

**REVISED ORDINANCE A**  
(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 2217 HOMESTEAD ROAD TO RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) (PROJECT #22-019) (2023-02-22/O-1)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Richard Gurlitz, Gurlitz Architectural Group on behalf of owner GS Homestead, LLC, to rezone a 15.6-acre parcel located at 2217 Homestead Road on property identified as Orange County Property Identifier Number 9870-90-7642 to Residential-5-Conditional Zoning District (R-5-CZD), to allow a townhouse community and finds that the amendment to the Zoning Atlas is:

Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; Reasonable and in the public's interest, per NCGS 160D-605; and Warranted because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4

WHEREAS, the application, if rezoned to Residential-5-Conditional Zoning District (R-5-CZD) within the metes and bounds of PIN 9870-90-7642 and according to the district-specific plan dated February 13, 2023, and the conditions listed below would, per LUMO 4.4.3(f):

- 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

**MODIFICATION TO REGULATIONS**

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

- 1) Section 3.10.2 Inclusionary Zoning, Affordable Dwelling Units or Lots Required:**  
Reduce the number of affordable housing units to 16.2 units or 13.7 percent of total units.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the affordable housing units will match the size of the market rate units, providing greater affordability.

**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, subject to the conditions below, satisfies the purposes of Residential-5-Conditional Zoning District (R-5-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) 9870-90-7642, described below, shall be rezoned to Residential-5-Conditional Zoning District (R-5-CZD):

BEGINNING at an iron stake on the South side of Homestead Road, a common corner with the northeast corner of land now or formerly owned by Tilson; runs thence along the eastern line of the Tilson property South 01 degree 15 minutes West 1,295 feet to an iron stake in the northern in the northern line of the property now or formerly owned by the University of North Carolina; runs thence with the University of North Carolina northern line South 86 degrees East 382.3 feet to a stake; continuing along the northern line of the University of North Carolina northern line South 86 degrees East 162.3 feet to a stake; runs thence North 01 degrees East 807 feet to a stake at the northwest corner of the property now or formerly owned by Burford; runs thence North 03 degrees 04 minutes West 481.15 feet to a stake on the South side of Homestead Road; run thence along the South side of Homestead Road North 86 degrees 38 minutes West 293.15 feet to a stake on the South side of Homestead Road; continuing along the South side of Homestead Road North 81 degrees West 210 feet to the POINT AND PLACE OF BEGINNING, containing approximately 15.65 Acres, more or less.

SAVE AND EXCEPT THE FOLLOWING:

A 0.110 Acre Tract conveyed in a Deed for Highway Right-of-Way as recorded in Book 6658, Page 914, Orange County Registry and more fully described as follows:

BEGINNING at a point with a northing of 801304.93' and an easting of 1979472.06' and running thence South 86 degrees 08 minutes 13 seconds East 127.12 feet to a point; thence South 86 degrees 49 minutes 25 seconds East 376.49 feet to a point; thence South 00 degrees 28 minutes 25 seconds West 8.54 feet; thence North 86 degrees 48 minutes 55 seconds West 179.90 feet to a point; thence South 78 degrees 15 minutes 12 seconds West 22.33 feet to a point; thence North 71 degrees 53 minutes 02 seconds West 22.33 feet to a point; thence North 86 degrees 48 minutes 55 seconds West 184.05 feet to a point; thence South 89 degrees 14 minutes 27 seconds West 96.40 feet to a point; thence 01 degree 07 minutes 57 seconds East 13.19 feet to a point; thence North 01 degree 07 minutes 57 seconds West 3.44 feet to the point and place of BEGINNING, containing a total of 4,801 square feet or .110 acre, more or less.

IN ADDITION TO THE PARCEL DESCRIBED ABOVE, the portion of Homestead Road that fronts the subject property shall be rezoned up to its midpoint to Residential-5-Conditional Zoning District (R-5-CZD).

### **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 two 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 property owner(s) provide written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity Townhouse Development</b>	
Permitted Uses	Dwelling units, single-family Customary accessory uses
Gross Land Area (GLA)	746,726 sq. ft. (17.1 acres)
Maximum Floor Area	225,195 sq. ft.
Permitted Dwelling Units	118
Minimum Affordable Units	The lesser of 16.2 units or 15% of total units
Maximum Total Impervious Surface	Per LUMO, 50% of GLA
Maximum Land Disturbance	615,050 sq. ft.
Minimum Tree Canopy Coverage	124,926 sq. ft. (30%)
Minimum Recreation Area	34,085 sq. ft. total with payment-in-lieu provided for any portion not provided on-site
Resource Conservation District	0 sq. ft.

4. Bicycle Parking: The developer shall provide at least twenty-seven (27) bicycle parking spaces. At least ten (10) of the spaces will be publicly accessible.
5. Recreation Area (Subdivision): The developer shall provide a payment-in-lieu in the amount of \$158,496.00 for Recreation Area prior to issuance of the first residential building permit.
6. Energy Efficiency & Management Plan: The developer shall submit a final Energy Management Plan prior to issuance of the first Zoning Compliance Permit for the site. Subsequent development on the site will be in accordance with the Energy Management Plan. [Town Policy, April 2007]
7. Electric Appliances: The developer shall install all-electric appliances in all dwelling units. No gas appliances shall be installed.
8. Community Design Commission (CDC): The developer shall submit detailed building elevations to the CDC for courtesy review prior to issuance of the first Zoning Compliance Permit for construction of dwellings on the site. The developer shall not be required to attend more than one meeting of the CDC and the CDC shall have no authority to approve, deny, or defer action on the submitted elevations. If CDC comments on the submitted elevations are not transmitted to the developer within thirty (30) days of the developer's appearance before the CDC, this condition is deemed met. [LUMO 8.5.5(j)]

## Housing

9. Affordable Housing Plan: The developer shall provide the following:
  - a. Affordable Units: The lesser of 16 affordable townhomes or fifteen (15) percent of market rate units.
  - b. Unit Size:
    - i. The affordable units will include 2-3 bedrooms
    - ii. Size of the affordable townhomes shall meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
  - c. Location: The affordable units shall be evenly distributed throughout the development. No more than two (2) affordable units may be located within the same building.
  - d. Pricing: Fifty percent of the affordable units will be reserved for those making 65% or less of the area median income (AMI) and fifty percent of the affordable units will be reserved for those making 80% or less of AMI. 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. Pricing will 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 their household income.
  - e. Phasing: Fifty percent of the affordable housing shall be completed prior to the Zoning Final Inspection of the first half of the market rate dwelling units. The remaining affordable dwelling units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate dwelling units.
  - f. Affordability Period: The affordable units will be affordable for a period of at least ninety-nine (99) years.
  - g. Design:
    - i. The affordable townhomes will be finished with the same exterior design, trim, materials, and details as the market-rate homes.
    - ii. The affordable townhomes will meet the same energy efficiency standards as the market-rate homes.
  - h. Payment-in-lieu: Prior to issuance of the first residential building permit, the developer shall provide a payment-in-lieu of \$17,000 or the fractional amount of the affordable housing commitment if fewer than 16 affordable housing units are to be provided.
10. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, a performance agreement that incorporates the approved Affordable Housing Plan must be executed by the developer, the Town Manager (or designee), and the non-profit agency that will administer the affordable housing units.
11. Short-Term Rentals: The Homeowners' Association covenants or other applicable covenants and restrictions governing all units shall prohibit dedicated short-term rentals of 30 days or fewer.

## Transportation, Access, & Connectivity

12. Transit Payment: Prior to issuance of the first residential building permit, the developer shall provide a payment of \$25,000 to support transit infrastructure.
13. Electric Vehicle Charging: The developer shall provide 220-volt outlets in each garage.

14. Electrical Access to Visitor Parking: The developer shall install conduit at all visitor parking areas to facilitate future installation of electric charging stations.
15. Fire Access Road: The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. [2018 NCFC Section 503]
16. Kipling Lane Connection: The developer shall connect to Kipling Lane with a roadway that meets Town standards for emergency and pedestrian access. Vehicular access to the connection will be limited to emergency use only and appropriate signage will be installed accordingly. The Town may lift the emergency use restriction if a roadway connection is made between the project site and future development to the east.
17. Access: The developer shall secure all necessary access rights for construction traffic as well as all future ingress and egress to this development.

#### Landscaping

18. Invasive/Exotic Identification: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide a written report from an Arborist, Horticulturalist or Landscape Architect that identifies the approximate location and area takeoff of any significant stands of Invasive/Exotic material on-site within the proposed buffers.
19. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be reviewed and approved by Town staff. 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 within the perimeter buffers only. 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]
20. Existing Trees: Special care shall be exercised to avoid damage to existing trees along the shared boundary with the Courtyards at Homestead neighborhood. Prior to issuance of a Zoning Compliance Permit, the developer shall provide a written report from an Arborist, Horticulturalist or Landscape Architect that demonstrates how damage to existing trees will be avoided.

#### Other Site-Specific Conditions

21. OWASA Easement: Prior to issuance of a building permit, any water and sewer easements shall be recorded by plat. [LUMO 5.12]
22. Improper Discharge: The development shall not cause the discharge, emission, disposal, pouring or pumping directly or indirectly to the stormwater drainage system, including the MS4 or waters of the state, or upon the land in a manner and amount that the substance is likely to reach the stormwater drainage, any liquid, solid, gas or other substance, other than stormwater. Prohibited substances include condensation and waste products from the interior of the building and from mechanical, electrical, and plumbing equipment.
23. Changes to Roof Drainage Require Review and Approval: Construction plans submitted for approval by the Town's Engineering Division must include roof drainage plan sheet in the calculation document. The applicant must ensure that there is no modification to

the approved roof drainage plan and interior plumbing. Any modification to the roof drainage and impervious area will require approval of Stormwater Management Division.

24. Maintenance of Stormwater Facilities: The stormwater management facility(ies) shall be maintained by the property owner in accordance with the recorded Operations and Maintenance Plan.
25. Annual Report: An original inspection report shall be provided to the Town beginning one year from the date of the recorded inspection, operation, and maintenance plan and each year thereafter on or before that date recordation. The owner shall provide evidence of the renewal of the maintenance bond or surety or a certified statement of the escrow account.
26. Stormwater Structure Locations: No stormwater structures are permitted in the building setbacks. Structures include pipe ends, flared end sections, underdrains, inlet structures, outlet structures, control structures, flow dissipation measures such as rip-rap aprons or stilling pools, rock splash pads, concrete splash blocks, and the downgradient toe of French drains. [LUMO 3.8]

#### **TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD CONDITIONS**

The following standard conditions are supplemental to site-specific conditions as set by Town Council-approved ordinance. Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Conditional Zoning.

##### Transportation

27. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within NCDOT or Town of Chapel Hill 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 and Town of Chapel Hill requirements. An approved permit will be issued upon receipt of approved plans, inspection fees, and any necessary performance and indemnity bonds.
28. Repairs in Public Right-of-Way: Prior to issuance of a Zoning Final Inspection, the developer shall repair all damage for work in existing Town of Chapel Hill 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/or NCDOT prior to issuance of a Zoning Final Inspection. [Town Code 17-40]
29. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design street lighting along the site frontage. Design and construction details must be approved by the Town Manager and NCDOT. Lighting shall be installed prior to issuance of a Zoning Final Inspection.
30. 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. 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 5.9.7]

31. 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]
32. 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]
33. 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.
34. 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]
35. 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]
36. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.4.5]
37. 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/or 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

38. 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]
39. 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]
40. 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 4.4.5]
41. 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]

42. 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.
43. 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).
44. Lighting Plan Approval: 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]

#### Environment

45. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]
46. Phasing Plan: If phasing of the project is proposed, then the applicant shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans. [LUMO 4.5.3]
47. 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]
48. 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 once per seven calendar days if no rain. The developer shall make any necessary repairs or adjustments to the devices and maintain inspection logs documenting inspections and any necessary repairs in accordance with NCG01 Self Inspection Guidelines. [Orange County Erosion Control]
49. Erosion Control: The developer shall provide the Town a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]



50. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
51. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
52. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details\*, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
53. 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]
54. 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 of Chapel Hill Design Manual]
55. 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 a Final Plat. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping, and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the storm water 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 final 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. [LUMO 4.9.3]

#### Water, Sewer, and Other Utilities

56. 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 4.4.5]
57. 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]
58. 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]
59. 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.

#### Homeowners' Association

60. 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 Section 4.6.7 of the Land Use Management Ordinance. That the Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
61. 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.
62. Dedication and Maintenance of Common Area to Homeowners' Association: The applicant 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 the 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.

63. 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.

#### Fire Safety

64. Fire Sprinklers: The developer shall install NFPA 13D fire sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. [TOWN CODE 7-56]
65. 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]
66. 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]
67. 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.
68. 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]
69. 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 APPROVAL]

70. 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.
71. 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 APPROVAL]
72. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
73. 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]
74. 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]
75. 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]
76. 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]
77. 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]
78. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13D and Town Code 7-56 is required to be installed in residential construction.
79. 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.

80. 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]
81. 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]

#### Solid Waste Management and Recycling

82. 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]
83. 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]
84. 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

85. 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]
86. 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 NCDOT. [NC Department of Transportation]

#### Miscellaneous

87. 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]
88. 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]
89. 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]
90. 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]
91. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
92. 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 4.4.5]
93. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete or have been bonded. 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.

94. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
95. 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.
96. As-Built Plans: Prior to the issuance of the last 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]
97. Vested Right: This Conditional Zoning or Conditional Zoning modification 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.
98. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
99. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
100. Not Comprehensive: The listing of these standard conditions, 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 at 2217 Homestead Road.

This the 22nd day of February 2023.