

DRAFT 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 (R-5-CZ) (PROJECT #20-001)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Advanced Civil Design, Inc, to rezone a 9.2-acre parcel located at 2214 and 2312 Homestead Road on property identified as Orange County Property Identifier Numbers 9870-91-4489 and 9870-91-9528, 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 (R-5-CZ) according to the rezoning plan dated July 22, 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 and Managed Use zones are limited to 40% disturbance. The applicant is proposing to disturb 26,098 sq. ft. (79%) of the Upland zone and

19,664 sq. ft (55%) of the Managed Use 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.

- 2) Section 5.3.2 Steep Slopes:** The applicant is proposing to exceed 25% of the area containing 25% 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 25% or greater that 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% or greater is only 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 applicant is providing five affordable homes which equates to 10.41%. This is less than the 15% 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% 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. To be determined by discussion with Council.

- 4) Section D103 of the North Carolina Fire Prevention Code:** The applicant 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.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree.

CONDITIONAL USES

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 (R-5-CZ).

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) 9870-91-4489 and 9870-91-9528, described below, shall be rezoned to Residential-5-Conditional Zoning (R-5-CZ):

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.

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 _____ (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 ___ days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

| Land Use Intensity Townhouse Development | |
|--|-------------------------------|
| Gross Land Area | 399,975 sf |
| Maximum Floor Area | 121,192 sf |
| Maximum Dwelling Units | 53 |
| Minimum Affordable Units | ____ (Modification requested) |
| Total Impervious Surface | 154,188 sf |
| Maximum Land Disturbance | 374,616 sf |
| Minimum Recreation Area | 19,999 sf |
| Resource Conservation District Upland Zone land disturbance | 26,098 sq. ft. (79%) |
| Resource Conservation District Managed Use Zone land disturbance | 19,664 sq. ft (55%) |

4. Affordable Housing Plan/Performance Agreement: That prior to the issuance of a Zoning Compliance Permit, the applicant must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the applicant, 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. 15% of the market rate units
- b. The applicant will construct affordable unit(s) on-site that will be priced at half of the units available to households earning 65 percent of the AMI and half of the units available to households earning 80 percent of the AMI.
- c. The applicant will provide partial payment-in-lieu to fulfill the affordable housing requirement for any fraction of a unit in accordance with the payment amount established by the Town Council.
 - i. The payment shall be made to the Town's Affordable Housing Fund.
 - ii. Payment must be received prior to issuance of the first Certificate of Occupancy.
- d. 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.
- e. 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 applicant shall provide the following:
- a. 15 percent of the market rate homes (7 proposed with the fractional amount provided as a payment-in-lieu)
 - 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 July 22, 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: That 40 percent of the affordable housing shall be completed prior to Certificate of Occupancy of the half of the market rate dwelling units. The remaining affordable dwelling units to be completed prior to Certificate of Occupancy of 90 percent of the market rate dwelling units.

7. Traffic Signal Upgrade: Prior to issuance of the Certificate of Occupancy, the developer shall upgrade the traffic signal at Homestead Road and Weaver Dairy Road Ext with pedestrian crosswalks/amenities including APS equipment and high visibility crosswalks and bicycle activated loops. That the design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to a Zoning Compliance Permit.
8. Street Lighting: Prior to issuance of the Certificate of Occupancy, the developer shall design and install street lighting along the site frontage on Homestead Road and Weaver Dairy Road Ext. That the design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to a Zoning Compliance Permit.
9. Pedestrian Signage: Prior to issuance of the first Certificate of Occupancy, pedestrian warning signage to alert drivers as they enter and circulate through the development. Speed limit signage internal to the development shall also be posted at 15 mph.
10. Sidewalk Connection: Prior to issuance of a Zoning Compliance Permit, the plans shall include a sidewalk connecting the parking lot (east end of Street C) to Street A sidewalk in the vicinity of the site entrance.
11. Bicycle Facility: Prior to issuance of a Zoning Compliance Permit, plans shall include a southbound bicycle facility along Weaver Dairy Rd. Extension from where the existing bike lane ends to the Homestead Rd intersection. This could be an extension of the bike lane, or modifying the proposed sidewalk to be a 10' multiuse path with a safe transition between the bike lane and the path.
12. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, bicycle parking provided in accordance with LUMO and the Design Manual. A total of 13 bike parking spaces are required for the plans as currently shown (1 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.
13. Community Design Commission: The Community Design Commission shall review and provide recommendation on building elevations and site lighting and shall review and approve any alternate buffer requests prior to issuance of a Zoning Compliance Permit.
14. Construction Trailer: Prior to issuance of a Zoning Compliance Permit, the plans shall include construction trailer location.
15. NCDOT Approvals: Prior to issuance of a Zoning Compliance Permit, it will be necessary to obtain a 3-party encroachment agreement for sidewalk, paths, and landscaping if applicable. It will also be necessary for a 3-party encroachment agreement for utility connections along Homestead Road. OWASA will need to sign as a third party.
16. 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.
17. Recreation Area: Prior to issuance of first Certificate of Occupancy, a payment-in-lieu

equaling 25% of all Recreation Space requirements be made, unless this requirement is waived by the Council. The current payment for this type of project would be \$12 per square foot.

18. 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 demolition plan or call out abandonment on utility plan.
19. Water and Sewer Extension: All water and sewer main extensions must be approved by NCDEQ prior to issuance of a Zoning Compliance Permit.
20. Fire Lane Signage: Fire lane signs as specified in 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.

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

21. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

Transportation

22. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage, if applicable. [LUMO 4.5.2]
23. 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]
24. 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]
25. 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]
26. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage on Homestead Road and Weaver Dairy Road Extension. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT), as applicable.

27. 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.
28. 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.
29. 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]
30. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
31. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
32. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the 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]
33. 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]
34. 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

35. 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]
36. 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]

37. 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]
38. 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]
39. 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]
40. 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]
41. 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.
42. 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).
43. Lighting Plan Review: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
44. Community Design Commission Review: The Community Design Commission shall review the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

45. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.

46. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]
47. 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]
48. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
49. 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]
50. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
51. 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]
52. 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 Certificate of Occupancy. [Town Design Manual Chapter 10]
53. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Conditional Zoning Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the developer when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]

54. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Recreation

55. Recreation Space (Multi-Family): A minimum of 25 percent of the required Recreation Space for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.
56. Recreation Area (Subdivision): A minimum of 25 percent of the required Recreation Area for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

Water, Sewer, and Other Utilities

57. 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]
58. 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]
59. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
60. 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]
61. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]

62. 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.

Fire Safety

63. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
64. 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]
65. 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]
66. 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.
67. 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]
68. 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.
69. 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]
70. 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 DOT APPROVAL]

71. 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.
72. 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 DOT APPROVAL]
73. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
74. 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]
75. 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]
76. 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]
77. 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]
78. 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]
79. 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]

80. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
81. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
82. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
83. 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.
84. 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]
85. 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]
86. 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

87. 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]

88. 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]
89. 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.

Stipulations Related to Homeowners' Association

90. 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 of the Land Use Management Ordinance. That the Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
91. 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.
92. 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.
93. 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.

State and Federal Approvals

94. 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]

95. 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 NC Department of Transportation. [NC Department of Transportation]

Miscellaneous

96. 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]
97. 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]
98. 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]
99. 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]
100. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
101. 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]

102. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.

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.

103. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
104. 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.
105. As-Built Plans: Prior to the issuance of a 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]
106. Vested Right: This Conditional Zoning Permit constitutes a site specific development plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance. 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.
107. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
108. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
109. 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 ____th day of _____, 2020.