

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 2510 HOMESTEAD ROAD FROM RESIDENTIAL-2 (R-2) TO RESIDENTIAL-COMMUNITY PRIORITY-CONDITIONAL ZONING DISTRICT (R-CP-CZD) (PROJECT #CZD-24-9) (20[YR-MO-DAY]/O-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by property owner DHIC, Inc. to rezone a 5.78-acre parcel located at 2510 Homestead Road on property identified as Orange County Property Identifier Number(s) 9880-11-1464, to allow development of an affordable senior multi-family development and finds that the amendment to the Zoning Atlas is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; and
- Reasonable and in the public's interest, per NCGS 160D-605;
- Warranted to achieve the purposes of the Comprehensive Plan, per Land Use Management Ordinance (LUMO) 4.4

WHEREAS, the application, if rezoned according to the district-specific plan dated March 3rd, 2025, and the conditions listed below would, per LUMO 4.4.3(f):

- 1) Conform with the applicable provisions of the LUMO 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) LUMO Section 3.6.3: Land Disturbance and Permitted Uses in the Resource Conservation District (RCD).

Modify land disturbance within the upland zone of the RCD by allowing:

RCD Zone	Maximum Disturbed Area	Additional Permitted Uses and Activities
Upland	24,000 sq. ft. (80%)	Stormwater Control Measures, fire truck turnaround, water and sewer connections, greenway and sidewalk improvements

This finding is based on a determination that the public purposes are satisfied to an

equivalent or greater degree as the parcel has significant RCD buffers, streamside zone disturbance is limited, and the land disturbance optimizes the site layout for more affordable units.

2) **LUMO Section 5.3.2(f): Steep Slopes Disturbance Limitations.**

Increase the maximum amount of steep slope disturbance from 25 percent to 30 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the disturbance is needed to consolidate development on the site and protect environmentally sensitive areas.

3) **LUMO Section 5.6: Landscaping, Screening, and Buffering.**

- a. Modify the Type "B" 10-foot landscape buffers to allow existing forested areas to satisfy all of the required buffer plantings required by the Design Manual. This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposed buffers meet the intent of reducing the visual impact of unsightly aspects of adjacent development, providing separation of spaces and establishing a sense of privacy.

CONDITIONAL ZONING DISTRICT

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the intent and purposes of the Residential-Community Priority-Conditional Zoning District (R-CP-CZD).

BE IT FURTHER 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 parcel identified by Parcel Identifier Number (PIN) 9880-11-1464, described below, along with the area extending to the centerline of the adjoining Homestead Road right-of-way, shall be rezoned to Residential-Community Priority-Conditional Zoning District (R-CP-CZD):

Being all of 6.67 acres according to the Final Plat of Loula L. Maddry and Anne M. Edwards according to Plat Book 24, at Page 132, Orange County Registry less and except:

BEGINNING at a point in the western line of the 60' Easement shown on the plat recorded in Plat Book 24, Page 132, Orange County Registry, said point being the Southeast corner of the 7.00 acre tract shown on said plat, now the property of the Grantees; and running thence from said point along and with the western line of said Easement North 11 deg. 39'00" West 166.72 feet to a point, thence North 42 deg. 20' 00" West 648.08 feet to a point in the line of property owned by Vineyard Square Homeowners Association, formerly owned by B.L. Smith Heirs; running thence with the line of the Association North 27 deg. 00' 00" East 64.13 feet to an iron in the eastern line of the said Easement, the western line of property owned by the Town of Chapel Hill; running thence with the line of the Town South 42 deg. 20' 00" East 687.17 feet to an iron; continuing thence with the line of the Town and the line of property owned by

the United Church of Chapel Hill South 11 deg. 39' 00" East 191.33 feet to a point; running thence a new line North 86 deg. 05' 00" West 60.55 feet to the point and place of beginning, containing 1.17 acres and being the part of the aforesaid Easement running along the eastern line of the 6.67 acre lot as shown on the aforesaid plat.

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 a date precisely 4 years ~~2 years~~ from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(I)]
2. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity	
Permitted Uses	Dwelling units, multi-family, over 10 units, attached or detached Customary accessory uses
Net Land Area (NLA)	251,927 sq. ft.
Gross Land Area (GLA)	273,077 sq. ft.
Maximum Floor Area	<u>60,000</u> sq. ft.
Permitted Dwelling Units	Up to 53 total units
Dimensional Regulations	Per LUMO
Minimum Affordable Units	See Affordable Housing Plan
Minimum and Maximum Vehicular Parking	Per LUMO
Minimum Electric Vehicular (EV) Parking	2 parking spaces served by EV-charging stations 21 of parking spaces designed to be EV-capable
Minimum Bicycle Parking	14 spaces
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	137,000 sq. ft.
Resource Conservation District Maximum Land Disturbance	Streamside: 6,000 sq. ft. Managed Use: 12,000 sq. ft. Upland Zone: 24,000 sq. ft.
Steep Slopes Maximum Land Disturbance	30 percent of area containing natural slopes 25% or greater
Minimum Tree Canopy Coverage	Per LUMO
Minimum Recreation Area	3,778 sq. ft. on-site

4. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.6. Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
 - a. A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.
 - b. An increase in the maximum impervious surface area, RCD maximum impervious surface area, RCD maximum land disturbance area, or steep slopes maximum land disturbance area shall constitute a major modification.
 - c. An increase in maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.
 - d.
5. Buffer Plantings: The existing vegetation of the Type "B" Buffers shall remain undisturbed, or the developer shall provide a landscape buffer that complies with the Engineering Design Manual Standards. Only hand clearing of invasive species within the buffers is permitted if existing vegetation is to remain undisturbed.

Affordable Housing

1. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units: 100 percent of the homes will be affordable units.
 - b. Pricing: 100 percent of the affordable units will be reserved for those households earning 65% or less of the area median income (AMI).
 - i. AMI will be based on income data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area.
 - Maximum rental prices shall be calculated based on 30 percent of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas) and fees required by the owner or property manager. Area Median income shall be calculated assuming 1.5 persons per bedroom.
 - Affordability Period: The affordable units will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
6. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, a performance agreement that incorporates the approved Affordable Housing Plan (see above) must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.

Environment

7. Jordan Riparian Buffer: The developer shall apply for a Jordan Buffer Authorization for any impacts in the Jordan Riparian Buffer that are not authorized by 401/404 Permits.

The developer shall demonstrate that there are no practical alternatives for the proposed impacts and comply with LUMO 5.18. A minor or major variance may be required for uses or activities not allowed per Section 5.18.

8. **Stormwater Performance Guarantee:** A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

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]

Transportation, Access, and Connectivity

9. **Transportation Improvements:** The developer shall construct the following transportation improvements stipulated by the Town and the North Carolina Department of Transportation (NCDOT):
 - a. A variable width multiuse path along the property's Homestead Road frontage from the eastern property line to the existing crosswalk at the Seymour Center Drive. The multiuse path may be located outside of the Homestead Road right of way to accommodate NCDOT requirements and the retention of the magnolia tree near the right of way boundary.

- b. The developer shall dedicate a Greenway Easement to the Town; the easement shall begin at the Homestead Road right of way, near the existing crosswalk and extend through the site to the shared boundary with Stanat Place. The project shall provide a walking path within the Greenway Easement from the Homestead Road right of way to the shared boundary with Stanat Place. The path shall be a durable surface. Notwithstanding anything to the contrary contained herein, the requirement to provide a walking path in the Jordan Buffer of Booker Creek will be released if any additional permits are required by external agencies. If additional permits are required, the developer will provide the Town with a temporary construction easement to allow the Town to permit and continue the path at a future time.
- 10. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
- 11. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages as required by the Town Manager with approval by NCDOT, if applicable. The design shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit for building construction. The developer shall complete installation prior to Zoning Final Inspection.
- 12. 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 existing on the roadways.
- 13. 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.
- 14. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

Sustainability

- 15. Energy Efficient Building Design: All buildings will be EnergyStar Multifamily New Construction v1.2 certified.
- 16. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying the following, consistent with Town Council policy:
 - a. A minimum of two level 2 electric vehicle (EV) charging plugs/spaces;
 - b. A minimum of 21 EV-capable spaces to allow future build-out of EV charging. "EV-Capable" charging means: (1) a designated parking space that is provided with continuous conduit/raceway from a panel that supports future charging stations, which provide at least 6.6 kW of power; (2) these spaces do not require wiring or receptables; and (3) for exterior surface lots, the conduit should be run underground to the parking location.
 - c. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW. Designs must also adhere to U.S. Access Board's most recently updated version of the Design Recommendations

for Accessible Electric Vehicle Charging Stations.

17. Electric Vehicle Charging Management: The property owner will be responsible for expanding charging capabilities when demand requires expansion. This statement will be added to the EV charging plan drawings that are approved by staff during the Zoning Compliance Permit review.
18. Climate Action Plan: Prior to issuance of a Zoning Compliance Permit for building construction, the developer shall submit a Climate Action Plan on the appropriate form prescribed by the Town Manager that includes, at a minimum, the following climate action commitments:
 - a. All-electric building and site design
 - b. All-electric appliances (no fossil fuel appliances)
 - c. LED lighting only for interior spaces
 - d. LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower)
 - e. Meets International Dark-Sky Association's principles for outdoor lighting
 - f. WaterSense-rated appliances and equipment only
 - g. Energy Star-rated appliances and equipment only
 - h. Supports the Town's planned bicycle/pedestrian infrastructure with improvements and connections
 - i. Supports environmental equity through access to greenways and parks
 - j. Exceeds the Town's standard for tree canopy coverage and adds shading
 - k. Native and drought-tolerant landscape plantings only
 - l. No irrigation with potable water (potable water may be used during installation and for first-year establishment watering of new plantings)
 - m. Shaded outdoor structures, walkways, and sitting areas to reduce extreme heat impacts

Miscellaneous

19. Town Design Manual: Except as specified elsewhere in this Ordinance, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project. Specific exclusions inside:
 - a. A 10-foot minimum width for the multi-use path along Homestead Road
 - b. Using existing vegetation for the Type B buffer to the north and west boundaries of the property.
20. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits,) 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.
21. 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 the district-specific plan 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 4.4.5]

22. Phasing Plan: If phasing of the project is proposed, then the developer 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 Certificate of Occupancy. 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.
23. Cumulative Tracking: Each Final Plan Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
- a. Floor area
 - b. Unit counts (by housing type and including affordable units)
 - c. Trip generation (including total daily vehicle trips)
 - d. Tree canopy
 - e. Impervious surface
 - f. Land disturbance
 - g. Resource Conservation District (RCD) disturbance
 - h. Bicycle parking spaces
 - i. Vehicular parking spaces (including electric vehicle parking space)
24. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO) from all areas located within the limits of disturbance, except for areas in the Resource Conservation District. Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation within the limits of disturbance or other areas, as deemed necessary by the Town Manager.
25. Community Design Commission (CDC) Review Not Applicable: No Community Design Commission review or approval is required for this project [LUMO 4.4.5].
26. Construction Sign Required: Prior to starting any land-disturbing activity, 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. 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]
27. Street Names and Numbers: The development's streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for street construction and/or building construction.
28. Vested Right: This Conditional Zoning constitutes a site-specific vesting 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 160D-108.1 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.
29. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

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

31. Not-Comprehensive: The listing of these specific conditions 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 at 2510 Homestead Road.

This the []th day of [month], 20[].