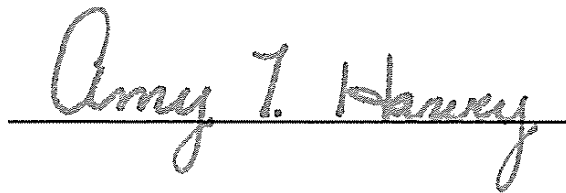


I, Amy T. Harvey, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2016-04-18/O-5) enacted by the Chapel Hill Town Council on April 18, 2016.

This the 20th day of April, 2016.

A handwritten signature in cursive script, reading "Amy T. Harvey", is written over a horizontal line.

**Amy T. Harvey
Acting Town Clerk**



ORDINANCE 5

(Enacting the Text Amendment – Topic #5: Outdoor Amenity Space)

AN ORDINANCE AMENDING SECTION 3.11 OF THE LAND USE MANAGEMENT ORDINANCE IN RESPONSE TO ADVISORY BOARD PETITIONS AND FEEDBACK REGARDING OUTDOOR AMENITY SPACE PROVISIONS IN THE EPHEBUS/FORDHAM FORM DISTRICT REGULATIONS (2016-04-18/O-5)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend Section 3.11 of the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations in response to advisory board petitions and feedback; and

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

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of the means of transportation such as bicycle, pedestrian, and other public transportation options (Goal GA.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal GA.2)
- Connect to a comprehensive regional transportation system (Goal GA.3)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- Incorporate street planning into zoning code (Goal GA.7)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal GPNS.5)
- A community that welcomes and supports change and creativity (Goal GPNS.6)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal GPNS.8)

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8); and

WHEREAS, with enactment of the Ephesus/Fordham Form District Regulations (i.e., form district code) on May 12, 2014, the Council adopted a complementary series of directives to the Town Manager to guide further renewal of the District known as the “Resolution on Continued Action for Renewal of the Ephesus Church Road/Fordham Boulevard Form District”; and

WHEREAS, to address the Resolution on Continued Action for Renewal of the Ephesus Church Road/Fordham Boulevard Form District, the staff shall provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years and annual reports during the subsequent eight years; and

WHEREAS, on January 11, 2016, the Chair of the Community Design Commission petitioned the Council to consider recommendations for enhancing the Ephesus/Fordham Form District Regulations in response to the first Certificate of Appropriateness applications; and

WHEREAS, on January 11, 2016, the Chair of the Transportation and Connectivity Advisory Board petitioned the Council to consider congestion, safety, and connectivity improvements along East Franklin Street and through the Ephesus/Fordham Form District in response to higher density development activities; and

WHEREAS, on February 2, 2016, the Mayor of the Town of Chapel Hill hosted a meeting with the chairs of the Community Design Commission, the Transportation and Connectivity Advisory Board, and the Planning Commission to explore their interests in the Ephesus/Fordham Form District and to develop a deeper understanding of the petitions received; and

WHEREAS, on March 14, 2016, during a public hearing on proposed regulatory changes to the Ephesus/Fordham Form District Regulations, the Council discussed creating an Ephesus/Fordham Ad Hoc Working Group consisting of advisory board members from the Planning Commission, Community Design Commission, and Transportation and Connectivity Board, as well as members appointed by the Chapel Hill-Carrboro Chamber of Commerce, to recommend updates to the Ephesus/Fordham Form District Regulations; and

WHEREAS, the Mayor of the Town of Chapel Hill facilitated meetings for the Ephesus/Fordham Ad Hoc Working Group on March 24, 2016 and April 5, 2016; and

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

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

SECTION I

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection D. Outdoor Amenity Space, Subsection 4. Standards, is hereby amended to add a new Subsection h. to read as follows:

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

SECTION II

This ordinance shall be effective upon enactment.

This the 18th day of April, 2016.

