

**REVISED ORDINANCE A**  
(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 2214 AND 2312 HOMESTEAD ROAD TO RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) (PROJECT #20-001) (2020-X-X/O-X)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Advanced Civil Design, Inc., on behalf of owner Capkov Ventures, Inc., to rezone a 9.2-acre parcel located at 2214 and 2312 Homestead Road on property identified as Orange County Property Identifier Numbers 9870-91-5696 and 9870-91-8588, to allow a townhouse community and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Range of housing options for current and future residents (*Goal A Place for Everyone.3*)
- Foster success of local businesses (*Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Getting Around.2*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Good Places, New Spaces.7*)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Nurturing our Community.3*)

WHEREAS, the application, if rezoned to Residential-5-Conditional Zoning District (R-5-CZD) according to the district-specific plan dated November 10, 2020 and October 16, 2020, and the conditions listed below would:

- 1) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 2) Conform with the Comprehensive Plan
- 3) Be compatible with adjoining uses
- 4) Mitigate impacts on surrounding properties and the Town as a whole
- 5) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- 6) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

**MODIFICATIONS TO REGULATIONS**

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

- 1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):**  
Land disturbance is limited to specific percentages of the total land area in different

zones of the RCD. The Upland zone is limited to 40 percent disturbance. The applicant is proposing to disturb 26,098 sq. ft. (79 percent) of the Upland zone associated with the perennial stream in the northwest portion of the site, to allow grading for the stormwater control measures.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the land disturbance is for the construction of Stormwater control measures in order to meet Ordinance standards for the new impervious area associated with the proposed development. **Prior to submitting the Final Plans Zoning Compliance Permit application, the applicant shall try to further reduce the footprint of the Storm Water Control Measure to further reduce the land disturbance in the Resource Conservation District (RCD).**

- 2) **Section 5.3.2 Steep Slopes:** The developer is proposing to exceed 25 percent of the area containing 25 percent or greater slopes. A majority of these disturbed slopes occur along the west side of Weaver Dairy Road Extension and were created during the construction of Weaver Dairy Road Extension. Additional slopes measuring 25 percent or greater were created during the construction of the existing home site, the existing concrete flume, and the existing asphalt path along the western portion of the property. The total area of disturbed natural slopes 25 percent or greater will not exceed 2,133 sf. This area of impact is necessary to properly grade the area reserved for the future greenway trail.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the majority of the disturbed slopes were created during the construction of Weaver Dairy Road Extension.

- 3) **Section 3.10 Inclusionary Zoning:** The developer is providing five affordable homes which equates to 10.41 percent. This is less than the 15 percent inclusionary zoning requirement; however, the affordable homes are the same size as the market rate units. In addition, the developer exceeds the minimum net livable square footage requirement associated with the 15 percent inclusionary zoning requirement with only the five homes.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree. The provided units exceed the required livable square footage and offer opportunities for increased affordable housing units.

- 4) **Section D103 of the North Carolina Fire Prevention Code:** The developer is proposing street details for a 26-ft with valley curb and 27-ft with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35 ft shall remain unchanged. Further, fire lane signs as specified in Section D103.6 of the North Carolina Fire Prevention Code shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree. The increased street widths and fire lane signs are in compliance with the North Carolina Fire Prevention Code; whereas, the Town's standard detail for local streets does not comply with the state Fire Prevention Code.

- 5) **LUMO Section 5.4.6(d):** The developer is proposing to relocate and convey an existing ephemeral stream with a piped stormwater conveyance system. Land disturbance within the stream channel of any ephemeral stream shall be minimized,

and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance. [LUMO 5.4.6(d)]

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the relocation of the existing ephemeral stream allows the development to provide **54** units of affordable and missing-middle housing. **This stream has been identified as a six-foot-wide concrete flume designed to carry water alongside the driveway that previously existed on the Town's 2200 Homestead property.**

## **CONDITIONAL ZONING DISTRICT**

WHEREAS the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Residential-5-Conditional Zoning District (R-5-CZD).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

### **SECTION I**

The following Orange County parcels identified by Parcel Identifier Numbers (PIN) 9870-91-5696 and 9870-91-8588, described below, shall be rezoned to Residential-5-Conditional Zoning District (R-5-CZD):

Beginning at an existing iron pipe located along the eastern line of the now or formerly Town of Chapel Hill tract as shown in deed book 2831, page 13 of the Orange County registry, said point being the POINT OF BEGINNING; thence along and with the aforementioned eastern line North 09°00'52" East, a distance of 486.86 feet to a calculated point; thence North 37°40'26" East, a distance of 65.21 feet to a 24" gum tree with chop marks; thence along the southeastern line of the aforementioned Town of Chapel Hill tract the following 5 calls: North 87°29'58" East, a distance of 327.31 feet to an existing iron pipe; thence South 82°38'21" East, a distance of 36.23 feet to an existing iron pipe; thence South 84°02'57" East, a distance of 79.53 feet to an existing iron pipe; thence South 82°14'50" East, a distance of 87.95 feet to a calculated point; thence North 87°35'28" East, a distance of 39.61 feet to a calculated point; thence along the western right of way of Weaver Dairy Road Extension, a 98' public right of way along a curve to the right having a radius of 524.12 feet, an arc length of 95.51 feet and a chord bearing and distance of South 02°01'38" East, 95.38 feet to a calculated point; thence along the aforementioned western right of way South 03° 10'42" West, a distance of 438.69 feet to a calculated point; thence along the aforementioned western right of way along a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord bearing and distance of South 48°10'42" West, 42.43 feet to an existing iron pipe; thence South 03°10'42" West, a distance of 15.00 feet to a calculated point located on the northern right of way of Homestead Road, a variable public width right of way; thence along the aforementioned northern right of way North 86°49'42" West, a distance of 391.36 feet to an existing iron pipe; thence along the aforementioned northern right of way North 86° 15'24" West, a distance of 243.69 feet to an existing iron pipe; thence North 09°03'29" East, a distance of 15.59 feet to a point being the Point of BEGINNING and being all of that certain tract of land containing 363,614 square feet or 8.35 acres, more or less, including to the midpoint of the adjoining Homestead Road and Weaver Dairy Road Extension right-of-ways.

**SECTION II**

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by **December 9, 2022** (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ten (10) days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity Townhouse Development</b>	
Gross Land Area	399,975 sf
Floor Area	121,192 sf
<b>Floor Area Bonus for Affordable Housing</b>	<b>22,000 SF</b>
<b>Maximum Total Floor Area (Floor Area + Floor Area Bonus)</b>	<b>143,192 SF</b>
Maximum Dwelling Units	<b>54</b>
Minimum Affordable Units	5
Total Impervious Surface	<b>165,735 sf</b>
Maximum Land Disturbance	<b>359,000 sf</b>
Tree Canopy Coverage	1.470 acres (30%)
Minimum Recreation Area	<b>19,999 sf</b>
Resource Conservation District Upland Zone land disturbance	26,020 sf (79%)
Resource Conservation District Managed Use Zone land disturbance	8,939 sf (25%)
Resource Conservation District Streamside Zone land disturbance	0 sf

4. Affordable Housing Plan/Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer, the Town Manager (or designee), and the non-profit agency that will administer the affordable housing units that will contain the following information:

General information about the nature and scope of the covered development, including:

- a. 10.41% of the market rate units
- b. The applicant will construct five affordable unit(s) on-site, two of which will be available to households earning 65 percent of the AMI and three of which will be available to households earning 80 percent of the AMI.
- c. The Plan will include information on:
  - i. The total number of market rate units and Affordable Dwelling Units in the development.

- ii. The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
  - iii. The approximate square footage of each Affordable Dwelling Unit.
  - iv. The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
  - v. Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
- d. Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.

The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

5. Housing Plan: The developer shall provide the following:
  - a. 10.41 percent of the market rate homes (5 proposed units) will be affordable town homes. Two of the five townhomes will be reserved for those making less than 65% of the median income and three will be made available to those making 80% of the median income.
  - b. Size of the affordable townhomes meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
  - c. The affordable units to be placed within an organization ensuring their continued affordability for at least ninety-nine years.
  - d. The townhomes be integrated into the community as shown on the site plan dated **November 10, 2020**. Preference is to intersperse the affordable homes throughout the development.
  - e. The townhomes be finished with exterior trim and finishes used on the market-rate homes.
6. Affordable Housing: Forty percent of the affordable housing shall be completed prior to Zoning Final Inspection of the half of the market rate dwelling units. The remaining affordable dwelling units to be completed prior to Zoning Final Inspection of 90 percent of the market rate dwelling units.
7. Affordable Housing Homeowner Association Dues: The affordable town home owners shall contribute one-third (1/3) of the dues amount expected of the master association home owners
8. Fire Access to Homestead Road: The developer shall have a signed encroachment agreement with the Town prior issuance of a Zoning Compliance Permit for the construction **of a driveway and utility connection to Public Street 'C'**.
9. North Carolina Fire Prevention Code: The developer shall construct new streets to measure 26-ft in width with valley curb and 27-ft in width with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35 ft shall remain unchanged.
10. Fire Lane Signage: Fire lane signs as specified in North Carolina Fire Prevention Code, Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm) in accordance with Fire Code D103.6.1.

11. Community Design Commission Review: The proposed single-family development does not require Community Design Commission review of building elevations and lighting. [LUMO 8.5.5] **The CDC may review:**
  - a. aluminum garage door style and color.
  - b. front yard landscaping plan.
  - c. pergolas between the town home units.
12. **Design Details**: The developer shall incorporate the following design elements into the final plans:
  - a. Construction of pergolas between each common entrance to eliminate the appearance of protruding garages.
  - b. Staggering or stepping of the facades of each town house consistent with the typical section shown on the site plan dated November 10, 2020. to provide visual depth. There may be variations in depth between buildings, but the staggering shall remain generally consistent with the referenced site plan.
  - c. Modification of the garage door design to de-emphasize garage doors.
13. **Landscaping and Screening**: **The developer shall provide a four-foot landscape strip between driveways and shall landscape the open space in front of common entrances with native evergreen species. The developer shall increase the caliper of shade trees from 2.5 inches to 3 inches and understory trees from 2 inches to 2.5 inches. The developer shall add a central open space at least 20 ft. in width that will run north to south between the central buildings.**
14. Greenway Trail Easement: The developer will work with the Town to locate the **Greenway Trail so as to access the location proposed on the submitted plans for the 2200 Homestead Road project, dated October 29, 2020, or similar location agreed to by both applicants.**
15. Energy Efficiency: The proposed development shall meet Energy Star Certification for single family homes, achieving a 10% or more energy savings compared to a home built to current building codes. [Town Policy April 2007]
16. Fire Sprinklers: A NFPA 13D fire sprinkler system will be required for each grouping of townhomes. [TOWN CODE 7-56]
17. Fire Safety: When the vertical distance between the grade plane and the highest roof surface exceeds 30 ft (9,144 mm), approved aerial access fire apparatus access roads shall be provided. For the purpose of meeting fire code requirements, building height shall be measured as the highest roof surface determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
18. Fire Hydrant and FDC Locations: Final plans shall indicate locations of existing and proposed fire hydrants and Fire Department Connections (FDC), as required. [NC FPC 2018 Section 501.5.1.1]

19. Traffic Signal Upgrade: Prior to issuance of the **third** Zoning Final Inspection, the developer shall upgrade the traffic signal at Homestead Road and Weaver Dairy Road Extension with pedestrian crosswalks/amenities including APS equipment and high visibility crosswalks and bicycle activated loops. Design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit. **Due to the timing of the Homestead Road Improvement Project, the applicant may replace the actual signal improvements with a payment in lieu delivered to the Town of Chapel Hill if it is in the best interest of the Town to do so. Payment in lieu shall be set by the Town but agreed to by the applicant.**
20. Street Lighting: Prior to issuance of the Zoning Final Inspection, the developer shall design and install street lighting along the site frontage on Homestead Road. The design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.
21. Bicycle Facility: Prior to issuance of a Zoning Compliance Permit, plans shall include a southbound bicycle facility along Weaver Dairy Road Extension from where the existing bike lane ends to the Homestead Road intersection subject to the approval by the Town and the North Carolina Department of Transportation.
22. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide bicycle parking in accordance with the Land Use Management Ordinance and the Design Manual. A total of 13 bike parking spaces is required for the plans as currently shown (1 space per 4 units). 12 of those spaces must be Class I bike parking (90% of total for residential uses). Class I spaces must be covered and secure. This requirement may be met through bike parking internal to units, such a wall-mounted bike hook within garages.
23. Construction Trailer: Prior to issuance of a Zoning Compliance Permit, the plans shall include construction trailer location.
24. NCDOT Approvals: Prior to issuance of a Zoning Compliance Permit, to the developer must obtain a 3-party encroachment agreement for sidewalk, paths, and landscaping, if applicable. The developer also must obtain a 3-party encroachment agreement with OWASA for utility connections along Homestead Road. **This shall not include encroachments necessary to implement the Homestead Road Improvement Project.**
25. Orange County Solid Waste Management: Prior to issuance of a Zoning Compliance Permit, an Engineer must certify that the pavement section will support the load of recycling and garbage collection trucks. In lieu of providing a heavier pavement section that will support these (and other) service vehicles, the applicant/owner shall provide a waiver of pavement damage liability prior to plan approval.
26. Recreation Area: A minimum of 19,999 sq. ft. of recreation area shall be provided on-site. **In lieu of providing or dedicating the required recreation area, the applicant may make a payment to the Town whereby the town may acquire or develop recreation land to serve the subdivision.**
27. Existing Water Services: Existing water services will need to be abandoned, properly at the main, if they will not be used. Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide A demolition plan or call out abandonment on utility plan.

28. Water and Sewer Extension: All water and sewer main extensions must be approved by North Carolina Department of Environmental Quality (NCDEQ) prior to issuance of a Zoning Compliance Permit.

#### Stormwater

26. No Increase in Upstream Hydraulic Grade Line: The proposed development shall be designed to not increase the hydraulic grade line in existing storm drainage systems upstream of the proposed site for the applicable design storm events per the Town of Chapel Hill Public Works Engineering Design Manual.
29. Stormwater Structure Locations: No stormwater structures are permitted in the building setbacks. Structures include pipe ends, flared end sections, underdrains, inlet structures, outlet structures, control structures, flow dissipation measures such as rip-rap aprons or stilling pools, rock splash pads, concrete splash blocks, and the downgradient toe of French drains. [LUMO 3.8]
30. Soils Analysis: At the time of application for Zoning Compliance Permit, the developer shall provide an analysis of in-situ soils. At a minimum the report shall include depth to seasonal high water table, soil permeability, and soil bearing capacity in the vicinity of the proposed Stormwater Control Measure. All soil test pits, soil borings, soil permeability tests and associated documentation shall be conducted under the direct supervision of an appropriately licensed North Carolina design professional.
31. Piping of Ephemeral Stream: Prior to application for the Zoning Compliance Permit, the developer shall provide a revised Grading and Drainage Plan acceptable to Town Staff showing how the proposed development will convey the ephemeral stream to the perennial stream. A **20'** private reserved storm drainage easement shall be provided for the length of the conveyance.
32. Resource Conservation District: Any proposed impact in the Resource Conservation District shall demonstrate NO PRACTICAL ALTERNATIVE and meet the requirements of the Land Use Management Ordinance *Section 3.6.3 Resource Conservation District*.
33. Repairs in Public Right-of-Way: Prior to issuance of **third** Zoning Final Inspection, the developer shall repair all damage for work in the **existing** public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
34. OWASA Approval: Prior to issuance of a **Final Plat**, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
35. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete **or a performance bond has been provided to the Town to insure that improvements will be completed in accordance with Town Standards**. A note to this effect shall be placed on the final plat.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements



required in previous phases are completed to a point adjacent to the new phase. A note to this effect shall be placed on the final plats.

36. **As-Built Plans:** Prior to the **issuance of last Certificate of Occupancy**, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]
37. **Vested Right: Approval of a Conditional Zoning District and the associated district-specific plan constitutes a site specific development plan establishing a vested right. During the period of vesting, this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.**

### **TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS**

The following standard stipulations are supplemental to site-specific conditions as set by Town Council-approved resolution. Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Conditional Zoning.

#### Access

38. **Accessibility Requirements:** Prior to issuance of a Zoning Final Inspection, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

#### Transportation

39. **Bicycle Parking:** Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
40. **Parking Lot:** Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
41. **Parking Lot Landscape and Screening:** The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
42. **Driveway Permit:** The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.

43. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
44. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
45. Sight Distance Triangles: Prior to issuance of a Zoning Final Inspection, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
46. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
47. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
48. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

#### Landscaping and Building Elevations

49. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
50. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
51. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
52. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage

areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]

53. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
54. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
55. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
56. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).

#### Environment

57. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]
58. Phasing Plan: If phasing of the project is proposed, then the applicant shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Zoning Final Inspection. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans. [LUMO 4.5.3]
59. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the project, then a performance guarantee in accordance with *Section 5-97.1 Bonds* of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [Town Code 5-98]
60. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
61. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]

62. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]
63. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
64. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
65. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
66. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Zoning Final Inspection. [Town of Chapel Hill Design Manual]
67. Performance Guarantee: A performance and maintenance guarantee in an amount satisfactory to the Town Manager shall be provided to meet the requirement of *Section 4.9.3, Performance and Maintenance Guarantees* of the Land Use Management Ordinance prior to the approval of final plat recordation. Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance [LUMO 4.9.3]

#### Water, Sewer, and Other Utilities

68. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
69. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan;

providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]

70. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
71. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

#### Homeowner Association

72. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with *Section 4.6.7 Neighborhood or Homeowners' Associations* of the Land Use Management Ordinance. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
73. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
74. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. The Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until the NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
75. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

#### Fire Safety

76. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]

77. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC 2018, 503.2.7, 503.2.8 and D103.2]
78. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
79. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
80. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
81. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
82. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
83. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
84. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]

85. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
86. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
87. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]
88. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC 2018 Section 501.5.1.1]
89. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
90. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
91. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
92. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
93. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
94. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by

the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]

95. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

#### Solid Waste Management and Recycling

96. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager and Orange County Solid Waste (OCSW). The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]
97. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
98. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

#### State and Federal Approvals

99. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]
100. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT. [NC Department of Transportation]

#### Miscellaneous

101. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction



management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [Town Design Manual Chapter 10]

102. Traffic and Pedestrian Control Plan: The developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the developer must apply to the Town Manager for a lane or street closure permit. [Town Code 17-42]
103. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
104. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
105. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
106. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
107. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Zoning Final Inspection.
108. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
109. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

110. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

111. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED that the Council hereby approves the application for Conditional Zoning for Bridgepoint at 2214 and 2312 Homestead Road.

This the \_\_\_\_ day of \_\_\_\_\_, 2020.