HILL MOBILITY AND CONNECTIVITY PLAN, AND WALKABILITY AND OPEN/CIVIC SPACE STANDARDS IN THE BLUE HILL FORM DISTRICT (2018-05-23/O-5.1)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to improve applicability of the Blue Hill Design Guidelines, Chapel Hill Mobility and Connectivity Plan, and Walkability and Open/Civic Space Standards in the Blue Hill Form District; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and is warranted, because of changed or changing conditions in the area or in the jurisdiction generally, and in order to achieve the purposes of the Comprehensive Plan including, but not limited to:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (Goal Community Prosperity and Engagement.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and other public transportation options (Goal Getting Around.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- Make an adaptable transportation system to support both dense and suburban development (Goal Getting Around.4)
- Incorporate street planning into zoning code (Goal Getting Around.7)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8); and

WHEREAS, the Council finds that the redevelopment of the Ephesus Church Road/Fordham Boulevard area is appropriate and especially significant to the preservation of the visual character of the Town and is one where a Special Appearance District is appropriate; and

WHEREAS, certain property owners are well into the planning stages of a project and have invested considerable resources in preparing an application for development based on the standards of Section 3.11 in effect prior to consideration of this Ordinance; and

WHEREAS, the Council finds it reasonable for such projects to be excepted from the amendments put forth in this Ordinance, provided an application for development is submitted in a timely manner.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

SECTION 1

Sec 3.11 is hereby retitled to read as follows:

“3.11. - Ephesus/Fordham **Blue Hill** Form District.”

SECTION 2

Sec. 3.11.1 Introductory Provisions, Subsection 3.11.1.1 Purpose, first sentence is hereby revised to read as follows:

“The **Blue Hill Form District, previously known as the** Ephesus/Fordham Form District, established in Section 3.11 is intended for the specific area of the Town designated as a focus area in the Comprehensive Plan 2020.”

SECTION 3

“Ephesus/Fordham” is replaced with “**Blue Hill**” in the following sections:

Sec. 3.11.1.2.A.
Sec. 3.11.1.2.B.
Sec. 3.11.1.2.C.
Sec. 3.11.1.2.E.
Sec. 3.11.1.2.F.
Sec. 3.11.2.1.A.
Sec. 3.11.2.1.B.
Sec. 3.11.2.7.D.iii.
Sec. 3.11.2.7.F.4.i
Sec. 3.11.4.5.D.2.

SECTION 4

Sec. 3.11.1 Introductory Provisions, Subsection 3.11.1.2 Overall Site Design, Subsection C, last sentence is hereby revised to read as follows:

“Where sections of the Land Use Management Ordinance, other than those listed above, expressly conflicts with a standard set out in Section 3.11, the standards of this Section control.”

SECTION 5

Sec. 3.11.1 Introductory Provisions, Subsection 3.11.1.2 Overall Site Design, Subsection G. Application of Ephesus/Fordham Design Guidelines is hereby retitled and revised to read as follows:

*"G. Application of Ephesus/Fordham **Blue Hill** Design Guidelines.*

- 1. For the purposes of maintaining a consistent and cohesive design aesthetic in the Ephesus/Fordham **Blue Hill** Form District, the Town will maintain an adopted set of design guidelines. **Blue Hill Design Guidelines shall be used to interpret the standards of Section 3.11.****
- 2. Certificate of Appropriateness Review**
 - a. The Design Guidelines shall serve as a reference for the Community Design Commission's review for a Certificate of Appropriateness as established in 3.11.4.7.D.1.**
 - b. Applicants for development should ~~shall~~ use this guidance **the Design Guidelines** in preparing projects for the Community Design Commission's review. **For guidelines applicable to Certificate of Appropriateness Review as indicated in the Appendix of the Design Guidelines, the Community Design Commission shall deem the application to have met a given standard of Section 3.11 if the application complies with at least one lettered statement under the applicable guideline(s).****
- 3. The Design Guidelines shall provide guidance to the Community Design Commission in determining whether a Design Alternative is warranted.**
- 4. Where qualitative terms such as 'compatible' and 'appropriate' are used in Section 3.11 to describe the form of the built environment, the Community Design Commission shall refer to the Design Guidelines when making a determination of whether development exhibits such qualities.**
- 5. The Town Council shall consider revisions to the **Blue Hill Design Guidelines** to reflect changes in best practices for urban design, changes in technology, and/or changes to development regulations. The Town Manager shall revise the Design Guidelines as needed to make technical corrections or improve formatting."**

SECTION 6

Sec. 3.11.1 Introductory Provisions, Subsection 3.11.1.2 Overall Site Design, Subsection H. Application of Design Alternatives is hereby revised to read as follows:

*"Where a **proposed variation to the requirements of Section 3.11 meets the intent of the Design Guidelines and satisfies the provisions of Section 3.11.1 in terms of building form, aesthetic quality, orderly development, and high-quality public realm**, development site poses a constraint making it difficult to meet the requirements of Section 3.11 (e.g., topography, lot size and shape, etc.), and where the Community Design Commission 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 Community Design Commission may approve such an alternative design as part of a Certificate of Appropriateness."*

SECTION 7

Sec. 3.11.2 District Character, Subsection 3.11.2.1. Districts and Frontages, Subsection D. Frontages Established is hereby revised to read as follows:

"Frontages are established in this code to apply certain standards for development along all thoroughfares in the district, both existing and proposed. All public thoroughfare frontages shall be assigned one of the frontage types defined in this code.

1. *Type A Frontage.* The Type A Frontage is intended for areas where the highest level of walkability is desired. The Frontage creates a "main street" environment with buildings pulled up to the street edge. Type A frontage is differentiated into Type A-1, ~~and Type A-2,~~ **and Type A-3** to provide ~~two~~**three** different levels of build-to-zone coverage, **sidewalk width,** and setback criteria. **Type A frontages are generally appropriate for Collector Streets, Local Streets, and District Streets.** ~~These two categories primarily differentiate locations internal to the district versus the perimeter of the district.~~
2. *Type B Frontage.* The Type B Frontage is intended for areas adjacent to major streets where pushing buildings back creates a quiet pedestrian setting at the building. While buildings are allowed to be pulled up to the street edge, they may also be set back behind one or two rows of head-in or angle parking served by a single drive aisle.
3. *Type C Frontage.* ~~s~~Streets with significant traffic volumes that are not conducive to sustained pedestrian activity have been designated with a Type C Frontage.
- 4. Type D Frontage. The Type D Frontage is appropriate for Alleys that are shared between sites and provide residents and businesses access to garages, parking decks, loading docks and service areas. An alley used to satisfy the maximum block length requirement shall meet the assigned frontage requirement.**
- 5. Type E Frontage. The Type E Frontage is intended for non-vehicular thoroughfares where development fronts on a multiuse path corridor and/or a significant natural feature.**
- ~~4.6.~~ The Regulating Plan shows assigned frontages for existing streets and some proposed streets in the district. Frontages along all new thoroughfares west of Fordham Boulevard not otherwise shown in the Regulating Plan are assigned as Type A-1. Frontages along all new thoroughfares south of Europa Drive, east of 15-501, and north of Ephesus Church Road not otherwise shown in the Regulating Plan are assigned as Type A-1, ~~unless otherwise approved by the Town Manager.~~ Frontages along all new thoroughfares south of Ephesus Church Road and east of Fordham Boulevard not otherwise identified in the Regulating Plan are assigned as Type A-2. Frontages along any new thoroughfares north of Europa Drive not otherwise identified in the Regulating Plan are assigned as Type A-2.

For new thoroughfares not shown on the Regulating Plan, the Town Manager may assign a different frontage other than what is described in ~~this subsection (3.11.2.1.D.4)~~ **the preceding paragraph** where one of the following applies:

- a. Because there are Type A-**1 and/or Type A-2** Frontages on other sides of the development parcel;
- b. To protect sensitive natural areas or save healthy existing trees;
- c. To protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
- d. Due to the presence of existing utilities or other easements;

- e. For traffic safety, site distance considerations, intersection spacing, or intersection alignment and/or adequate site distance;
- f. Because there are no other options for ingress and egress;
- g. To provide greater consistency with pedestrian infrastructure, building placement and/ or streetscape on adjoining lots and/or the opposite side of the street; or
- h. Because an alternative designation of frontage would promote greater consistency with the overall objectives of the district."

SECTION 8

Sec. 3.11.2 District Character, Subsection 3.11.2.1. Districts and Frontages, Subsection D. Frontages Established, Subsection 5. Corner Lot Application of Frontage is hereby renumbered as follows:

~~5.7.~~ *Corner Lot Application of Frontage."*

SECTION 9

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 1. Lot, Table Section Lot Parameters is hereby revised to read as follows:

"Lot Parameters		
(C)	Outdoor amenity space ratio (min)	0.06
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
(D)	Building pass through	330' maximum spacing
	–Width (min)	12'
	–Height (min)	Equal to the height of the adjacent first floor ceiling

Outdoor amenity space is a ratio of net land area. Recreation space is a ratio of gross land area."

SECTION 10

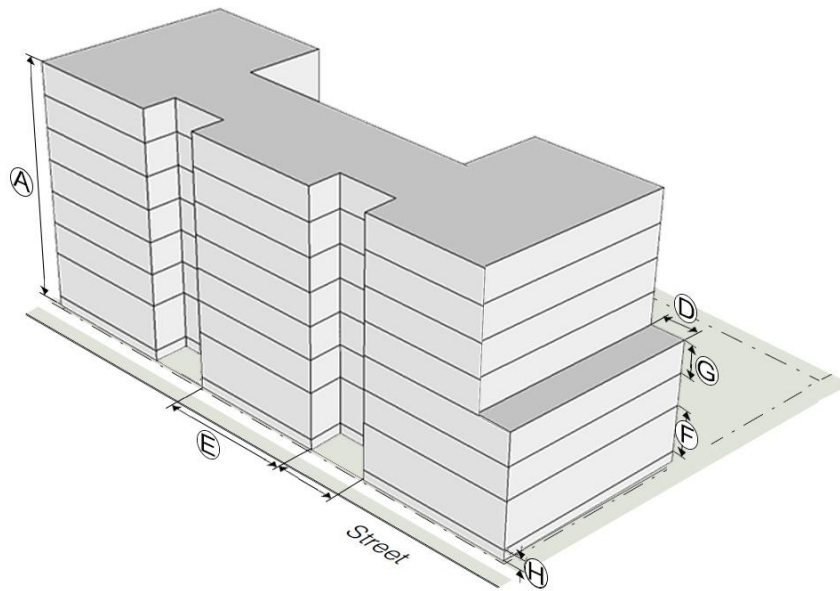
Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 2. Placement, Table Sections Building Setbacks and Build-to-Zone (BTZ) are hereby revised to read as follows:

"Building Setbacks		
(A)	Front	<u>As defined by Frontage Type</u>
	–Type A1 frontage (min/max)	0'/10'
	–Type A2 frontage (min/max)	0'/20'
	–Type B1 frontage, with parking in the front of building (min/max)	0'/85'

	-Type B2 frontage, without parking in the front of building (min/max)	0'/20'
	-Type C frontage (min/max)	n/a
(B)	Side interior (min)	0' or 5'
(C)	Rear (min)	0' or 5'
(C)	Rear, alley (min)	5'
Build-to-Zone (BTZ)		
(D)	Building façade in BTZ (min % of lot width)	As defined by Frontage Type
	-Type A1 frontage	80%
	-Type A2 frontage	60%
	-Type B frontage	60%
	-Type C frontage	n/a"

SECTION 11

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 3. Mass, Diagram and Table are hereby revised to read as follows:



[The diagram above is revised so that labels correspond with items A, D, E, F, G, and H in the associated table, as revised (note that no labels are provided for B and C)]

"Building Height		
(A)	Building height (max)	
	-WR-7	7 stories, not to exceed 90'
	-WR-3	3 stories, not to exceed 45'
(B)	Building height for principal structures	2 stories*
Mass Variation		

(C)	Average floor plate area (max) above 3rd floor	
	- 3 story buildings or less	
	- 4 story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
(C) (D)	Building step back above 2 nd or 3 rd floor (min) if building is placed within first 10' of the build-to-zone	10' step back above 2nd or 3rd floor
	- 3 story buildings or less	
	- 4 story buildings or greater	10' step back above 2nd or 3rd floor
(E)	Module offset	
	- Module width (max)	80'
	- Depth of offset (min)	6'
	- Width of offset (min)	12'
Story Height		
(E) (F)	Ground story height, floor to ceiling (min)	9'
(D) (G)	Upper story height, floor to ceiling (min)	9'
(E) (H) Ground Floor Elevation		
	Ground floor elevation (min/max)	2' / 4'

*The second story shall be at least 2/3rds the floor area of the first story"

SECTION 12

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 4. Form, Table Sections Pedestrian Access and Building Elements Permitted are hereby revised to read as follows:

"Pedestrian Access		
(D)	Principal entrance facing street the public realm	required
(E)	Principal entrance spacing along street- facing facade (max)	±00' 50'
(F)	Building pass-through	330' maximum spacing
	Width (min)	12'
	Height (min)	Equal to the height of the adjacent first floor ceiling
(F) (G) Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Forecourt"	

SECTION 13

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 1. Lot, Table Section Lot Parameters is hereby revised to read as follows:

"Lot Parameters		
(C)	Outdoor amenity space ratio (min)	0.06
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
(D)	Building pass-through	330' maximum spacing
	–Width (min)	12' clear zone
	–Height (min)	Equal to the height of the adjacent first floor ceiling

Outdoor amenity space is a ratio of net land area. Recreation space is a ratio of gross land area."

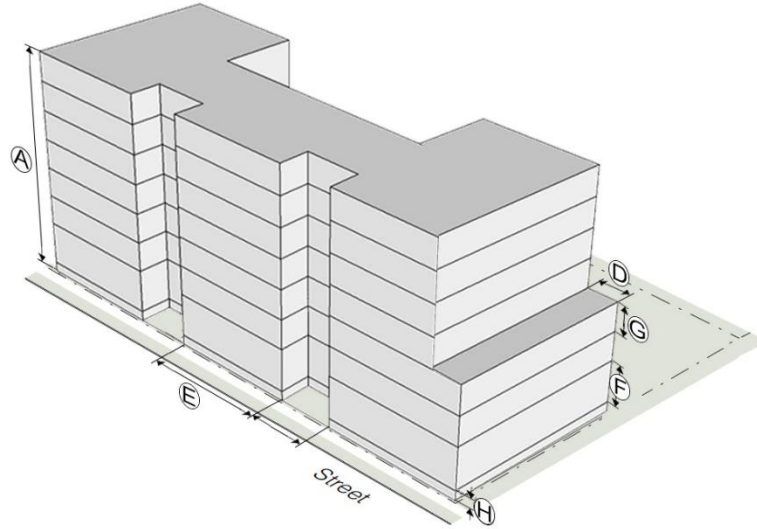
SECTION 14

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-3 and WX-7), Subsection 2. Placement, Table Sections Building Setbacks and Build-to-Zone (BTZ) are hereby revised to read as follows:

"Building Setbacks		
(A)	Front	<u>As defined by Frontage Type</u>
	Type A1 frontage (min/max)	0'/10'
	Type A2 frontage (min/max)	0'/20'
	Type B1 frontage, with parking in the front of building (min/max)	0'/85'
	Type B2 frontage, without parking in the front of building (min/max)	0'/20'
	Type C frontage (min/max)	n/a
(B)	Side interior (min)	0' or 5'
(C)	Rear (min)	0' or 5'
(C)	Rear, alley (min)	5'
Build-to-Zone (BTZ)		
(D)	Building façade in BTZ (min % of lot width)	<u>As defined by Frontage Type</u>
	Type A1 frontage	80%
	Type A2 frontage	60%
	Type B frontage	60%
	Type C frontage	n/a"

SECTION 15

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-3 and WX-7), Subsection 3. Mass, Diagram and Table are hereby revised to read as follows:



[The diagram above is revised so that labels correspond with items A, D, E, F, G, and H in the associated table, as revised (note that no labels are provided for B and C)]

"Building Height		
(A)	Building height (max)	
	-WX-7	7 stories, not to exceed 90'
	-WX-5	5 stories, not to exceed 60'
(B)	Building height for principal structures	2 stories*
Mass Variation		
(C)	Average floor plate area (max) above 3rd floor	
	- 3 story buildings or less	
	- 4 story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
(E)(D)	Building step back above 2 nd or 3 rd floor (min) if building is placed within first 10' of the build to zone	10' step back above 2nd or 3rd floor
	- 3 story buildings or less	

	- 4 story buildings or greater	10' step back above 2 nd or 3 rd floor
(E)	Module offset	
	- Average module width (max)	80'
	- Depth of offset (min)	6'
	- Width of offset (min)	12'
Story Height		
(E) (F)	Ground story height, floor to ceiling (min)	9'
	- Residential	9'
	- Nonresidential	13'
(D) (G)	Upper story height, floor to ceiling (min)	9'
(E) (H) Ground Floor Elevation		
	Ground floor elevation (min/max)	2'/4'
	- Residential (min/max)	2' / 4'
	- Nonresidential (min/max)	0' / 2'

*The second story shall be at least 2/3rds the floor area of the first story"

SECTION 16

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-3 and WX-7), Subsection 4. Form, Table Sections Pedestrian Access and (F) Building Elements Permitted are hereby revised to read as follows:

"Pedestrian Access		
(D)	Principal entrance facing street <u>the public realm</u>	Required
(E)	Principal entrance spacing along street- <u>facing facade</u> (max)	
	- Residential	100' 50'
	- Nonresidential	100'
(F)	<u>Building pass-through</u>	<u>330' maximum spacing</u>
	<u>Width (min)</u>	<u>12'</u>
	<u>Height (min)</u>	<u>Equal to the height of the adjacent first floor ceiling</u>
(F) (G) Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Awning/canopy	
	Gallery	
	Forecourt"	

SECTION 17

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages, Subsection TYPE A FRONTAGE is hereby revised to read as follows:

"Building Location		
(A)	Front setback, Type A1 (min/max)	0-10'
	Front setback, Type A2 (min/max)	0-20'
	Front setback, Type A3 (min/max)	0-20'
	Building façade in BTZ (min % of lot width)	
	- Type A1	80%
	- Type A2	60%
	- Type A3	60%
Streetscape		
(B)	Sidewalk, Type A1 (min)	10' with 10' minimum clear zone
	Sidewalk, Type A2 (min)	10' with 10' minimum clear zone
	Sidewalk, Type A3 (min)	6' with 6' minimum clear zone
(C)	Tree planting zone (min)	8'
	Note: Between tree plantings, this area is only required to be hardscaped where retail frontages are located, or as otherwise determined by the Town Manager as desirable or necessary to support transit stops, other public infrastructure or pedestrian connectivity.	
	Tree spacing (on center, avg)	40'
(D)	On-street parking, where provided	Per thoroughfare standards
Parking Location		
	Surface parking: Not permitted in the Build-to-Zone	
	Structured or covered parking: 30' minimum behind front building façade for all floors. A smaller setback may be permitted for the second and third floors with a design alternative.	

Canopy trees **meeting the stated average spacing** are required. **Where conflicts exist due to utility locations, fire access, or required site lines, unless utility conflicts exist, in which case an equivalent or better alternative for tree type, location, and average spacing** can be reviewed and approved by the Community Design Commission."

SECTION 18

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages, Subsection TYPE B FRONTAGE, Table Sections Streetscape and Parking Location are hereby revised to read as follows:

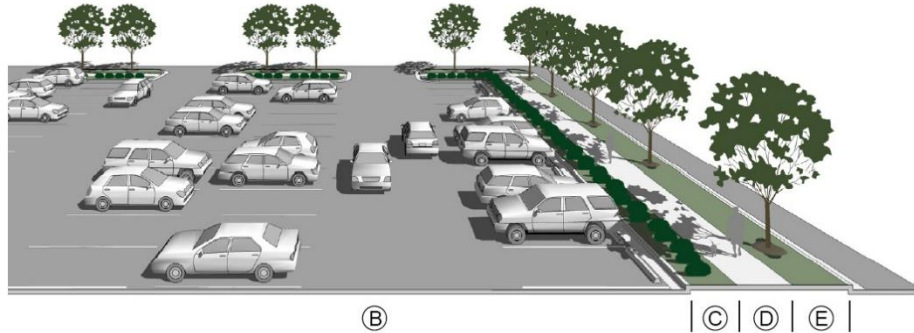
"Streetscape		
(F)	Sidewalk or multiuse path not in conjunction with a town plan (min) OR Sidewalk or multiuse path in conjunction with a town plan (min)	6' with 6' minimum clear zone OR ±0' 12' with ±0' 14' minimum clear zone
(G)	Tree planting zone (min) Note: Between tree plantings, this area is only required to be hardscaped where retail frontages are located, or as otherwise determined by the Town Manager as desirable or necessary to support transit stops, other public infrastructure or pedestrian connectivity.	8'
	Tree spacing (on center, avg)	40'
Parking Location		
	Surface parking: 2 bays maximum permitted between building and street	
	Structured or covered parking: 30' minimum behind front building façade for all floors. A smaller setback may be permitted for the first through third floors with a design alternative.	

Canopy trees meeting the stated average spacing are required. **Where conflicts exist due to utility locations, fire access, or required site lines,** ~~unless utility conflicts exist,~~ in which case an equivalent or better alternative **for tree type, location, and average spacing** can be reviewed and approved by the Community Design Commission."

SECTION 19

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages, Subsection TYPE C FRONTAGE, Diagram and Table Sections Streetscape and Parking Location are hereby revised to read as follows:

Type C Frontage



[The diagram above is revised to correctly label the items from the associated table sequentially starting with (A)(B) parking area. No label will be provided for (A) front setback]

"Streetscape		
(D)	Sidewalk or multiuse path not in conjunction with a town plan (min) OR Sidewalk or multiuse path in conjunction with a town plan (min)	6' with 6' minimum clear zone OR 10' 12' with 10' 14' minimum clear zone
(E)	Tree planting zone (min)	8'
	Tree spacing (on center, avg)	40'
Parking Location		
	Surface parking: No restriction	
	Structured or covered parking: No restriction	

Canopy trees **meeting the stated average spacing** are required. **Where conflicts exist due to utility locations, fire access, or required site lines,** ~~unless utility conflicts exist,~~ in which case an equivalent or better alternative **for tree type, location, and average spacing** can be reviewed and approved by the Community Design Commission."

SECTION 20

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages is hereby revised to insert new subsections **TYPE D FRONTAGE** and **TYPE E FRONTAGE** as follows:

"TYPE D FRONTAGE



[The diagram above is inserted to illustrate the standards for a Type D Frontage, as described in the table below.]

<u>Building Location</u>		
(A)	<u>Front setback (min/max)</u>	<u>5-20'</u>
	<u>Building façade in BTZ (min % of lot width)</u>	<u>60%</u>
<u>Streetscape</u>		
(B)	<u>Sidewalk (min)</u>	<u>6' with 6' minimum clear zone</u>
(C)	<u>Planting zone (min)</u>	<u>4'</u>
	<u>Note: Portions may be hardscaped</u>	
	<u>Shrub/Tree spacing (on center, avg)</u>	<u>20'</u>
<u>Parking Location</u>		
	<u>Surface parking: Not permitted in the Build-to-Zone</u>	
	<u>Structured or covered parking: No restriction</u>	

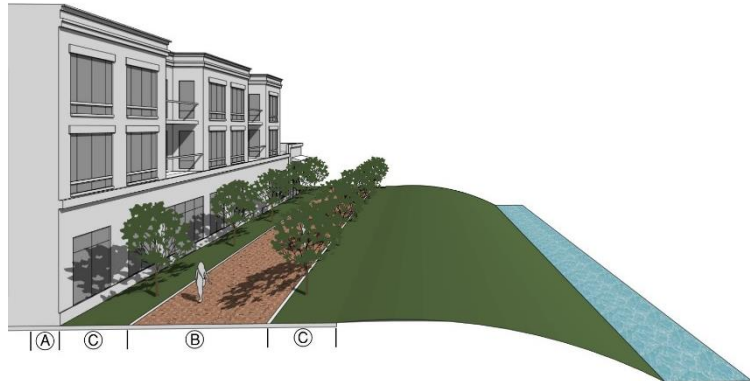
A mix of columnar trees, understory trees and shrubs may be provided to meet shrub/tree spacing requirements. Where conflicts exist due to utility locations, fire access, or required site lines, an equivalent or better alternative for tree type, location, and average spacing can be reviewed and approved by the Community Design Commission."

"TYPE E FRONTAGE

Type E Frontage - Non-Vehicular Thoroughfare



Type E Frontage - Booker Creek



[The diagram above is inserted to illustrate the standards for a Type E Frontage, as described in the table below.

<u>Building Location</u>		
<u>(A)</u>	<u>Front setback (min/max)</u>	<u>0-20'</u>
	<u>Building façade in BTZ (min % of lot width)</u>	<u>60%</u>
<u>Streetscape</u>		
<u>(B)</u>	<u>Sidewalk or path adjoining stream corridor, not in conjunction with a Town plan (min) OR</u>	<u>10' with 10' minimum clear zone</u>
	<u>Multiuse path (min)</u>	<u>12' with 14' minimum clear zone</u>
<u>(C)</u>	<u>Tree planting zone (min)</u>	<u>8' provided on both sides of sidewalk or path</u>
	<u>Note: Between tree plantings, this area should not be hardscaped, except to support path amenities, public infrastructure or pedestrian connectivity.</u>	
	<u>Where a tree planting zone adjoins an outdoor amenity space, it may be considered part of the outdoor amenity space.</u>	
	<u>Tree spacing (on center, avg)</u>	<u>20'</u>
<u>Parking Location</u>		
	<u>Surface parking: Not permitted in the Build-to-Zone</u>	
	<u>Structured or covered parking: 30' minimum behind front building façade for all floors.</u>	

A mix of canopy trees and understory trees, provided on both sides of the sidewalk or path may be provided to meet tree spacing requirements."

SECTION 21

Sec. 3.11.2. District Character, Subsection 3.11.2.6. Building Elements, Subsection G. Forecourt is hereby revised to read as follows:

"An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area.

1. A forecourt must be no more than one-third of the length of the building face and no longer than 35 feet in width, **except where a larger space would increase pedestrian interest and/or allow more variation in the massing and design of the building. Where such purpose is achieved, the width may increase up to 50 feet with approval of a design alternative.**
2. A forecourt may be no more than 35 feet in depth, **except where a larger space would achieve the purposes defined above, in which case the depth may increase up to 50 feet with approval of a design alternative.**
3. A maximum of one forecourt is permitted for every 100 feet in lot width.
4. A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone."
5. The area of a forecourt may be included in the calculation of required outdoor amenity space."

SECTION 22

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection C. Block Length is hereby revised to read as follows:

"Block length is the distance between two intersections or an intersection and the terminus of a road. Block length is measured from right-of-way line to right-of-way line or right-of-way line to property line. Block length requirements apply to the block face along all frontages designated by Type A, B, ~~C~~, **D or E**, as shown on the Regulating Plan (Section 3.11.2.2) **or assigned by the Town Manager**. A new public thoroughfare created by the block length standard shall connect to another street where practical, and shall align at the project boundary such that a future connection is viable as determined by the Town. **A partial width public thoroughfare created near the property line, intended for expansion by the adjacent property owner at the time of future development, shall be located so that at least half of the ultimate right-of-way width is provided.**

- a. The maximum allowable block length may be increased by ten percent (10%) through an administrative adjustment where one or more of the following applies:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the ~~Ephesus/Fordham~~ **Blue Hill** district (e.g., unusual lot size, configuration, or surrounding parcelization patterns);
 - iv. Required due to the presence of existing utilities or other easements
 - v. Required for traffic safety, site distance considerations, intersection spacing, or intersection alignment; or
 - vi. Proposed because there are no other options for ingress and egress.
- b. Where the Community Design Commission makes a finding that a proposed design alternative for block length will provide access, **support future**

extension and connectivity to adjacent properties, and supports a walkable public realm consistent with the purpose and intent of Section 3.11.2.1.B. and where one or more of the site constraints listed below applies, the Community Design Commission may approve an alternatively designed block length up to 600 feet as part of a Certificate of Appropriateness;

- i. Proposed to protect sensitive natural areas or save healthy existing trees;
- ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
- iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham **Blue Hill** District (e.g., unusual lot size, configuration, or surrounding parcelization patterns);
- iv. Required due to the presence of existing utilities or other easements;
- v. Required for traffic safety, site distance considerations, intersection spacing, or intersection alignment; or
- vi. Proposed because there are no other options for ingress and egress."

SECTION 23

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection D. Block Perimeter is hereby revised to add a new **subsection c** as follows:

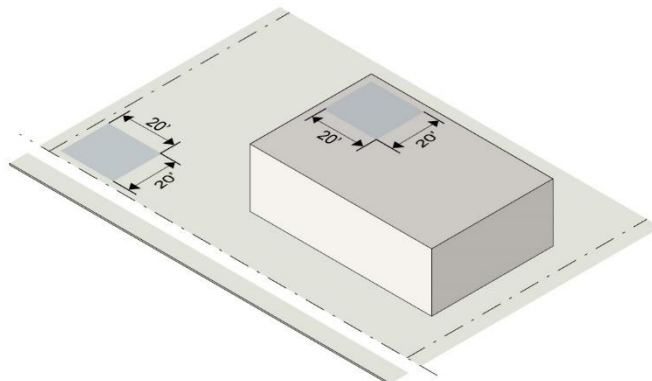
"c. A site bound by vehicular or non-vehicular thoroughfares on all sides, forming a complete block and complying with the maximum block perimeter as specified for the Subdistrict, is encouraged where feasible. A site that is only partially bound by thoroughfares shall locate the thoroughfares in a way that allows a feasible alignment for a vehicular or non-vehicular connection on adjacent properties that would complete the block without exceeding the maximum block perimeter."

SECTION 24

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection F. Outdoor Amenity Space, subsection 4 Standards, subsections b, c, d, and e are hereby revised to read as follows:

- "b. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area **and must meet minimum dimensions described as follows:**
- i. Where not located adjacent to a building, or where located adjacent to a building that is three stories in height or less, an outdoor amenity space** must be at least 20 feet in width and length.
 - ii. Where located adjacent to a building that is four stories in height or greater, the outdoor amenity space shall have greater dimensions, such that the space is in proportion to the associated building, provides a comfortable scale for pedestrians, and invites public use and enjoyment. In no case shall the area of a single outdoor amenity space be required to exceed the minimum outdoor amenity space ratio as specified for the Subdistrict.**
 - iii. Where located in the build-to zone and used to create inviting space along a street facing façade, the width of the outdoor amenity space measured perpendicular to the right-of-way may be less than the**

dimension prescribed above, subject to approval of a design alternative.



[The diagram above is inserted to illustrate the minimum dimension of an outdoor amenity space as 20']

- c. Outdoor amenity space must be adjacent or adjoining a public right-of way, greenway, or publicly accessible thoroughfare, and must be within one-half story in elevation of the adjoining public walkway ~~unless an~~ **except under the following circumstances:**
 - i. **An** administrative adjustment is provided due to unusual topographical or environmental conditions of the site.
 - ii. **A design alternative is approved for outdoor amenity space to be within two stories in elevation of the adjoining public walkway. A rooftop amenity space must be highly visible from the adjoining public walkway and must have an easily identified route of public access, including provision of ADA access.**
- d. Outdoor amenity space may be counted to meet ~~up to one-half of the frontage distance of the build-to-zone~~ percentage requirements; **however, only half the width of the applicable outdoor amenity space can be counted toward the required percentage.**
- e. Where pedestrian pass-throughs are provided, they may qualify as outdoor amenity space if they are unobstructed above by any building elements and meet all other requirements of this section. **A building element used for shade purposes such as a pergola or canopy, which allows partial views to the sky, may be considered as unobstructed above.**

SECTION 25

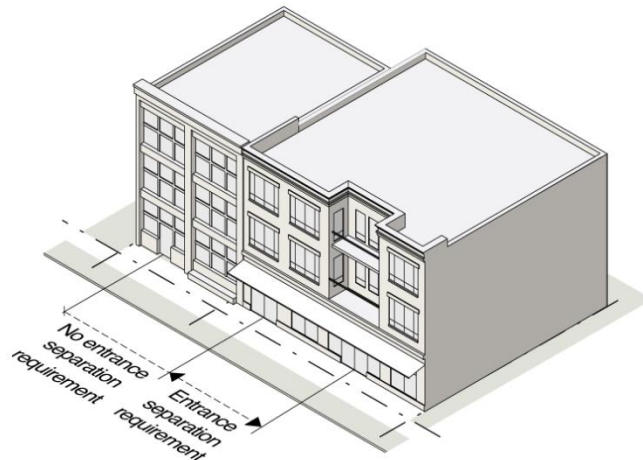
Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection I. Build-to Zone (BTZ), subsection 3. is hereby revised to read as follows:

- "3. On a Type A Frontage on a corner lot, a building façade, **outdoor amenity space, outdoor dining area, and/or building element** must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines."

SECTION 26

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection Q. Building Entrances is hereby revised to read as follows:

- "1. An entrance providing both ingress and egress, operable to residents at all times or to customers during normal business hours, is required **along each side of the building facing a streetscape or any other non-vehicular, publically accessible area** to meet the street-facing **public realm principal** entrance requirements. Additional entrances are permitted.
2. The **principal** entrance separation requirements must be met for each development **along street-facing facades**, but are not applicable to adjacent (existing) development.



[No revision to the diagram above]

3. An angled (clipped corner) entrance may be provided at any corner of a building along the street to meet the street entrance requirements, provided the applicable entrance spacing requirements can still be met.
- 4. A principal entrance may be oriented perpendicular to the adjacent public realm, where the entrance is clearly defined by a Building Element, with approval of the Community Design Commission.**
- 5. For a residential building façade, entries to individual units are considered principal entrances.**

SECTION 27

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection R. Building Materials, subsection 4. is hereby revised to read as follows:

- "4. *Alternate Materials.* Alternate building materials may be approved by the Community Design Commission. New materials must be considered equivalent or better than the materials listed above, and regionally-available materials are preferred. **The following specific criteria is provided for alternate building materials:**
 - a. Architectural concrete shall utilize detailing, patterns, and/or panel size to convey visual interest and a sense of scale.**

- b. **Architectural metals shall be appropriate to the local climate and shall utilize detailing, patterns, and/or panel size to convey visual interest and a sense of scale.**

SECTION 28

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection S. Building Pass-Throughs is hereby revised to read as follows:

- “1. Building pass-throughs shall be a minimum height equal to the first floor ceiling height of the adjacent building, except where **under any of the following circumstances:**
 - a. Life safety service is required;
 - b. **The height of the adjacent building is four stories or greater, in which case the pass-through shall be a minimum height equal to the second floor ceiling; or**
 - c. **The length of the building pass-through is greater than 50’, in which case the pass-through shall be a minimum height equal to the second floor ceiling.**
2. **Building pass-throughs shall be a minimum width of 12’, except when the adjacent building is 4 stories or greater or when the length of the pass-through is greater than 50’. In such cases, the building pass-through shall be a greater width, with consideration of the following criteria:**
 - a. **The width of the pass-through should be in proportion to the height of the pass-through and in proportion to the associated building;**
 - b. **The pass-through should have prominent entrances;**
 - c. **The pass-through should be a safe and enjoyable public passage; and**
 - d. **The scale of the pass-through should invite use by pedestrians.**
3. **Variation to the dimensional requirements of a building pass-through may be granted through a design alternative, provided that varied massing, higher façade transparency, increased lighting, furnishings, and/or building entrances are incorporated to make the pass-through an inviting space.**
4. **Design Considerations.**
 - a. Building pass-throughs shall be adequately lit as per Section 3.11.4.5. (Site Lighting), with 0.5 (min) and 15.0 (max) foot candles at any point.
 - b. Building pass-throughs shall serve as a publically accessible passage between or through buildings that allows pedestrians to move from one side of a building to another, through a privately owned or publically dedicated area.”
5. **Pass-Through Spacing**
 - ~~e.~~a. The maximum building pass-through spacing may be increased by five percent (5%) through an administrative adjustment where one or more of the following applies:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham **Blue Hill** District (e.g., unusual lot size or configuration);
 - iv. Required due to the presence of existing utilities or other easements; or
 - v. Proposed because there are no other options for ingress and egress.

- ~~d.~~**b.** Where the Community Design Commission makes a finding that a proposed design alternative for building pass-through will provide access that at a minimum meets the purpose or intent of Section 3.11.2.1.B and where one or more of the site constraints listed below applies, the Community Design Commission may approve an alternatively designed building pass-through up to the maximum allowable block length as part of a Certificate of Appropriateness:
- i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the ~~Ephesus/Fordham~~ **Blue Hill** District (e.g., unusual lot size or configuration); **or**
 - iv. Required due to the presence of existing utilities or other easements; ~~or~~

SECTION 29

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions is hereby revised to add a new **subsection T** as follows:

"T. Mass Variation. Mass variation is the way the form and shape of a building changes to establish a sense of human scale. This may be achieved by changing the heights of different parts of a building and by creating offsets in wall planes to express individual building modules. All buildings four stories in height or greater shall have a reduced upper story floor plate area as specified for the Subdistrict. Further, building facades of buildings four stories in height or greater along all frontages designated by Type A, B, C or E shall meet either the building step back requirement or the module offset requirement, as specified for the Subdistrict. A building three stories in height or less is not subject to the above. Frontage designations are as shown on the Regulating Plan (Section 3.11.2.2) or assigned by the Town Manager.

- 1. Upper Story Floor Plate Area. The maximum upper story floor plate area shall be based on the area measured for the third story and applies at the fourth story and above. Where multiple stories are subject to the floor plate area requirement, both an average upper story and maximum upper story floor plate area apply.**
- 2. Building Step Back. The building step back shall be measured as the horizontal change in the building wall plane, perpendicular to the applicable frontage or property line.**
 - a. In addition to applicable frontages, a 10' building step back above the second or third floor is also required for buildings four stories or greater on a façade facing the boundary of the Form District.**
 - b. A building step back is not required where a street-facing façade is located outside of the build-to zone, or where a building façade facing the Form District boundary is located more than 20' from the boundary.**
- 3. Module Offset. The module offset shall be measured as the horizontal change of a portion of the building wall plane at ground level, perpendicular to the applicable frontage. The module width shall be measured for the portion of the wall plane closer to the sidewalk, while the width of offset shall be measured for the portion further from the**

sidewalk. The dimensions of modules and offsets should maintain a sense of proportion to the building as a whole.

a. Offset areas may count towards a build-to zone requirement when the area meets the criteria for a forecourt, outdoor amenity space, or outdoor dining area.

b. A module offset is not required where a building façade is located outside of the build-to zone.

4. The Community Design Commission may approve a design alternative for mass variation, where a building exhibits varied heights, smaller building masses and/or articulated facades that provide a positive visual impact and a sense of scale in the public realm.

SECTION 30

Sec. 3.11.3, Use Requirements, Subsection 3.11.3.4. Permitted Use Table, Table Section Commercial Uses is hereby revised to read as follows:

"PERMITTED USES	WR-3	WR-7	WX-5	WX-7	Def./Stds.
Commercial Uses					
<u>Bank, except as listed below:</u>	--	--	<u>P</u>	<u>P</u>	
<u>Drive-thru</u>	<u>--</u>	<u>--</u>	<u>S</u>	<u>S</u>	<u>Sec. 3.11.4.1.F</u>
Commercial parking	--	--	S	S	Sec. 3.11.3.5.C.1
Day care	--	--	P	P	Sec. 3.11.3.5.C.2
Indoor recreation	--	--	P	P	Sec. 3.11.3.5.C.3
Medical	--	--	P	P	Sec. 3.11.3.5.C.4
Office	--	--	P	P	Sec. 3.11.3.5.C.5
Outdoor recreation	--	--	--	--	Sec. 3.11.3.5.C.6
Overnight lodging	--	--	P	P	Sec. 3.11.3.5.C.7
Personal service	--	--	P	P	Sec. 3.11.3.5.C.8
Restaurant/bar, <u>except as listed below:</u>	--	--	P	P	Sec. 3.11.3.5.C.9
<u>Drive-thru</u>	<u>--</u>	<u>--</u>	<u>S</u>	<u>S</u>	<u>Sec. 3.11.4.1.F</u>
Retail sales, except as listed below:	--	--	P	P	Sec. 3.11.3.5.C.10
<u>Drive-thru</u>	<u>--</u>	<u>--</u>	<u>S</u>	<u>S</u>	<u>Sec. 3.11.4.1.F</u>
Fuel sales	--	--	P	P	Sec. 3.11.3.5.C.10.a
Vehicle sales/service	--	--	P	P	Sec. 3.11.3.5.C.11"

SECTION 31

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.1 Parking and Access Standards, Subsection B. Vehicle Parking, subsection 4. is hereby revised to read as follows:

"4. *Appearance of Structured Parking.* Structured parking visible from the public realm shall be architecturally compatible with the principal building as deemed appropriate by the Community Design Commission. **An architectural screen**

that utilizes durable materials and/or other features offering visual interest shall be provided."

SECTION 32

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.1 Parking and Access Standards, Subsection E. Bicycle Parking, subsection 1.b. is hereby revised to read as follows:

"1. *Required Spaces*

- a. The minimum required bike spaces required are provided in the Table above and are required unless an equivalent or better alternative is approved by the Town Manager.
- b. In no case is a single use **occupiable space or unit** required to provide more than 20 bicycle parking spaces."

SECTION 33

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.1 Parking and Access Standards, Subsection F. Drive-Thru Standards, subsection 1. is hereby revised to read as follows:

- "1. *Location.* ~~Drive thru's are only permitted at the mid-block along all Type A and Type B Frontages~~ **Drive-thru locations are subject to approval of a Special Use Permit.** 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 interior to the site. Drive-thru windows and lanes may not be placed on a street-facing facade and the associated building. **Drive-thru lanes are considered a vehicular access point subject to the requirements of Sec. 3.11.4.1.G.**"

SECTION 34

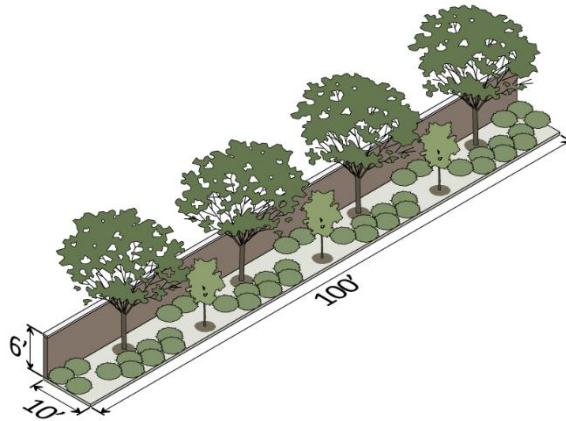
Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.1 Parking and Access Standards, Subsection G. Service Drive, Loading Dock Access and Vehicular Access, subsection 1 is hereby revised to read as follows:

- "1. *Vehicular Access.* The number of vehicular access points from a thoroughfare to any parcel shall be limited to ~~two~~ **as follows:**
- a. No** more than two (2) access points in any continuous 200' of lot frontage, ~~or~~
 - b. No more than** three (3) access points overall unless otherwise approved by the Community Design Commission.
 - c.** Where two (2) such access points are located along the same block face, they shall be separated by a minimum of 30 feet.
 - d. Where a building fronts multiple streets or alleys, no access point may be located on the more restrictive assigned frontage or on the primary frontage, as applicable under Sec. 3.11.2.1.E.7., unless otherwise approved by the Community Design Commission.**
 - e. No vehicular access may be provided between a building façade and a Type E Frontage.**
 - f.** Internal vehicular connections to adjacent parcels are encouraged, **particularly where a parcel has only one street frontage and where multiple access points are desired.**"

SECTION 35

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.2 Landscaping Standards, Subsection H. Residential Protection Buffer is hereby revised to read as follows:

"The following buffer is required along any perimeter lot line that immediately abuts any residential district that is not within an ~~Ephesus/Fordham district~~ **a Blue Hill Form District**. This standard does not apply to residential land that is separated from the ~~Ephesus/Fordham district~~ **Blue Hill Form District** by a street.



[no revision to diagram above]

Depth (min)	10'
Wall Height (min/max)	6'/8'
Fence Height (min/max)	not allowed <u>6'/8'</u>
<u>Spacing of breaks in Wall or Fence (max)</u>	<u>200'</u>
Shade Trees (min per 100')	4
Understory Trees (min per 100')	3
Shrubs (min per 100')	40
Shrub Height (min)	4'

- 1. The Community Design Commission may approve a variation to the requirements above in order to accommodate trails and outdoor amenities in the Buffer area.**
- 2. Either a wall or fence may be used in the Buffer, with intermittent breaks so as not to create an impassible barrier, as appropriate based on context.**
- 3. Buildings within 20' of the perimeter lot line are subject to mass variation standards as describes in Sec. 3.11.2.7.T."**

SECTION 36

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.7 Administration of Form Districts, Subsection C. Form District Permit, subsections 3 and 7 are hereby revised to read as follows:

- “3. *Application Submittal Requirements.* Applications for a Form District Permit are submitted to the Town Manager. The Town Manager will prescribe the forms on which applications are made. The Town Manager will prescribe any material that may reasonably be required to determine compliance with this Section and the Land Use Management Ordinance, with sufficient copies for necessary referrals and records. No application may be accepted by the Town Manager unless it complies with such submittal requirements. Applications that are not complete will be returned to the applicant, with a notation of the deficiencies in the application.
- a. **An urban design assessment is required as part of a complete application, providing a preliminary determination of whether elements of the proposed development meet the urban design intent of the Blue Hill District. Urban design assessments will be prepared by consultants under contract with the town and the costs of the analyses will be included in the development application fees.**
 - b. **Traffic impacts of proposed new development and redevelopment shall be considered in the review of applications. A traffic impact analysis as provided for in Sec. 5.8.1.G is required to identify and quantify the traffic impacts of proposed developments, and to identify facility improvements necessary to maintain acceptable levels of service. A traffic impact analysis is required for Form District Permit review, unless affirmatively exempted by the town manager.**
- “7. *Modification of Form District Permits.* The Town Manager may approve a minor modification of a Form District Permit administratively. A change from what is included in an approved Form District Permit will be considered a major 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 the Town Manager's designee and shall not constitute a ~~minor~~**major** modification. The application fee for a modification to a Form District Permit is established by the Council as part of the budget process.”

SECTION 37

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.7 Administration of Form Districts, Subsection D. Certificate of Appropriateness, subsection 1. is hereby revised to read as follows:

- “1. *Review Required*
- a. No exterior portion of any building or related structure (including **structured parking visible from the public realm**, masonry walls, fences, light fixtures, steps and pavement), or any above-ground utility structure or stormwater control measure at grade may be erected, altered, restored or moved within the Form District until an application for a certificate of appropriateness as to the aesthetic quality of exterior architectural features and accessory utility features have **has** been approved, **based upon the**

criteria and standards established in this Sec. 3.11. The above requirements do not apply to the demolition of any buildings or structures or routine maintenance of structures.

- b. 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, including the **following:** kind and texture of the building material, ~~and~~ the type and style of all windows, **and** doors, ~~and~~ **orientation and treatment of building entrances, building elements as described in Sec. 3.11.2.6, type and style of** light fixtures, **quality of associated streetscape environment, quality of building pass-throughs, quality and activation of associated outdoor amenity spaces, screening of associated vehicular and services areas, cohesive design aesthetic for all buildings and structures on the site, and appropriate transitions to surrounding development.**

Accessory utility features further includes the screening of transformers and cabinet structures, as well as the appearance of visible stormwater control measures at grade. Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types. For development along streets with Type C Frontage requirements, the Community Design Commission shall review and approve certificates of appropriateness consistent with 3.11.4.2.C.2.a."

SECTION 38

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.7 Administration of Form Districts, Subsection D. Certificate of Appropriateness, subsection 4. Action on the Application, subsection b. is hereby revised to read as follows:

- "b. Such action must be based upon the criteria and standards established in this Sec. 3.11. ~~and further defined by Town Charter Chapter 5, Article 5 (Appearance of Structures). The Town Manger will provide review guidelines for the Community Design Commission in accordance with this subsection.~~ **The Design Guidelines shall serve as a reference for the Community Design Commission's review.**

SECTION 39

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.7 Administration of Form Districts is hereby revised to insert a new subsection F as follows:

F. Phased Redevelopment

- 1. Build-Out Plan. Where appropriate for demonstrating the phased redevelopment of a site, the applicant may submit a build-out plan conveying the overall general intent and system of development as part of the application for a Form District Permit and Certificate of Appropriateness. A build-out plan shall be required when a proposed improvement would not meet the standards of Sec. 3.11 except in the context of construction of a future improvement. The build-out plan shall include the following information:**
 - a. The boundary of the site subject to phased redevelopment**

- b. **The type and location of improvements within the site, with sufficient detail to demonstrate overall compliance with Sec. 3.11**
 - c. **A phasing plan**
 - d. **Proposed interim treatments at the boundaries of phases, as necessary to provide buffering and screening between initial and subsequent phases**
 - e. **Proposed alternative improvements to be made if a subsequent phase is delayed**
2. **Design Alternative. The Community Design Commission may approve buildings and related structures not meeting the standards of Sec. 3.11 as a design alternative, where a build-out plan identifies a sequence of improvements that will bring all phases into conformance with Sec. 3.11 and provides adequate buffering and screening between phases. Such approval may include buildings and building additions located outside the build-to zone; however, no structure shall be approved in a location that would significantly restrict the ability of future buildings to meet build-to zone requirements.**

SECTION 40

Sec. 3.11.4 Design and Development Standards, Subsection 3.11.4.8. Defined Terms, Subsection B Defined Terms, is hereby revised to include modified definitions of 'public realm' and 'street-facing façade', along with an added definition of 'thoroughfare' as follows:

"Public Realm means the streetscape or any other nonvehicular, publically accessible area located along ~~at the~~ designated frontage **of a street, alley shared between sites, or non-vehicular thoroughfare.**"

"Street facing façade means a building façade which directly abuts **an arterial, collector, local or district** street."

"Thoroughfare means a route provided for the purposes of creating connectivity and/or establishing blocks, to include all types of streets, alleys, and non-vehicular paths and greenways with a defined right-of-way."

SECTION 41

Sec. 8.5 Community Design Commission, Subsection 8.5.5 Powers of the Commission is hereby revised to insert a new subsection u as follows:

"The commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this appendix, in Chapter 160A, Article 19, Part 7 of the N.C. General Statutes, and in Chapter 278 of the N.C. Session Laws of 1965, including but not limited to the following:"

- s. To review lighting plans and building elevations filed as part of an application for development;~~and~~
- t. To review alternative landscape bufferyards in accordance with subsection 5.6.6 of this appendix;~~;~~ **and**

u. To hear and decide applications for certificates of appropriateness in the Blue Hill District in accord with Section 3.11 of this appendix."

SECTION 42

This ordinance shall be effective upon enactment; provided however that any development application for which an applicant has presented a preliminary development plan to the Town of Chapel Hill Community Design Commission at a regular meeting by April 18, 2018, and submits a complete application for this project prior to July 23, 2018 shall be subject to Section 3.11 in effect immediately prior to May 23, 2018.

This the 23rd day of May, 2018.