

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1165 WEAVER DAIRY ROAD FROM OFFICE-INSTITUTIONAL-3-CONDITIONAL ZONING DISTRICT (OI-3-CZD) TO MIXED USE-VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #CZD-25-5) (20[YR-MO-DAY]/O-#)

WHEREAS, on June 13, 2018 the Chapel Hill Town Council approved a Special Use Permit and Zoning Atlas Amendment encumbering 1.98 acres at the property located at 1165 Weaver Dairy Road; and

WHEREAS, construction, or activity authorized by the Special Use Permit was not substantially commenced within twenty-four (24) months of the date of approval and the approval is expired; and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas and Hutton, on behalf of property owner Comprop LLC, to rezone an 1.98-acre parcel located at 1165 Weaver Dairy Road on property identified as Orange County Property Identifier Number(s) 9880350595, to allow a mixed use 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 because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4.

WHEREAS, the application, if rezoned according to the district-specific plan dated May 1, 2025, last revised January 19, 2026, and the conditions listed below would, per LUMO 4.4.3(f):

- 1) Conform with the applicable provisions of the Land Use Management Ordinance (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 3.4.6 (c) (1): Land Use Categories** Reduce the minimum floor area devoted to any use (residential or non-residential) to 15 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the site area is small, therefore limiting the area dedicated to a specific use. The developability of the site is further limited by overhead power line utility easements. Additionally, the proposed development complements the surrounding area with an existing mix of non-residential and residential uses.

2) LUMO Section 3.4.6(e): Mixed Use Development Design Standards Modify mixed use development design standards as specified below.

"(1) All design standards specified in article 5 of this appendix and in the town's design guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed-use development as defined by this article along with the provisions of subsections (2) through (5), below, modified herein.

(2) Any application for mixed use development shall include a concept plan as provided in section 4.3. The application shall also include a phasing plan that specifies the stages of development build out. The phasing plan shall identify the sequence of development for the land uses shown on the application. The phasing plan information may be prepared as a plan, a table, or a report. It shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed concurrent with the land use development. Land use development scheduling shall include a general indication of size, either in square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, streets, transit, schools, water and sewer systems, and public safety. ~~The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed use development satisfying the purpose section of this district.~~ The applicant shall may include all ~~any~~ of the required use categories (residential, commercial, and office uses) in the first phase of the project.

(3) Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed-use development. All plans for outparcels within a mixed-use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the design guidelines.

(4) Off-street parking requirements shall be fifty (50) ~~thirty (30)~~ percent of the minimum parking requirements listed in the parking and loading standards (section 5.9 of this appendix). Required loading areas may overlap automobile parking bays where it can be demonstrated that hours of peak operation do not conflict with delivery schedules. Dimensional standards for parking and loading may be varied by the town manager.

Commented [TL1]: Modification to off-street parking minimums can be removed b/c of the omnibus amendments.

(5) The applicant shall provide a bus stop consistent with the design criteria of sections 21-7 and 21-28.1 of the town Code of Ordinances. Such stops shall be located within one half ($\frac{1}{2}$) of a mile of all dwelling units or office buildings. Notwithstanding the provisions of section 21-7 of the town Code of Ordinances, a

~~resolution of the town council shall not be required prior to the designation of bus stops. Instead, this section only requires that bus stops be indicated on the subdivision plat or site plan. Different locations may be designated by resolution(s) of the town council following approval of the mixed use development.~~

~~6) (5) Buffers are not required between different uses or use categories within the MU-V-CZD District."~~

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the reduction in required parking may allow for future intensification of the site due to the availability of alternative transit options and the ability for shared parking on site.

The site is well-supported by existing multimodal infrastructure. There are multiple bus stops, accessible by sidewalk and served by two high frequency routes, within one-half mile of the site.

The proposed phasing of the site includes the non-residential use and site infrastructure in the first phase of development. The proposed development is in the vicinity of residential neighborhoods and commercial centers such that the phasing of the residential use on this site may be sequential and not concurrent with the first phase.

3) LUMO Section 3.8.2(k): Maximum Floor Area Ratio Waive the required maximum floor area ratio and replace with a maximum floor area of 104,000 square feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the additional floor area in this location is consistent with the Future Land Use Map and could encourage walking, biking, and public transit ridership next to a proposed Bus Rapid Transit station.

4) LUMO Section 5.3.2(f): Steep Slopes Disturbance Limitations Increase the disturbance of steep slopes on site to 87 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the steep slopes on this site are man-made and were created to level out the site for previous development. Additionally, the Future Land Use Map calls for higher intensity development in this location and clearing the site of existing topography would allow the developer to maximize the buildable area.

5) LUMO Section 5.6.6: Schedule of Required Buffers Modify required buffer widths and planting counts as shown below, and with no modified buffers being eligible for an alternative buffer request.

Standard	Requirement
Northeast (Orange on district specific plan)	Modified 8 feet Type C 50 percent of required understory and shrub plantings Two canopy trees
Southeast	Modified 8 feet Type B

(Pink on district specific plan)	50 percent of required plantings
North (Blue on district specific plan)	Modified 20 feet Type C 50 percent of required plantings
Northwest (Yellow on district specific plan)	Modified 10 feet Type B 50 percent of required plantings
South and Southwest (Green on district specific plan)	20 feet Type C

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the site is constrained by utility easements on the east and north property lines, restricting the woody plantings that may be installed. Plantings between the driveway and the power easement on the east property line will provide a screen against the driveway. Additionally, the western property line is adjacent to an existing development with a non-residential use that does not produce an excess of noise, litter, glare, or nuisance. The western property line buffer will improve on existing buffer without restricting growth of the plants already established on the adjacent property. The proposed structure will be set back from the north property line and there is no parking between the street and the building. The reduced buffer plantings will provide shade and an activated frontage for pedestrians on the sidewalk. The existing overhead power lines along the frontage preclude installation of canopy trees in the first 15 feet of the buffer zone and the developer will install understory plantings in that zone. The modification allows for appropriate screening in the area where plantings can be installed.

6) LUMO Section 5.7.2(c) Tree Protection Replacement Canopy Allow up to one half of the replacement coverage to be fulfilled with understory tree plantings at a rate of 250 sf credit per tree (half the amount credited for installation of canopy trees).

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there are multiple utility constraints on site which limit development including overhead electric lines along two of the four perimeter buffers. Allowance of understory trees for credit would allow a small mixed-use development supported by the comprehensive plan and would still result in tree installation in spaces where tree height would be in conflict with overhead utilities and in narrow spaces which wouldn't support large maturing canopy trees.

Commented [TL2]: Suggest making it clear that the total coverage provided by the project will still comply with LUMO. We're modifying how they meet the coverage requirement, but not reducing the coverage requirement.

7) LUMO Section 5.9.7: Minimum and Maximum Off-Street Parking Space Requirements Modify the required bicycle parking for a child day care facility to 4 spaces.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because infants and small children would not be bicycling to the facility and many parents do not use a bicycle to bring their child to daycare. Additionally, any other use would meet LUMO requirements for bicycle parking.

8) LUMO Section 5.11.4: Offsite Illumination Modify the offsite light spill following the table below.

Standard	Requirement
Maximum footcandle at property line adjacent to on-site residential use	1.0
Maximum footcandle at property line adjacent to on-site non-residential use	2.0
Maximum footcandle at property line adjacent to rights-of-way	5.0

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the development will provide adequate lighting for emergency access, public use of the multi-use path, and public rights-of-way. The development also aims to minimize offsite illumination to adjacent on-site residential uses by placing the lighting with the higher light-spill (5 footcandles) farthest from the residential areas.

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 Mixed Use-Village-Conditional Zoning District (MU-V-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(s) identified by Parcel Identifier Number (PIN) 9880350595, described below, along with the area extending to the centerline of the adjoining Weaver Dairy Road right-of-way, shall be rezoned to Mixed Use-Village-Conditional Zoning District (MU-V-CZD):

BEGINNING at a point having North Carolina grid coordinates of north 805,349.67' and east 1,983,353.13; thence S 79°41'57" W a distance of 108.07 feet to a point; thence N 10°25'56" W a distance of 148.09 feet to a point; thence S 80°04'36" W a distance of 41.59 feet to a point; thence N 10°18'56" W a distance of 157.78 feet to a point; thence N 10°15'57" W a distance of 132.96 feet to a point; thence S 88°46'35" E a distance of 212.79 feet thence S 08°31'15" E a distance of 267.29 feet to a point; thence S 08°50'28" E a distance of 129.54 feet to a point; thence S 79°43'05" W a distance of 23.10 feet to a point; thence S 79°51'16" W a distance of 23.84 feet to a point; to the point of beginning, having an area of 78,558 Square Feet or 1.803 Acres.

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 2 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.7(f)]
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	Per LUMO Customary accessory uses
Net Land Area (NLA)	Approximately 78,557 sq. ft.
Gross Land Area (GLA)	Approximately 86,413 sq. ft.
Permitted Dwelling Units	4 - 12 total units
Dimensional Regulations	Per LUMO for MU-V-CZD arterial
Minimum Floor Area per Use	At least 15 percent for residential uses At least 15 percent for non-residential uses
Minimum Vehicular Parking	30 percent of the minimum parking requirements listed in LUMO Section 5.9 (Per LUMO 3.4.6.(e)(4) and modified herein)
Maximum Vehicular Parking	Per LUMO
Minimum Electric Vehicular (EV) Parking for Non-Residential Use	At least 5% of the parking spaces shall have level 2 EVSE installed. At least 25% of the remaining surface parking spaces shall be EVSE-Capable.
Minimum Electric Vehicular (EV) Parking for Residential Use	1 electric vehicle supply equipment (EVSE)-ready space per dwelling unit with on-site parking
Minimum Bicycle Parking	4 spaces
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	72,000 sq. ft.
Steep Slopes Maximum Land Disturbance	5,315 sq. ft. of area containing natural slopes 25% or greater
Minimum Tree Canopy Coverage	40% of NLA as modified herein
Minimum Recreation Area	0 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 containing steep slopes. These amounts may be modified

according to the criteria and procedures established in LUMO 4.4.7(h). 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 total impervious surface or steep slopes maximum land disturbance shall constitute a major modification.
- c. An increase in the 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.

Affordable Housing

5. Affordable Housing Plan: The developer shall submit an Affordable Housing Plan to the Town for review and approval if the criteria of LUMO 3.10.1 (b) are met.
6. Conversion of Residential Rental Units to Ownership Units: If rental units are converted to for-sale units, the Affordable Housing Plan shall be revised to meet Section 3.10 of the Land Use Management Ordinance (LUMO). The revised plan shall be approved by the Town Manager prior to recordation of a plat to create the for-sale units.

Environment

7. Well Abandonment: The developer shall coordinate removal of existing well, illustrated on sheet C1.2 of the district specific plan dated January 19, 2026, with Orange County Environmental Health and North Carolina Department of Environmental Quality. Prior to a Final Zoning Inspection, the developer shall obtain a well abandonment permit, and the well shall be properly abandoned per 15A NCAC 02C.0113 and documented on State form GW-30.
8. Dumpster Draining Area: Any runoff from dumpsters shall pass through a grease interceptor and discharge to sanitary sewer. Prior to issuance of a Zoning Compliance Permit, developer shall coordinate with OWASA for acceptable size of area draining to sanitary sewers.
9. 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 developer 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 be 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

10. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
11. Pedestrian Connections: The developer shall provide connectivity within the site. Connectivity within the site shall include internal sidewalks and crosswalk connections to the crosswalk on the western property boundary and to the sidewalk on Weaver Dairy Road.
12. 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.
13. 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.
14. 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.
15. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

16. **Vehicle Stacking and Circulation:** Prior to issuance of a Zoning Compliance Permit for a child day care facility, the developer shall submit to the Town for review and approval a vehicle stacking and circulation exhibit. The exhibit shall demonstrate vehicle stacking per North Carolina Department of Transportation (NCDOT) Municipal School Transportation Assistance (MSTA) guidelines. The exhibit shall also demonstrate that proposed vehicle circulation will not impede any public right-of-way, pedestrian access, building ingress and egress, or emergency access.

17. **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.

Sustainability

18. **Building Energy Performance:** The developer will engage Duke Energy's Energy Design Assistance program staff to identify and incorporate energy efficiency measures into the project, where feasible.

19. **Electric Vehicle Charging for Residential Use:** The developer shall supply each dwelling unit with on-site parking a minimum of 1 electric vehicle supply equipment (EVSE)-ready space. "EVSE-ready" means a parking space has one 40-amp, 208/240 V branch circuit from the panel and is terminated at a receptacle or junction box and the panel should be labeled "EVSE-Ready" or "Future EVSE" and should support any future charging stations that provide at least 6.6 kW of power.

20. **Electric Vehicle Charging for Non-Residential Use:** The developer shall supply at least 5% of the surface lot spaces with level 2 EVSE installed. At least 25% of the remaining surface parking spaces will be EVSE-Capable. "EVSE-Capable" means a designated parking space that provides continuous conduit/raceway from a panel that supports future charging stations by providing at least 6.6 kW of power. These spaces do not require wiring or receptacles. For exterior surface lots, the conduit should be run underground to the parking location. EV charging design will strive to meet US Access Board guidance for accessible charging.

21. **Electric Vehicle Charging Management:** The property owner or manager will maintain existing EVSE and manage build out of any future EVSE after construction is completed and the building is operating.

22. **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.

- a. The Climate Action Plan shall include, at a minimum, the following commitments:
 - i. All-electric building and site design
 - ii. All-electric appliances (no fossil fuel appliances)
 - iii. LED lighting only for interior spaces
 - iv. LED lighting only for exterior spaces, including street and parking lot lighting (3000 Kelvin or lower);
 - v. Meets International Dark-Sky Association's principles for outdoor lighting;
 - vi. Energy Star-rated appliances and equipment only
 - vii. Concrete sidewalks, natural surface trails, or high-albedo coated asphalt to reduce extreme heat impacts; and,
 - viii. Shaded outdoor structures, walkways, or sitting areas to reduce extreme

heat impacts.

b. If conditions or other limitations outside of the developer's control make it impractical or impossible to meet the climate action commitments within the sustainability section of conditions directly above, the developer may work with staff to develop alternatives that provide what staff determines to be an equivalent or better outcome. Any such changes will be captured in the Zoning Compliance Permit.

Owners' Association

23. **Applicability:** The Owners' Association conditions shall only apply for development with multiple owners. These conditions shall go into effect subsequent to a final plat application delineating any parcel or lot creating common land area, however designated.

24. **Owners' Association:** An Owners' Association, or similar legal entity, 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 Owners' 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 Owners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance. The Owners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.

25. **Owners' Association Responsibilities:** The Owners' Association shall be responsible for maintenance, repair, and operation of required bufferyard(s), shared parking areas, shared refuse collection areas, recreation areas, and shared stormwater management facilities.

26. **Dedication and Maintenance of Common Area to Owners' Association:** The developer shall provide for Town Manager review and approval, a deed conveying to the Owners' Association all common areas, however designated, including bufferyards and stormwater management facilities. 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.

27. **Solar Collection Devices:** The Owners' 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.

28. **Short-Term Rentals:** The Owners' Association covenants or other applicable covenants and restrictions shall prohibit dedicated short-term rentals of 30 days or less.

Miscellaneous

29. **Planting in Utility Easements:** The developer may install landscape plantings and planted buffers along the site's Weaver Dairy Road frontage and the eastern property line, including in overhead utility easements, subject to utility provider approval.

30. **Fire Safety Exhibit:** Prior to issuance of a Final Plans Zoning Compliance Permit, the developer shall submit an exhibit that demonstrates fire hose pull length.

31. **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.

32. **State or Federal Approvals:** Any required 401/404 permits shall be approved and copies submitted to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit (ZCP). North Carolina Department of Transportation permit applications shall be submitted prior to issuance of a ZCP.

33. **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 Public Works Engineering Design Manual. [LUMO 4.4.7]

34. **Phasing Plan:** The developer shall provide a Phasing Plan as part of the Zoning Compliance Permit as required in LUMO Section 3.4.6 (e) and modified herein. 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.

35. **Cumulative Tracking:** Each Final Plans Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:

- Floor area
- Unit counts (by housing type and including affordable units)
- Tree canopy
- Impervious surface
- Land disturbance
- Bicycle parking spaces
- Vehicular parking spaces (including electric vehicle parking space)

36. **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. 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.

37. **Community Design Commission (CDC) Review:** The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment prior to issuance of a Zoning Compliance Permit for a particular phase or building. CDC review is not required for any dwelling units constructed under the Residential Building Code. After construction of all buildings is completed, CDC review is not required for subsequent changes to building elevations or site lighting that do not require a Zoning Compliance Permit.

38. **Recreation Payment:** The developer may provide the required active recreation space in the form of a payment in lieu following the ratios established in LUMO.

- The amount of the payment shall be the product of the amount of active recreational space required, .046, multiplied by a dollar amount established by the

Town Council in the year in which the Zoning Compliance Permit application is received.

- b. If no such amount is established, the developer may refer to the dollar amount established by the Town Council the year of this approval.
- c. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

39. 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]

40. 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.

41. 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.

42. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

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

44. 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 for Lightbridge Project at 1165 Weaver Dairy Road.

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