

**The Development Agreement contains several different sections (Articles) with distinct purposes as outlined below.**

**Article 1: Statutory Framework**

<b>Topic</b>	<b>Purpose/Questions to be answered</b>	<b>Standards</b>
<b>Statutory Framework</b>	Identify Regulatory Frameworks & Standards the Development Agreement meets.	Applicable State, Local, and other statutes.

**Article 2: Definitions**

<b>Topic</b>	<b>Purpose/Questions to be answered</b>	<b>Standards</b>
<b>Definitions of Terms in the Development Agreement</b>	Do certain terms have specific definitions for the purpose of the Development Agreement?	Use definitions from previous Development Agreements and compare University and Local terminology.

**Article 3: Recitals**

<b>Topic</b>	<b>Questions to be answered</b>	<b>Standards</b>
<b>Guiding principles</b>	What are the intents behind the project and requirements?	<ul style="list-style-type: none"> <li>• Incorporate guiding principles.</li> <li>• Connect principles with design process and technical information.</li> <li>• Use principles to inform future decisions about the intention and implementation of the project.</li> </ul>
<b>Lists benefits to both parties</b>	How is this beneficial to the Town?	Coordination of Town services and training in the future because of co-location within building.
	How is this beneficial to the University?	Ability for Town services to support future University activities at Carolina North and Giles Horney complex.
<b>Description of review/approval process</b>	What was the process used to create this development agreement?	Lists meetings, events, and process that led to the development agreement standards.
<b>Why parties are entering into agreement?</b>	The benefits are worth the long-term agreement to the Town, community, and the University.	Coordinate the investments of Town and State resources.

	Mutual interests are met.	Plan for efficient opportunities to expand and coordinate over time
<b>Description of public hearing process</b>	Describe how the statutory requirements to enter into a Development Agreement have been met.	Lists specific dates, meetings, public hearing, and action.

**Article 4: Terms**

This section contains the bulk of the standards and metrics. Recognizing the long-term nature of these Agreements, the Development Agreement may point to other standards, set up thresholds or triggers for mitigation measures, or establish a procedure for determining and meeting a standard in the future.

<b>Topic</b>	<b>Questions to be answered</b>	<b>Standards</b>
Term of agreement (time)	How long will the agreement be valid, will it be renewable, and if so, under what conditions?	Cite statute standards and agreement between Town and University.
Laws in effect	Which local laws will govern the project in the absence of a more specific standard in the development agreement?	LUMO in effect at the time of the agreement.
Development and Schedule for review of individual building	How are individual buildings reviewed for compliance with the Development Agreement?	Identifies process for Site Development Permit (SDP).
Local permits	Identify where University will be subject to State requirements, not local.	
	Identify where Town is subject to State requirements due to state land.	
	Utilities	<ul style="list-style-type: none"> <li>• Each party to the agreement will be responsible for its own utilities.</li> <li>• Town cannot buy power from the University.</li> </ul>
Construction management plan	What standards will be met for individual buildings?	Identifies the components of a construction management plan and additional permitting processes associated with it.
Amendments and modifications	What if we need to make a change to the standards in the Agreement?	<ul style="list-style-type: none"> <li>• What constitutes a major modification to the agreement?</li> </ul>

		<ul style="list-style-type: none"> <li>• What constitutes a minor modification?</li> <li>• What is the process for requesting or reviewing/approving each?</li> </ul>
Periodic compliance review and enforcement	What are the requirements for ensuring compliance with the Agreement?	<ul style="list-style-type: none"> <li>• Identifies requirements for annual reporting according to the State Statutes.</li> <li>• Identifies public notification processes for the reporting.</li> </ul>

**Article 5: Specific standards and mitigation measures**

Topic	Questions to be answered	Standards	Draft Text
<b>5. Scale of development approved</b>			
5.1	General Location and Use of Buildings	<ul style="list-style-type: none"> <li>• General site layout map</li> <li>• Land area</li> <li>• Total floor area</li> <li>• Building square footage</li> <li>• Impervious surface area</li> </ul>	a. The scale of development for the Property shall be consistent with the conceptual site plan. b. Permitted Land Uses are listed as an exhibit. c. Buildings up to 4 stories in height are permitted d. A maximum of 200,000 square feet of gross floor area is permitted for the Project.
5.2	Timing of development	How long is the development expected to take? (by phase)	a. Development is anticipated to occur in separate phases through the Term of the agreement. b. Each occupied building will apply for an administrative Site Development Permit.
5.3	Phasing of Town project(s)	Identifies which buildings and infrastructure components are associated with each anticipated phase for Town use.	a. The first phase of development is anticipated to be the Municipal Services Center. Land disturbance shall be limited to the extent possible to only allow earthwork where necessary for development in the first phase of development and site infrastructure. The first phase shall include construction of the building with ancillary infrastructure serving the building and the following improvements: <ul style="list-style-type: none"> <li>• Construction of an internal access road with two points of access on Estes Drive.</li> <li>• Stormwater Control Measures, as specified in the Stormwater Management Report, to treat stormwater for the entire Project Area.</li> </ul>

			<ul style="list-style-type: none"> <li>• Vegetation planting to provide screening and buffering of the first phase of development, and any additional buffer areas that would not be negatively impacted by future phases of construction</li> <li>• Parking to serve the Municipal Services Center.</li> </ul> <p>b. If the first phase of development is for a use other than the Municipal Services Center only one site access may be constructed or as otherwise determined by the Transportation Analysis required for that phase of development.</p>
5. 4	Phasing of University project(s)	Identifies which buildings and infrastructure components are associated with each anticipated phase for University use.	<p>The first building will provide certain above and beyond infrastructure (stormwater and access) and every subsequent building is expected to provide its own screening, infrastructure, utilities, and parking.</p> <p>Each phase of Development constructed by the University shall provide infrastructure associated with building development and the following improvements:</p> <ul style="list-style-type: none"> <li>• Vegetation planting to provide screening and buffering of the first phase of development.</li> </ul>
<b>6. Preservation of open space and natural areas</b>			
	Which areas are preserved or left natural?	<ul style="list-style-type: none"> <li>• Identifies areas of the property anticipated to be preserved as open space through the development agreement.</li> <li>• Identifies uses allowed in the open space and natural areas such as paths and infrastructure access.</li> </ul>	<ul style="list-style-type: none"> <li>• A minimum buffer of 100' along the southern and eastern boundary of the property shall remain undisturbed except for the minimum disturbance required to install a sanitary sewer connection to Hartig Street and walking paths as generally shown on conceptual site plan.</li> <li>• The development shall provide a 100' natural buffer. The following may be permitted within the buffer area:             <ul style="list-style-type: none"> <li>○ Planting of new vegetation on the interior side of the buffer.</li> <li>○ Walking Trails</li> <li>○ Bollard Lighting along trails (and associated utilities)</li> <li>○ Forest Education or other passive use of the wooded area that does not cause aural, visual, or other nuisance.</li> <li>○ Any utility connections that must connect to the south or east.</li> <li>○ Any stormwater mitigation that may be required to reduce impact on the surrounding neighborhood.</li> </ul> </li> <li>• A minimum 50' buffer shall be provided surrounding any intermittent streams and the buffer shall be encroached only to allow road and infrastructure crossings.</li> </ul>

7. Stormwater management			
7.1	General Standards for stormwater treatment	<ul style="list-style-type: none"> <li>Identifies schedule for building stormwater infrastructure</li> <li>Lists standards for stormwater treatment</li> <li>Requires that individual building applications (SDP) demonstrate compliance with overall standards and requirements</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater Control Measures calculated to treat the maximum impervious surface of the entire Property shall be submitted with the initial Site Development Permit application.</li> <li>Stormwater management shall be integrated into the site, building, and landscape design, with stormwater management strategies coordinated and applied in a comprehensive manner across the entire Project.</li> <li>The Conceptual Site Layout in Exhibit A shall show the general location of impervious surfaces in the Development.</li> <li>Prior to issuance of a Site Development Permit, the Applicant must submit a Stormwater Management Plan for the Project which clearly identifies the stormwater impacts associated with the proposed new development and clearly documents how those stormwater impacts are proposed to be mitigated by the improvements proposed in the application. Stormwater Management Plans shall clearly demonstrate compliance with the design criteria specified in this Agreement, applicable NPDES permit requirement, and applicable University, Federal and State rules.</li> </ul>
7.2	Erosion and Sediment Control standards	<ul style="list-style-type: none"> <li>Threshold</li> </ul>	<ul style="list-style-type: none"> <li>Erosion and Sediment Control: Construction at the Property shall comply with applicable soil and erosion control regulations of Orange County Erosion Control design manual and Chapter 5 Article 5 of Town's Code of Ordinance. An erosion and sedimentation control plan shall be developed for all Site Development Permits above 20,000 square feet and copies sent Orange County Erosion Control Division and the Town's Stormwater staff.</li> </ul>
7.3	Treatment baseline is current LUMO standards and Jordan Lake Standards University's master permit Identifies any external permit requirements such as NPDES permit requirements,	<ul style="list-style-type: none"> <li>Specific standards</li> </ul>	<ul style="list-style-type: none"> <li>Peak Discharge Rate Limits: The post-development stormwater runoff peak discharge rate shall be controlled such that the post-development runoff peak discharge rate at all locations where stormwater runoff exits in the Project (or at other points designated in the conceptual plan), shall not exceed the pre-development (existing conditions) stormwater runoff peak discharge rate for the local 1-year (2.88 inches), 2-year (3.60 inches), and 25-year (6.41 inches), 24-hour duration storm events. Stormwater management will be provided in bio-retention basins and will exceed the minimum Town stormwater management requirements. Stormwater management will exceed the 25-year, 24-hour storm event and the exact volume control shall be determined when final engineering is performed. The project aims to provide maximum stormwater volume control using bio-retention basins located within the proposed development footprint.</li> <li>2-Year Volume Control: At each location where the stormwater exits the Project,</li> </ul>

	Federal and State rules		<p>the difference in the runoff volume generated by 2- year (3.60 inches) frequency, 24-hour duration storm event in the post-development conditions and runoff volume generated by the same storm event in the pre-development conditions shall be managed on-site and released over a period of 2 days to 5 days.</p> <ul style="list-style-type: none"> <li>• 85% Total Suspended Solids (TSS) Removal: All post-development stormwater runoff resulting from the first one inch of precipitation shall be treated to remove 85% of total suspended solids of all new impervious surfaces resulting from development of the entire Property. Stormwater treatment facilities will be designed according to the North Carolina Department of Environment and Natural Resources (NCDENR) Stormwater Best Management Practices Manual as modified by the Town of Chapel Hill; the Town of Chapel Hill Design Manual, as amended; and any future written design guidance approved by both the Town and NCDENR.</li> <li>• Nutrient Export Limitation per Jordan Watershed Stormwater Management for Development. Nitrogen and Phosphorus exported from the Property shall not exceed 2.2 pounds/acre/year and 0.82 pounds/acre/year respectively. Alternatively, Development shall be considered in compliance with the nutrient export limits of the Jordan Lake Rules if it can be demonstrated that development will result in 35% and 5% reduction in nitrogen and phosphorus export, respectively, compared to the existing conditions at the Property. All other aspects of the “Jordan Watershed Stormwater Management for New Development”, as specified in Section 5.19 of the LUMO including provisions for offset payments, maintenance bond and annual inspection report shall apply to Development and as amended by the Town and NCDENR.</li> <li>• The development shall meet the Jordan Lake Rules in place at the time of approval of the Development Agreement.</li> <li>• That Stormwater runoff from the site shall be reused whenever possible.</li> <li>• Alternative rainwater collection, such as the use of cisterns, shall be encouraged and may count toward calculated stormwater volume storage requirements.</li> </ul>
7.4	Maintenance	<ul style="list-style-type: none"> <li>• Identifies a schedule and method for periodic inspection and maintenance of stormwater facilities</li> </ul>	<p>Upon completion of each SDP, the Town shall receive:</p> <ol style="list-style-type: none"> <li>a) A recorded Stormwater Facility Agreement for all stormwater management facility (ies), and their maintenance access locations. The maintenance access must be shown and/or described in the Stormwater Facility Agreement. The following information must be included in the Stormwater Facility Agreement:             <ol style="list-style-type: none"> <li>1. All engineered stormwater management control, treatment, and conveyance</li> </ol> </li> </ol>

			<p>structures located on or below the ground shall be contained within an easement entitled: "Reserved Stormwater Facility accessible from the public right- of-way and have an access route and maintenance area reserved from any future development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.</p> <ol style="list-style-type: none"> <li>2. The Reserved access route and maintenance area and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager</li> <li>3. The Reserved access route and maintenance area and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.</li> <li>4. A copy of the recorded maintenance covenant (“Operations and Maintenance Plan”), signed by the owner and recorded by the County Register of Deeds, for the stormwater management facility (ies). The Operations and Maintenance Plan must include a description of the device or structure, an inspections checklist, and operating and maintenance procedures. The plan should identify contact information, who will perform the inspections, frequency of inspections, inspections and maintenance logs, any specific equipment needs or certifications (e.g., confined space certification), action levels or thresholds (e.g., remove sediment after depth exceeds one foot), and disposal methods.</li> <li>5. Certified as-built plans, signed and sealed by a North Carolina-registered Professional Land Surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping, and stormwater management structures. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.</li> <li>6. Certification, signed and sealed by a North Carolina-registered Professional Engineer, that the stormwater management facility (ies) was/were constructed in accordance with the approved plans and specifications.</li> </ol> <ul style="list-style-type: none"> <li>• Proposed covered parking/underground parking areas will require oil/water separator in the parking deck to collect the runoff prior to discharge into the sanitary sewer. No area drains in the parking deck shall discharge to the proposed stormwater control measures.</li> <li>• The sumps of hydraulic elevators, if proposed, shall be connected to</li> </ul>
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			<p>sanitary sewer.</p> <ul style="list-style-type: none"> <li>Discharge of dewatered water from excavated areas will require approval of Stormwater Management Division of the water quality prior to pumping into storm sewer pipes.</li> </ul>
8. Transportation: transit, parking , streets, sidewalks, bikeways, and greenways			
8.1	General improvements	<ul style="list-style-type: none"> <li>Typically illustrated with an exhibit showing the general location of vehicle, bicycle, pedestrian, and bus amenities on the site.</li> </ul>	<ul style="list-style-type: none"> <li>The general site layout provides a plan for vehicle, bicycle, pedestrian, and bus amenities on the site. The exact location of each improvement may vary slightly as demonstrated by each SDP.</li> </ul>
8.2	Specific improvements tied to levels of development Includes reference to estimated trip generation numbers for the project	<ul style="list-style-type: none"> <li>Identifies specific roadway or transportation improvements required for the operation of the Municipal Services Center</li> <li>Identifies thresholds for future study of the transportation network with future buildings and a process for reviewing and agreeing to improvements associated with future phases of development on the site</li> </ul>	<ul style="list-style-type: none"> <li>A Transportation Impact Analysis was performed for the first phase of development, the Municipal Services Center. Impacts associated with that building were studied and determined for this agreement.</li> <li>An internal access road with two accesses on Estes Drive shall be constructed with the Municipal Services Building. If a different building is constructed first, a new TIA shall be conducted to determine if different impacts and mitigation measures shall be required. TIAs shall be submitted and reviewed by Town staff prior to the issuance of the associated SDP.</li> <li>A subsequent TIA will be performed for each subsequent SDP that results in an increase of daily trip generation of greater than 500 trips, or 250 vehicles per day, whichever is less.</li> <li>The cost of a Transportation Impact Analysis shall be borne by the applicant for the future SDP.</li> </ul> <p><u>Specific Improvements:</u></p> <ul style="list-style-type: none"> <li>Construction of the Municipal Services Center shall include these specific improvements::                             <ol style="list-style-type: none"> <li>Widen Estes Drive Extension as necessary along the length of site frontage to provide a exclusive westbound left-turns lanes into the site at the two proposed site driveway intersections. This improvement improves operations for stop-controlled movements at both intersections and improves overall safety</li> </ol> </li> </ul>

			<p>by removing the left-turn movements from the through traffic streams along the Estes Drive Extension.</p> <p>2) Provide a bus stop and transit amenities to service the proposed Municipal Services Center.</p> <p><u>Coordinate with other NCDOT and Town or University funded projects to widen Estes Drive Extension between the proposed site frontage and the NC 86 (Martin Luther King Jr. Blvd.) intersection to a consistent three-lane cross-section. These improvements should be coordinated with the design of the NCDOT pedestrian and bicycle improvement project along the Estes Drive Extension corridor.</u></p> <ul style="list-style-type: none"> <li>• Greenway connections to Hartig Street and an internal path network shall be constructed with the initial SDP.</li> <li>• Each Site Development Permit will include information about the phasing of the appropriate connections and infrastructure to support occupancy of each building.</li> </ul>
8.3	Vehicular Parking	Allowed Vehicular Parking, Shared Parking	<ul style="list-style-type: none"> <li>• A total of 615 parking spaces may be permitted for the entire project.</li> <li>• Individual SDP applications shall demonstrate an adequate amount of vehicle parking for the proposed use, including handicapped and visitor spaces.</li> <li>• The applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans with Disabilities Act standards, North Carolina Building Code, American National Standards Institute (ANSI) Code, and Town standard.</li> <li>• Prior to issuance of a Certificate of Occupancy, the Applicant shall construct the proposed surface parking lot to Town standard for dimensions and pavement design and the Applicant shall construct the proposed parking deck to National Parking Association standards or to another nationally accepted standard that may be approved by the Town Manager.</li> <li>• A shared parking model may be provided with each Site Development Permit application.</li> </ul>
8.4	Bicycle Parking	Bicycle Parking Requirements	<ul style="list-style-type: none"> <li>• The town shall comply with LUMO bicycle parking requirements.</li> <li>• Bicycle parking will be located in close proximity to open-air building entrances deck to allow riders easy ingress and egress. If sheltered bicycle parking is provided within the parking garage it shall be located near the building entrance.</li> </ul>

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			<ul style="list-style-type: none"> <li>• The University will be meet UNC campus standards for bicycle parking</li> <li>• Prior to the issuance of a Site Development Permit, the Applicant shall provide the Town with an agreed upon bicycle parking plan for the Project that addresses the quantity and locations of bicycle parking for the site.</li> </ul>
8.5	Transportation Management Plan	Submittal, monitoring of a TMP	<ul style="list-style-type: none"> <li>• A Transportation Management Plan (TMP) shall be submitted or updated with each Town or University SDP application. Each Town or University building is encouraged to have its own TMP Champion. The TMP shall contain the checklist items as of the Effective Date, and an annual report shall be submitted to the Town.</li> </ul>
8.6	Transit	Location of stop, stop features, timing	<ul style="list-style-type: none"> <li>• A bus shelter shall be constructed with the first SDP as shown on the site layout plan.</li> </ul>
8.7	Relationship to Carolina North improvements	Links general improvement triggers and thresholds to Carolina North thresholds and improvements	<ul style="list-style-type: none"> <li>• During each SDP review, the Town will consider whether any improvements have been constructed according to the Carolina North DA and whether they offset the need for separate improvements on this site. A TIA considering current conditions and expected growth at the time of SDP application shall be the basis for this evaluation.</li> </ul>
<b>9. Fiscal impacts</b>			
9.1	Payments for improvements, operating costs, shared costs	<ul style="list-style-type: none"> <li>• Identify how the Town and University will identify and manage shared costs through a cost-share agreement, lease, or other arrangement.</li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
9.2	Before shared costs are triggered	<ul style="list-style-type: none"> <li>• What is the Town’s responsibility?</li> <li>• Identify mechanism for tracking, and pro-rating cost of improvements.</li> <li>• Is there an oversight body?</li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
9.3	After shared costs are triggered	<ul style="list-style-type: none"> <li>• How is “payment” made?</li> </ul>	<ul style="list-style-type: none"> <li>• The Town shall maintain the property as long as it is the sole user on the property.</li> <li>• Establish cost-sharing structure once the site is occupied.</li> </ul>

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		<ul style="list-style-type: none"> <li>• How is maintenance addressed?</li> </ul>	
9.4	Cost/reimbursement considerations here or in fiscal (could be cross reference)	<ul style="list-style-type: none"> <li>• Identify a cost-share mechanism between Town and University for Town to build stormwater infrastructure up-front and future cost-sharing.</li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
<b>10. Energy</b>			
10.1	What level of design and efficiency will be met?	Energy or sustainability metric(s)	<ul style="list-style-type: none"> <li>• The Town shall strive for LEED Certification in the design process.</li> </ul>
10.2	Water use, reuse and reclamation and utility siting.	Identifies location and metrics.	<ul style="list-style-type: none"> <li>• Graywater use for reclamation and irrigation shall be encouraged.</li> <li>• A sanitary sewer connection shall be permitted to Hartig Street.</li> </ul>
<b>11. Design standards and public art</b>			
	What role do oversight bodies have in the review of final building locations and elevations?	Identify state requirements for building review.	<ul style="list-style-type: none"> <li>• The final location and design of buildings shall be reviewed by UNC Chapel Hill staff, and subject to the appropriate University review entities such as the UNC Development Review Committee and the University Board of Trustees.</li> <li>• The final location and design of buildings shall be reviewed by Town Planning staff</li> </ul>
<b>12. Police, Fire, EMS and facilities</b>			
12.1	How are joint or shared facilities managed?	University and Local role.	<ul style="list-style-type: none"> <li>• The Town and University police, fire, and emergency medical service providers will provide services under the generally applicable arrangements for jurisdiction and operations on University-owned property. In general, for University-owned property the University provides police services, the Town provides fire services, and Orange County provides most emergency medical services. This Agreement shall not be deemed to restrict changes in these jurisdictional arrangements as may from time to time be mutually agreed to by the service providers.</li> </ul>

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12.2	Future Fire Station	Process for review and approval	<ul style="list-style-type: none"> <li>The Site Plan includes a future fire station. Review and approval of any additional conditions associated with that future use shall go through a public modification of the Development Agreement at the time a station is needed.</li> </ul>
<b>13. Greenways</b>			
	How does this project connect to the overall network of improvements?	<ul style="list-style-type: none"> <li>Identifies location</li> <li>Identifies schedule or triggers for constructing improvements</li> <li>Trail material</li> </ul>	<ul style="list-style-type: none"> <li>A greenway shall be constructed along the property frontage and to Hartig Street in general conformance with the location shown on the general site layout plan.</li> <li>Site greenways shall be constructed with the first phase of development.</li> <li>Site greenways shall be constructed to American with Disabilities Act (ADA) standards.</li> <li>All pedestrian, bicycle, and greenway facilities within the Property shall be designed and constructed to meet Town standards unless otherwise approved by the Town Manager.</li> </ul>
<b>14. Historic and Cultural features</b>			
	Do Historic and Cultural Features exist?	<ul style="list-style-type: none"> <li>Required element by state statute.</li> </ul>	<ul style="list-style-type: none"> <li>An archaeological study was performed and no significant features found.</li> </ul>
<b>15. Solid Waste Management</b>			
15.1	During construction?	<ul style="list-style-type: none"> <li>Who is responsible for construction waste management and recycling?</li> <li>What are the standards?</li> </ul>	<ul style="list-style-type: none"> <li>Construction waste shall be managed in accordance with Town standards and with the Orange County Regulated Materials Ordinance.</li> </ul>
15.2	During occupancy?	<ul style="list-style-type: none"> <li>Who is responsible for routine waste and recycling?</li> </ul>	<ul style="list-style-type: none"> <li>Site Development Permit. Each individual Site Development Permit shall provide clear direction on who will provide solid waste service for each building and each building will be designed for private waste collection.</li> </ul>
<b>16. Stream Buffers</b>			
	What are the standards protecting streams?	<ul style="list-style-type: none"> <li>Identify stream types (typically through a stream determination as appendix)</li> </ul>	<ul style="list-style-type: none"> <li>Development shall be consistent with the Resource Conservation District regulations of the Town applicable as of the date of this Agreement. All activities designated as permitted uses or special uses in Table 3.6.3-2 of the LUMO that are consistent with this Agreement shall be designed in compliance with this Section.</li> </ul>

			<ul style="list-style-type: none"> <li>The Town or University may perform and use a stream determination for future development provided that it does not result in a substantial change in the location of buildings and infrastructure shown in Exhibit A.</li> </ul>
<b>17. Trees and landscaping in developed areas</b>			
	What will be protected, removed, or planted on the project?	<ul style="list-style-type: none"> <li>Identify permitted/unallowable species for plantings.</li> <li>Set any specific standards or requirements for plantings, maintenance, and location of plantings.</li> </ul>	<ul style="list-style-type: none"> <li>Non-invasive plant species shall be used in plantings.</li> <li>The developed area shall be planned to support a low maintenance, low water use, low fertilizer use landscape with ‘best suited’ plant materials.</li> <li>Landscape Protection plans and Planting Plans for individual site development permit applications shall identify existing and proposed tree canopy mix and percent coverage, and landscape materials. Irrigation is proposed, controls shall utilize smart technology to conserve water.</li> <li>Continuous tree protection fencing be shown at the limits of disturbance on the demolition and grading plans. Fencing must be installed and inspected prior to any site work or clearing.</li> </ul>
<b>18. Neighboring lands, compatibility, buffers</b>			
	How will the proposed use be compatible with adjacent properties?	<ul style="list-style-type: none"> <li>Establish required buffers.</li> <li>Identify points of access or connection between properties</li> </ul>	<ul style="list-style-type: none"> <li>Development shall strive to be compatible with existing adjacent development and will be appropriately buffered. Development near existing neighborhoods shall respect buffers, height limits, lighting, drainage, noise impacts.</li> <li>A minimum of a 100’ buffer shall be maintained along the southern and eastern boundary.</li> <li>A planting mix or density is not prescribed for the southern or eastern buffer.</li> <li>The landscape buffer may be interrupted for utility access, or for the use of Greenways.</li> <li>A landscape buffer is not required along Estes Drive.</li> </ul>
<b>19. Sedimentation</b>			
	What are the sedimentation control standards?	<ul style="list-style-type: none"> <li>What are the metrics?</li> <li>Who approves and monitors erosion control measures?</li> </ul>	<ul style="list-style-type: none"> <li>The Town shall comply with all applicable State and local soil and erosion control regulations, and shall be responsible for implementing erosion and sedimentation control measures for all land disturbing projects.</li> </ul>
<b>20. Noise</b>			
	How will noise impacts be managed?	<ul style="list-style-type: none"> <li>Set standards for measuring noise impacts including mechanical screening</li> </ul>	<ul style="list-style-type: none"> <li>The Town’s Noise Ordinance shall apply to the Development during construction and occupancy of the Property.</li> <li>As provided in Section 4.9, prior to issuance of a Site Development Permit the Applicant shall include a construction management plan that provides the following noise-mitigation information at a minimum:</li> </ul>

		<p>and location of noise-generating equipment.</p> <ul style="list-style-type: none"> <li>Establish process for identifying or addressing complaints.</li> </ul>	<ul style="list-style-type: none"> <li>i. Indicate how the project construction will comply with the Town’s Noise Ordinance; and</li> <li>ii. Provide a phone number for noise notifications during the construction period.</li> </ul> <ul style="list-style-type: none"> <li>The Applicant shall post a sign on-site where the Development is to occur stating that noise issues can be reported by calling the posted phone number.</li> <li>Complaints regarding compliance with the noise ordinance during construction shall be handled by the Town for Town projects, and by the University for University projects.</li> </ul>
<b>21. Lighting</b>			
	<p>How will lighting be managed?</p>	<ul style="list-style-type: none"> <li>Set standards for measuring light impacts.</li> <li>Set requirements for types of fixtures or infrastructure requirements.</li> <li>Establish process for identifying or addressing complaints.</li> </ul>	<ul style="list-style-type: none"> <li>The project shall seek to provide sensitive lighting design that does not intrude on adjacent properties.</li> <li>All Town lighting standards in effect as of the Effective Date of this Agreement shall apply to the Municipal Services Center.</li> <li>Future projects shall meet or exceed those same standards.</li> <li>Site lighting shall be energy efficient and appropriate for the program requirements and times of use.</li> <li>Each individual site development permit application shall demonstrate no increase in lighting foot-candle levels at the adjacent property line through submittal of a photometric plan.</li> <li>Site lighting shall be energy efficient and appropriate for the program requirements and times of use.</li> <li>The Applicant shall describe in each individual Site Development Permit application how lighting for that portion of the Development is designed.</li> <li>New lighting within the Development shall comply with the following:             <ul style="list-style-type: none"> <li>i. All lighting, including that used in and around buildings, active recreation areas, parking areas, walkways, roadways, and signs, shall be designed to minimize spillover light onto property adjacent to the Property.</li> <li>ii. All lighting shall be designed to prevent glare that could impair vision and/or otherwise deteriorate normally accepted qualities and uses of property adjacent to the Property.</li> <li>iii. Outdoor lighting shall be mounted at heights no greater than fifteen (15) feet for non-cutoff lights and no greater than thirty-five (35) feet for most cutoff lights.</li> </ul> </li> <li>Photocell or motion sensor, or other energy efficient light fixtures shall be utilized across the site except for police or emergency services.</li> </ul>

22. Signs			
	Signage	Establish sign regulations.	<ul style="list-style-type: none"> <li>• Signs shall be permitted in accordance with LUMO 5.14.</li> </ul>
23. Annual Report			
	Sets standards for required annual report.	<ul style="list-style-type: none"> <li>• What will be in the annual report?</li> <li>• How will it be reviewed?</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicants shall submit to the Town Manager an Annual Report that includes the information required by this Agreement and that provides all necessary information for the Town Manager to assess their good faith compliance with the terms of this Agreement. This report shall form the basis for the Town Manager’s periodic review of the Agreement as required by G.S. 160A-400.27(a). This required report is generally referred to as the “Annual Report.”</li> <li>• The initial Annual Report shall be filed on or before [enter date] and shall report on activities from July 1, [YEAR] through June 30, [YEAR]. Subsequent reports shall be filed on or before September 1 each year and shall report on activities in the preceding fiscal year (the preceding reporting period).</li> <li>• The Annual Report shall include the specified items set forth in this Agreement and listed in this Section. The failure to include in this Section an item expressly required to be included by other Sections of this Agreement shall not relieve the Applicants of the responsibility to include that item in the Annual Report. The report may include such other items as deemed relevant by the Applicant. The Town Manager may also request inclusion of other specific information or provide for its inclusion in the following year’s Annual Report if such requested information reasonably relates to Development.</li> </ul>