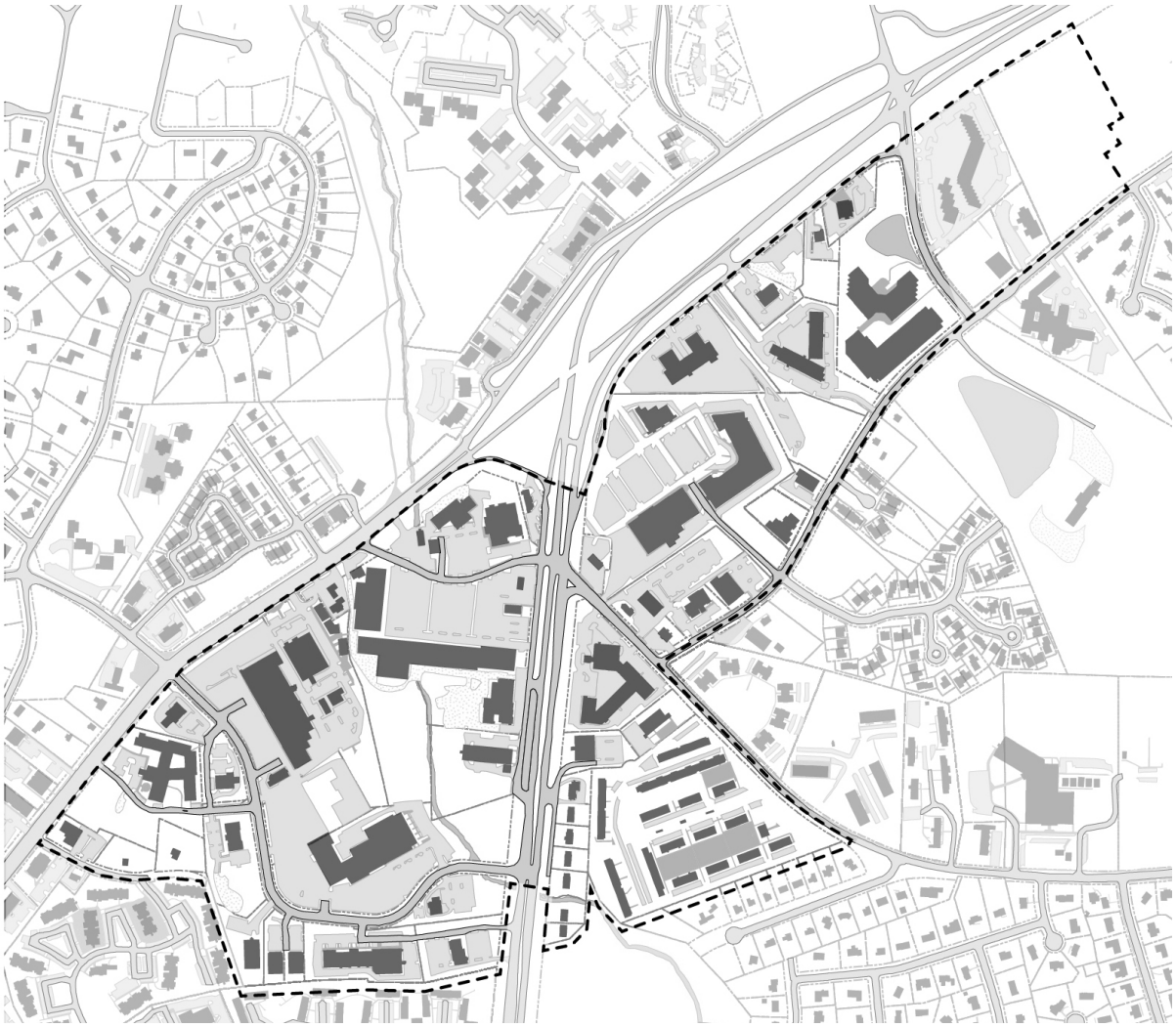
Land Use Management Ordinance
Sec. 3.11 Ephesus/Fordham Form District



Town of Chapel Hill, North Carolina

ADOPTED May 12, 2014
REVISED June 27, 2016

CODE STUDIO

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Sec. 3.11.1. Introductory Provisions

3.11.1.1. Purpose

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. This Form District fosters a residential, mixed use and pedestrian-friendly area. Unlike conventional zoning, this Form District fosters more predictable results and a high-quality public realm. This is achieved by prescribing the physical form of buildings and other elements, by addressing the relationship between building facades and the public realm, and by specifying the form and mass of buildings and the scale and types of streets and blocks. This Form District is considered a Special Appearance District, in accordance with Town Charter Chapter 5, Article 5, Appearance of Structures.

3.11.1.2. Overall Site Design

A. Purpose. The purpose of this Section is to provide general and specific design and development standards by addressing details of site planning and project design. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and 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, and visually harmonious manner and will incorporate environmental stewardship. Energy-efficient design of buildings is encouraged so that they may be constructed, operated and maintained in a manner that minimizes the use of energy without constraining the building function or the comfort or productivity of the occupants.

B. Applicability. Except as otherwise specifically provided in this Code, no land or structure in the Ephesus/Fordham Form District may be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill may take place on land contemplated for development, and no structure, or part of a structure, may be constructed, erected, altered, renovated, or moved except in compliance with the general and specific design and development standards specified here and the standards contained in the Design Manual.

C. Application of Land Use Management Ordinance Requirements. Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply in the Ephesus/Fordham Form District:

1. Article 3, Zoning Districts, Uses, and Dimensional Standards:
   a. Section. 3.6.3, Resource Conservation District
   b. Section. 3.7.2, Use Matrix
   c. Section. 3.7.3, Use Groups
   d. Section. 3.8, Dimensional standards
   e. Section. 3.10, Inclusionary zoning
2. Article 4, Procedures:
   a. Section. 4.7, Site plan review
   b. Section. 4.8, Master land use plan
3. Article 5, Design and Development Standards;
   a. Section 5.1, Overall site design
   b. Section 5.3.2, Steep Slopes
   c. Section 5.4, Stormwater management
   d. Section 5.5, Recreation
   e. Section 5.6, Landscaping, screening and buffering
   f. Section 5.11, Lighting Standards
   g. Section 5.14, Signs
   h. Section 5.17, Prevention of demolition by neglect
   i. Section 5.19, Jordan watershed stormwater management for new development
4. Article 6. Special Regulations for Particular Uses

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.

D. Application of Town Code. For development standards not covered by Section 3.11, the other applicable sections in the Town's Code of Ordinances shall be

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used as the requirement. Similarly, all development must comply with all applicable Federal, State or local regulations and ordinances. Where the Town's Code of Ordinances expressly conflicts with a standard set out in this Sec. 3.11, the standards of this Section control.

E. Application of Town Design Manual. The Town maintains a Design Manual which contains specific design and construction standards. Such standards must be in accord with the general performance standards contained here, and must reflect, where applicable, generally accepted design and construction practices and techniques. The Design Manual must contain sufficient flexibility in the application of specific standards so as to permit modifications of the standards where such modifications have been determined by the Town Manager to be equally or more appropriate to safe, orderly, energy-efficient, and visually harmonious development due to particular conditions of a development site, and that such modifications continue to be in conformance with the Ephesus/Fordham Form District general performance standards contained in this Section 3.11. Where the Design Manual expressly conflicts with a standard set out in this Sec. 3.11, the standards of this Section control.

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 stormwater.

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.

H. Application of Design Alternatives. Where a 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.

Sec. 3.11.2. District Character

3.11.2.1. Districts and Frontages

A. District Summary. The Ephesus Church/Fordham District is a vital node of living, shopping and working, centrally located between downtown Chapel Hill and Durham. The Form District ensures that this essential hub is able to reach its full potential as both a destination and a community. The regulations support residential and mixed uses at varying levels of intensity, all of which will combine to foster a lively and engaging street environment easily accessible to pedestrians, bicyclists, transit riders and automobile users.

B. District Intent. This Form District is intended to implement the Ephesus Church Road/Fordham Boulevard Small Area Plan. Specifically, the Ephesus Church/Fordham District provides the implementation mechanism for the citizen-endorsed vision for the project area, which is a more dense, walkable urban environment with balanced access for all modes of travel.

C. Subdistricts Established. In order to implement the vision of the Ephesus Church Road/Fordham Boulevard Focus Area Plan, the following subdistricts have been established and are depicted on the Regulating Plan in Sec. 3.11.2.2.

1. Walkable Residential (WR-). The Walkable Residential Subdistrict is intended to create residential neighborhoods with a mix of housing types, together with civic buildings and open space essential to creating neighborhoods. The Walkable Residential Subdistricts are differentiated by the maximum building height permitted.

    a. WR-3: maximum height limit of 3 stories (45 feet).

    b. WR-7: maximum height limit of 7 stories (90 feet).

2. Walkable Mixed Use (WX-). The Walkable Mixed Use Subdistrict is intended to accommodate a mix of compatible uses in close proximity to one another (residential, civic, retail, office, service and entertainment uses) to create mixed use neighborhoods for residents, employees and visitors to live, work and play. The Walkable Mixed Use Subdistricts are differentiated by the maximum building height permitted.

    a. WX-5: maximum height limit of 5 stories (60 feet).

    b. WX-7: maximum height limit of 7 stories (90 feet).

D. Frontages Established. Each WR- and WX- subdistrict may include one of the following frontage designations as shown on the Regulating Plan in Sec. 3.11.2.2. Frontages apply a consistent street edge to new or existing development based on the purpose and intent of the Ephesus Church Road/Fordham Boulevard Focus Area Plan.

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.

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 streets with significant traffic volumes that are not conducive to sustained pedestrian activity have been designated with a Type C Frontage.

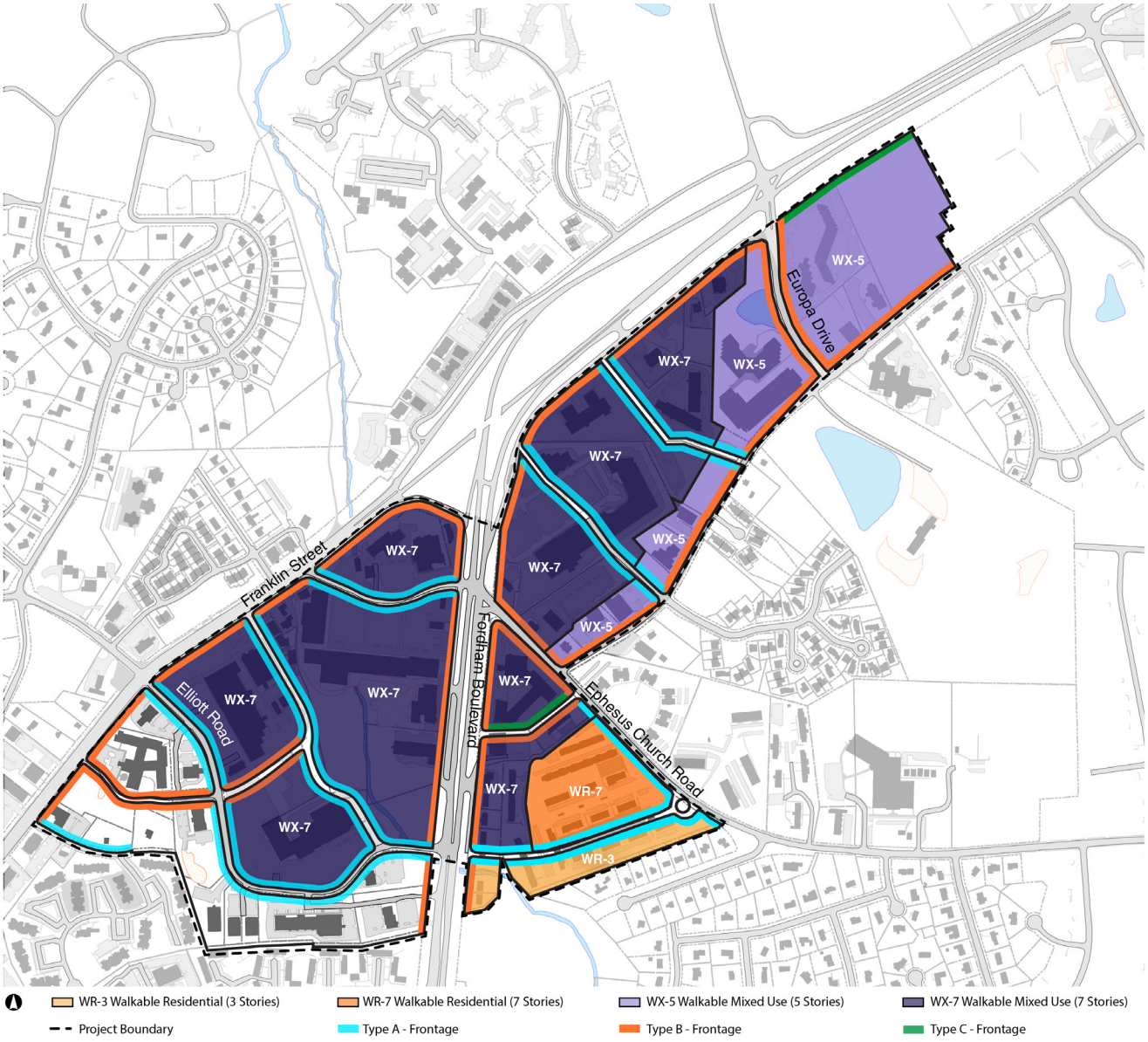
4. Corner Lot Application of Frontage

    a. Where a corner lot has a Type A Frontage and a Type B Frontage, 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.

    b. Where a corner lot has a Type B Frontage, Type C Frontage or 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.

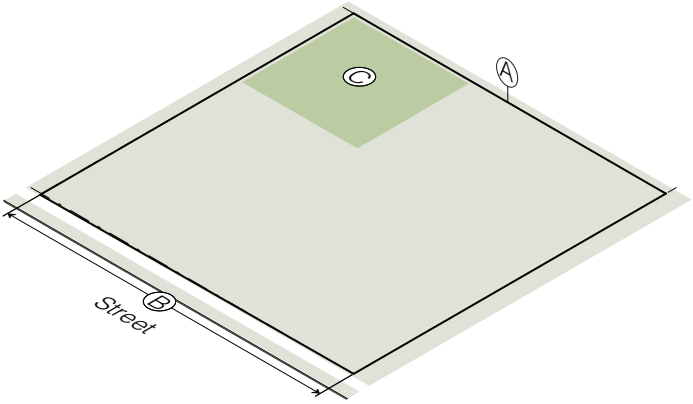
3.11.2.2. Regulating Plan

The Walkable Residential (WR-), Walkable Mixed Use (WX-) subdistricts are identified and located on the Town of Chapel Hill Official Zoning Map. The Regulating Plan is 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 at the time of development, in accordance with the Ephesus Church/Fordham Boulevard Small Area Plan, this Regulating Plan or this Section 3.11.



3.11.2.3. Walkable Residential (WR-3 and WR-7)

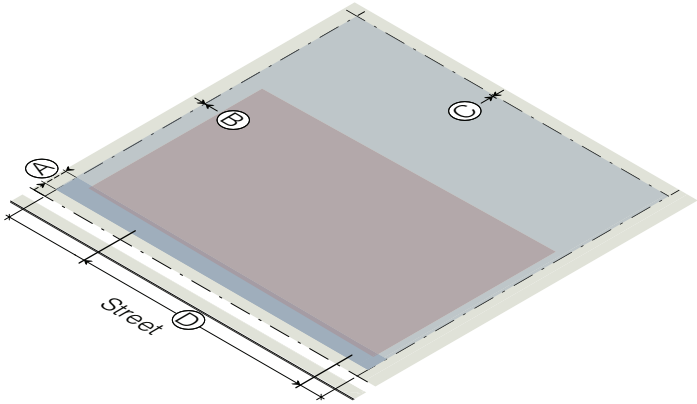
1. Lot



Lot Dimensions		
Ⓐ	Net land area (min)	1,700 SF
Ⓑ	Lot width (min)	20'
Ⓒ	Block Length (max)	400'
Lot Parameters		
Ⓓ	Outdoor amenity space ratio (min), applies to non-residential portion of building	0.20
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
Ⓔ	Building pass-through	Required every 200'
	Wdith (min)	20' with 15' clear zone
	Height (min)	Equal to the height of the adjacent first floor ceiling
	Lighting	Sec. 3.11.4.5., 0.5 (min) and 15.0 (max) foot candles at any point

Outdoor amenity space and recreation space are ratios of gross land area.

2. Placement



Building Setbacks		
Ⓐ	Front	
	- Type A frontage (min/max)	0' / 10'
	- Type B frontage (min/max)	0' / 85'
	- Type C frontage (min)	n/a
Ⓑ	Side interior (min)	0' or 5'
Ⓒ	Rear (min)	0' or 5'
Ⓒ	Rear, alley (min)	5'
Build-to Zone (BTZ)		
Ⓓ	Building facade in BTZ (min % of lot width)	
	- Type A frontage	80%
	- Type B frontage	60%
	- Type C frontage	n/a

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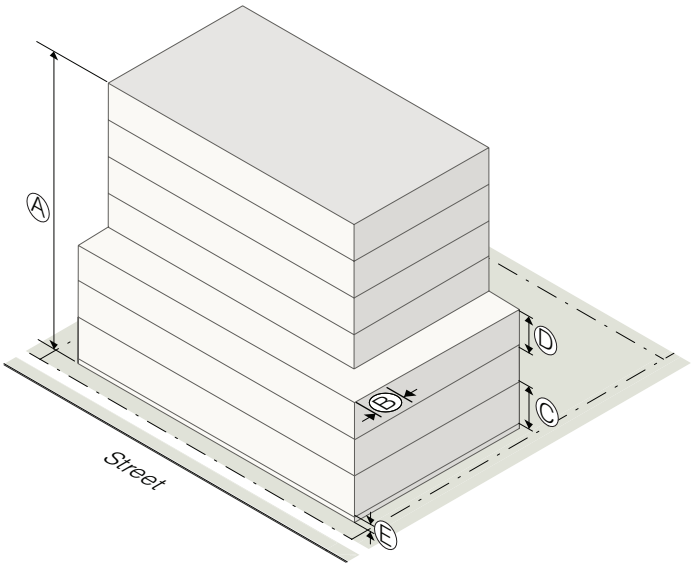
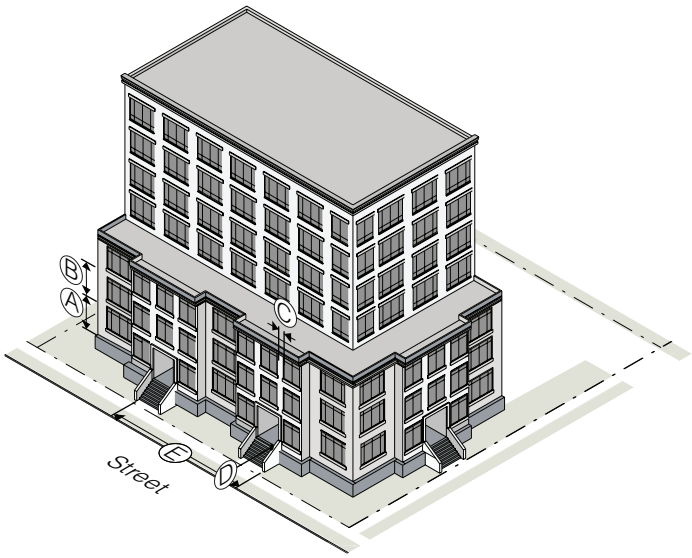
3. Mass



4. Form



Building Height		
Ⓐ	Building height (max)	
	- WR-7	7 stories, not to exceed 90'
	- WR-3	3 stories, not to exceed 45'
Ⓑ	Building height for principal structures	2 stories*
Ⓒ	Building step back above 2nd or 3rd floor (min) if building is placed within first 10' of the build-to zone	
	- 3 story buildings or less	
	- 4 story buildings or greater	10' step back above 2nd or 3rd floor

Story Height		
Ⓒ	Ground story height, floor to ceiling (min)	9'
Ⓓ	Upper story height, floor to ceiling (min)	9'

Ⓔ 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.

Transparency		
Ⓐ	Ground story (min)	20%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area (max)	50'

Pedestrian Access		
Ⓓ	Principal entrance facing street	required
Ⓔ	Principal entrance spacing along street (max)	100'

Ⓕ Building Elements Permitted
Front porch, stoop
Balcony
Forecourt

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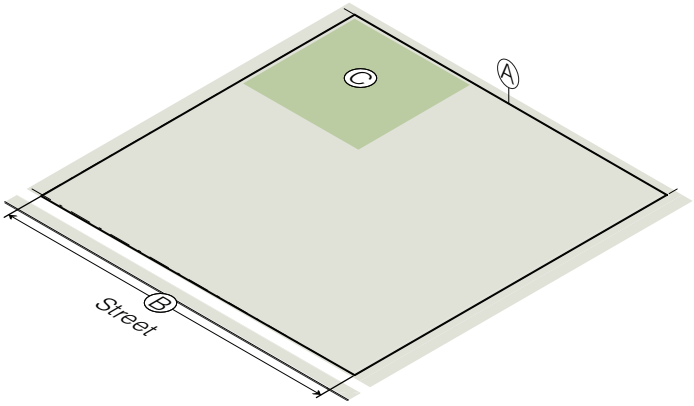
3.11.2.4. Walkable Mixed Use (WX-5 and WX-7)

1. Lot

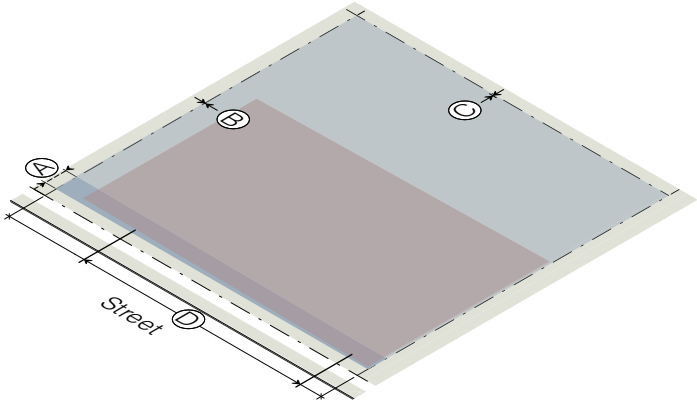


Lot Dimensions		
Ⓐ	Net land area (min)	
	- All residential	1,700 SF
	- Mixed use / nonresidential	5,000 SF
Ⓑ	Lot width (min)	
	- All residential	20'
	- Mixed use / nonresidential	50'
Ⓒ	Block length (max)	400'

Lot Parameters		
Ⓓ	Outdoor amenity space ratio (min), applies to non-residential portion of building	0.20
	Recreation space ratio (min), applies to residential portion of building	
	1-3 story building	0.08
	4+ story building	0.12
Ⓔ	Building pass-through	Required every 200'
	Width (min)	20' with 15' clear zone
	Height (min)	Equal to the height of the adjacent first floor ceiling
	Lighting	Sec. 3.11.4.5., 0.5 (min) and 15.0 (max) foot candles at any point

Outdoor amenity space and recreation space are ratios of gross land area

2. Placement



Building Setbacks		
Ⓐ	Front	
	- Type A frontage (min/max)	0 / 10'
	- Type B frontage (min/max)	0 / 85'
	- Type C frontage	n/a
Ⓑ	Side interior (min)	0' or 5'
Ⓒ	Rear (min)	0' or 5'
Ⓒ	Rear, alley (min)	5'

Build-to Zone (BTZ)		
Ⓓ	Building facade in BTZ (min % of lot width)	
	- Type A frontage	80%
	- Type B frontage	60%
	- Type C frontage	n/a

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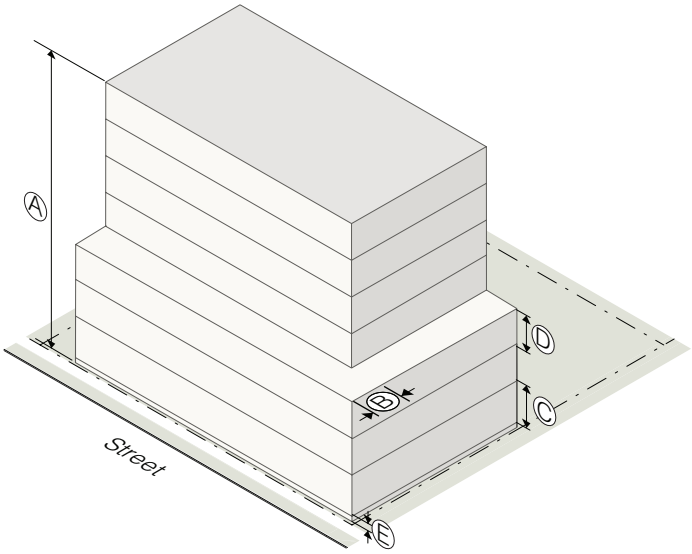

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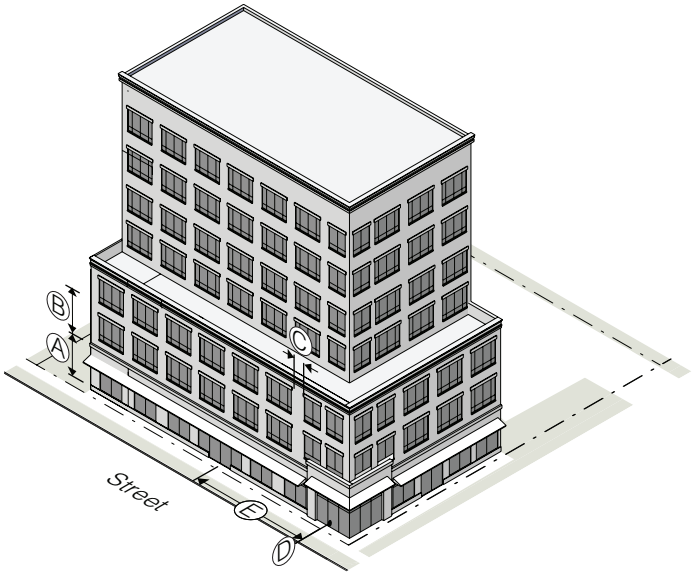

Building Height		
Ⓐ	Building height (max)	
	- WX-7	7 stories, not to exceed 90'
	- WX-5	5 stories, not to exceed 60'
Ⓑ	Building height for principal structures (min)	2 stories*
Ⓒ	Building step back above 2nd or 3rd floor (min) if building is placed within first 10' of the build-to zone	
	- 3 story buildings or less	
	- 4 story buildings or greater	10' step back above 2nd or 3rd floor

Story Height		
Ⓒ	Ground story height, floor to ceiling (min)	
	- Residential	9'
	- Nonresidential	13'
Ⓓ	Upper story height, floor to ceiling (min)	9'

Ⓔ Ground Floor Elevation		
	- 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.

Transparency		
Ⓐ	Ground story (min)	
	- Residential	20%
	- Nonresidential	60%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area (max)	
	- Residential	50'
	- Nonresidential	30'

Pedestrian Access		
Ⓓ	Principal entrance facing street	required
Ⓔ	Principal entrance spacing along street (max)	
	- Residential	100'
	- Nonresidential	100'

Ⓕ Building Elements Permitted
Front porch, stoop
Balcony
Awning/canopy
Gallery
Forecourt

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3.11.2.5. Frontages

Type A With On-Street Parking

Type A Without On-Street Parking

TYPE A FRONTAGE		
Building Location		
Ⓐ	Front setback (min/max)	0' / 10'
	Building facade in BTZ (min % of lot width)	80%
Streetscape		
Ⓑ	Sidewalk (min)	10'
Ⓒ	Tree planting zone (min) With grates Without grates	 6' 8'
	Tree spacing (on center, avg)	40'
Ⓓ	On-street parking, where provided (min)	8'
Parking Location		
Surface parking: Not permitted between building and street		
Structured parking: 30' minimum behind front building facade for all floors		

Canopy trees are required unless utility conflicts exist, in which case an equivalent or better alternative can be reviewed and approved by the Community Design Commission.

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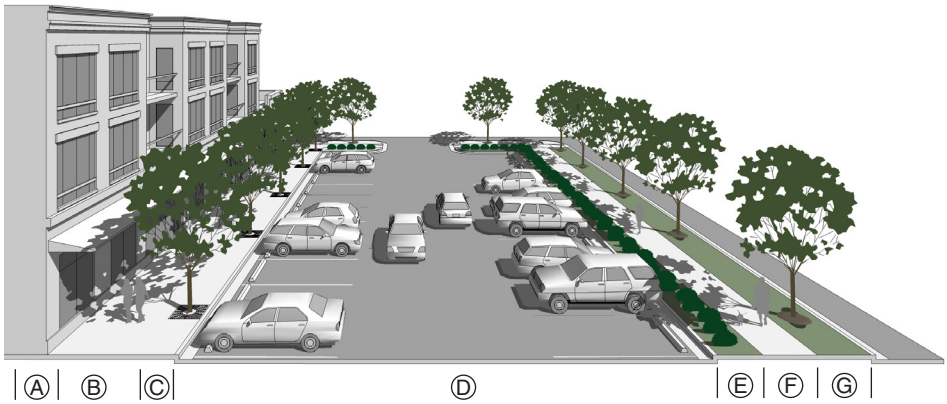
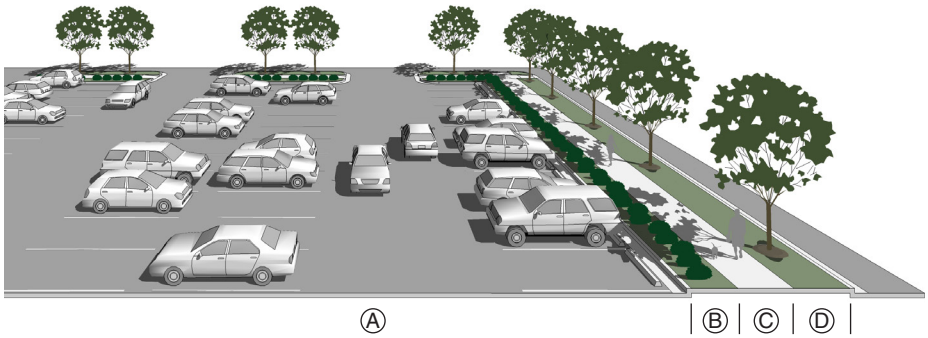
Type B Frontage



TYPE B FRONTAGE		
Building Location		
Ⓐ	Front setback (min/max)	0' / 85'
	Building facade in BTZ (min % of lot width)	60%
Pedestrian Way		
Ⓑ	Sidewalk (min)	8'
Ⓒ	Tree planting zone (min) With grates Without grates	 6' 8'
	Tree spacing (on center, avg)	40'
Vehicular Way		
Ⓓ	Parking area (max)	60'
Ⓔ	Hedge planting or wall zone (36" min height)	5' (min width)
Streetscape		
Ⓕ	Sidewalk (min)	6'
Ⓖ	Tree planting zone (min) With grates Without grates	 6' 8'
	Tree spacing (on center, avg)	40'
Parking Location		
Surface parking: 2 bays maximum permitted between building and street		
Structured parking: 30' minimum behind front building facade for all floors		

Canopy trees are required unless utility conflicts exist, in which case an equivalent or better alternative can be reviewed and approved by the Community Design Commission.

Type C Frontage



TYPE C FRONTAGE		
Building Location		
Ⓐ	Front setback (min/max)	5'
	Building facade in BTZ (min % of lot width)	n/a
Vehicular Way		
Ⓑ	Parking area (min)	Unlimited
Ⓒ	Hedge planting or wall zone (36" min height)	5' (min width)
Streetscape		
Ⓓ	Sidewalk (min)	6'
Ⓔ	Tree planting zone (min) With grates Without grates	 6' 8'
	Tree spacing (on center, avg)	40'
Parking Location		
Surface parking: No restriction		
Structured parking: No restriction		

Canopy trees are required unless utility conflicts exist, in which case an equivalent or better alternative can be reviewed and approved by the Community Design Commission.

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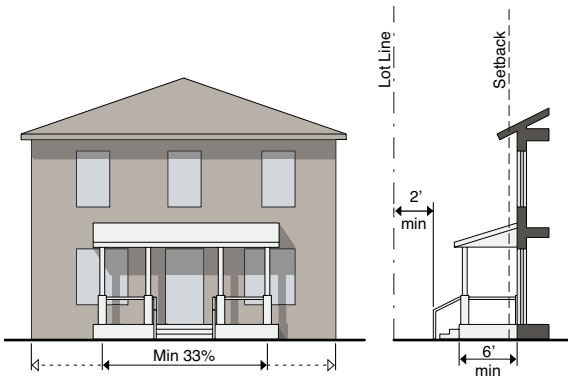
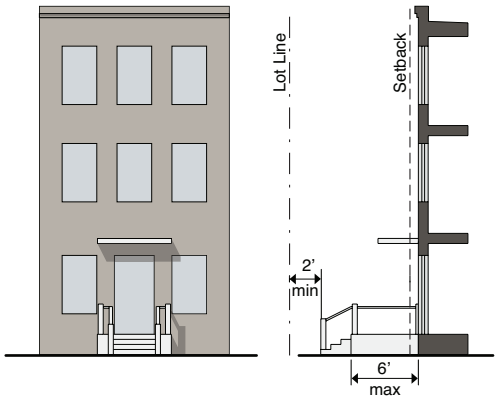




3.11.2.6. Building Elements

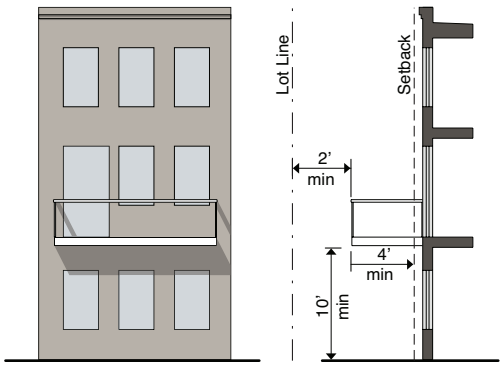
The following standards are intended to ensure that certain building elements, when added to a street-facing facade, are of sufficient size to be usable, functional and architecturally compatible with the building to which they are attached. These regulations do not apply to building elements on building facades that do not face a street. Building elements are permitted by subdistrict as shown in each subdistrict.

A. Front Porch. A raised structure attached to a building, forming a covered entrance to a doorway.

1. A front porch must be at least 6 feet deep (not including the steps).
2. A front porch must be continuous, with a width not less than 33% of the building facade from which it projects.
3. A front porch must be roofed and may be screened, but cannot be fully enclosed.
4. A front porch, including the steps, may extend into a front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A front porch may not encroach into the public right-of-way.

B. Stoop. A small raised platform that serves as an entrance to a building.

1. A stoop may be no more than 6 feet deep (not including the steps) and 6 feet wide.
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop, including the steps, may extend into a front setback, provided that such extension at least 2 feet from the vertical plane of any lot line.
4. A stoop may not encroach into the public right-of-way.



C. Balcony. A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

1. A balcony must be at least 4 feet deep and may extend into a required setback, provided that such extension is at least 2 feet from the vertical plane of side interior or rear lot line.
2. A balcony must have a clear height above the sidewalk of at least 10 feet.
3. A balcony may be covered and screened, but cannot be fully enclosed.
4. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

D. Gallery. A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

1. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
2. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.
3. A gallery may extend into a required front setback.
4. A gallery may encroach up 8 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

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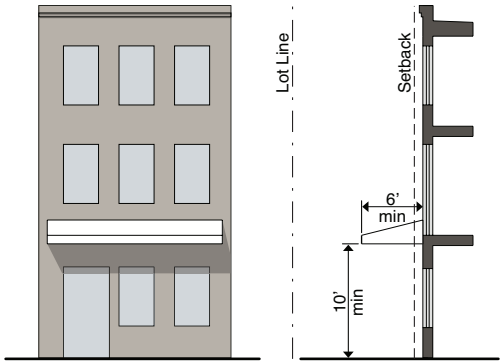
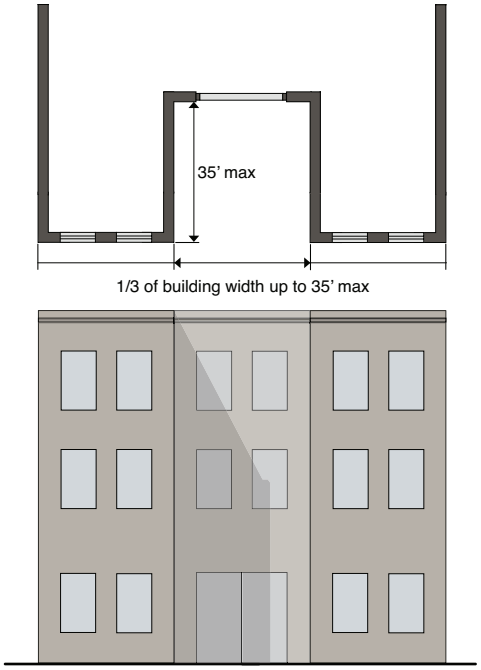


E. Arcade. A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

1. An arcade must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
2. An arcade must be continuous and extend over at least 75% of the width of the building facade.
3. An arcade may extend into a required front setback.
4. An arcade may not encroach into the public right-of-way.

F. Awning/Canopy. A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. An awning/canopy must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
2. An awning/canopy may extend into a front setback.
3. An awning/canopy may encroach up to 8 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.



G. Forecourt. 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.
2. A forecourt may be no more than 35 feet in depth.
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.

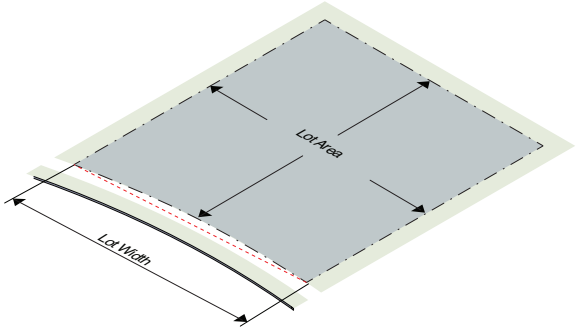
Date Adopted: May 12, 2014
Revised: June 27, 2016

3.11.2.7. Measurements and Exceptions

A. Net Land Area. Net land area is the area included within the rear, side and front lot lines. Net land area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

B. Lot Dimensions.

1. Lot width. Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.



2. Block Length. 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 or C, as shown on the Regulating Plan (Section 3.11.2.2). A new through-street created by the block length standard shall connect to another street.

a. A block length of up to 440 feet can be approved 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 to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham district (e.g., unusual lot size or configuration);

iv. Required due to the presence of existing utilities or other easements;

v. Required for traffic safety and/or adequate site distance; 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 that at a minimum meets 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 to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham District (e.g., unusual lot size or configuration);

iv. Required due to the presence of existing utilities or other easements;

v. Required for traffic safety and/or adequate site distance; or

vi. Proposed because there are no other options for ingress and egress.

C. 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.

D. Outdoor Amenity Space

1. In General. Outdoor amenity space is required for all non-residential uses. Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed exterior space appropriately improved for pedestrian amenity or for aesthetic appeal and cannot include areas used for vehicles, except for incidental service, maintenance or emergency actions. Green roofs or other stormwater facilities may be considered outdoor amenity space, provided they accommodate active human use via walkways or similar elements. Outdoor amenity space may be restricted to use by residents, tenants and their visitors only, or made available to the general public, at the applicant's discretion.

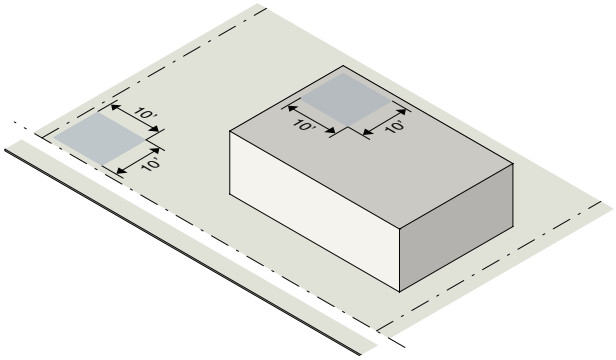
2. Fee Alternative. A minimum of 10% of any outdoor amenity space requirement must occur on the development site; however, up to 90% of the outdoor amenity space requirement may, with the approval of the Town Manager, be met through payment of a fee in-lieu to the Town. The amount of the payment is the product of the amount of outdoor amenity 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.

3. 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. 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.

4. Standards

a. The minimum size of outdoor amenity space is the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown for the zoning district. Where a development contains residential and nonresidential uses, outdoor amenity space applies only to the nonresidential portion of the building. The land area used for applying the ratio described above is calculated based on the proportion of nonresidential floor area.

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 must be at least 10 feet in width and length.



c. Outdoor amenity space may be located at or above grade, except in WR-3 where it must be located at grade. Rooftop outdoor amenity space must be separated by at least 1 floor above or below rooftop mechanical/ HVAC units. The Town Manager may waive this requirement where the applicant provides evidence that noise and heat levels will be reasonably mitigated through the use of barriers, special equipment designed for low noise and heat levels, or other means sufficient to allow use of the roof top space for passive or active recreation purposes.

d. Outdoor amenity space may be roofed but cannot be enclosed.

e. Outdoor amenity space cannot be parked or driven upon, except for emergency access and permitted temporary events.

f. In calculating the minimum outdoor amenity space requirement, the following, but not limited to, may be included:

   i. Ground-level facilities such as a swimming pool, playground, sport court, dog park, garden, community garden, park, green, pavilion, seating area or plaza; and

   ii. Upper-level facilities such as a shared or common balcony, rooftop deck or rooftop garden.

g. Outdoor amenity space expressly does not include:

   i. Any streetscape components located within the public right-of-way; and

   ii. Any landscaping internal to or screening a parking lot.

h. Outdoor amenity space located at grade that includes vegetation and/or landscaping should be visible from street rights-of-way or public easements.

E. Recreation Space

1. In General. Active, improved space (either indoors or outside) must be provided for common active recreational use by residents of multifamily or mixed use developments.

2. 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. 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.

3. 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. 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.

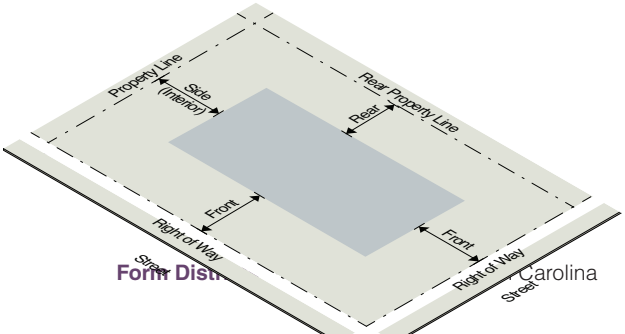
4. Standards

   a. The minimum size of active recreation space is the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown for the zoning district and building height. Where a development contains residential and nonresidential uses, this standard applies only to the residential portion of the building. The land area used for applying the ratio described above is calculated based on the proportion of residential floor area.

   b. Rooftop recreation space must be separated by at least 1 floor above or below rooftop mechanical/HVAC units. The Town Manager may waive this requirement where the applicant provides evidence that noise and heat levels will be reasonably mitigated through the use of barriers, special equipment designed for low noise and heat levels, or other means sufficient to allow use of the roof top space for passive or active recreation purposes.

F. Building Setbacks

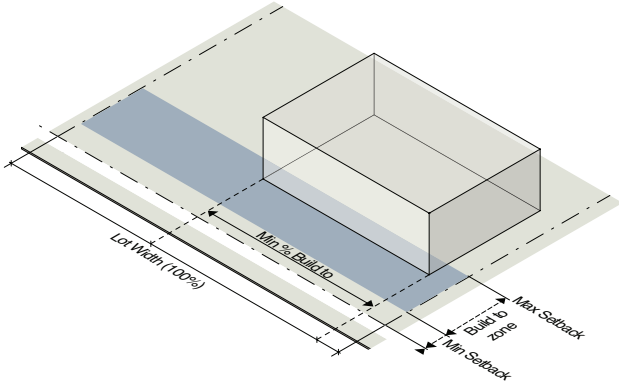
1. There are three types of building setbacks – front, side interior and rear.



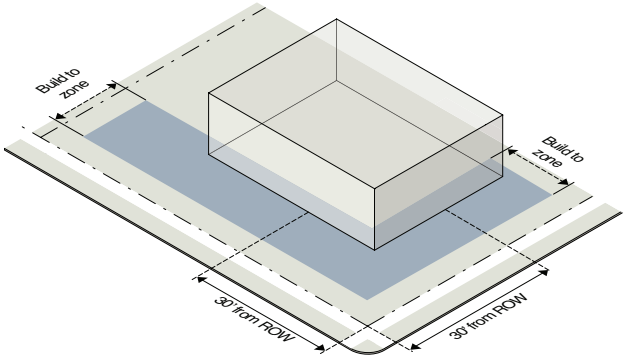
2. Front setbacks are measured from the edge of the nearest right-of-way line.
3. Side interior setbacks are measured from the side property line or the edge of the right-of-way where applicable.
4. Rear setbacks are measured from the rear property line or the edge of the right-of-way where applicable.
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 or the edge of the right-of-way line where applicable.
6. The Town Manager will determine the application of front, side and rear setbacks to any irregularly-shaped lot.

G. Build-to Zone (BTZ)

1. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. 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 buildable width of the lot.



3. On a Type A Frontage on a corner lot, a building facade 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.

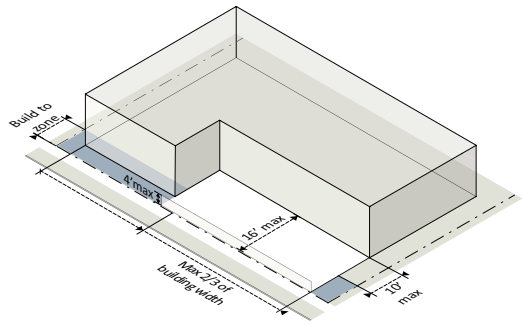


Date Adopted: May 12, 2014
Revised: June 27, 2016

4. Outdoor seating and dining areas may qualify as building facade for the purpose of meeting the build-to requirement provided that the following standards are met:
    a. The front building facade is located no more than 10 feet behind the maximum street setback;
    b. The outdoor seating and dining area is no more than 2/3 the width of the building.
    c. The outdoor seating and dining area is no more than 16 feet deep; and
    d. The seating area is separated from the sidewalk by a wall or fence no higher than 4 feet above the sidewalk.
5. Building pass-throughs may qualify as building façade for the purpose of meeting the build-to requirement provided that the following standards are met:
    a. The area used to address the building pass-through shall be a minimum width of 20 feet and minimum height equal to the first floor ceiling height of the adjacent building, except where life safety service is required.
    b. The area used to address the building pass-through 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.
    c. The area serves as a publically accessible passage between or through buildings that allows, at a minimum, pedestrians and bicyclists to move from one side of a building to another, through a privately owned or publically dedicated area.
    d. A building pass-through up to every 220 feet can be approved 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 to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham District (e.g., unusual lot size or configuration);
        iv. Required due to the presence of existing utilities or other easements;
        v. Required for traffic safety and/or adequate site distance;
        vi. Proposed because there are no other options for ingress and egress; or
        vii. Proposed because there are no other options for the location of a parking structure.
    e. 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 every 400 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 to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Ephesus/Fordham District (e.g., unusual lot size or configuration);
        iv. Required due to the presence of existing utilities or other easements;
        v. Required for traffic safety and/or adequate site distance; or

vi. Proposed because there are no other options for ingress and egress.

vii. Proposed because there are no other options for the location of a parking structure.



H. Setback Encroachments. All buildings and structures must be located at or behind required setbacks, except as listed below. Unless specifically stated no building or structure can extend into a required setback or public right-of-way.

1. Building Features

a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required setback under Sec. 3.11.2.6.

b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide and cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 2 feet into a required setback.

c. Low impact stormwater management features may encroach into the first 2 feet of the minimum front setback. The features may include, but are not limited to:

i. Rain barrels or cisterns, 6 feet or less in height;

ii. Planter boxes;

iii. Bioretention areas; and

iv. Similar features, as determined by the Town Manager.

d. Low impact stormwater management features listed above may encroach into a side interior or rear setback, provided such extension is at least 2 feet from the vertical plane of any lot line.

e. Unenclosed patios, decks or terraces may encroach into a side interior or rear setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

f. Handicap ramps may encroach to the extent necessary to perform their proper function.

g. Structures below and covered by the ground may encroach into a required setback.

2. Mechanical Equipment and Utility Lines

a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a side interior or rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

b. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a side interior or rear setback.

c. Mechanical equipment and utility lines below and covered by the ground may encroach into any required setback.

d. Aboveground mechanical equipment and minor structures shall not be placed within 10' of a sidewalk for a Type A or Type B street frontage, unless the Town Manager approves an alternative proposal that demonstrates compliance to the maximum extent feasible with the intent of this section.

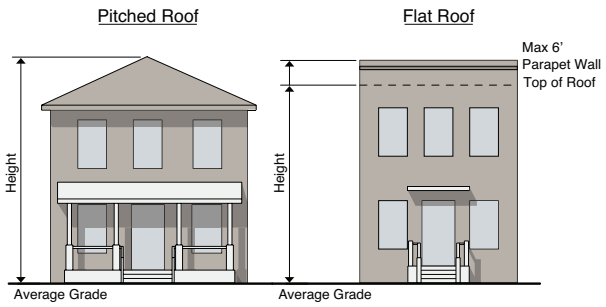
3. Other Setback Encroachments

a. Fences and walls permitted in Sec. 3.11.4.2.G.

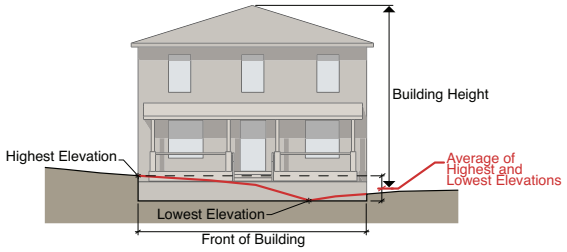
b. Signs permitted in Sec. 3.11.4.4.

I. Building Height

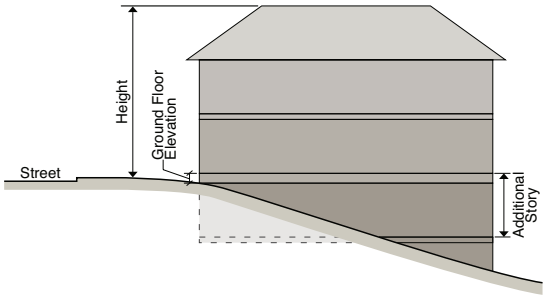
1. Building height is measured in both the number of stories and in feet. Building height is the vertical distance from the average grade at the foundation to the highest portion of the structure.



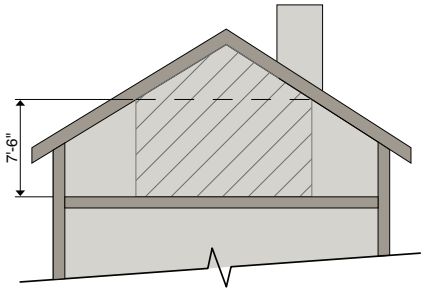
2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



3. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



5. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

J. Height Encroachments. Any height encroachment not specifically listed is expressly prohibited except where the Town Manager determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following accessory structures may exceed the established height limit of the district provided they do not exceed the maximum height by more than 15% of the maximum height limitation that defines the portion of the building envelope penetrated by such structures:

   a. Chimney, flue or vent stack, spire, smokestack, water tank, windmill;

   b. Rooftop deck, patio, shade structure;

   c. Monument, steeple, flagpole;

   d. Accessory radio or television antenna, relay tower;

   e. Transmission pole, tower or cable;

   f. Garden, landscaping;

   g. Skylight;

   h. Cupola, clock tower or decorative tower not exceeding 20% of the principal building footprint;

i. Parapet wall; and

j. Solar panel, wind turbine, rainwater collection system.

3. The following accessory structures may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

a. Elevator or stairway access to roof

b. Greenhouse; and

c. Mechanical equipment.

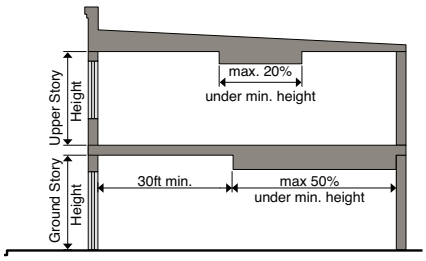
4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

K. Story Height

1. Story height is the height of each story of building and it is measured from the top of the finished floor to the ceiling above.

2. Minimum ground story height applies to the first 30 feet of the building measured inward from the interior wall of a street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

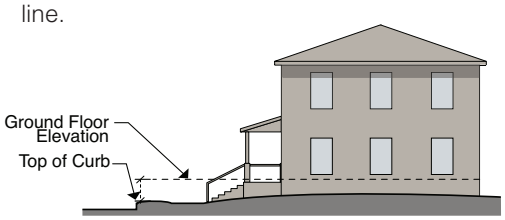
3. At least 80% of each upper story must meet the minimum upper story height provisions.



L. Ground Floor Elevation

1. Ground floor elevation is the height of the ground floor relative to the height of the sidewalk and it is measured from top of the abutting curb to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 20 feet of the lot measured from the right-of-way line.



M. Transparency

1. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade. Transparency is required for any building facade facing a street.

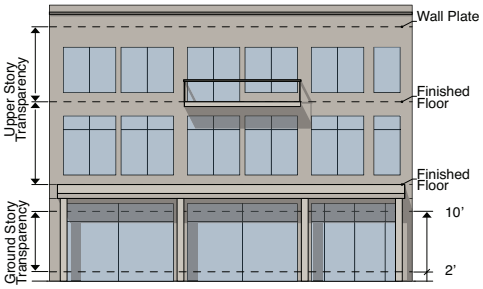
2. The transparency requirement on ground story facades is measured between 2 and 10 feet above the adjacent sidewalk.

3. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%. Windows must be clear, unpainted, or made of similarly-treated glass; spandrel glass or back-painted glass does not comply with this provision.

5. Transparency applies to street-facing facades only.

6. For ground story retail uses, a minimum of 60% of all windows must allow views into the ground story for a depth of at least 6 feet.



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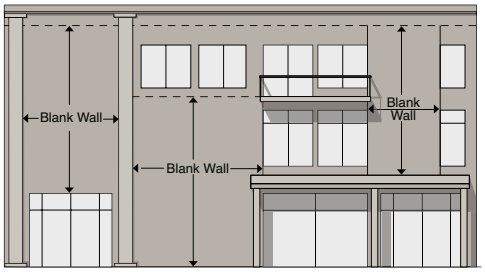
N. Blank Wall Area

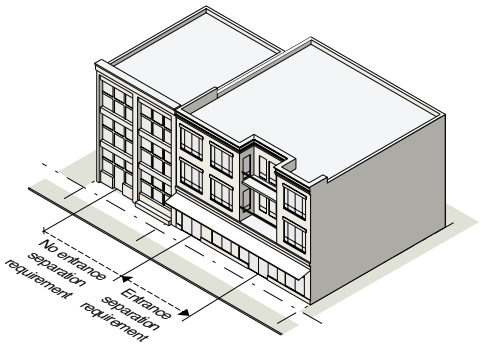
1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).



2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies only to ground and upper story street-facing facades.

O. Building Entrances

1. An entrance providing both ingress and egress, operable to residents at all times or to customers during normal business hours, is required to meet the street facing entrance requirements. Additional entrances are permitted.
2. The entrance separation requirements must be met for each development, but are not applicable to adjacent (existing) development.



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.

P. Building Materials

1. Applicability. The requirements of this Section apply to all building facades, including masonry walls, fences, light fixtures, steps and pavement, visible from any street right-of-way or public easement.
2. Primary Materials. Primary material changes must occur only at inside corners. The following materials are required for not less than 75% of the building wall surface area on each facade:
   a. Brick and tile masonry;
   b. Stone (or synthetic equivalent);
   c. Wood – clapboard or shingles;
   d. Glass curtain wall;
   e. Cementitious siding; and
   f. Stucco (cementitious finish).
3. Accent Materials. The following materials may make up 25% of the building wall surface area on each facade:
   a. Pre-cast masonry (for trim and cornice elements only);
   b. External Insulation Finishing System - EIFS (for trim and cornice elements only);
   c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
   d. Metal (for beams, lintels, trim elements and ornamentation only);
   e. Split-faced block (for piers, foundation walls and chimneys only);
   f. Wood – clapboard or shingles;
   g. Cementitious siding; and
   h. Glass block.
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.

Sec. 3.11.3. Use Requirements

3.11.3.1. Permitted Uses

A. A lot or building must be occupied with only the principal uses permitted on the permitted use table in Sec. 3.11.3.4. Accessory uses and structures are permitted in conjunction with a permitted principal use.

B. Any one or more uses permitted in a Form District may be established on any lot within the subdistrict, subject to the permitted use table, and in compliance with all other applicable requirements of Section 3.11.

3.11.3.2. Accessory Uses

A. Accessory uses and structures must be accessory and clearly incidental and subordinate to a permitted principal use or building.

B. No accessory use or structure may be established prior to the establishment of a permitted principal use or building.

C. The Town Manager is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Town Manager must determine that the use or structure:

1. Is subordinate to the principal use or building in terms of area, extent and purpose;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use or building served;
3. Is located on the same lot as the principal use or building, or on a contiguous lot in the same ownership;
4. Does not involve operations not in keeping with the character of the principal use or building served; and
5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or building.

D. All accessory structures must meet the dimensional requirements applicable to a principal structure in the subdistrict.

E. Food trucks must comply with Sec. 6.20 of the Land Use Management Ordinance.

3.11.3.3. Classification of Uses

A. In order to regulate use, categories of uses have been established in Sec. 3.11.3.5, providing a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.

B. The Town Manager is responsible for categorizing all uses into the use categories in Sec. 3.11.3.5. When determining the use category in which a proposed use fits, the Town Manager must consider the following criteria:

1. The actual or projected characteristics of the proposed use.
2. The relative amount of site area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.
9. The number of vehicle trips generated.
10. How the proposed use is advertised.
11. The likely impact on surrounding properties.
12. Whether the activity is likely to be found independent of the other activities on the site.

C. Where a use not listed is found by the Town Manager not to be similar to any other permitted use, the use is not permitted.

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3.11.3.4. Permitted Use Table

Uses permitted by subdistrict are shown below. Broad use categories have been established in order to regulate a variety of similar uses and are defined in Sec. 3.11.3.5. Customary accessory and temporary categories, as determined by the Town Manager, are permitted in the Form Districts, including, but not limited to, home occupations, food trucks and trailers, and outdoor seasonal sales, subject to issuance of a Zoning Compliance Permit.

PERMITTED USES	WR-3	WR-7	WX-5	WX-7	Def./Stds.
Residential Uses					
Household living, as listed below:					Sec. 3.11.3.5.A
Detached living	--	--	--	--	Sec. 3.11.3.5.A.1.a
Attached living	P	P	P	P	Sec. 3.11.3.5.A.1.b
Multifamily living	P	P	P	P	Sec. 3.11.3.5.A.1.c
Group living	--	P	P	P	Sec. 3.11.3.5.A.2
Social service living	--	--	S	S	Sec. 3.11.3.5.A.3
Public Uses					
Civic/Place of Worship	P	P	P	P	Sec. 3.11.3.5.B.1
Parks & open space	P	P	P	P	Sec. 3.11.3.5.B.2
Utilities, minor	P	P	P	P	Sec. 3.11.3.5.B.3
Utilities, major	S	S	S	S	Sec. 3.11.3.5.B.4
Commercial Uses					
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	--	--	P	P	Sec. 3.11.3.5.C.9
Retail sales, except as listed below:	--	--	P	P	Sec. 3.11.3.5.C.10
Fuel sales	--	--	P	P	Sec. 3.11.3.5.C.10.a
Vehicle sales/service	--	--	P	P	Sec. 3.11.3.5.C.11
Industrial Uses					
Light industrial	--	--	--	--	Sec. 3.11.3.5.D.1
Self-service storage	--	--	--	--	Sec. 3.11.3.5.D.2
Warehouse & distribution	--	--	--	--	Sec. 3.11.3.5.D.3
Waste-related service	--	--	--	--	Sec. 3.11.3.5.D.4
Heavy industrial	--	--	--	--	Sec. 3.11.3.5.D.5
Open Uses					
Agriculture, except as listed below:	--	--	--	--	Sec. 3.11.3.5.E.1
Community garden	P	P	P	P	Sec. 3.11.3.5.E.1.a
Resource extraction	--	--	--	--	Sec. 3.11.3.5.E.2

KEY: P = Use permitted -- = Use not permitted
S = Use permitted following Town Council approval of Special Use Permit

3.11.3.5. Use Categories

A. Residential Uses

1. Household Living. Residential occupancy of a dwelling unit by a family on a monthly or longer basis in structures with self-contained dwelling units, including kitchens. The term Household Living includes an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than 6 residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The Household Living does not include a fraternity or sorority, club, rooming house, institutional group or the like. Household living includes the following:

    a. Detached Living. One or two dwelling units in a single principal structure.

    b. Attached Living. Three or more dwelling units in a single principal structure where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.

    c. Multifamily Living. Three or more dwelling units vertically and horizontally integrated.

2. Group Living. Residential occupancy of a structure by a group of people that does not meet the definition of family. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group Living does not include a fraternity or sorority, club, rooming house, institutional group or the like.

3. Social Service Living. Uses not considered Household Living that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

B. Public Uses

1. Civic/Place of Worship. Places of public assembly that provide ongoing life safety, educational and cultural services to the general public, as well as meeting areas for religious practice.

2. Parks & Open Space. Public gathering areas for passive or active outdoor recreation, and having few structures.

3. Utilities, Minor. Public or private infrastructure serving a limited area with no on-site personnel.

4. Utilities, Major. Public or private infrastructure serving the general community, or with on-site personnel.

C. Commercial Uses

1. Commercial Parking. Facilities providing parking that is not accessory to a principal use. Facilities may or may not charge a fee.

2. Day Care. Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

3. Indoor Recreation. Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

4. Medical. Uses providing medical or surgical care to patients. Some uses may offer overnight care.

5. Office. Activities conducted in an office setting and generally focusing on business, professional or financial services.

6. Outdoor Recreation. Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities either wholly outdoors or within outdoor structures.

7. Overnight Lodging. Accommodations arranged for short term stays of less than 30 days for rent or lease.

8. Personal Service. Facilities involved in providing personal services or repair services to the general public.

    a. Animal care. A facility where four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. No outdoor activity associated with care of animals is permitted.

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9. Restaurant/Bar. Establishments that prepare and sell food or drink for on- or off-premise consumption.

10. Retail Sales. Facilities involved in the sale, lease or rental of new or used products.

    a. Fuel Sales. The sale or dispensing of fuels for motor vehicles. The zoning lot on which fuel sales are located must have a minimum gross land area of 20,000 square feet. The zoning lot must front on an arterial or collector street. Adequate provision must be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids. Driveways for a service station/convenience store may not be located within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved service station. These distances are measured centerline to centerline.

11. Vehicle Sales/Service. Direct sales, rental, leasing or servicing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Maximum land area of 1 acre is permitted. Vehicle parking areas must be screened as required in Sec. 3.11.4.2.C. All servicing or repair of vehicles must occur indoors. All storage of parts and other similar items must occur indoors.

D. Industrial Uses

1. Light Industrial. Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors, building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the facility.

2. Self-Service Storage. Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing personal property.

3. Warehouse & Distribution. Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

4. Waste-Related Service. Uses that receive solid or liquid wastes from others for transfer to another location, and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

5. Heavy Industrial. Facilities involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

E. Open Uses

1. Agriculture. Uses with established areas for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

    a. Community garden. Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group. Accessory storage and incidental parking are permitted. On-site sales may be permitted upon approval of a special use permit.

2. Resource Extraction. Uses that extract minerals and other solids and liquids from the land.

Sec. 3.11.4. Design and Development Standards

3.11.4.1. Parking Standards

A. Applicability

1. General. No building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with this Section.

2. Additions

   a. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.

   b. When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.

   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 parking requirements of Section 3.11.

3. Change in Use

   a. A change in use must comply with the parking requirements unless the Town Manager determines the use has the same or a lesser parking demand than the previous use.

   b. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

B. Vehicle Parking

1. Required Spaces. The minimum and maximum parking spaces are provided in the Table below and are required unless an alternative is approved by the Town Manager.

2. Outdoor Dining. Outdoor dining located in the build-to zone or a forecourt permitted under Sec. 3.11.2.6 are exempt from the calculation of required vehicle parking spaces.

3. Parking Maximums. Parking spaces provided in an underground or structured parking garage do not count toward the maximum number of spaces permitted.

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.

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C. Required Parking. The following vehicle and bicycle parking spaces are required for each use.

	Vehicle		Bicycles	
	Parking Spaces (min)	Parking Spaces (max)	Spaces (min)	Short- / Long-term
Residential Uses				
Attached living, multifamily living				
Efficiency, 1 bedroom	1 per unit	1.25 per unit	1 per 2 units	20% / 80%
2 bedrooms	1.25 per unit	1.75 per unit		
3 bedrooms	1.5 per unit	2.25 per unit		
4+ bedrooms	1.67 per unit	2.5 per unit		
All group living	1 per 4 beds	1 per 2 beds	1 per 4 beds, 4 min	10% / 90%
Public Uses				
Civic/Place of Worship	1 per 500 sf of floor area	1 per 350 sf of floor area	1 per 5,000 sf of floor area, 4 min	80% / 20%
Parks & open space	None	None	None	None
Minor utilities	None	None	None	None
Commercial Uses				
All commercial uses, except as listed below:	1 per 300 sf of floor area	1 per 200 sf of floor area	1 per 2,500 sf of floor area, 4 min	80% / 20%
Commercial parking	None	None	None	None
Overnight lodging	0.9 per lodging unit	1.25 per lodging unit	1 per 15 lodging unit, 4 min	20%/ 80%
Restaurant/bar	1 per 110 sf of floor area	1 per 75 sf of floor area	1 per 1,000 sf for floor area, 4 min	80% / 20%
Industrial Uses				
All industrial uses	1 per 1,250 sf	1 per 900 sf	4 min	20%/ 80%
Open Uses				
All open uses	None	None	None	None

1. Reductions.

   a. A reduction of up to 20% of the minimum number of required vehicular parking spaces may be permitted through the granting of an alternative ratio by the Town Manager if, based on substantial evidence, the Manager finds that compliance with the full minimum off-street vehicular parking space requirements of this Section would not be required by the applicant's proposed use. This reduction applies to bicycle parking spaces as well, provided that the ratio between Class A and Class B spaces remains the same as the requirement in this Section.

   b. A total reduction of up to 40% of the minimum number of required vehicular and bicycle parking spaces may be permitted for projects serving the elderly or handicapped, following a positive recommendation from the Planning Director and approval of the Town Manager.

   c. Motorcycle and scooter parking may substitute for required parking spaces. Existing parking may be converted to take advantage of this provision.

      i. Motorcycle and scooter parking may substitute for up to 5 vehicle spaces or 5% of the required parking spaces, whichever is less. For every 2 motorcycle or scooter parking spaces provided, the vehicle parking space requirement is reduced by 1 space.

      ii. Motorcycle and scooter parking spaces must be identified or designated through the use of signage or pavement markings.

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 Hill Code of Ordinances for a portion of the required spaces.

D. Location of Parking. Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.

1. On-Street Parking

a. Each on-street parking space may be used to reduce the total required parking spaces by one space, provided that the on-street space is located on a public right-of-way immediately abutting the subject property.

b. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.

2. Remote Parking

a. All required parking spaces may be located off-site, in a commercial parking lot or as shared parking associated with another land use, if the parking area is located within 660 feet from the primary entrance of the use served.

b. Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,200 feet from the primary entrance of the use served.

c. Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.

d. All remote parking spaces used to meet an on-site parking requirement must be located within the boundaries of the Form District.

e. The distances referred to above are measured by the most direct route of travel on the ground and are measured in the following manner:

i. From the front door of the principal structure on the applicant's property;

ii. In a straight line to the nearest public sidewalk, street, road or highway;

iii. Along a public sidewalk, walkway, street, road, or highway by the nearest route; and

iv. To the edge of the off-site parking area to be used by the applicant to meet parking requirements.

E. Bicycle Parking

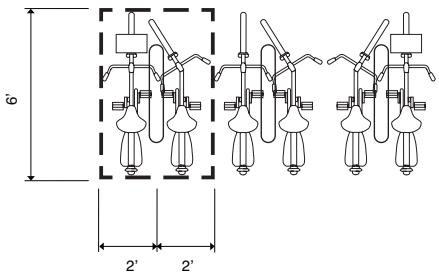
1. Required Spaces

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 required to provide more than 20 bicycle parking spaces.

2. General Requirements. Bicycle parking may be provided through various types of facilities, provided the facility meets the following:

a. Each required bicycle parking space is at least 2 feet by 6 feet;



b. Bicycle racks are securely anchored, are easily usable with both u-locks and cable locks and support a bicycle at two points of contact to prevent damage to the bicycle wheels and frame;

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c. Where a bike can be locked on both sides without conflict, each side can be counted as a required space;

d. Spacing of the racks provide clear and maneuverable access; and

e. Facilities may be placed on private property or within the public right-of-way. Facilities in the right-of-way must be approved by the Town Manager.

3. Short-Term Bicycle Parking. Short-term bicycle parking is intended for clients and customers. Short-term bicycle racks must be publicly accessible and be located no more than 100 feet from the building entrance the bicycle rack is intended to serve.

4. Long-Term Bicycle Parking. Long-term bicycle parking is intended for residents and employees.

a. Long-term bicycle parking must be covered and weather-resistant.

b. Required spaces can be in the form of a covered bicycle rack, in a locker, within a building, or within a parking structure.

c. Long-term bicycle racks must be located no more than 100 feet from the building entrance the bicycle rack is intended to serve.

F. Drive-Thru Standards

1. Location. Drive-thru's 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 interior to the site. Drive-thru windows and lanes may not be placed on a street-facing facade and the associated building.

2. Required Stacking. Adequate stacking space must be made available on-site for any use having a drive-thru. No more than 3 drive-thru lanes are permitted.

a. Restaurant. A restaurant (including a coffee shop) with a drive-thru must provide a minimum of 6 spaces before the order board, with another 4 spaces provided between the order board and the transaction window.

b. Bank. A bank with a drive-thru must provide a minimum of 3 spaces measured from the teller box.

c. Pharmacy. A pharmacy with a drive-thru must provide a minimum of 3 spaces measured from the order box.

d. Dry Cleaner. A dry cleaner with a drive-thru must provide a minimum of 3 spaces measured from the pick up door.

e. All Other Uses. Stacking required for all other uses will be determined by the Town Manager.

3. Dimensions

a. The number of required stacking spaces includes the space at the window or communication/mechanical device (e.g., order board, pick up window).

b. If a drive-thru has multiple order boxes, teller boxes or pick up windows, the number of required stacking spaces may be split between each order box, teller box or pick up window.

c. Vehicles may not encroach on or interfere with the public use of streets and sidewalks by vehicles, bicycles or pedestrians.

d. Drive-thru lanes must be separated by striping or curbing from other parking areas. Individual lanes must be striped, marked or otherwise distinctly delineated.

4. Screening

a. 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 for the entire length of the drive-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 must be screened.

b. Screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at least 3 feet in height and reach a height of 4 feet within 3 years of planting.

c. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material and color.

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3.11.4.2. Landscaping Standards

A. General Applicability. No building or land, or any part of any building or land, may be occupied or used until landscaping and screening has been provided in accordance with this Section.

B. Multifunctional Landscaping and Stormwater Management. Nothing in this Section is intended to prevent the applicant from using landscaped areas for stormwater purposes, including landscape, screening, sidewalk and streetscape areas. Where low impact stormwater management features are incorporated, grading and edge treatments for landscaping and screening areas must allow stormwater inflow. In such cases, no berming or curbs are necessary. The Town Manager may modify the landscaping standards of this Section or the Design Manual to achieve this end.

C. Surface Parking Lots

1. Applicability

a. New Construction. All new surface parking lots with more than 10 spaces must provide parking lot landscaping in accordance with Section 3.11.4.2. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

b. Additions

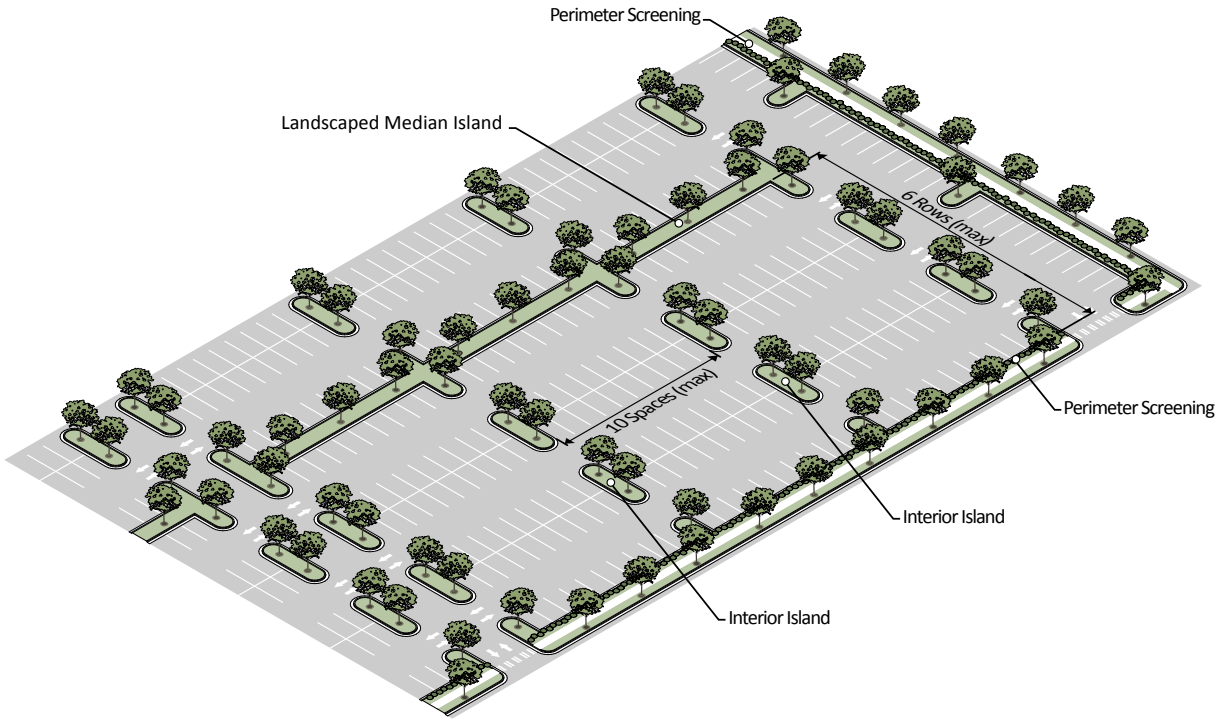
i. An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.

ii. When an existing parking lot is increased in size, landscaping is required for the new parking area only.

iii. When an existing parking lot is increased in size by more than 50% cumulatively, landscaping is required for both the existing parking lot and the new parking area.

2. Perimeter Screening. All surface parking lots (of any size) with frontage on any portion of a public street (not including an alley) must be screened with the following (see also Sec. 3.11.2.5):

a. 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 Frontage area along Fordham Boulevard, the Community Design Commission will review and have the discretion to increase the required planting zone up to 12' (twelve feet).



b. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.

c. A 36-inch wall may be substituted for the continuous row of shrubs.

d. Breaks for pedestrian and vehicle access are permitted.

3. Interior Islands

a. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

b. An interior island abutting a single row of parking spaces must be a minimum of 8 feet in width and 150 square feet in area. Each island must include 1 canopy tree.

c. An interior island abutting a double row of parking spaces must be a minimum of 8 feet in width and 300 square feet in area. Each island must include 2 canopy trees.

d. All required trees must be chosen from the approved the plant selection standards in the Town of Chapel Hill Design Manual.

e. Interior islands may be installed below the level of the parking lot surface to allow for runoff capture.

4. Median Islands

a. A landscaped median island must be provided between every 6 single parking rows. Intervals may be expanded in order to preserve existing trees.

b. A landscaped median island must be a minimum of 8 feet wide.

c. Landscaped median islands may be installed below the level of the parking lot surface to allow for runoff capture.

d. Any trees planted in landscaped median islands must be canopy trees unless the median is designed as a bioretention basin in accordance with Sec. 3.11.4.3.

5. Sidewalks in Medians. Where a sidewalk is added to a median, additional median width equal to the sidewalk width must be provided.

6. Trees. No parking space may be farther than 75 feet from the trunk of a tree.

D. Frontages. Frontages must be planted in accordance with the Design Manual. Tree planting zones without grates must be a minimum of 8 feet in width. Tree planting zones with grates must be a minimum of 6 feet in width. Tree planting zones must be installed using structural soils, as described in the Design Manual. Tree maintenance and replacement is the responsibility of the property owner.

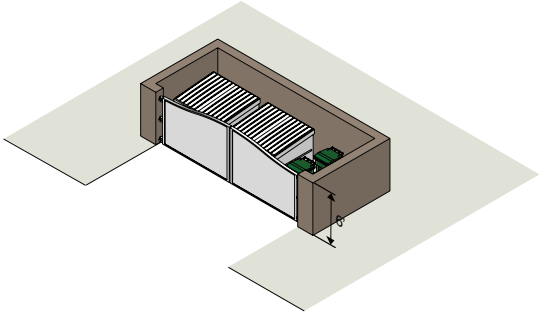
E. Service Area and Mechanical Screening

1. Applicability. All new service areas and the installation of new mechanical equipment must provide screening in accordance with Section 3.11.4.2.

2. Service Areas

a. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings.

b. Service areas must be screened on 3 sides by a wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height.



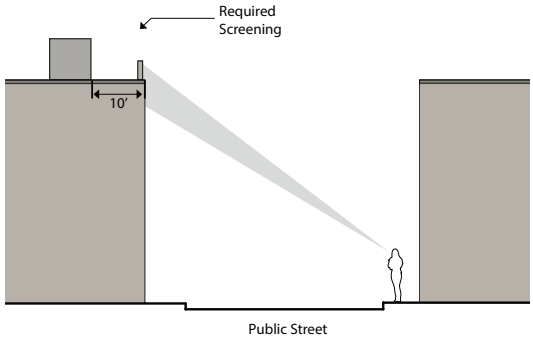
c. The wall must be opaque and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Town Manager.

d. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

3. Roof-Mounted Equipment

a. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting property or abutting public street (not including an alley).

b. Buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material and color that fully screens roof-mounted equipment from ground level view.

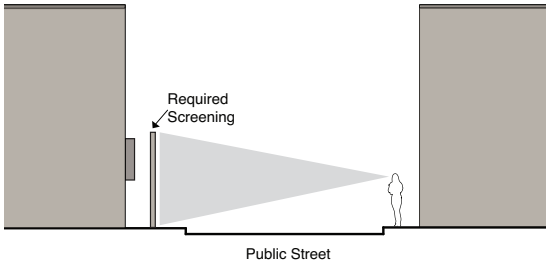


c. The Town Manager may modify these standards to ensure effective equipment functionality and ventilation.

4. Wall-Mounted Equipment. It is the intent of this section that aboveground mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall be minimally visible and minimally encroach into the pedestrian path.

a. Wall-mounted equipment located on any surface that is visible from a public street (not including an alley) must be fully screened by landscaping or a wall or fence that cannot be seen through, and that is compatible with the principal building in terms of texture, quality, material and color.

b. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.



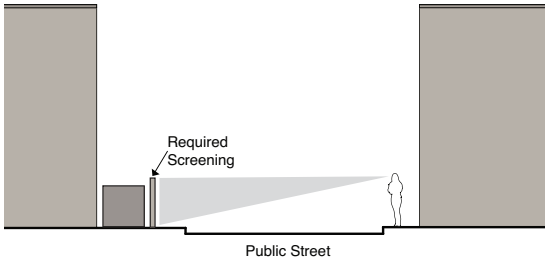
c. The Town Manager may modify these standards to ensure effective equipment functionality and ventilation.

d. Unless otherwise approved as a permitted setback encroachment in Section 3.11.2.7, wall-mounted mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall not be placed within 10' of a sidewalk for a Type A or Type B frontage.

5. Ground-Mounted Equipment. It is the intent of this section that aboveground mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall be minimally visible and minimally encroach into the pedestrian path.

a. Ground-mounted mechanical equipment that is visible from a public street (not including an alley) must be fully screened by landscaping or a wall or fence that cannot be seen through, and that is compatible with the principal building in terms of texture, quality, material and color.

b. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.



c. The Town Manager may modify these standards to ensure effective equipment functionality and ventilation.

d. Unless otherwise approved as a permitted setback encroachment in Section 3.11.2.7, ground-mounted mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall not be placed within 10' of a sidewalk for a Type A or Type B street frontage.

F. Street Trees. Street trees may be required in conformance with Sec. 3.11.2.5.

G. Fence and Walls

1. Applicability. All new fence and walls must be installed in accordance with Section 3.11.4.2.

2. Standards

a. Fences and walls may be placed up to the property line, and any posts or supporting rails must face inward toward the property being fenced.

b. A wall or fence located in a front setback, not used for a required screen, cannot be more than 6 feet height. The opacity of the wall or fence above 4 feet in height must exceed 75%.

c. A wall or fence located in a side interior or rear setback cannot be more 8 feet in height.

d. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Town Manager.

e. Fences must be constructed of high quality materials including one or a combination of the following: wood, composite fencing; wrought iron, steel, aluminium, PVC vinyl; or other material approved by the Town Manager.

f. No wall or fence may be located within any required drainage or utility easement.

g. Barbed wire or concertina wire is not permitted.

h. Chain-link fences are not permitted in any front setback.

H. Residential Protection Buffer. The following buffer is required along any perimeter lot line that immediately abuts any residential district that is not within an Ephesus/Fordham district. This standard does not apply to residential land that is separated from the Ephesus/Fordham district by a street.

Depth (min)	10'
Wall Height (min/max)	6'/8'
Fence Height (min/max)	not allowed
Shade Trees (min per 100')	4
Understory Trees (min per 100')	3
Shrubs (min per 100')	40
Shrub Height (min)	4'

I. Plant Installation and Maintenance. All plants and trees must be maintained and installed in accordance with in the Town of Chapel Hill Design Manual.

Date Adopted: May 12, 2014
Revised: June 27, 2016

3.11.4.3. Stormwater Management

A. Authority. This section is adopted pursuant to the authority vested in the Town of Chapel Hill by the Session Laws and the General Statutes of North Carolina and the authority referenced in Section 1.2 of the Land Use Management Ordinance.

B. Purpose. The purpose of this Section is to establish minimum stormwater performance criteria, management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This section seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by stormwater runoff from development that would otherwise degrade local water quality;
3. Minimize the total volume of surface water runoff that flows from any specific site during and following development in order to replicate the pre-development hydrology to the maximum extent practicable;
4. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety; and
5. Meet the requirements of the National Pollutant Discharge Elimination System (NPDES Phase 2) regulations as established by the Clean Water Act and administered by the North Carolina Department of Natural Resources, or its successor agency.
6. Control nonpoint and point source pollution associated with new development and redevelopment and help protect the water supply uses of Jordan Lake.

C. Applicability.

1. This section applies to all new development and redevelopment projects for which a form district permit is required. No development or redevelopment for which a form district permit is required pursuant to this section shall occur except in compliance with the provisions, conditions, and limitations of the permit.
2. Projects that disturb less than ½-acre of land, including cumulative disturbance are exempt from subsection 3.11.4.3.F.4.

D. Design Manual and Standard Details

1. The Town shall use the policy, criteria, and information, including technical specifications and standards in the Town's "Design Manual and Standard Details" and the July 2007 publication of the "Stormwater Best Management Practices Manual," as amended, published by the North Carolina Department of Environment and Natural Resources' Division of Water Quality, as the basis for stormwater review decisions and for determining the proper design, implementation and performance of engineered stormwater controls and other practices for compliance with this section.
2. If the specifications or guidelines of either design manual are more restrictive or apply a higher standard than the other, or other laws or regulations, the more restrictive specifications or guidelines apply.
3. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the design manuals, the applicant shall have the burden of demonstrating that the practices will satisfy the minimum water quality performance standards of this section. The town manager shall require the applicant to provide the documentation, calculations, and examples necessary for the town manager to determine whether such an affirmative showing is made.

E. Application Requirements

1. Unless otherwise exempted by this Section, every permit application for development must be accompanied by a stormwater impact statement in order for the permit application to be considered.

2. The Town Manager shall prescribe the forms and information that shall be submitted to determine compliance with this chapter, with sufficient copies for necessary referrals and records.

F. Design and Performance Standards. The following are required stormwater management performance criteria:

1. Stormwater treatment shall be designed to achieve average annual 85% total suspended solids (TSS) removal and must apply to the volume of post-development runoff resulting from the first one-inch of precipitation. Alternative treatment methods to achieve 85% average annual TSS removal may be acceptable. The 85% requirement applies to 85% of the additional suspended solids that are the result of the new development.

2. The stormwater runoff volume leaving the site post-development shall not exceed the stormwater runoff volume leaving the site pre-development (existing conditions) for the local 2-year frequency, 24-hour duration storm event for all development. This may be achieved by hydrologic abstraction, recycling and/or reuse, or any other accepted scientific method.

3. The stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, and 25-year 24-hour storm events.

4. Notwithstanding subsection 3.11.4.3.F.1., the minimum impervious area treated for eighty-five (85) percent average annual TSS removal shall be fifty (50) percent of the post construction total impervious area.

G. Post-Construction Requirements

1. Inspection, Operation and Maintenance Plan

a. The owner or owners of a development must sign and record an inspection, operation, and maintenance plan that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the stormwater management facility. Until the transference of all property, sites, or lots served by the engineered stormwater controls and practices, the original owner or owners, shall have primary responsibility for carrying out the provisions of the maintenance agreement.

b. The inspection, operation, and maintenance plan shall require the owner or owners, to maintain, repair and, if necessary, reconstruct the stormwater management facility and shall state the terms, conditions, and schedule of maintenance for the stormwater management facility. In addition, it shall grant to the Town of Chapel Hill the right of entry in the event that the town manager has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the stormwater management facility; however, in no case shall the right of entry, of itself, confer an obligation on the town to assume responsibility for the stormwater management facility.

c. The inspection, operation, and maintenance plan must be approved by the town manager prior to permit approval and shall be recorded with the county register of deeds prior to issuance of a certificate of occupancy.

2. Upon completion of a project and before a certificate of occupancy shall be granted, all of the documents enumerated below must be submitted to the Town Manager and a final stormwater management inspection must be scheduled. After performing the final inspection and reviewing and approving the documents, the Town Manager will issue an approval notification to the Town's Inspections Division.

a. A copy of the recorded stormwater facility and maintenance easement, signed and sealed by a registered North Carolina professional land surveyor and recorded by the county register of deeds, showing the "Stormwater Management Facility and Maintenance Easements", the stormwater management facilities, and the maintenance access locations. For purposes of maintenance, the maintenance access must be shown on the exhibit and extend from the "Stormwater Facility Easement" to the nearest public right-of-way. The following notes must be included on the recorded final plat or easement exhibit.

i. All engineered stormwater management control, treatment, and conveyance

structures located on or below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.

ii. The reserved stormwater facility and maintenance easements and the facilities they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager except as noted in Sec. I. below.

iii. The reserved stormwater facility and maintenance easements and the inspections, operations, and maintenance plan are binding on the owner, heirs, successors, and assigns.

b. A copy of the recorded inspection, operation, and maintenance plan signed by the owner and recorded by the county register of deeds, for the stormwater management facilities. The inspection, operations, and maintenance plan must include a description and details of the device or structure, an inspections checklist, and operating and maintenance procedures. The plan should identify contact information, who will perform the inspections, frequency of inspections, inspections and maintenance logs, any specific equipment needs or certifications (e.g., confined space certification), action levels or thresholds (e.g., remove sediment after depth exceeds 1 foot), and disposal methods. The person responsible for the maintenance of stormwater management facilities shall submit an annual inspection report to the Town.

c. Certified as-built plans signed and sealed by qualified registered North Carolina professional engineer, showing final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

d. Certified final survey signed and sealed by a registered North Carolina professional land surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping, and stormwater management structures. The survey should be in DXF binary format using state plane coordinates and NAVD 88.

e. Certification, signed and sealed by a qualified registered North Carolina professional engineer, that the stormwater management facilities were constructed in accordance with the approved plans and specifications.

3. Annual inspection. An original inspection report shall be provided to the town beginning 1 year from the date of the recorded inspection, operation, and maintenance plan and each year thereafter on or before that date of recordation.

H. The Ephesus/Church Fordham Municipal Service District (MSD) through the Town's departments, agencies, officers, employees, consultants, contractors or agents may assist with meeting the inspection and maintenance requirements as provided in the service district plan and provided for in right of entry agreements with the property owners and responsible parties. The MSD may also provide the financial assurance required for issuance of certificate of occupancy upon approval of the Town Manager.

I. Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Town, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, or is otherwise not functioning as designed, the Town shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the town may assess the owners of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the

beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the County.

J. Variances. Persons who wish to undertake uses and activities prohibited by this section may pursue a variance. The procedures for requesting a variance from the requirements of this section shall be as follows:

1. The procedures for requesting a variance from the requirements in this subsection are contained in Section 4.12 of the Land Use Management Ordinance.

Date Adopted: May 12, 2014
Revised: June 27, 2016

3.11.4.4. Sign Standards

A. Applicability

1. In addition to the sign standards of this Section, the requirements of the Land Use Management Ordinance that are listed below apply to all signs within a Form District:

   a. Land Use Management Ordinance, Sec. 5.14.3, Signs Exempt from Regulation;

   b. Land Use Management Ordinance, Sec. 5.14.4, Traffic Safety Precautions; and

   c. Land Use Management Ordinance, Sec. 5.14.6, Sign Area and Number.

2. Unless specifically exempted, no sign visible from the public right-of-way, whether exterior to or interior to a structure, may be erected, altered, refurbished or otherwise modified after the effective date of the Ephesus/Fordham Form District regulations except in accordance with the requirements of Section 3.11.4.4.

3. All signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.

B. 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.

C. Signs in the Right-of-Way

1. Ground signs, cantilevered ground signs and sidewalk signs cannot encroach into the public right-of way.

2. Wall signs, awning signs, canopy signs, projecting signs, crown signs and shingle signs may encroach over the public sidewalk but cannot encroach on or over any streets or alleys. All signs must be a minimum of 24 inches inside the curb line or edge of pavement, whichever is greater.

D. Unified Sign Plan

1. 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.

2. Where new development occurs, a unified sign plan must be filed with the Town Manager for any site occupied by more than one tenant.

3. The applicant must indicate the standards of consistency of all signs on the subject property with regard to this Section.

4. After the filing of a unified sign plan, all tenant signs must meet the requirements of the unified sign plan.

E. Signs Permitted by Subdistrict. Signs are permitted by subdistrict as specified below. Specific requirements for each sign type are shown on the following pages.

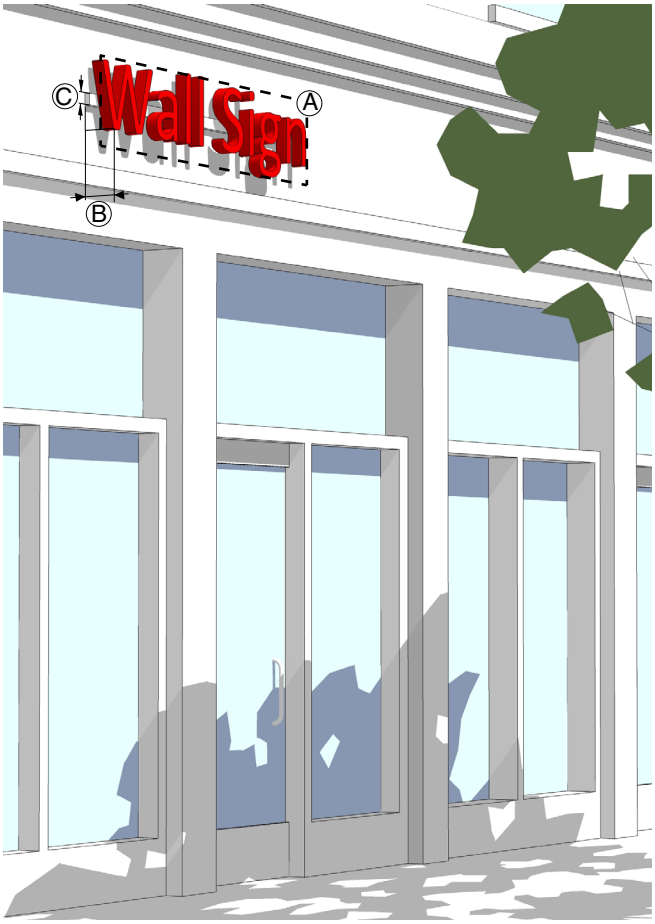
F. Permitted Signs. Signs permitted by subdistrict and frontage are shown below.

	WR- Subdistricts		WX- Subdistricts		
	Type A Frontage	Type B or Type C	Type A Frontage	Type B or Type C	Def./Stds.
	--	--	P	P	Sec. 3.11.4.4.G
	--	--	P	P	Sec. 3.11.4.4.H
	--	--	P	P	Sec. 3.11.4.4.I
	--	--	P	P	Sec. 3.11.4.4.J
	--	--	P	P	Sec. 3.11.4.4.K
	L	L	P	P	Sec. 3.11.4.4.L
	--	L	--	P	Sec. 3.11.4.4.M
	--	L	--	P	Sec. 3.11.4.4.N
	--	--	P	P	Sec. 3.11.4.4.O

KEY: P = Sign type permitted L = Sign type permitted only for nonresidential use

Date Adopted: May 12, 2014
Revised: June 27, 2016

G. Wall Sign



Description

A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

General Provisions

1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
4. A wall sign cannot cover windows or architectural details.
5. A wall sign can be externally or internally illuminated in accordance with Sec. 3.11.4.4.R.

Sign Area Allocation

Maximum 5% of the area of the building facade to which it is attached. This maximum allocation includes area allocated for awning signs, canopy signs and projecting signs.

Dimensions

Ⓐ	Projection - measured from building facade (max)	12"
Ⓑ	Raceway (max % of letter height)	50%

Number of Signs

Maximum of 1 wall sign per individual establishment per street frontage.

Date Adopted: May 12, 2014
Revised: June 27, 2016

H. Awning Sign

Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

General Provisions

1. An awning sign cannot extend outside the awning.
2. No awning over a window above the ground story may contain a sign.
3. An awning sign can only be externally illuminated in accordance with Sec. 3.11.4.4.R.

Sign Area Allocation

Maximum 5% of the area of the building facade to which the awning is attached. This allocation includes area allocated for wall signs, canopy signs and projecting signs.

Dimensions

Ⓐ	Display surface (max)	9 SF
Ⓑ	Width (max % of awning width/depth)	75%
Ⓒ	Height of text and graphics on valance (max)	2'
Ⓓ	Clear height above sidewalk (min)	10'

Sign Area Allocation

The total sign area allocation for awning signs includes area allocated for wall signs, canopy signs and projecting signs.

Number of Signs

A maximum of 1 awning sign is permitted per awning. A sign can be on either the front or side valance. Signs are not permitted on the sloping face of the awning.

Date Adopted: May 12, 2014
Revised: June 27, 2016

I. Canopy Sign

Description

A sign placed on a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions

1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
3. A canopy sign can be externally or internally illuminated in accordance with Sec. 3.11.4.4.R.

Sign Area Allocation

Maximum 5% of the area of the building facade to which the canopy is attached. This maximum allocation includes area allocated for wall signs, awning signs and projecting signs.

Dimensions

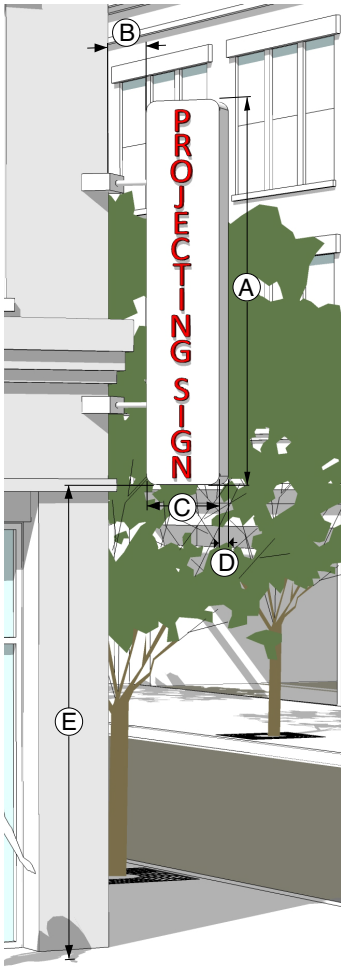
Ⓐ	Width (max % of canopy width)	75%
Ⓑ	Height of text and graphics (max)	2'
Ⓒ	Depth (max)	1'
Ⓓ	Raceway (max % of letter height)	50%
Ⓔ	Clear height above sidewalk, canopy and sign (min)	10'

Number of Signs

A maximum of 1 sign is permitted per canopy.

Date Adopted: May 12, 2014
Revised: June 27, 2016

J. Projecting Sign



Description

A sign applied to or mounted to the wall or surface of a building or structure, the display surface of that projects 12 inches or more from the outside wall of the building or structure.

General Provisions

1. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used, however, in no case can the sign exceed the maximum height and width standards.
2. The top of a projecting sign can be no higher than the top of the building. However, on 1-story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
3. Buildings 4 stories and higher, a projecting sign must be located below the window sills of the 4th story.
4. A projecting sign can be externally or internally illuminated in accordance with Sec. 3.11.4.4.R.

Sign Area Allocation

Maximum 5% of the area of the building facade to which the sign is attached. This maximum allocation includes area allocated for wall signs, awning signs and canopy signs.

Dimensions

Ⓐ	Height (max)	
	Mounted below 2nd floor	4'
	Mounted between 2nd and 3rd floor	8'
	Mounted above 3rd floor	12'
Ⓑ	Spacing from building facade (min/max)	1'/2'
Ⓒ	Projection width (max)	6'
Ⓓ	Depth (max)	1'
Ⓔ	Clear height above sidewalk (min)	10'

Number of Signs

1. Maximum of 1 projecting sign or shingle sign per individual establishment per street frontage.
2. A projecting sign must be located at least 25 feet from any other projecting sign or shingle sign.

Date Adopted: May 12, 2014
Revised: June 27, 2016

K. Crown Sign

Description

A wall sign extending not more than 3 feet from the building facade located on the upper horizontal band of a building at least 55 feet and 4 stories in height.

General Provisions

1. A crown sign is only permitted on buildings least 55 feet or 4 stories in height.
2. A crown sign cannot be placed below the start of highest floor and cannot extend above the roof line.
3. A crown sign cannot cover windows or architectural details.
4. A crown sign can only be internally illuminated in accordance with Sec. 3.11.4.4.R.

Dimensions

Ⓐ	Display surface (max)	250 SF
Ⓑ	Height (max)	8'
Ⓒ	Projection - measured from building facade (max)	3'
Ⓓ	Width (max % of facade width)	75%
Ⓔ	Raceway (max % of letter height)	25%

Number of Signs

1. No more than 1 crown sign per building facade and no more than 2 crown signs per building are permitted.
2. No more than 1 tenant can be identified on the sign.

Date Adopted: May 12, 2014
Revised: June 27, 2016

L. Shingle Sign

Description

A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

General Provisions

1. A shingle sign must be located within 5 feet of an accessible building entrance.
2. The hanging bracket must be an integral part of the sign design.
3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
4. A shingle sign can only be externally illuminated in accordance with Sec. 3.11.4.4.R.

Dimensions

Ⓐ	Display surface (max)	9 SF
Ⓑ	Height (max)	3'
Ⓒ	Spacing from building facade (min/max)	6"/12"
Ⓓ	Projection width (max)	3'
Ⓔ	Depth (max)	6"
Ⓕ	Clear height above sidewalk (min)	10'

Number of Signs

1. Maximum of 1 shingle sign or projecting sign per individual establishment per street frontage.
2. A shingle sign must be located at least 25 feet from any other shingle sign or projecting sign.

Date Adopted: May 12, 2014
Revised: June 27, 2016

M. Ground Sign

Description

A ground sign is a free-standing sign attached to a contiguous structural base or planter box, which base or box must be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include free-standing signs supported by poles.

General Provisions

1. A ground sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
2. A ground sign can be externally or internally illuminated in accordance with Sec. 3.11.4.4.R.

Dimensions

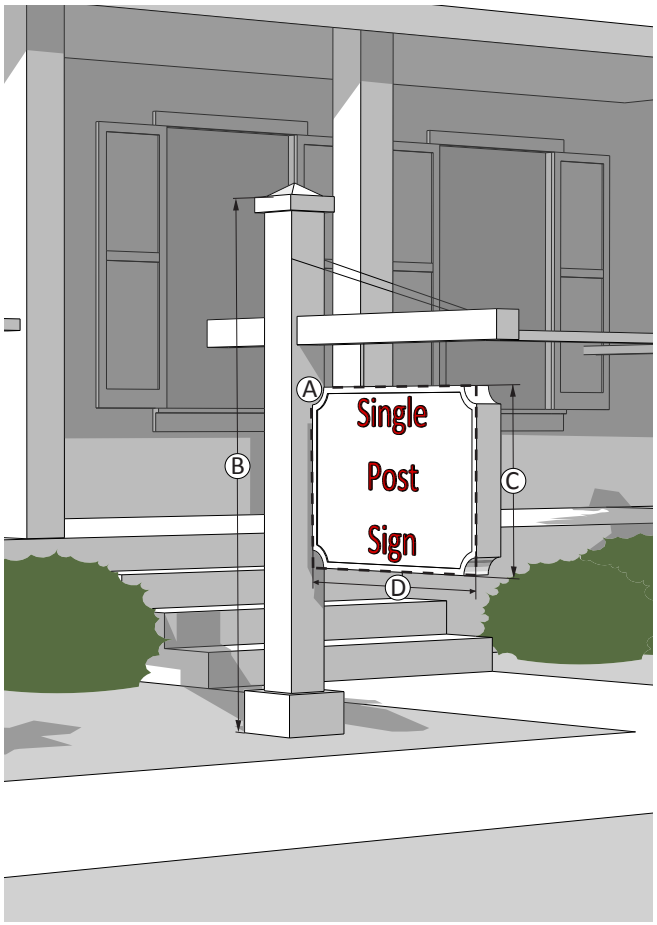
Ⓐ	Display surface (max)	32 SF
Ⓑ	Height (max)	10'
Ⓒ	Width (max)	10'

Number of Signs

One ground sign is permitted per street frontage. Ground signs along the same street frontage must be spaced a minimum of 150 feet apart.

Date Adopted: May 12, 2014
Revised: June 27, 2016

N. Cantilevered Ground Sign



Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by a post where the sign hangs from a bracket or support.

General Provisions

1. A cantilevered ground sign must be set back at least 5 feet from the front lot line and 5 feet from a side lot line.
2. The hanging bracket must be an integral part of the sign design.
3. A cantilevered ground sign can only be externally illuminated in accordance with Sec. 3.11.4.4.R.

Dimensions

Ⓐ	Display surface (max)	9 SF
Ⓑ	Structure height (max)	5'
Ⓒ	Sign height (max)	3'
Ⓓ	Sign width (max)	3'

Number of Signs

1. Only 1 cantilevered ground sign is permitted per street frontage.
2. A cantilevered ground sign must be located at least 25 feet from any other single post sign.

Date Adopted: May 12, 2014
Revised: June 27, 2016

O. Sidewalk Sign

Description

A moveable sign not secured or attached to the ground or surface upon which it is located.

General Provisions

1. Sidewalk signs must be removed and placed indoors at the close of business each day.
2. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.
3. A sidewalk sign cannot be illuminated.

Dimensions

Ⓐ	Display surface (max)	9 SF
Ⓑ	Sign height (max)	5'
Ⓒ	Sign width (max)	3'

Number of Signs

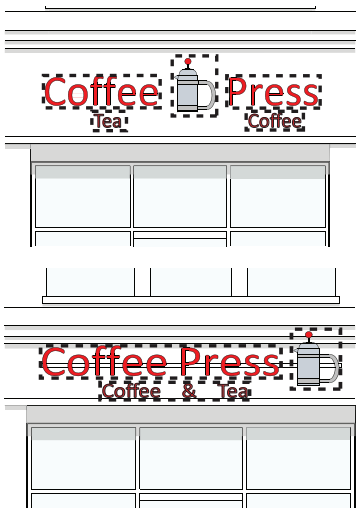
1. Each ground floor tenant can have 1 sidewalk sign located adjacent to the primary facade with the principal customer entrance, or up to 8 feet from that facade.
2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.

Date Adopted: May 12, 2014
Revised: June 27, 2016

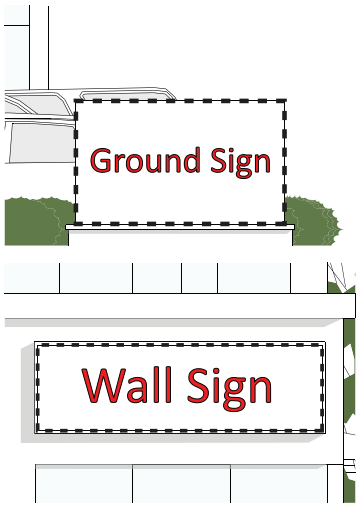
P. Sign Measurements

1. Computation of Sign Area. The area of all signs is determined as follows:

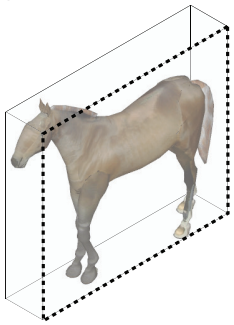
   a. For wall signs, awning signs, canopy signs and crown signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses all the letters or logo.



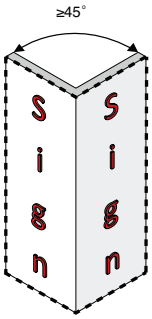
   b. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Display surface includes the face of the structure that the message is affixed to. Display surface does not include any structural members not bearing advertisement.



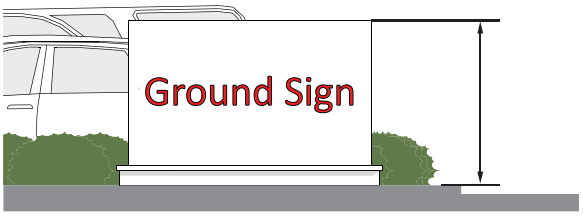
   c. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.

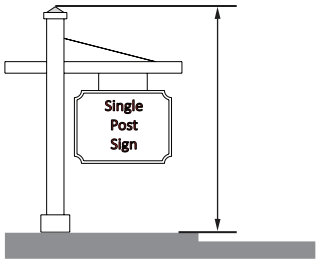


   d. The area for a sign with more than one face is computed by adding together the area of all sign faces that are 45 degrees or greater; if the sign face angle is less than 45 degrees only the area of the largest sign face is computed as part of the sign area.



2. Measurement of Sign Height. The total height of a ground sign or cantilevered ground sign is measured from the highest point of the sign or supporting structure to the top of the abutting sidewalk.





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Q. Sign Maintenance. All signs must be maintained in good condition and present a neat and orderly appearance. Failure by the owner or tenant to remove poorly maintained signs may result in enforcement action by the Town. The Town Manager may cause to be removed (after due notice) any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.

R. Sign Illumination. Illumination of signs must be in accordance with the following requirements.

1. Prohibited Light Sources. The following light sources are not permitted:

   a. Blinking, flashing and chasing;

   b. Bare bulb illumination.

   c. Colored lights used in any manner so as to be confused with or construed as traffic control devices.

   d. Direct reflected light that create a hazard to operators of motor vehicles.

2. Brightness. The light from any illuminated sign cannot be of an intensity or brightness that will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.

3. Internal Illumination

   a. Channel letters may be internally lit or back-lit.

   b. For internally illuminated signs on a background, the background must be opaque or a darker color than the message of the sign.

   c. Exposed neon may be used for lettering or as an accent.

   d. Light emitting diodes (LED)'s are permitted as a light source in a manner that the LED is behind acrylic, aluminum or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.

4. External Illumination

   a. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.

External light sources

Internally lit channel letters

Back lit channel letters

Internally lit cabinet signs with darker background

b. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

5. Raceways and Transformers

a. If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.

b. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.

c. Visible transformers are not permitted.

3.11.4.5. Site Lighting

A. Applicability

1. General. No building or land, or any part of any building or land, may be occupied or used until site lighting has been provided in accordance with this Section.

a. 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 Section 3.11.4.5. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures.

b. This following site lighting requirements do not apply to lighting installed in the public right-of-way.

2. 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.

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.

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.

3. Change in Use. A change in use does not trigger application of this Section.

B. Light Level Measuring

1. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.

2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. Prohibited Sources. The following light fixtures and sources cannot be used:

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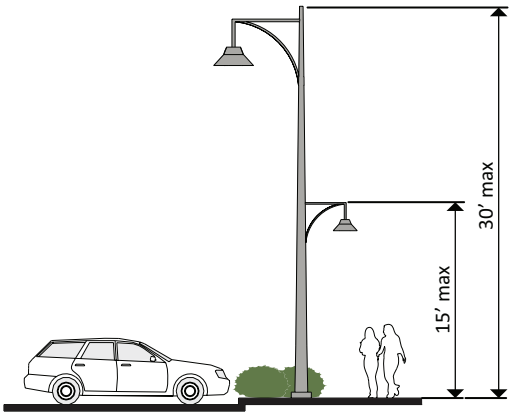
1. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not incandescent;
2. Temporary searchlights and other high-intensity narrow-beam fixtures; and
3. Light sources that lack color correction or do not allow for uniform site lighting.

D. Design and Installation Requirements

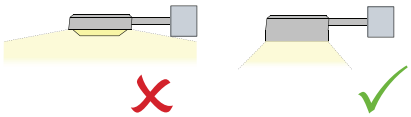
1. The maximum light level of any light fixture cannot exceed 5.0 footcandles measured at the back of curb in relation to a street.
2. Where the Ephesus/Fordham Form District adjoins a residential district, the maximum light level of any light fixture cannot exceed 2.0 footcandles measured at that property line.
3. Lighting must not be oriented onto adjacent properties, streets or sidewalks.
4. Service connections for all freestanding lighting fixtures must be installed underground.

E. Parking and Pedestrian Areas

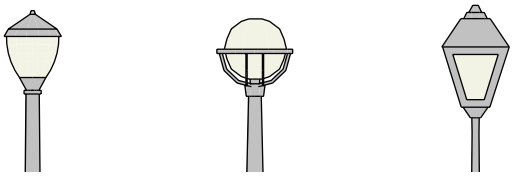
1. Light fixtures within parking and vehicular display areas may be no higher than 30 feet.
2. Light fixtures within pedestrian areas may be no higher than 15 feet.



3. Light fixtures located within 50 feet of the property line of a residential district may be no higher than 15 feet.
4. Light fixtures within 25 feet of a street right-of-way (not including an alley) must be forward throw fixtures.
5. All light fixtures must be full cutoff, except as listed in paragraph 6. below.

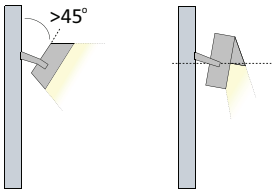


6. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9500 initial lamp lumens. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

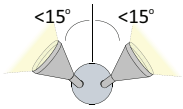


F. Flood Lights and Flood Lamps

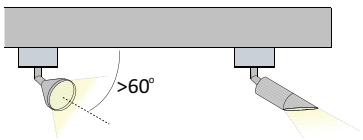
1. Flood light fixtures must either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



2. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.

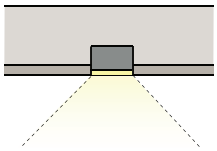


3. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal, or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

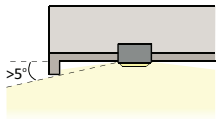


G. Vehicular Canopies. Lighting under vehicular canopies must be less than 24 maintained footcandles, and be designed to prevent glare off-site. Acceptable lighting designs include the following:

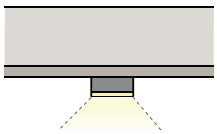
1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy;



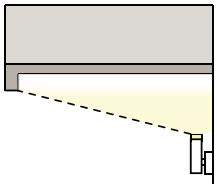
2. Light fixture incorporating shields, or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane;



3. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution; or



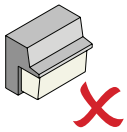
4. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.

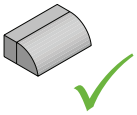


H. Building Lighting

1. Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the street right-of-way.

2. All wall pack fixtures must be full cutoff fixtures.





3. Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

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3.11.4.6. Outdoor Display & Storage

A. Applicability. The following requirements apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Outdoor Display

1. Defined

   a. Outdoor display is the outdoor display of products actively available for sale that are placed inside a fully-enclosed building at the end of each business day.

   b. Outdoor display includes the outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display

2. Standards. Outdoor display is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

   a. Outdoor display visible from a street must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks,ice storage bins, soft drink or similar vending machines may remain outside overnight.

   b. Outdoor display is permitted adjacent to the primary facade with the principal customer entrance, but cannot extend more than 8 feet from the facade and occupy no more than 30% of the horizontal width of the facade.

   c. Outdoor display cannot impair the ability of pedestrians to use the sidewalk or parking areas and must comply with ADA clearance and accessibility.

C. Limited Outdoor Storage

1. Defined. Limited outdoor storage includes, but is not limited to:

   a. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn movers, barbecues and other similar items; and

   b. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.

2. Standards. Limited outdoor storage may not be more than 12 feet in height and must be fully screened from view from the public right-of-way and abutting properties.

D. General Outdoor Storage

1. Defined. General outdoor storage includes, but is not limited to:

   a. The outdoor storage of contractors equipment;

   b. The outdoor storage of fleet vehicles; and

   c. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvage, junk or recycled materials, and other similar merchandise, material or equipment.

2. Standards. General outdoor storage is not permitted in a Form District.

3.11.4.7. Administration of Form Districts

A. Zoning Compliance Permit. Where required by this Sec. 3.11, a zoning compliance permit consistent with Land Use Management Ordinance, Sec. 4.9, is required.

B. Special Use Permit. Where required by this Sec. 3.11, a special use permit consistent with Land Use Management Ordinance, Sec. 4.5, is required.

C. Form District Permit

1. Review Required

a. 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 or alteration 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. 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.

b. It is unlawful to change the type of use or type of occupancy of any land or structure, or to extend any use on any lot on which exists a nonconforming use, until the Town Manager has issued a Form District Permit for such action, certifying that the intended use complies with the applicable provisions of this Section.

2. Site Specific Development Plan. For the purposes of the Land Use Management Ordinance, a Form District Permit constitutes a site specific development permit.

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.

4. Action on the Application

a. The applicant must meet with the Town prior to filing of the Form District Permit application to determine whether new right-of-way or public easement will be required for the development, in accordance with the Regulating Plan, Sec. 3.11.2.2. If new rights-of-way or public easements are required, the proposed dedication shall be shown on the Form District Permit application, and the final dedication shall be recorded prior to the issuance of a Building Permit. Prior to issuance of a Form District Permit, a phasing schedule shall be approved by the Town Manager that addresses necessary public improvements by the applicant and right-of-way and public easement improvements to be constructed by the Town.

b. The Town Manager will take final action on the application. Final action on an application will be based solely on findings as to compliance with all applicable provisions of this Section 3.11 and the Land Use Management Ordinance, including all applicable conditions of an approved major or minor subdivision, and must be one of the following:

i. Approval of application; or

ii. Approval of application subject to reasonable conditions to ensure compliance with applicable regulations and conditions; or

iii. Denial of application.

c. Final action must be taken within 75 working days of the acceptance of an application or 15 working days from approval of a Certificate of Appropriateness (whichever is later), or within such further time consented to by written notice from the applicant or by Town Council resolution. The Town Manager must reach a decision on a complete or otherwise

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actionable application within the prescribed time limit, or any extension.

5. Actions Subsequent to Decision

   a. In the case of approval or approval with conditions, the Town Manager will issue the Form District Permit. In the case of denial of an application, the Town Manager must notify the applicant of the reasons for such denial.

   b. Where engineering construction permits are required by the Town Code of Ordinances, such permit may not be issued prior to issuance of the Form District Permit.

   c. Where a building permit is required by Chapter 5 of the Land Use Management Ordinance, or a sign permit is required, such permits may not be issued prior to issuance of the Form District Permit and engineering construction permit required for the development.

6. Appeal of Decision. A decision by the Town Manager in granting or denying a Form District Permit may be appealed to the Board of Adjustment in accord with the provisions of the Land Use Management Ordinance, Section 4.11.

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 modification. The application fee for a modification to a Form District Permit is established by the Council as part of the budget process.

8. Performance and Maintenance Guarantees

   a. Conditions attached to an approval of a Form District Permit may include the following:

      i. A condition requiring the applicant to provide performance guarantees and/or maintenance guarantees deemed necessary to ensure compliance with the requirements of this Section and the conditions of permit approval.

      ii. A condition permitting the applicant to provide performance guarantees in lieu of actual completion of required improvements prior to use or occupancy of the development authorized by the Form District Permit, provided the delayed completion of such improvements is determined to be compatible with the public health, safety and welfare.

   b. Such performance guarantees and maintenance guarantees must be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required improvements.

   c. The condition requiring or permitting a performance guarantee must specify a reasonable time period within which required improvements must be completed. Such time period must be incorporated in the performance guarantee. The length of such time period may not exceed 2 years from the date the Form District Permit is issued.

   d. No performance guarantee will be released until certification of the satisfactory completion of all required improvements covered by such performance guarantee has been submitted to and approved by the Town Manager.

   e. If the required improvements covered by a performance guarantee are not completed in accordance with the terms of the performance guarantee, the obligor will be liable to the Town for the reasonable cost of the improvements not completed and the Town may, either prior to or after the receipt of the proceeds, complete such improvements.

9. Expiration and Revocation of Form District Permit Approvals

   a. Starting Time Limit. If the use, construction, or activity authorized by approval of an application for a Form District Permit or modification of Form District Permit is not started within 12 months of the date of approval, or within such further time stipulated

in the approval, the approval will expire and any Town permit issued pursuant to the approval will be void. The Town Manager may grant a single extension of the starting time limit for up to 12 months, unless he/she determines that paramount considerations of health, the general welfare, or public safety require re-approval. The Town Manager will determine whether the use, construction, or activity has started.

b. Completion Time Limit. If all construction and actions authorized or required by a Form District Permit or modification of Form District Permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the Town Manager. The Town Manager may grant extensions of the time limit for periods of up to 12 months if he/she determines that:

   i. The permit holder submitted the request within 60 days of the completion date;

   ii. The permit has proceeded with due diligence and good faith; and

   iii. Conditions have not changed so substantially as to warrant reconsideration of the approved development.

c. The Town Manager will determine whether or not all construction and actions authorized or required have been completed.

10. Revocation of Form District Permit

a. If any conditions of a Form District Permit or modification of Form District Permit, including completion time limits, or requirements of this Section applicable to the permit or modification are violated, the Town Manager may revoke the permit or modification.

b. The Town Manager may reinstate a revoked Form District Permit or modification of Form District Permit if he/she determines that:

   i. The holder of the revoked permit or modification submitted a request for reinstatement within 90 days of the revocation;

   ii. The violations that were the cause of the revocation have been corrected; and

   iii. The development fully complies with all conditions of the permit or modification and all applicable requirements of this Section and the Land Use Management Ordinance.

c. Certificate of Occupancy. No building or structure for which a Form District Permit has been issued may be used or occupied until, after final inspection, a certificate of occupancy has been issued indicating compliance with the provisions of this Section, the Land Use Management Ordinance, and all other state and local laws, including conditions of the Form District Permit and all other required permits.

D. Certificate of Appropriateness

1. Review Required

a. No exterior portion of any building or related structure (including 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 has been approved. 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 kind and texture of the building material, and the type and style of all windows, doors and light fixtures. 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.

c. A certificate of appropriateness shall be issued prior to the issuance of a Form District Permit, zoning compliance permit or any other permit granted for purposes of constructing or altering buildings or structures.

d. The Town and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of structures and buildings on property owned or franchised by the Town of Chapel Hill or public utility companies, excluding street paving, sidewalks, utility installations, lighting, walls, fences, regulatory signs, other traffic control measures and devices, and utility distribution systems located in public right-of-way.

e. A certificate of appropriateness application may be reviewed and approved by the Town Manager according to specific review criteria contained in state law and guidelines approved by the Community Design Commission when the application is determined to involve minor work. Minor works are defined as those exterior changes that do not involve any substantial alterations. Such minor works shall be limited to those listed in the Community Design Commission's Rules of Procedure, or a successor document. No application involving minor work may be denied without the formal action of the Commission. Ordinance requirements for notification of affected property owners must be met for all applications.

2. Certain Changes Not Prohibited

a. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Form District that does not involve a change in design, material, or outer appearance, or to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any feature that the Building Inspector or similar official certifies is required by the public safety because of unsafe or dangerous condition.

b. On the basis of preliminary sketches or drawings and other supporting data, the Town Manager may exempt from requirements for a certificate of appropriateness projects involving the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or outer appearance. The Town Manager must notify the Community Design Commission of all such exemptions.

3. Application Submittal Requirements

a. Applications for a Certificate of Appropriateness 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.

b. Prior to approval or denial of an application for a certificate of appropriateness by the Community Design Commission, the Commission must take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and will give the applicant and such owners an opportunity to be heard.

c. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

4. Action on the Application

a. Within 100 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.

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.

c. Failure to take final action on an application within the prescribed time limit, or extensions, will result in the issuance of a Certificate of Appropriateness for the application submitted.

d. 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 Section 3.11 are achieved.

5. Actions Subsequent to Decision. The Town Manager will notify the applicant of a decision in writing, and file a copy of it with the Town's Planning Department. If the application is denied, the notice must include the reasons for such action.

6. Appeal of Decision. A decision by the Community Design Commission on an application for a certificate of appropriateness may be appealed to the Board of Adjustment in accordance with the provisions of Land Use Management Ordinance Section 4.10.

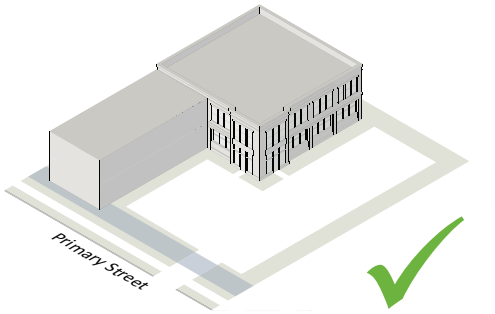
7. Submittal of New Application. If the Community Design Commission denies an application for a certificate of appropriateness, a new application affecting the same property may be submitted only if substantive change is made in plans for the proposed construction, reconstruction or alteration.

8. Modification of Certificate of Appropriateness. The Community Design Commission may review and approve a modification of a Certficate of Appropriateness. A 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.

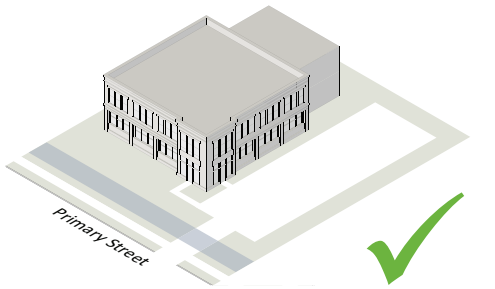
E. Nonconforming Build-to Requirement. The nonconforming provisions of the Land Use Management Ordinance apply to this Section. The following standards clarify the application of the Land Use Management Ordinance nonconforming provisions to the build-to zone requirements of this Section. Expansion of an existing building is required to meet the build-to zone requirements, except as permitted in the following situations.

1. Additions. Expansion of an existing building which is unable to meet the build-to requirement of this Section must comply with the following nonconforming provisions:

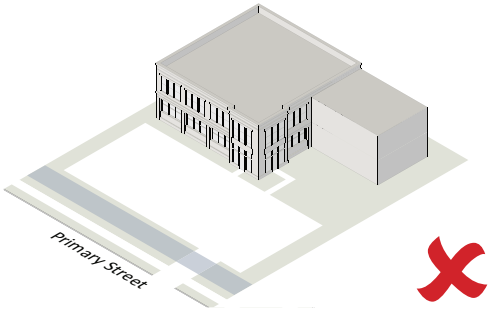
   a. Front: Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to zone percentage for the lot.



   b. Rear: Addition. Rear additions are permitted. The intent is to ensure a building addition does not increase the degree on the nonconformity in relation to the build-to zone.

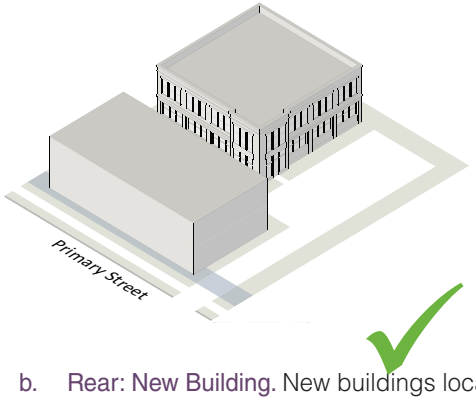


   c. Side: Addition. Side additions are not permitted

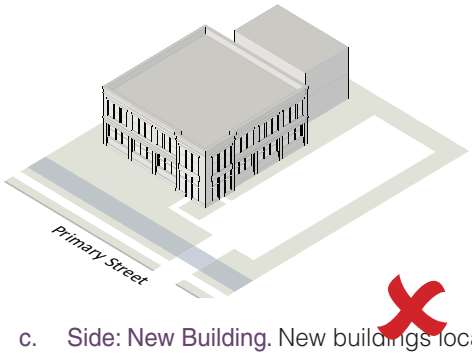


2. New Buildings. Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following nonconforming provisions apply.

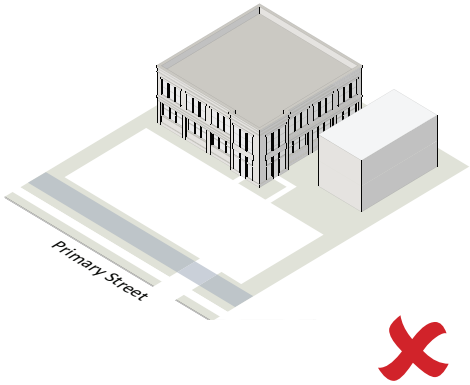
   a. Front: New Building. All new buildings must be placed in the build-to zone until the build-to zone percentage for the lot has been met.



   b. Rear: New Building. New buildings located outside of the build-to zone are not permitted until the build-to zone percentage for the lot has been met.



   c. Side: New Building. New buildings located outside of the build-to zone are not permitted until the build-to zone percentage for the lot has been met.



Date Adopted: May 12, 2014
Revised: June 27, 2016

3.11.4.8. Defined Terms

A. General Provisions

1. General Meaning of Words and Terms

   a. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in Section 3.11.4.9 or the context in which they are used clearly indicates to the contrary.

   b. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the courts of this state may be employed to resolve vagueness and ambiguity in language.

2. Graphics, Illustrations and Photographs. The graphics, illustrations and photographs used to visually explain certain provisions of Section 3.11.4.9 are for illustrative purposes only.

B. Defined Terms. The following terms are defined for the purpose of this Section. Terms not defined may be defined in Appendix A. If there is a conflict between a definition in Appendix A and this Section, the definition in this Section will be used.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is “new construction.”

Attic means habitable or uninhabitable space within a building situated within the structure of a pitched roof and above the uppermost regular story.

Block length means the distance between two intersections or an intersection and the terminus of a road.

Buildable means land area that is suitable and available for development unconstrained by physical layout, topography, regulatory factors, existing or planned public faciltiies, utilities and the like.

Building Facade means the face of a building that delineates the edge of conditioned floor space.

Building pass-through means a publically accessible passage between or through buildings that allows, at a minimum, pedestrians and bicyclists to move from one side of building to another through a privately owned or publically dedicated area. A building pass-through includes but is not limited to a through-street, an alley, a bicycle and pedestrian pass-through, trail, greenway or other similar passage; vehicles may be allowed as desired by the applicant.

Day means one calendar day. Working Day means a day that the Town of Chapel Hill is open during normal business hours. This excludes weekends and observed holidays.

Gross Floor Area means the sum in square feet of the horizontal area of all floors of the building measured from the exterior walls or from the centerline when 2 buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses is included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-6".

Ground Floor means the floor of a building that is at or nearest to the level of the ground around the building. Does not include the floor of a basement.

Improved Site Area means the sum of the horizontal area of the outside portion of the site and includes any space devoted to on-site parking; outdoor loading, display, storage, utility service, decorative areas and landscaped areas that are part of the original site plan approval.

Public Realm means the streetscape or any other non-vehicular, publically accessible area located along a designated frontage.

Raceway means an enclosed channel of metal or nonmetallic materials designed expressly for holding wires or cables associated with illuminating a sign.

Right-of-way means a fee simple dedication of private property or an easement, whereby public access and utility easements are granted.

Street-facing façade means a building façade which directly abuts a street.

Substantial conformance means conformance which leaves a reasonable margin for minor modification provided that: 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.

This Section means Section 3.11 of the Land Use Management Ordinance.

Upper Story means any story above the ground story or floor.