

## **ORDINANCE A**

(Approving the Conditional Zoning Application)

### **AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 860 WEAVER DAIRY RD FROM MIXED USE-OFFICE INSTITUTIONAL-1(MU-OI-1) AND RESIDENTIAL-3 (R-3) TO MIXED-USE VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #CZD-24-8) (2025-MO-DAY]/O-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas and Hutton, on behalf of contract purchaser Land Planning & Entitlements, LLC and property owner Ting Kuo Shieh, to rezone a 45.23 acre parcel located at 860 Weaver Dairy Road on property identified as Orange County Property Identifier Number 9880-56-4638, to allow development of retail, multi-family residential, and townhomes 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 July 31, 2025, 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: The Mixed-Use Village Conditional Zoning District – Land Use Categories.** Eliminate the requirement for non-residential uses to consist of at least 25 percent of the total floor area of the development.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the development will include non-residential uses to the extent that they are commercially viable on the site and because the residential uses included on the site are near well-established non-residential uses.

- 2) LUMO Section 3.6.3: Resource Conservation District.** Allow disturbance of up to 52 percent of land in the upland zone of the Resource Conservation District (RCD).

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because additional impacts in the RCD are required to provide adequate vehicular and emergency access to the site as well as a public greenway called for by the Town's comprehensive plan.

- 3) LUMO Section 5.3.2: Steep Slopes.** Allow disturbance of up to 78 percent of steep slopes with a grade of 25 percent or greater.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a significant portion of the steep slopes on the site are manmade and a remnant of previous attempts to develop the site.

- 4) LUMO Section 5.5.2: Recreation Space – Suitability of Land.** Allow greenways to be located within the Resource Conservation District.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modification facilitates the construction of a greenway called for by the Town's comprehensive plan.

- 5) LUMO Section 5.6.2: Landscaping, Screening, and Buffering.** Allow the Type E landscape buffer along the northern property line to narrow to 50 feet in various locations identified in the district-specific plan. Narrowing of the buffer shall not reduce or alter the required amount or type of plantings within the buffer. Any areas where buffer width is reduced shall not be eligible for an alternative buffer request. Where a 100 ft buffer is provided by undisturbed land, existing vegetation shall be deemed sufficient to meet the buffer planting requirements.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the unique constraints of the site require modifications to the buffer and reductions in buffer width will not reduce the amount of vegetation in the buffer.

- 6) LUMO Section 5.6.2: Landscaping, Screening, and Buffering.** Eliminate the landscape buffer requirement along the southern property line. Landscaping along the southern property line shall be provided as generally indicated in the district-specific plan.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a utility easement along the southern property line limits opportunities for planting a code-compliant buffer but also creates significant separation between the project and adjacent land uses. Additionally, landscaping will be provided where feasible.

- 7) LUMO Section 5.9.6: Parking Landscaping Standards.** Modify the parking landscaping standards as described below for the temporary surface parking lot serving the first multifamily building. The modifications described below shall be in effect for a period of 6 years from the completion of a Zoning Final Inspection for the first multifamily building. Prior to the end of the 6-year period, the temporary surface parking lot shall either be replaced with the second multifamily building or brought into full compliance with the parking landscaping standards in effect when this ordinance was adopted.

<b>Foundation Buffer Strip</b>	A foundation buffer strip is not required between the temporary surface parking lot and the first multifamily building.
<b>Interior and Median Islands</b>	Planters designed to accommodate a viable canopy or understory tree may be installed in place of required interior or median islands.  No planter may be used to satisfy this requirement unless it receives approval from the Town Manager. Such approval shall be based on the ability of the planter to adequately sustain a viable canopy or understory tree.
<b>Trees</b>	No parking space shall be farther than 75 feet from the trunk of a canopy or understory tree.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the temporary surface parking lot allows for orderly and efficient development of the site and the modified landscaping standards will promote the reuse and relocation of trees used within in the lot.

- 8) LUMO Section 5.11.4: Offsite Illumination.** Allow lighting levels along the western property line to reach a maximum of 1.0 foot-candle, measured at ground level.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modification allows for a sufficiently illuminated drive aisle and emergency access point near the property line and because higher ambient light levels are appropriate in the context of the surrounding development.

- 9) LUMO Section 5.14.7(m): Crown Signs.** Allow crown signs to extend above the roofline, provided that they do not extend beyond the top of the rooftop parapet wall.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modification better aligns the intent of the rule with the architectural and design constraints of the buildings on this site.

## **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 identified by Parcel Identifier Number (PIN) 9880-56-4638, described below, and 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):

The tract or parcel of land containing 44.938 acres, more or less, known as Sedgewood Apartments, as per plat and survey thereof now on file in the office of the Register of Deeds of Orange County in Plat Book 44, at pages 138 and 139, to which reference is made for a more complete description; and in addition to and as part of the above described property all that property described as BEGINNING at a point located North 27 degrees 51' 30" West 48.00 feet from an iron stake located in the southwestern corner of the property formerly owned by Goforth Properties, Inc. (and now owned by Central Carolina Bank and Trust Company), as described in Deed Book 361, Page 324, Orange County Registry, having North Carolina Grid Coordinates North: 806, 347.9024 and East: 1,983,568.7973, which iron stake is also located in the norther margin of Lot No. 4 of the Property of Mary W. Cheek (PIN No. 9880-36-8223); running thence from said beginning point along the curve of a circle to the left having a radius of 225.62 feet and a length of 47.93 feet to a point; running thence North 89 degrees 39' 45" West 63.55 feet to a point; running with the curve of a circle to the right having a radius of 285.62 feet and a length of 115.117 feet to a point; running thence South 27 degrees 51' 30" East 65.99 feet to the point and place of BEGINNING, containing 4,903 square feet, according to the unrecorded plat and survey of the John R. McAdams Company, Inc., dated November 5 1985.

### **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 thirty (30) business days of enactment by the Town Council.

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

<b>Land Use Intensity</b>	
Permitted Uses	All uses permitted in the MU-V-CZD and any customary accessory uses.
Net Land Area (NLA)	Approximately 1,970,128 sq. ft.
Gross Land Area (GLA)	Approximately 2,167,141 sq. ft.
Maximum Floor Area	Per LUMO
Permitted Dwelling Units	525 – 575 multifamily units and  105 – 135 townhome units
Minimum Affordable Units	See Affordable Housing Plan
Minimum and Maximum Vehicular Parking	Per LUMO
Minimum Electric Vehicular (EV) Parking	Per Condition 20 of this ordinance
Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	780,000 sq. ft.
Maximum Land Disturbance	1,278,040 sq. ft.
Resource Conservation District Maximum Land Disturbance	Streamside Zone: 17,600 sq. ft.  Managed Use Zone: 35,710 sq. ft.  Upland Zone: 55,050 sq. ft.
Resource Conservation District Maximum Impervious Surface	Per LUMO
Steep Slopes Maximum Land Disturbance	78 percent, as modified by this ordinance
Minimum Tree Canopy Coverage	Per LUMO
Minimum Recreation Area	Per LUMO  Payment-in-lieu to be provided for any required recreation space not constructed 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 4.4.7(h). Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
- 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 RCD maximum impervious surface, RCD maximum land disturbance, or steep slopes maximum land disturbance shall constitute a major modification.
- c. An increase in the maximum total impervious surface or maximum land disturbance 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 provide the following:
- a. Affordable Units: The minimum number of affordable multifamily units shall be equal to 10 percent of the number of market rate multifamily units. The minimum number of affordable townhome units shall be equal to 15 percent of the market rate townhome units.
  - b. Unit Size: The affordable units will include unit sizes and bedroom mixes in the approximate same proportion as the market rate homes.
  - c. Location: The affordable units will be integrated into the community. Each phase of the multifamily development will provide affordable units equaling 10 percent of the market rate units within that phase. No more than 3 affordable townhome units may be located in the same building.
  - d. Pricing: The affordable multifamily units will be reserved for households earning 80 percent or less of the area median income (AMI). At least 50 percent of the affordable townhome units will be reserved for households earning 65 percent or less of the AMI. The remainder of the affordable townhome units will be made available to those households earning 80 percent or less of the 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 and/or the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area.
    - ii. Maximum pricing for affordable townhome units shall consider the total cost of mortgage principal and interest, property taxes, homeowners and condo association fees, any mandatory maintenance fees, and homeowner's insurance such that a household's total housing costs do not exceed 30 percent of the maximum specified income levels of purchasers.
    - iii. Maximum pricing for affordable multifamily units 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 housing-related fees required by the owner or property manager. AMI shall be calculated assuming 1 person for efficiencies and 1.5 persons per bedroom for all other unit sizes.
  - e. Phasing:
    - i. Fifty percent of the affordable townhome units shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate townhomes.
    - ii. The remaining affordable townhome units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate townhomes.
  - f. Affordability Period:
    - i. Affordable units offered for sale will be affordable for a period of at least ninety-nine (99) years from the receipt of a Certificate of Occupancy.

- ii. Affordable units offered for rent will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
- g. Design:
- i. The affordable units will be finished with similar exterior design, trim, materials, and details as the market rate homes.
  - ii. The affordable units will meet the same energy efficiency standards as the market rate homes.
6. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit for residential construction, a performance agreement that incorporates the approved Affordable Housing Plan must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.
7. Conversion of Residential Rental Units to For-Sale 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. The revised plan shall be approved by the Town Manager prior to recordation of a plat to convert the for-sale units.

#### Environment

8. Stream Crossings: All stream crossings shall be constructed approximately perpendicular to the stream. The developer shall consult with Town Stormwater staff prior to bringing any mechanical equipment into the RCD Streamside Zone / Jordan Riparian Buffer.
9. 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.
10. 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

11. Transit Improvements: Prior to the Zoning Final Inspection for first multifamily building, the developer shall coordinate with Chapel Hill Transit and the North Carolina Department of Transportation (NCDOT) and make improvements to the Weaver Dairy/Essex Drive stop (ID#3443). The stop improvements shall comply with the Town's Design Guidelines for transit stops and all federal ADA requirements, including installation of a 9' x 7' shelter structure meeting or exceeding the current model used by Chapel Hill Transit, construction of a concrete shelter pad and landing pad, bench, waste receptacles, and lighting. Real time transit tracking can be installed, at cost to the developer.

The developer may provide a \$65,000 payment-in-lieu of transit stop improvements prior to Zoning Final Inspection. If the Town has not constructed the described transit improvements within five years following the issuance of the final certificate of occupancy for the first multifamily building, the developer may request and the Town shall provide a refund of this payment.

12. Road Improvements: The developer shall implement or construct the following road improvements stipulated by the traffic impact analysis, the Town, and the North Carolina Department of Transportation (NCDOT). All road improvements are subject to NCDOT approval. The developer shall not be responsible for elements of this condition that do not receive NCDOT approval:
  - a. Martin Luther King Jr. Boulevard at Perkins Drive:
    - i. Signal timing improvements at the intersection. This condition may be met with a revised signal timing plan to be reviewed and approved by the Town and NCDOT, or a \$10,000 payment to the Town for a revised signal timing plan.
  - b. Perkins Drive at Adair Drive:
    - i. A southbound left turn lane with as much storage, as can be accommodated without widening the existing pavement and appropriate taper and deceleration.



- c. Weaver Dairy Road (SR 1733) at Site Access 1:
    - i. A southbound left turn lane on the site access drive with at least 100 feet of storage and appropriate taper and deceleration, to be provided prior to the Zoning Final Inspection for the 5<sup>th</sup> townhome unit
    - ii. An eastbound left turn lane on Weaver Dairy Road to the site access with at least 150 feet of storage and appropriate taper and deceleration, to be provided prior to issuance of the Zoning Final Inspection for the 86<sup>th</sup> townhome unit.
    - iii. A westbound right turn lane on Weaver Dairy Road to the site access with at least 100 feet of storage and appropriate taper and deceleration, to be provided prior to issuance of the Zoning Final Inspection for the 86<sup>th</sup> townhome unit.
    - iv. A signalized intersection; a signalized pedestrian crossing; and preservation of existing bike lanes on Weaver Dairy Road, to be provided prior to issuance of the Zoning Final Inspection for the 115<sup>th</sup> townhome unit.
  - d. Weaver Dairy Road at Timberlyne Driveway:
    - i. A pedestrian crossing across Weaver Dairy Road with an enhanced median, to be completed prior to Zoning Final Inspection for the first multifamily building.
13. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
14. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on November 27, 2024. The developer shall request an updated TIA and apply for a major modification to this Conditional Zoning if the proposed cumulative total daily vehicle trips exceed a 10 percent increase from the TIA.
15. 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.
16. 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.
17. 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.
18. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

#### Sustainability

19. Energy Efficient Building Design: For commercial construction (including multifamily), the developer shall design and build a project that meets the requirements for a National Green Building Standard Silver certification.

- a. Prior to issuance of a Zoning Compliance Permit for commercial or multifamily construction, the developer shall submit to staff for their review and approval documentation that demonstrates compliance with the selected energy efficiency design standard above (e.g., pre-construction energy model).
20. 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. For each non-residential building served by 10 or more on-site parking spaces, the developer shall install Level 2 electric vehicle supply equipment (EVSE) at 5 percent of those spaces (rounded up). A further 25 percent of the total parking spaces (rounded up) shall be made EVSE-capable. EVSE-capable means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel or a space reserved for a future electrical panel. EVSE Ready means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel, there is dedicated capacity within that electrical panel to serve the EVSE, electrical breakers and wires have been installed and have been terminated in a junction box at the parking space designed for future electric vehicle charging.
  - b. All townhome units will be EVSE-capable.
  - c. Upon final build-out, at least 5 percent of parking spaces for multifamily units will be served by level 2 EV charging stations. An additional 25 percent of parking spaces shall be EVSE-capable. EVSE-Capable means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel or a space reserved for a future electrical panel.
  - d. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW.
21. 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. The project will utilize all-electric building and site design.
  - b. The project will only use electric appliances. All appliances will be Energy Star-rated (or an equivalent standard).
  - c. The project will only use LED lighting for interior and exterior spaces.
  - d. Exterior lighting will meet the International Dark-Sky Association's principles for outdoor lighting.
  - e. At least 50 percent of fixtures will be WaterSense rated (or carry an equivalent rating).

#### Homeowner Association

22. Applicability: The Homeowner Association conditions shall apply for development with individual ownership. Should a development add for-sale units or convert rental units to ownership, the following conditions shall apply.
23. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final

plat. The Homeowners' Association documents shall comply with LUMO 4.6.7. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.

24. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
25. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
26. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.
27. Short-Term Rentals: The Homeowners' Association covenants or other applicable covenants and restrictions shall prohibit dedicated short-term rentals of 30 days or less.

#### Phasing

28. Phasing Plan: The developer shall provide a Phasing Plan as part of the first Final Plans Zoning Compliance Permit. The Phasing Plan 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. The phasing plan shall be consistent with conditions 29 and 30 of this ordinance.
29. Phasing of Multifamily Development: The two multifamily buildings and associated parking structure identified on the district-specific plan may be built in phases, including the construction of a temporary surface parking lot not shown on the district-specific plan.
  - a. Phase A: The first phase may include (1) construction of the eastern multifamily building and (2) a temporary surface parking lot located in approximately the same area as the western multifamily building and parking structure. This ordinance entitles construction of the temporary surface parking lot even though it is not shown on the district-specific plan.
  - b. Phase B: The second phase may include construction of (1) a parking garage and (2) the western multifamily building. Portions of the temporary surface parking lot may be used as a construction staging area for the parking garage and the western multifamily building.

30. Phasing of On-Site Connectivity Improvements: The developer shall provide roads, sidewalks, and greenway trails in the sequence described below. The Phasing Plan dated June 10, 2025, and on file with the Town of Chapel Hill Planning Department may be used as an illustrative guide to assist with interpretation of this condition. The Town Manager may approve modifications to the sequence described below provided that (1) connectivity improvements remain reasonably related and proportional to the construction of additional dwelling units and (2) no connectivity improvements are conditioned on completion of the second multifamily building.
- a. Phase 1: The following improvement(s) shall be completed prior to the Zoning Final Inspection for the 25th townhome unit or the first multifamily building, whichever comes first.
    - i. A road and sidewalk beginning at Weaver Dairy Road and extending north at least 850 feet.
    - ii. A greenway trail beginning at Weaver Dairy Road and extending north until an intersection with the Phase 1 road.
  - b. Phase 2: The following improvement(s) shall be completed prior to the Zoning Final Inspection for the 86th townhome unit or the first multifamily building, whichever comes first.
    - i. A greenway trail beginning at the Phase 1 road and ending at the northeast corner of the site.
    - ii. A greenway trail beginning at the Phase 1 road and extending west for at least 400 feet.
  - c. Phase 3: The following improvement(s) shall be completed prior to the Zoning Final Inspection for the 115th townhome unit or the first multifamily building, whichever comes first.
    - i. A greenway trail beginning at the western extent of the Phase 2 greenway trail and extending west for at least 850 feet.
    - ii. A road and sidewalk connecting Adair Drive and the Phase 1 Road. An additional connection to Old University Station Drive may be included in Phase 3 or a later phase.
  - d. Phase 4: The following improvement(s) shall be completed prior to the Zoning Final Inspection for the first multifamily building.
    - i. A greenway trail beginning at the western property line and connecting to the Phase 3 greenway trail.

#### Miscellaneous

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 Environmental Quality utility extension permit applications shall be submitted prior to issuance of a 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. Cumulative Tracking: Each Final Plans 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. Jordan riparian buffer disturbance
  - i. Bicycle parking spaces
  - j. Vehicular parking spaces (including electric vehicle parking space)
35. 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.
36. Community Design Commission (CDC) Review: The CDC 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. However, the CDC shall not review building elevations for any proposed townhomes. 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. This condition shall not apply if the Town Council amends the Chapel Hill Land Use Management Ordinance to remove the requirement for CDC review of conditional zoning developments. [LUMO 4.4.7(e)]
37. Recreation Payment: Prior to issuance of a Zoning Compliance Permit for the first multifamily building, the developer shall provide a payment-in-lieu for any portion of required recreation space that has not yet been provided on-site, and which is not planned to be provided as part of either phase of multifamily development.
38. 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]
39. 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.

40. 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.
41. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
42. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
43. 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 860 Weaver Dairy Road.

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