

## **ORDINANCE A**

(Approving the Conditional Zoning Application)

### **AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 7516 SUNRISE ROAD TO RESIDENTIAL-6-CONDITIONAL ZONING (R-6-CZ) AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING (NC-CZ) (PROJECT #19-081)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Ballentine Associates, on behalf of Habitat for Humanity of Orange County, to rezone a 35.8-acre parcel located at 7516 Sunrise Road on property identified as Orange County Property Identifier Numbers 9890-06-5926, 9890-16-0437, 9890-06-6312, 9890-06-3350, 9890-06-0413, to allow a residential community with supportive retail and amenities, and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Contribute to affordable housing needs (*Goal A Place for Everyone.4*)
- Job creation and new residential options (*Community Prosperity and Engagement.2*)
- Creation of a walkable community with transit access (*Getting Around.1*)
- Integration of a new community into existing neighborhoods (*Good Places, New Spaces.5*)
- Natural area preservation and high quality Stormwater control measures (*Nurturing Our Community.3 & .8*)
- Contribute to housing for UNC and UNC Health Care employees (*Goal Town and Gown Collaboration.4*)

WHEREAS, the application, if rezoned to Residential-6-Conditional Zoning (R-6-CZ) and Neighborhood Commercial-Conditional Zoning (NC-CZ) according to the rezoning plan dated March 3, 2020, and the conditions listed below would:

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

### **MODIFICATIONS TO REGULATIONS**

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

**Section 3.8 Dimensional Standards Modification:** Modify the dimensional standards for the Residential-6 (R-6) and Neighborhood Commercial (NC) zoning districts as summarized in the table below:

Proposed Standards	Lot Size	Frontage	Lot Width	Street Setback	Interior Setback	Solar Setback	Impervious Surface for Single-Family Use
Single-Family	2,000 sf	18'	18'	5'	3'	3'	0.70
Townhomes	1,100 sf	18'	18'	5'	3'	3'	N/A
Multi-Family	n/a	20'	20'	0'	3'	3'	N/A

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the increased density will allow for additional affordable housing units, which is a stated goal of the Council. Additionally, the applicant has proposed buffers greater than what is required by the Ordinance in order to reduce impacts on surrounding properties.

**Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD) (on-site) Modification:** Modify the amount of land disturbance permitted in the Resource Conservation District to 47 percent (32,236 sq. ft.) of the Upland zone.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the land disturbance is for the construction of stormwater control measures in order to meet Ordinance standards and to provide a walking path as an additional amenity to the residents.

**Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD) (off-site) Modification:** Modify the amount of land disturbance permitted in the Resource Conservation District to 52 percent (7,077 sq. ft.) in the Managed Use Zone and 97 percent (12,322 sq. ft.) of the Upland Zone.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the construction of the berm will allow for improved conditions for the residents and adjacent property owners.

**Section 5.9.5 Parking Landscaping Standards:** Several modifications to Parking Landscaping Standards are proposed, below:

- Modify the minimum five-foot (5) wide foundation buffer strip required for multifamily buildings to allow an average width of five feet (5). Some areas will have less or greater than a five-foot (5) buffer strip, but will average out to five feet (5).
- Additionally, modify the frequency of landscaped interior islands in parking lots to allow up to twelve (12) parking spaces between landscaped interior islands in three (3) locations.
- Additionally, modify the maximum distance that a parking space may be located from a shade tree from 75 feet to 120 feet, for fifteen (15) parking spaces.
- Remove the minimum landscape buffer strip requirement for parking entrance drives.

This finding is based on the determination that these requests are due to the compact nature of the development and site restrictions, in order to allow for a greater number of housing units, including affordable housing units. Additionally, the applicant will be providing additional substantial landscaping to the greatest extent possible in these areas.

**Section 5.4.6, Land Disturbance Within the Stream Channel of an Ephemeral Stream Modification:** Modify the land disturbance prohibition to allow disturbance of the ephemeral stream.

This finding is based on the determination that this request is due to the compact nature of the development and site restrictions, in order to allow for a greater number of housing units, including affordable housing units. Additionally, a stipulation has been included to require protection of any housing unit foundations that are built within the ephemeral stream channel to mitigate the impacts of this modification.

## **CONDITIONAL USES**

WHEREAS the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Residential-6-Conditional Zoning (R-6-CZ) and Neighborhood Commercial-Conditional Zoning (NC-CZ).

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

### **SECTION I**

The following Orange County parcels identified by Parcel Identifier Numbers (PIN) 9890-06-5926, 9890-16-0437, 9890-06-6312, 9890-06-3350, 9890-06-0413, described below, shall be rezoned.

Of these Orange County parcels, the area, described below, shall be rezoned to Residential-6-Conditional Zoning (R-6-CZ):

BEGINNING at an existing iron pipe at the intersection of the eastern right-of-way of Sunrise Road (a 60' wide public R/W) and the southern right-of-way of Ginger Road (a 60' wide public R/W), said iron having North Carolina State Plane Coordinates (NAD83) of N:806,304.12', E: 1,989,786.02'; thence crossing the R/W of Ginger Road North 06°30'07" West a distance of 60.65 feet to a point; thence with the R/W of Ginger Road South 88°17'40" East a distance of 240.18 feet to a point; thence leaving the R/W of Ginger Road North 01°45'41" West a distance of 356.89 feet to a point; thence South 88°27'56" East a distance of 146.60 feet to a point: thence North 01°33'51" East a distance of 76.58 feet to a point; thence North 01°22'12" East a distance of 131.02 feet to a point; thence North 88°59'21" West a distance of 395.27 feet to a point on the eastern R/W of Sunrise Road; thence with the eastern R/W of Sunrise Road North 04°38'25" East a distance of 152.44 feet to a point; thence North 13°37'56" East a distance of 162.21 feet to a point; thence leaving the R/W of Sunrise Road North 89°39'18" East a distance of 1,468.40 feet to a point on the southern R/W of Interstate 40; thence with the southern R/W of Interstate 40 South 66°56'00" East a distance of 281.96 feet to a point: thence leaving the Southern R/W of Interstate 40 South 00°20'40" East a distance of 140.77 feet to a point: thence South 00°20'52" East a distance of 221.54 feet to a point: thence South 00°22'55" West a distance of 464.66 feet to a point: thence North 89°10'31" West a distance of 274.91 feet to a point: thence North 00°49'30" East a distance of 11.48 feet to a point; thence North 55°50'07" West a distance of 129.38 feet to a point; thence North 89°09'06" West a distance of 160.99 feet to a point; thence South 00°49'17" West a distance of 49.94 feet to a point; thence South 00°30'38" West a distance of 35.24 feet to a point; thence North 89°29'03" West a distance of 157.35 feet to a point; thence South 02°51'05" East a distance of 30.05 feet to a point on the northeastern end of the existing R/W of Amesbury Drive (a 50' wide public R/W); thence with the northern end of the R/W of Amesbury Dr

North 89°29'03" West a distance of 50.00 feet to a point on the northwestern corner of the existing R/W of Amesbury Dr; thence North 02°54'16" West a distance of 30.05 feet to a point; thence North 89°29'03" West a distance of 406.39 feet to a point; thence North 88°18'00" West a distance of 245.43 feet to a point; thence with a curve turning to the right with an arc length of 133.14 feet, with a radius of 275.00 feet, with a chord bearing of South 78°32'53" West, with a chord length of 131.85 feet to a point on the existing southern R/W of Ginger Road (a 60' wide public R/W); thence with the southern R/W of Ginger Road North 88°18'05" West a distance of 224.28 feet to thence North 06°30'07" West a distance of 60.65 feet to the point of BEGINNING, containing an area of 1,443,695 square feet, or 33.14 acres, more or less.

Of these Orange County parcels, the area, described below, shall be rezoned to Neighborhood Commercial-Conditional Zoning (NC-CZ):

COMMENCING at an existing iron pipe at the intersection of the eastern right-of-way of Sunrise Road (a 60' wide public R/W) and the southern right-of-way of Ginger Road (a 60' wide public R/W), said iron having North Carolina State Plane Coordinates (NAD83) of N:806,304.12', E: 1,989,786.02'; thence North 82°50'39" East 1242.55 feet to the point of BEGINNING; thence North 88°58'50" West a distance of 183.56 feet to a point; thence North 01°45'09" West a distance of 46.85 feet to a point; thence with a curve turning to the left with an arc length of 78.78 feet, with a radius of 51.00 feet, with a chord bearing of North 46°00'27" West, and with a chord length of 71.18 feet to a point; thence South 89°44'14" West a distance of 62.70 feet to a point; thence with a curve turning to the right with an arc length of 16.99 feet, with a radius of 8.00 feet, with a chord bearing of North 29°24'36" West, and with a chord length of 13.97 feet to a point; thence North 31°26'34" East a distance of 258.12 feet to a point; thence South 58°33'26" East a distance of 120.09 feet to a point; thence with a curve turning to the left with an arc length of 55.45 feet, with a radius of 100.50 feet, with a chord bearing of South 74°21'52" East, and with a chord length of 54.75 feet to a point; thence North 89°49'42" East a distance of 29.32 feet to a point; thence South 00°11'40" East a distance of 57.44 feet to a point; thence South 58°33'26" East a distance of 34.09 feet to a point; thence South 00°12'45" East a distance of 94.67 feet to a point; thence South 27°00'49" West a distance of 94.77 feet to the point of BEGINNING, containing an area of 73,655 square feet, or 1.69 acres more or less and also having a future proposed zoning designation of NC-CZ, Chapel Hill Zoning.

## **SECTION II**

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

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by \_\_\_\_\_ (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within \_\_\_ days of enactment by the Town Council.

3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity</b>		
<b>Neighborhood Commercial-Conditional Zoning District</b>	Permitted Uses	<ul style="list-style-type: none"> <li>• Accessory uses</li> <li>• Barber shop/beauty salon</li> <li>• Business – General</li> <li>• Business – Office-type</li> <li>• Child day care facility</li> <li>• Dwelling Units, single-family</li> <li>• Dwelling Units, single-family with accessory apartment</li> <li>• Dwelling units, duplex</li> <li>• Dwelling units, multi-family</li> <li>• Parking, off-street</li> <li>• Place of assembly, up to 2,000 seating capacity</li> <li>• Public cultural facility</li> <li>• Public use facility</li> <li>• Recreational facility; non-profit</li> </ul>
	Gross Land Area	81,029 sq. ft. (1.9 acres)
	Maximum Floor Area	19,447 sq. ft.
	Maximum Impervious Surface	43,410 sq. ft.
<b>Residential-6-Conditional Zoning District</b>	Permitted Uses	All uses permitted in R-6 zoning
	Gross Land Area	1,478,943 sq. ft. (33.9 acres)
	Maximum Floor Area	377,500 sq. ft. (not including single-family units)
	Maximum Impervious Surface	528,590 sq. ft.
	Maximum Impervious Surface for Residential Lots	70%
<b>Total Site</b>	Gross Land Area	1,559,973 sq. ft. (35.8 acres)
	Maximum Floor Area	406,063 sq. ft.
	Maximum Dwelling Units	243 units
	Minimum Affordable Units	99 units
	Total Impervious Surface	572,000 sq. ft.
	Maximum Land Disturbance	1,149,818 sq. ft.
	Maximum Parking Spaces	495 spaces
	Minimum Parking Spaces	378 spaces
	Minimum Bicycle Parking Spaces	82 spaces
	Minimum Recreation Space	61,376 sq. ft.
	Minimum Recreation Area	54,810 sq. ft.

4. Landscape Bufferyards: The landscape bufferyards shall be provided as shown in the applicant's buffer plan sheet (L1003) and summarized in the following table:

<b>Location</b>	<b>Required Buffers</b>
West (adjacent to single-family)	10 foot type B buffer (if multi-family use)
West (Sunrise Road)	20 foot type C buffer
North (I-40)	100 foot type E buffer
North (Adjacent vacant property)	Not required

East (adjacent to single-family)	Not required – providing 10 foot type B Buffer (tree plantings proposed)
South	Not required – providing 10 foot type B buffer (shrub plantings proposed)

5. Land Use Intensity: The maximum impervious surface ratio allowed for the proposed single family residential lots shall be 70 percent which exceeds the standard of 50 percent impervious surface ratio for single family as stated in Table 3.8-1: Dimensional Matrix of the Land Use Management Ordinance. However, the total impervious surface area for the Residential-6-CZ (R-C-CZ) zoning district is below 50 percent.
6. Land Use Flexibility: The developer requests flexibility regarding the mix of housing types, including single-family, single-family with accessory units, duplex units, and multi-family. A maximum of 243 dwelling units, regardless of type, is permitted.
7. Application Fee Waiver: If the Developer obtains a market partner or at any point develops units to be sold or rented at a cost above the affordable rate, or in any way no longer meets the affordable housing threshold, the Developer shall pay all development fees, including, if applicable, those which would have been charged for permits and applications issued prior to acquiring a market partner, for that portion of the project that is not intended to be affordable.
8. NCDOT Improvements: Prior to performing work in the NCDOT Right-of-Way, the developer will need to obtain the following:
  - Approved NCDOT Driveway Permit for proposed access to Sunrise Road
  - Approved NCDOT Three-Party Encroachment Agreement with OWASA for any proposed water and sewer construction
  - Approved NCDOT Three-Party Encroachment Agreement with TOCH for any proposed/stipulated sidewalk and appurtenances.

Prior to issuance of the above-mentioned permit and encroachments, the developer will need to submit complete and detailed plans per NCDOT requirements for approval.

9. Recreation Space and Recreation Area: All recreation space and area requirements to be provided on-site with no additional payment-in-lieu required.
10. Bicycle Improvements Payment-in-Lieu: If the Developer obtains a market partner or at any point develops units to be sold or rented at a cost above the affordable rate, or in any way no longer meets the affordable housing threshold, the Developer shall pay the payment-in-lieu for required bicycle improvements to Sunrise Road for that portion of the project that is not intended to be affordable.
11. Traffic Calming: Prior to issuance of a Zoning Compliance Permit, the Town Manager shall meet with the developer and adjoining neighborhood to develop traffic calming measures for Amesbury Drive and surrounding streets.
12. Single-Family Zoning Compliance Permit: That prior to construction of each single-family/two family structure, a Single-Family/Two-Family Zoning Compliance Permit shall be obtained for each newly created lot.
13. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit for all development other than single-family/two-family dwelling units, the developer shall

submit an Energy Management Plan (EMP) for Town approval.

14. OWASA Approval: Prior to of final plat for each phase, any easement plats and documentation shall be reviewed and approved by OWASA. [LUMO 5.12]
15. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance 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 structure(s), conveyances, and public improvements within right of way prior to final plat recordation. The total cost of the storm water control structure(s) and public improvements 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 costs shall be computed upon the assumption of an independent mobilization. The applicant shall submit unit cost information pertaining to all storm water control structures(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 and Engineering Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control structure and public improvement. Upon satisfactory completion of the final inspection punch-list, the developer/owner will provide the Town sealed as-built construction plans for the project, stormwater maintenance bond and public improvements warranty bonds in an amount of 25 percent of the construction cost estimate after final plat recordation.
16. Stormwater Performance Surety: After completion and approval of the storm water control structure(s) and prior to the release of certificate of occupancy of the last two lots or buildings within each drainage basin, the Developer shall pay into the escrow account an amount equal to twenty-five percent (25%) of the initial construction cost of the engineered stormwater management facilities. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the stormwater management facilities. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account until it is fully funded. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget. A year after the full amount of maintenance surety has been deposited, the deposited funds shall be released to the Developer or his representative.
17. Adequate Barriers for Housing Unit Foundations: The applicant shall provide adequate barriers in the form of a retaining wall or another approach to protect the foundation of any housing units that are built within the channel of an existing stream.
18. Walking Trail: Any pedestrian bridge for the walking trail that would obstruct the flow of aquatic life or would require a modification to the Jordan Riparian Buffer Authorization.
19. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance or whatever

stormwater regulations are applicable at the time of approval of this Conditional Zoning application. Per 5.4.6, land disturbance within the stream channel of the ephemeral stream shall be limited to that shown on the approved Conditional Zoning plans. Stormwater Control Measure #9 which is located in the southeastern corner of the site draining to Study Point #4 shall not have post-development peak flows for the 100-year storm event that exceed the pre-development peak flows.

20. Jordan Riparian Buffer: With the exception of stream crossings, the proposed trail shall not be constructed within Zone 1 of the Jordan Buffer. Land disturbance in the Jordan Riparian Buffer shall be minimized to the extent possible with the following limits:

Zone	Land Disturbance
Zone 1	5,458 sq. ft.
Zone 2	6,086 sq. ft.

21. Resource Conservation District: Land disturbance in the Resource Conservation District shall be minimized to the extent possible with the following limits:

Zone	Land Disturbance
Streamside	0 sq. ft.
Managed	33,941 sq. ft.
Upland	44,558 sq. ft.

22. Community Design Commission Approval: The developer shall obtain Community Design Commission approval of building elevations, including the location and screening of all HVAC/Air Handling Units for the site that are located less than 20 feet from the public right-of-way, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5]

**TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS**

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

Access

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

Transportation

34. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
35. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]



36. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
37. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
38. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
39. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
40. 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.
41. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
42. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
43. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
44. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
45. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
46. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

### Landscaping and Building Elevations

47. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
48. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
49. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
50. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
51. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
52. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
53. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
54. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).
55. Lighting Plan Review: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review a lighting plan and shall take additional care during

review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]

56. Community Design Commission Review: The Community Design Commission shall review the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

#### Environment

57. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
58. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]
59. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the project, then a performance guarantee in accordance with *Section 5-97.1 Bonds* of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [Town Code 5-98]
60. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
61. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
62. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
63. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
64. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town Design Manual Chapter 10]

65. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
66. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

#### Recreation

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

#### Water, Sewer, and Other Utilities

69. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
70. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
71. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently

located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]

72. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
73. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
74. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

#### Fire Safety

75. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
76. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
77. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC 2018, 503.2.7, 503.2.8 and D103.2]
78. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
79. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
80. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.

81. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
82. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]
83. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
84. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]
85. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
86. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
87. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]
88. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC 2018 Section 501.5.1.1]

89. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
90. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
91. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
92. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
93. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
94. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
95. 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.
96. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
97. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
98. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the

existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

#### Solid Waste Management and Recycling

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

#### State and Federal Approvals

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

#### Miscellaneous

104. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary



construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [Town Design Manual Chapter 10]

105. Traffic and Pedestrian Control Plan: The developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the developer must apply to the Town Manager for a lane or street closure permit. [Town Code 17-42]
106. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
107. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
108. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
109. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
110. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.  
  
If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A note to this effect shall be placed on the final plats.
111. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
112. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

113. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]
114. Vested Right: This Special Use Permit or Special Use Permit Modification constitutes a site specific development plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
115. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
116. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
117. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Conditional Zoning for Weaver's Grove at 7516 Sunrise Road.

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