

ORDINANCE A
(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 701 MARTIN LUTHER KING JR BLVD FROM NEIGHBORHOOD COMMERCIAL (NC) AND RESIDENTIAL-3 (R-3) TO MIXED-USE VILLAGE CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #CZD-25-2) (2025-__-__/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 property owners Lukri Investments, LLC and Capkov Ventures Inc, and contract purchaser LCD Acquisitions LLC, to rezone an 1.91-acre site located at 701 Martin Luther King Jr. Blvd Unit A, 201 E. Longview Street, 203 E. Longview Street, and 205 E. Longview Street, on property identified as Orange County Property Identifier Numbers 9789302139 and 9789302349, to allow development of a multi-family residential and retail mixed-use building 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 August 6, 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(c)(1): Mixed-Use Village Conditional Zoning District (MU-V-CZD) Land Use Categories** Reduce the minimum floor area devoted to office and commercial space so that at least 1,000 square feet of floor area shall be devoted to office/commercial uses.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a non-residential use that occupies the required floor area is more likely to be successful if it is placed at the corner of the site fronting the outdoor plaza. The developer will take advantage of that location but is not able to

provide more floor area because the small site constrains the total amount of floor area.

- 2) LUMO Section 3.4.6(d)(2): Mixed-Use Village Conditional Zoning District (MU-V-CZD) Dimensional Restrictions** Increase the permitted density for MU-V-CZD arterial to 100 dwelling units per acre.

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

- 3) LUMO Section 3.8.2(e): Maximum Setback Height** Increase the allowed maximum setback height to 100 feet measured 20 feet from the property line.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because increased height supports increased density and the height is measured farther into the site to offset the visual impact.

- 4) LUMO Section 3.8.2(j): Maximum Impervious Surface Ratio** Increase the allowed maximum impervious surface ratio to 80 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the intensity of impervious surface area is appropriate for a small site to support transit-oriented development.

- 5) LUMO Section 3.8.2(k): Maximum Floor Area Ratio** Replace the required maximum floor area ratio with a maximum floor area of 275,000 square feet.

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

- 6) LUMO Section 5.3.2(f): Steep Slopes Disturbance Limitations** Increase the disturbance of steep slopes on site to 100 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because most steep slopes on-site were man-made. Additionally, the site must be cleared of all slopes for the development to utilize underground parking, which reduces the visual impact of building massing when viewed from the west and supports increased density.

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

Standard	Requirement
Northeast (R-4 Zoning)	<u>Modified Type C</u> 3 feet wide 0 required tree plantings 50 percent of required shrub plantings Semi-opaque or opaque fencing
East (Martin Luther King Jr Boulevard)	<u>Modified Type C</u> 20 feet wide 0 required tree plantings 75 percent of required shrub plantings
South (E Longview Street)	<u>Modified Type B</u> 5 feet wide 40 percent of required plantings

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because buffers can be used for multiple purposes, including seating areas. Additionally, removing the required tree plantings on the Northeast and East buffers is necessary to accommodate utilities, rights-of-way, and emergency access areas.

8) LUMO Section 5.7.2: Tree Canopy Coverage Standards Reduce the minimum canopy coverage to 17 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the site is restricted by building coverage, underground utilities, overhead utilities, and offsite water traveling through the site in easements. Reduced tree canopy coverage is a tradeoff to achieve the increased density at this location.

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

Standard	Requirement
Maximum footcandle at West and Northwest property lines	1.0
Maximum footcandle at Northeast property line	2.0
Maximum footcandle at East and South property lines, adjacent to rights-of-way	5.0

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

10) LUMO Section 5.14.7(m)(2): Crown Sign Modify the standard for Crown Sign as follows:

~~Must not~~ **May** be placed below the start of highest floor or **and may** extend above the roof line **and must not extend above the top of the parapet.**

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the roofline is not typically visible on a structure greater than 55 feet tall with a parapet surround and the sign will remain below the visible top of the parapet.

CONDITIONAL ZONING DISTRICT

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

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

SECTION I

The following Orange County parcel(s) identified by Parcel Identifier Numbers (PINs) 9789302139 and 9789302349, described below, along with the area extending to the centerline of the adjoining Longview Street and Martin Luther King Jr Blvd. rights-of-way, shall be rezoned to Mixed Use Village-Conditional Zoning District (MU-V-CZD):

BEING all of a certain tract of land lying in Chapel Hill Township, Orange County, North Carolina bounded on the north by Columbia Place Open Space (Plat Book 73 Page 2), on the east by U.N.C. (Deed Book 859 Page 347), and on the south by Bruce Johnson (Deed Book 93 Page 230) and being more particularly described as follows: Beginning at an existing iron pipe the northernmost corner of Tract "A" said pipe being located N 40° 45' 27" W 168.23' from NCGS Monument "Bike" N(Y)= 790, 486.485 (x)=1,983,510.497 (NAD '83) thence S 10° 42' 30" E 270.64' to an existing iron pipe, said pipe being on the western right-of-way of N.C. 86 (Airport Road) (100' Public Right-of-Way) and also being the northeast corner of Johnson; thence leaving said right-of-way and continuing with said Johnson's northern line S 82 ° 44' 35" W 276.43' to an existing axle, said axle being on the southern line of Columbia Place Open Space; thence with said Columbia's southern line N 36° 39' 41" E 375.04' to the point and or place of beginning and containing 37,339 square feet more or less.

Being a portion of: Beginning at an existing iron pipe located NC Grid Coordinates N(Y)=790,486.485, (X)=1983510 located in the boundary line of now or formerly Chapel Hill Electric Co. (Tract One as per Deed Book 749, Page 221, Orange County Registry) and U.N.C. (as per Deed Book 858, Page 347, Orange County Registry); thence from said iron pipe, South 11 deg. 44' 15" East 259.62 feet to an iron pipe set in the western margin of the 100-foot right-of-way of Airport Road; thence South 80 deg. 40' 38" West 187.48 feet to an existing iron pipe; thence South 79 deg. 55' 57" West 93.18 feet to an existing iron pipe; thence South 54 deg. 42' 50" West 152.28 feet to an iron pipe set in the northern margin of the 40-foot right-of-way of Clark Road, thence the following chord courses and chord distances along an irregular curve to the left: North 29 deg. 17' 23" West 130.92 feet to an iron pipe, North 77 deg. 07' 38" West

112.58 feet to an iron pipe, South 52 deg. 15' 43" West 200.22 feet to an iron pipe, South 45 deg. 59' 10" West 57.48 feet to an iron pipe, thence leaving the northern margin of the right-of-way of Clark Road North 41 deg. 49' 50" West 346.59 feet to an existing iron pipe, North 59 deg. 41' 47" East 20.96 feet to an existing iron pipe common corner of the aforesaid Tract One and Tract Three Chapel Hill Electric, as per Deed Book 749, Page 221, Orange County Registry, thence North 41 deg. 46' 04" West 364.14 feet to a point in the centerline of Bolin Creek, thence along and with the centerline of Bolin Creek North 49 deg. 41' 16" East 71.87 feet, North 59 deg. 16' 43" East 94.92 feet, North 73 deg. 12' 34" East 85.87 feet, North 60 deg. 22' 44" East 80.99 feet, North 78 deg. 27' 33" East 113.12 feet, North 58 deg. 08' 59" East 31.02 feet, North 20 deg. 53' 19" East 110.43 feet, North 33 deg. 32' 23" East 69.94 feet to a point, thence leaving the centerline of said creek South 23 deg. 56' 09" East 270.75 feet to an iron pipe; thence South 49 deg. 13' 34" West 161.76 feet to an existing iron pipe; thence South 42 deg. 47' 54" East 118.40 feet to an existing iron pipe; thence North 59 deg. 41' 22" East 128.99 feet to an existing iron pipe; thence North 11 deg. 16' 15" West 67.27 feet to an existing iron pipe; thence North 80 deg. 57' 00" East 227.94 feet to an existing iron pipe; thence North 16 deg. 37' 46" East 173.80 feet to an existing iron pipe; thence South 82 deg. 26' 12" East 139.29 feet to an existing iron pipe; thence South 82 deg. 53' 30" East 191.61 feet to an existing iron pipe; thence South 16 deg. 41' 31" West 353.69 feet to the Point and Place of beginning, containing 14.17 acres, more or less, and being Tracts 1 and 3, Chapel Hill Electric Co. as per Deed Book 749, Page 221, Orange County Registry, as more particularly described on Boundary Survey for Capkov Ventures, Inc. dated August 30, 1993 prepared by Ballantine & Riley Surveyors. Save and excepting a small triangular tract described as Beginning at an iron pipe set at common corner of Kessimeier and Chapel Hill Electric, Inc., which stake is located by traversing the following calls and distances from the common corner Chapel Hill Electric, Inc. and University Gardens (Plat Book 34, Page 7): North 59 deg. 41' 47" East 20.96 feet to a point; thence North 59 deg. 46' 41" East 381.26 feet to a point; thence North 59 deg. 41' 22" East 128.99 feet to a point; thence from such point and place of beginning: North 11 deg. 16' 15" West 67.27 feet to an iron pipe; thence North 80 deg. 57' 00" East 227.94 feet to an iron pipe; thence South 64 deg. 20' 26" West 235.15 feet to a point, the Point and Place of Beginning and being .17 acres or 7,660 square feet, more or less. Being a portion of that certain conveyed to Capkov Ventures, Inc. (successor by merger to Capkov Weatherhill Pointe Corp.), by virtue of Warranty Deed from Chapel Hill Electric, Inc., a North Carolina corporation, to Capkov Weatherhill Pointe Corp., a North Carolina corporation, dated November 19, 1993 and recorded in Book 1184 Page 335, Orange County Registry, North Carolina, as affected by Articles of Merger of Capkov Weatherhill Pointe Corp. with and into Capkov Ventures, Inc. recorded in Book 1337 Page 424, Orange County Registry, North Carolina.

SECTION II

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

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely 2 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.7(f)]
2. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.

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

Land Use Intensity	
Permitted Uses	All allowed MU-V-CZD uses in LUMO 3.4(c) Customary accessory uses
Net Land Area (NLA)	Approximately 83,272 sq. ft.
Gross Land Area (GLA)	Approximately 91,522 sq. ft.
Maximum Floor Area	275,000 sq. ft., as modified by this ordinance
Minimum Non-Residential Floor Area	1,000 square feet
Minimum Residential Floor Area	25 percent of floor area
Permitted Dwelling Units	175-200 total units
Dimensional Regulations	Per LUMO, except as modified by this ordinance
Minimum Affordable Units	See Affordable Housing Plan
Minimum Vehicular Parking	50 percent of the minimum parking requirements listed in LUMO Section 5.9 (Per LUMO 3.4.6.(e)(4))
Maximum Vehicular Parking	Per LUMO Section 5.9
Minimum Electric Vehicular (EV) Parking	5% of parking spaces served by EV-charging stations 25% of parking spaces designed to be EV-ready
Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	80% of Gross Land Area, as modified by this ordinance
Maximum Land Disturbance	83,272 sq. ft.
Steep Slopes Maximum Land Disturbance	100% of area containing natural slopes 25% or greater, as modified by this ordinance
Minimum Tree Canopy Coverage	17% of Net Land Area, as modified by this ordinance
Minimum Recreation Area	5,000 sq. ft. on-site

4. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.7(h). Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
- A 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.
 - An increase in the maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.
 - An increase in the maximum impervious surface shall constitute a major modification.

Affordable Housing

5. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units: The minimum number of affordable units shall be equal to 10 percent of the number of market rate homes.
 - b. Unit Size: The affordable units will include studio, 1-bedroom, and 2-bedroom units, in the approximate same proportion as the market rate homes.
 - c. Location: The affordable units will be integrated into the community.
 - d. Pricing: 50 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI). The remainder of the affordable units will be made available to those households earning 80 percent or less of the area median income.
 - 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 rental 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 per bedroom for efficiencies and 1.5 persons per bedroom for all other unit sizes.
 - e. Phasing:
 - i. Fifty percent of the affordable units shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate homes.
 - ii. The remaining affordable units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate homes.
 - f. Affordability Period:
 - i. 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 (see above) must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.
7. Conversion of Residential Rental Units to Ownership Units: If rental units are converted to for-sale units, the Affordable Housing Plan shall be revised to meet Section 3.10 of the Land Use Management Ordinance (LUMO). The revised plan shall be approved by the Town Manager prior to recordation of a plat to create the for-sale units.

Environment

8. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfactory 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 submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance. [LUMO 4.9.3]

Transportation, Access, and Connectivity

9. Transit Improvements: Prior to Zoning Final Inspection, the developer shall provide a payment of \$60,000 for area transit improvements. If the Town has not constructed transit improvements within 1,000 feet of the property within five years following the issuance of the final certificate of occupancy, the developer or owner may request and the Town shall then provide a refund of this payment.
10. North-South Bus Rapid Transit Coordination: Prior to the issuance of a Zoning Compliance Permit, the developer shall coordinate and meet with Chapel Hill Transit staff around the North-South Bus Rapid Transit project and its construction.
11. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
12. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on April 18, 2025. 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.

13. 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.
14. 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.
15. 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.
16. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.
17. Multi-use Path: The developer shall construct a multi-use path on the Martin Luther King Jr. Blvd frontage.
 - a. Prior to issuance of a Zoning Compliance Permit, the developer shall submit for review and approval engineered drawings for a minimum 10-foot-wide multi-use path and a minimum 2-foot-wide planting strip on the property's frontage.
 - b. Prior to the Zoning Final Inspection of the structure, the developer shall construct the multi-use path.
 - c. Prior to Zoning Final Inspection of the structure, the developer shall submit for review and approval an easement plat that either dedicates the multi-use path to the Town in a public access easement or dedicates the multi-use path to the Town in new public right-of-way.

Sustainability

18. Energy Efficient Building Design: For commercial construction (including multifamily), the developer shall design and build a project that meets the National Green Building Standard Gold (NGBS) 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).
19. 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 electric vehicle infrastructure:
 - a. Level 2 electric vehicle supply equipment (EVSE) installation as indicated in the Land Use Intensity Table (Condition #3);
 - b. EVSE-ready parking spaces as indicated in the Land Use Intensity Table (Condition #3) where EVSE-ready means a parking space has one 40-amp, 208/240V branch circuit from the panel and is terminated at a receptacle or junction box. The panel shall be labeled "EVSE-Ready" or "Future EVSE" and must support any future

- charging stations that provide at least 6.6 kW of power;
 - c. Designs must adhere to U.S. Access Board's most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations; and
 - d. The electric vehicle infrastructure design, maintenance, and criteria for EVSE infrastructure expansion shall be detailed in an EV Charging Station Management Plan that is implemented by on-site building management once units are occupied. This plan must be reviewed and approved by staff at the Zoning Compliance Permit stage.
20. 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. Concrete sidewalks, natural surface trails, and high-albedo coated asphalt
 - b. Native and drought-tolerant landscape plantings only
 - c. Energy Star-rated appliances and equipment only
 - d. WaterSense-rated appliances and equipment only
 - e. Meet International Dark-Sky Associations principles for outdoor lighting
 - f. LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower)
 - g. LED lighting only for interior spaces
 - h. All-electric appliances (no fossil fuel appliances)
 - i. All-electric building and site design
 - j. Shaded outdoor structures, walkways, and sitting areas

Homeowner Association

21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. Short-Term Rentals: The Homeowners' Association covenants or other applicable covenants and restrictions shall prohibit dedicated short-term rentals of 30 days or less.

Miscellaneous

27. Facade Transparency: The developer shall construct a building with minimum facade transparencies for ground and upper floor elevations on Martin Luther King Jr. Blvd and Longview Street.
- a. Transparency: Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent. Windows must be clear, unpainted, or made of similarly-treated glass; spandrel glass or back-painted glass does not comply with this condition.
 - b. Applicability: Transparency applies to street-facing facades only.
 - c. Measurements: Ground floor transparency shall be measured between 2 feet and 10 feet from the mean grade of the sidewalk. Upper floor transparencies shall be measured per floor starting at the third floor, measured approximately 20 feet above the mean grade of the sidewalk.
 - d. Retail Use Transparency: A minimum of 30 percent of all windows for retail ground floor uses must allow views into the ground story for a depth of at least 6 feet.
 - e. Minimum Transparencies
 - i. The minimum ground floor facade transparency for the portion of the building facing Martin Luther King Jr. Blvd shall be 50 percent.
 - ii. The minimum ground floor facade transparency for the portion of the building facing Longview Street shall be 35 percent.
 - iii. The minimum upper floor facade transparencies for the portion of the building facing Martin Luther King Jr. Blvd shall be 25 percent.
 - iv. The minimum upper floor facade transparencies for the portion of the building facing Longview Street shall be 25 percent.
 - v. No minimum facade transparency is required for the second floor of the building.
28. Outdoor Amenity Plaza: The developer shall construct and maintain an outdoor amenity plaza, as illustrated in the district-specific plan dated August 6, 2025, and pursuant to the conditions below.
- a. Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans that demonstrate the Outdoor Amenity Plaza meets the following criteria.
 - i. The minimum size of the outdoor amenity plaza shall be 3,500 square feet. Calculating the minimum size shall not include the area of the multi-use path (Condition 17).
 - ii. The outdoor amenity plaza may include, but is not limited to, landscaped areas, a seating area, and water features.
 - iii. The outdoor amenity plaza shall not include streetscape components located within the public right-of-way.
 - iv. The outdoor amenity plaza shall not be parked or driven upon, except for emergency access and permitted temporary events.

- v. The outdoor amenity plaza shall be constructed adjacent to the structure and to the adjoining public rights-of-way.
 - b. Prior to the Zoning Inspection for the Outdoor Amenity Plaza, the developer shall submit for review and approval an easement plat that meets the following criteria. The conditions below only apply if the Town accepts the public access easement.
 - i. The outdoor amenity plaza shall be dedicated for public access, subject to acceptance by the Town, through an easement plat.
 - ii. The easement plat shall also indicate the party responsible for maintenance of the outdoor amenity plaza. The plaza shall be maintained by the property owner or designated legal entity.
 - iii. The easement plat shall be recorded prior to a Certificate of Compliance.
- 29. 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.
- 30. State or Federal Approvals: Any required 401/404 permits shall be approved and copies submitted to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit (ZCP). North Carolina Department of Transportation permit applications shall be submitted prior to issuance of a ZCP.
- 31. 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]
- 32. Phasing Plan: If phasing of the project is proposed, then the developer shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans.
- 33. 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. Bicycle parking spaces
 - i. Vehicular parking spaces (including electric vehicle parking space)
- 34. 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.

35. Community Design Commission (CDC) Review: The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment prior to issuance of a Zoning Compliance Permit for a particular phase or building. 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.
36. 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]
37. 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.
38. 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.
39. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
40. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
41. 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 701 Martin Luther King Jr Boulevard.

This the ___th day of ___, 2025.