

## **Petition**

To: Mayor and Town Council  
From: CHALT Signers  
Subject: Improvements to Blue Hill Form-Based Code  
Date: June 25, 2019

On June 5, 2019, over 100 signers sent the Council a letter asking for changes to the form-based code to promote higher quality energy-efficient construction in the Blue Hill District, consistent with the community endorsed Ephesus-Fordham Small Area Plan.

### **What is form-based code and why hasn't it worked?**

Form-based code (FBC) is an agreement between the Town and a developer designed to serve the needs of each. When FBC works as intended, the Town obtains new development that serves the community by providing such things as enhanced stormwater management, affordable/workforce housing, energy efficient buildings with reduced carbon footprints, and attractive, human scale urban design, while the developer gets expedited review and predictability, which yield substantial cost savings and time.

In the case of Blue Hill FBC, however, the intended community benefits have not materialized because the new code asks very little of developers in exchange for the benefits of expedited review.

As a result, ever since the FBC was approved in 2014, more and more citizens and elected officials have concluded that the code is deficient because it is not promoting the kind of redevelopment that helps address community challenges nor the kind of attractive, green, pedestrian-oriented townscape we were led to believe the FBC would deliver.

After a new mayor and new council members were elected in 2015, the Community Design Commission led a series of initiatives to improve the code including setting block size limits. Also, in 2017, the Town Council commissioned and subsequently approved much-needed design guidelines for the district. While these changes were steps in the right direction, they were not enough.

### **Current state of "Blue Hill" Code**

In early 2018, Council members Anderson, Gu and Schaevitz highlighted the imbalance of residential housing units over commercial uses and called for new requirements. In addition, they requested the town develop standards that would reduce the massive building size and create affordable housing units in the district. In June 2018, the Town Council voted for a 10% commercial requirement and the staff will return in the fall of 2019 with the massing and affordable housing elements.

Consultant Tony Sease provided some ideas at the recent June 5, 2019 work session for how massing could be reduced, but we don't think these proposals are sufficient to promote the kind of attractive, human scale townscape that the community seeks, nor do they provide any reassurance that future redevelopment in this district will look, feel, or function differently than the structures now under construction. We support a reduction in massing, but believe the Code needs additional measures.

### **Additional measures recommended**

Therefore we ask the Council to explore the following options for improving the form-based code. We suggest these modifications be joined with the changes to massing standards already under discussion so that Council can approve them as one set of amendments in September.

1. Expand the use of the parallel code scheme recently approved for Blue Hill. While this scheme currently only incentivizes improved stormwater management, the same scheme should also be used to incentivize other community benefits in the district. According to this scheme, a developer will have the choice of applying for a traditional SUP under conventional zoning or expedited review under the form-based code.
2. Those opting to apply for a form-based permit will be required to provide a certain number of community benefits such as:
  - stormwater management solutions benefitting a wide area
  - significant job/commerce opportunities in the district
  - provide affordable housing opportunities
  - provide biking/parking infrastructure to improve neighborhood connections
  - reduced on-site parking by contributing to integrated and shared parking solutions.

The community benefits as listed above should be substantial, and the inclusion of 15% affordable housing units can serve as a benchmark.

3. Require that all developments meet the AIA 2030 energy performance standards.
4. Require a 20 – 25% public green space and tree canopy total for each project and prevent the removal of existing mature canopy trees, such as the willow oaks on Elliot Rd. The general goal is to 1) preserve what little green space and mature trees currently exist in the district and 2) for redevelopment to result in appreciably more public green space and tree canopy than currently exist in the district. [In a separate effort the Town staff is reviewing Chapel Hill's canopy tree ordinance.]

5. Require that at least 20% of a given parcel area at ground level consist of publicly accessible pervious green space, which shall include canopy trees, recreational equipment, and other outdoor amenities. The goal is to: 1) preserve what little green space and mature trees currently exist in the district and 2) for redevelopment to result in appreciably more public green space and tree canopy than currently exist in the district. [In a separate effort the Town staff is reviewing Chapel Hill's canopy tree ordinance.]
6. Adopt building footprint limitations that will allow increased stormwater filtration and provide the room for the canopy trees and forbid buildings in the 100 year flood plain.

Resources:

2011 Small Area Plan for Blue Hill

2014 Matrix of choices for Ephesus-Fordham presented to the Council

Form-based Code in North Carolina Cities

Linda Brown  
Joan Guilkey  
Tom Henkel  
Charles Humble  
Fred Lampe  
Julie McClintock  
John Morris  
David Schwartz  
Del Snow  
Diane Willis